

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 Jessica Chilcote: Conrady here, Slocum here, Ewert here, Kanaga here, Kessler here, Rardin here, Konkel here, and Pierce here.

Pastor David Vetter, West Haysville Baptist Church, led everyone in prayer.

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

Under Special Order of Business, President of Council Mike Kanaga presented Service Awards to Jenny Sohm for 10 years of service, Keith Luongo for 15 years of service, Marcy Smalley for 15 years of service, Ronda Willms for 15 years of service, Wanda Bailey for 25 years of service, and Marty Roads for 25 years of service.

Under Presentation and Approval of Minutes, Mayor Ken Hampton presented for approval the Minutes of November 26, 2012.

Motion by Konkel- Second by Rardin

Mr. Mayor and Council, if there is no questions, I move that we approve the minutes as presented.

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

Motion declared carried.

There were no Citizens to be Heard.

There were no Licenses or Bonds.

There were no Ordinances or Resolutions.

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

There were no announcements.

Mayor Ken Hampton announced a New Business-Rhiannon Kielhorn Home Daycare, 328 W. 5th.

Under Other Business, Mayor Ken Hampton presented a Consideration of South Broadway Corridor Overlay.

Planning/Community Relations Coordinator Jeana Morgan explained what protective overlays do. Morgan stated the purpose of a protective overlay district is to be combined with any base zoning district. Morgan advised by tailoring use or property development standards to individual projects or specific properties, the overlay district is intended to

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insure compatibility among incompatible or potentially incompatible land uses. Morgan stated it is used to ease the transition from one zoning district to another, to address site or land issues with special requirements, and to guide development in unusual situations, or unique circumstances. Morgan stated they decided to approach the South Broadway corridor with a protective overlay because of the reasons stated. Morgan advised in January of 2012, the Planning Commission recommended approval and the Governing Body approved the South Broadway Corridor Plan. Morgan stated in July of 2012, the plan was incorporated into the City's comprehensive plan, as well as the land use map being updated to reflect the exact overlay situation. Morgan advised in July of 2012, zoning regulations were updated to create regulation for the Broadway Corridor Overlay and its three sub districts and the process to enact the overlay was then initiated. Morgan stated there was a public hearing held at the November 15th Planning Commission meeting, and Planning Commission did unanimously recommend denial of the overlay. Morgan advised Planning Commission should have reported based on Section 700a of the Zoning Code, so that staff could make a verbal report to City Council, advising what their recommendations were and reason for or against denial or approval. Morgan stated they had not provided the information for her to be able to give reasoning for their decision of recommending denial. Morgan recommended that City Council send the South Broadway Corridor Overlay back to Planning Commission for further clarification, reasoning, and logic behind their decision. City Attorney Alison McKenney-Brown stated the Planning Commission's job was to form a public hearing, where anyone who wishes to speak is able to do so. McKenney-Brown advised after the Planning Commission has its public hearing, they are to make their recommendation of either approval or disapproval and then give the reasons for their decision. McKenney-Brown stated that report is subject to the Governing Body actually deciding on the matter. McKenney-Brown also stated the Governing Body could then adopt the recommendation, override the Planning Commission's recommendation by super majority vote, or return the recommendation to the Planning Commission, asking for them to specify the reasons for denial or approval of the matter. Mayor Ken Hampton stated that City Council had the minutes from the Planning Commission's public hearing, so Council was aware of all the comments made at that hearing. Mayor Hampton advised he would like the matter to go back to the Planning Commission. Mayor Hampton stated the consideration would need to be tabled until the next Council Meeting. Councilperson Keith Pierce asked if they would need to choose things from the Broadway Corridor Overlay that they do not like to be sent back to the Planning Commission. McKenney-Brown answered no, but it needed to be explained to them on why it is being sent back, stating they should respond to questions and concerns in a report. McKenney-Brown stated Mayor Hampton suggested it be tabled to for two weeks so that Council could come up with a list of questions and concerns. McKenney-Brown also stated Planning Commission should include in their report of reasons for denial, as well as responses to Council's questions and concerns. McKenney-Brown advised Planning Commission can decide to send the report back exactly like it was, or they can decide to change their recommendation. McKenney-Brown stated it would still come back to the Governing Body for the final decision about whether or not to adopt the overlay. Councilperson Seth Konkel asked what the process would be if it went back to Planning. Mayor Hampton stated it would

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just go back to Planning Commission for recommendations and it will come back to Council. Morgan advised the next Planning meeting would be January 10. Mayor Hampton stated it would be after the meeting that Council would receive their recommendations. McKenney-Brown advised the exact language from the statute stated "if the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation, giving the reasons therefore, or submit new and amended recommendations." McKenney-Brown stated there is no requirement for a new public hearing, as the Planning Commission has already taken the evidence submitted from the public. Councilperson Pierce asked if Planning Commission was rejecting the concept of a protective overlay, or rejecting this particular overlay. Morgan advised she got the impression they were rejecting the overall concept of the overlay. Morgan stated Planning Commission's dialog did not include specific rights for each individual property owner. Morgan also stated that she believed they were rejecting the overlay period, or the regulations within the overlay, rather than the specific scenario that had been created. Councilperson Pierce stated that may make it complicated when it comes to Council telling the Planning Commission what they don't like, if Planning Commission is already against a protective overlay. McKenney-Brown advised that is the reason that Planning Commission is supposed to provide a report, so that the Governing Body knows why the overlay had been denied. McKenney-Brown stated there are several specific elements of the report that are set forth in the code that they are going to need to incorporate in their report. McKenney-Brown advised by submitting the report, it would answer the questions of why their decisions were made. Councilperson Derrick Slocum stated he believed it was a good idea to table the decision and let everyone gather their questions, and he was disappointed in what they had received back from the Planning Commission. Councilperson Slocum also stated he thought that Planning Commission had made their decision based on emotion and not facts. Councilperson Slocum advised someone had abstained on voting on the matter at the Planning Commission meeting and he would like that person to vote. McKenney-Brown stated by the bylaws that everyone is required to vote. Councilperson Pierce asked where the questions should be sent. Mayor Hampton stated to send them to himself, Jeana Morgan, and Will Black. Councilperson Konkel stated he would like to see what questions were asked by everyone else as well.

Motion by Konkel- Second by Rardin

I make a motion that we table the South Broadway Corridor Overlay for consideration at this time.

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

Motion declared carried.

Mayor Ken Hampton presented a Consideration of Approval for Proposed Code Changes 2013.

Councilperson Seth Konkel stated Article 2 was titled Dogs, but included animals other than dogs. City Attorney Alison McKenney-Brown stated she had forgotten to change

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the heading of the article and the heading needed to be changed to Dogs and Other Animals.

Motion by Konkel- Second by Rardin

I would move that we approve the code changes, as amended in the presentation tonight. Conrady yea, Slocum yea, Ewert yea, Kanaga yea, Kessler yea, Rardin yea, Konkel yea, Pierce yea.

Motion declared carried.

Mayor Ken Hampton presented a Consideration of Root Control Proposal for the Wastewater Department.

Public Works Director Jeff Whitfield stated the proposal was to do some root control for the Wastewater Department. Whitfield advised it will help control roots that have grown into our Wastewater infrastructure. Whitfield stated they had asked for bids for the root control and received two responses, with one of the providers stating they could not work it into their schedule. Whitfield advised Duke's Root Control Inc. sent a bid back for \$1.29 per foot. Whitfield asked for authorization to accept the bid from Duke's for a total price of \$15,000.00. Mayor Ken Hampton advised they are seeking outside help because the Wastewater Department is short two individuals at this time. Councilperson Bob Rardin asked if this was the same thing Reddi Rooter does with blades. Whitfield advised yes. Councilperson Rardin asked if this was just going to be done for the City lines and not for homeowners' lines. Whitfield stated it was for City lines only.

Motion by Konkel- Second by Slocum

Mr. Mayor, I move that we approve the bid for root control from Duke's Root Control Inc. in the amount of \$15,000.00.

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

Motion declared carried.

Mayor Ken Hampton presented a Consideration of Leak Detection System for the Water Department.

Public Works Director Jeff Whitfield advised the Water Department is wanting to purchase a leak detection system to protect infrastructure, and to try to keep the water in the lines, rather than leaking out. Whitfield stated they sent out for four different bids and received two back. Whitfield asked for authorization to purchase a leak detection system from Goldak Inc. for \$2,794.35.

Motion by Konkel- Second by Ewert

Mr. Mayor, if there is no questions, I move that we approve a leak detection system from Goldak in the amount of \$2,794.35.

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

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Motion declared carried.

Mayor Ken Hampton presented an emergency Consideration to Replace Brake Hub Assembly on the Street Sweeper.

Public Works Director Jeff Whitfield advised one of the street sweepers had a leak. When they went in to replace some seals they found that the front brake hub had been locked up. Whitfield stated in order to repair it; the entire brake hub assembly has to be replaced. Whitfield advised they were only able to receive a bid from one company, which is the company that makes them. Whitfield asked for authorization to purchase the brake hub assembly from Tennant for \$5,045.90. Councilperson Pat Ewert asked what fund the money would be coming from. Whitfield stated it would be coming from the Equipment Reserve Fund. Councilperson Keith Pierce asked if it was normal wear and tear. Whitfield advised it was normal wear and tear and is a brake issue. Whitfield stated there was nothing they could have done to have prevented the issue.

Motion by Konkel- Second by Slocum

Mr. Mayor, I move that we approve a front brake hub assembly from Tennant Sweeper and Service Company in the amount of \$5,045.90.

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

Motion declared carried.

There was no Old Business.

Mayor Ken Hampton asked for Department Reports.

Deputy Administrative Officer Will Black advised since October 15, 2012, 48 individuals have been assisted with their Medicare counseling, with each counseling session taking approximately one hour.

City Clerk Janie Cox advised there would be five open seats for the April 2013 election, including Mayor and one seat from each Ward. Cox stated those interested must file at the City Clerk's office by Tuesday, January 22, 2013 by noon, with a filing fee of \$10.00.

Chief of Police/Public Works Director Jeff Whitfield gave an update on South Main. Whitfield advised those signs have now been installed. Whitfield stated he had been in contact with Sedgwick County about the issues of the pampas grass on South Main. Whitfield advised they would go through their channels to try and get it cut back. Whitfield stated he had also spoken with them about the Speed Limit signs on North Main and Sedgwick County advised the Speed Limit would be 35 M.P.H. north of the Big Ditch. Whitfield stated they only put signs about every mile and it is their common practice. Whitfield reminded everyone to be safe while shopping, and to secure all valuables. Whitfield also reminded everyone not to leave their vehicles running if they

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are not in them. Whitfield wanted everyone to be prepared for the cold weather and to make sure everyone keeps cold weather gear in their cars.

Recreation Director Georgie Carter advised the Activity Center would start a membership drive on December 12, for the 12 Days of Christmas, including a different special everyday until December 23. Carter stated there would be no school on December 20 and 21, and the Activity Center would hold SOS days for Kindergarten through Fifth grade. Carter advised the Haysville Activity Center would be closed on December 24 and 25 for Christmas Eve and Christmas Day.

Mayor Ken Hampton introduced Will Black to be appointed to Chief Administrative Officer to be effective December 13, 2012.

Motion by Kanaga- Second by Pierce

Mr. Mayor, I move that we allow you to appoint William Black, as Chief Administrative Officer for the City of Haysville, to take effect on December 13, 2012.

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

Motion declared carried.

Mayor Ken Hampton introduced Pauline Ozbun, 6400 S. Keystone to be appointed to the Library Board.

Motion by Konkel- Second by Rardin

I move that we appoint Pauline Ozbun to the Library Board.

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

Motion declared carried.

There were no Off Agenda Citizens To Be Heard.

There was not an Executive Session.

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

Motion by Ewert- Second by Konkel

I'll make a motion, if there is no questions, to pay the first half of December bills.

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

Motion declared carried.

Under Council Items Mayor Ken Hampton asked for any Council concerns.

Mayor Ken Hampton advised there was one Council Action Request from Councilperson Keith Pierce that was still being worked on.

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Councilperson Mike Conrady asked if there was a way to get a maintenance log on items that need repaired. Mayor Ken Hampton stated yes.

Councilperson Bob Rardin stated he had talked to Santa Claus, and Santa Claus would like to thank the Police Department and the City of Haysville for welcoming him for the Village Christmas.

Councilperson Keith Pierce asked if Planning Commission was bound to accept the recommendations from City Council. City Attorney Alison McKenney-Brown advised Planning Commission needs to respond to every question that is asked and needs to be incorporated into the report along with responses to the requirements that the code requires. McKenney-Brown stated they are not required to change their recommendation, but they are required to respond to every question. Councilperson Pierce asked if Planning Commission was still free to reengage the overlay and supplement Councils questions with a new document and change their minds about their ruling. McKenney-Brown stated yes, they are able to change their mind and anything that comes back from them will be additional information for Council. Councilperson Pierce asked if there was a timeline that Planning Commission has to work with. Mayor Hampton stated no, it just states that it has to be done in reasonable time. Councilperson Pierce asked if it could keep going back and forth. McKenney-Brown stated it could be sent back one time, and once it is sent back to Council, Council either has to make a recommendation or the statute contemplates that if what Planning sends back is unhelpful, then Council cannot make a decision at all. Mayor Hampton stated Council would be sending it back to Planning, December 27, and Planning Commission has to send it back to Council after their first meeting, January 10.

Mayor Ken Hampton stated he thought Village Christmas went very well, with an excellent turn out and was very impressed with the lighting. Mayor Hampton thanked the PRIDE Committee for not only putting the lights up, but for buying them as well.

Mayor Ken Hampton presented for approval Adjournment.

Motion by Pierce- Second by Ewert

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

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

Motion declared carried.

The Regular Council Meeting adjourned at 7:49 p.m.

Janie Cox, City Clerk