

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 taken by Recording Secretary Chase Brizendine: Kanaga here, Slocum here, Holub here, Pierce here, Wilkerson here, Crum here, Hampton here. Councilperson Ewert was absent.

Invocation was given by Reverend Walter Steven Dezotell, Church of Nazarene.

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

Mayor Bruce Armstrong presented for approval the Minutes of October 14, 2008.

Motion by Pierce – Second by Wilkerson

Mr. Mayor and Council I move that we approve the minutes of the October 14th meeting of 2008.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

There were no Citizens to be Heard.

There was no Approval of Licenses and Bonds.

Under Introduction of Ordinances and Resolutions Mayor Bruce Armstrong presented an AN ORDINANCE OF THE CITY OF HAYSVILLE, KANSAS, AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF STORM WATER DRAINAGE IMPROVEMENTS IN THE CITY; AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY THE COSTS THEREOF.

Motion by Pierce –Second by Slocum

Mr. Mayor and Council, if there are no questions on this, I move that we approve an ordinance of the City of Haysville, Kansas, authorizing and providing for the construction of storm water drainage improvements in the city; and authorizing the issuance of general obligation bonds of the city to pay the costs thereof.

Councilperson Ken Hampton asked if the money was coming out of the storm water utility fund to pay the G.O. bond, and that was for 10 years. Mayor Armstrong said yes.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton nay.

Motion Declared Carried.

Under Notices and Communications Mayor Bruce Armstrong asked for Governing Body Announcements.

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Councilperson Steve Crum reminded everyone of times the Wire House was still open and stated the art inside was for sale. Crum stated the Park board was missing one Park Board member from Ward 3 and encouraged interested citizens to visit with the Mayor or himself about joining. Crum stated next weekend daylight savings time was changing and encouraged everyone to change their batteries in their smoke detectors.

Councilperson Rob Wilkerson announced events at the Senior Center, and stated the grand opening was on November 13, 2008 at 11:00 AM.

Mayor Bruce Armstrong presented the Court Department Activity Report for October.

Councilperson Steve Crum asked if 35 dismissals was a larger number than normal. City Attorney Alison McKenney Brown stated it was a typical number for the beginning of the month when people had not re-registered vehicles. Brown said they try to work with those people.

Mayor Bruce Armstrong presented the Sedgwick County Fire Department Report.

Mayor Bruce Armstrong presented a Notice from the Municipal Leadership Academy regarding Ethics Training.

Councilperson Ken Hampton asked if a yearly schedule was available and if the cost was paid by Governmental Services. Mayor Armstrong said there was a calendar on the website and the cost was paid by Governmental Services.

Mayor Bruce Armstrong presented a Notice from the Kansas League of Municipalities regarding Regional Suppers.

Mayor Bruce Armstrong presented Cox Communications Change in Channel Lineup.

Under Other Business Mayor Bruce Armstrong presented the Presentation of Police Taser Use and Purchase.

Chief of Police Mike McElroy introduced a presentation regarding police taser use and cost. McElroy stated there was a short video to view from the show Modern Marvels, and a power point presentation about tasers. McElroy showed the X-26 Taser to Council members. McElroy stated funding for the purchase of the X-26 Tasers will come from the Federal Law Enforcement Trust Fund. Councilperson Keith Pierce asked what activates the camera on the taser. McElroy stated when the unit is turned on the camera turns on as well. Lieutenant Kevin Sexton stated three different ways to hold officers accountable built in when the taser is deployed. Councilperson Joe Holub asked what happened to the barbs after the taser was deployed. McElroy stated the barbs are recovered for evidence. Holub asked how young a person could be to be tased. McElroy stated it depends on the situation. Holub asked what liabilities come with the use of tasers. City Attorney Alison McKenney Brown stated tasers are still new, so there is no real answer to the question.

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Councilperson Steve Crum asked why the Police Department will only need ten tasers. McElroy stated three to four people would normally be on duty and the four School Resource Officers will also be carrying them as well. McElroy demonstrated the X-26 taser showing the 5 second stun times. McElroy stated training will consist of sending one person to the Taser Corporation to be officially trained as a trainer, then that person would come back and train the rest of the department. Councilperson Keith Pierce asked about policies relating to tasers. McElroy stated they would probably use the County's policy as a guide. Councilperson Ken Hampton asked if the Officers would be shocked before they are allowed to use the taser. McElroy said he did not plan for his officers to be tased. Hampton stated his concerns on the X-26 Taser. Councilperson Mike Kanaga stated he did not agree with having the officers tased. Sexton stated officers were not required to be sprayed with mace or tased. Councilperson Crum asked if there had been a time where the taser could be used against animals, and asked if that would be put in the guidelines of use. McElroy stated all those circumstances would be in the guidelines. Crum asked what color of taser would be ordered. McElroy stated the research had not been that extensive yet. Hampton stated other concerns regarding the use of tasers.

Motion by Wilkerson – Second by Kanaga

I'd like to make a motion that the Chief goes to Ed Roehr Safety Products and purchases these items for \$14,840.10.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Mayor Bruce Armstrong presented a Memorandum from Director of Governmental Services Carol Neugent regarding Telecommunications Regulations.

Director of Governmental Services Carol Neugent stated with the new regulations cell phone towers would be allowed in light and heavy industrial areas under conditional use scenarios. Councilperson Mike Kanaga stated the current tower is in a light industrial area. Councilperson Derrick Slocum stated the new regulations were what Council was looking for. Councilperson Steve Crum asked questions regarding placement and interference, and old style towers with guide wires. Councilperson Keith Pierce asked if the new regulations were standard. City Attorney Alison McKenney Brown stated the research showed these regulations were very common to Sedgwick County and other surrounding areas. Councilperson Ken Hampton stated he agreed with the new regulations and he said the FCC would be in control of the radio frequency emissions.

Motion by Crum – Second by Hampton

I'd like to go ahead and make a motion to approve this draft for new telecommunication regulations.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Mayor Bruce Armstrong presented a Change Order for the Library.

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Mayor Bruce Armstrong stated this Change Order was to finish the parking lot and funding was still available through the bond issue. Councilperson Keith Pierce asked why this was done. Public Works Director Randy Dorner stated this had to be because of removal of all the old homes that used to be there left the soil with high moisture content. Dorner said putting down the Geogrid was the best way to stabilize the parking lot. Dorner stated Geogrid has been used on a lot of our newer streets, especially in the sandy areas. Councilperson Ken Hampton asked what the Geogrid was made from. Dorner stated it was a hard plastic. Councilperson Steve Crum asked why 34 days was added to the project. Dorner stated it had to do with weather and other variables and they had numbers to back it up.

Motion by Pierce – Second by Wilkerson

Mr. Mayor and Council, I move that we approve this contract change order for the sum of an additional \$6,380.00 and also change the date of substantial completion to being now, March 23, 2009.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Mayor Bruce Armstrong presented the Consideration of Listing Agent Agreement on the Industrial Park and the old Senior Center.

Motion by Pierce – Second by Crum

Mr. Mayor and Council I move that we go ahead and enter into contractual agreement with Ray Beehler to market and sell the industrial park lot and old Senior Center with these contracts in front of us.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Mayor Bruce Armstrong presented Consideration of River Forest 2nd Addition Drainage Concerns.

Mayor Bruce Armstrong stated Council has the concerns that came from Planning Commission and the answers to those concerns showing that there was engineering done and River Forest was not in the water table. Armstrong said they would then send it back to Planning Commission so they would be aware that Council checked on it and what they had done with it in their consideration. Councilperson Keith Pierce asked if they still perceive there is a drainage problem in that area. Mayor Armstrong said his understanding was they did not perceive it was there; they were talking in general about all drainage retention ponds that may be going into a water table. Mayor Armstrong said this item was only for informational purposes and did not require action.

Mayor Bruce Armstrong presented Proposal for Old Oaks Drainage Improvements.

Motion by Hampton – Second by Crum

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Mr. Mayor I'll make a motion that we table the Old Oaks Drainage Proposal until after the executive session.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Under Old Business Mayor Bruce Armstrong presented the Consideration of Park Plan tabled on 10/14/08.

Councilperson Mike Kanaga stated his concerns on the condition of the pond in Kirby Park and suggested the issues of maintenance be taken care of before the timeline of the Park Plan. Mayor Bruce Armstrong said that is why you see in the Park Plan an additional section for these detention ponds that ended up being recreational areas to be better taken care of along the banks. Armstrong stated the City ended up with maintenance on things we should not have to maintain, as it should have gone back to the homeowners, who should be taking care of the ponds in their areas. Armstrong said this is how it is done in Country Lakes Addition and one or two others. Armstrong said hopefully the City can get these taken care of so they are not such eyesores.

Motion by Crum – Second by Hampton

Mr. Mayor, I'll make a motion that we approve this Park Plan; AN ORDINANCE AMENDING AND UPDATING THE PARK SECTION OF THE COMPREHENSIVE PLAN OF THE CITY OF HAYSVILLE, KANSAS AND REPEALING CONFLICTING PREVIOUSLY ADOPTED SECTIONS OF THE COMPREHENSIVE PLAN OF THE CITY OF HAYSVILLE, KANSAS.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Mayor Bruce Armstrong presented a memorandum from Director of Governmental Service Carol Neugent regarding Real Estate Purchase Contract Clarification.

Mayor Armstrong stated, after reviewing the Neighbor Revitalization area, the waiving of certain fees were not there. Mayor Armstrong stated clarification needs to be made before the contract was sent back.

Motion by Pierce – Second by Kanaga

I'll make the motion that we restore to that contract, item number 10 and we agree to waive the building permit fees, the sewer tap fees, and the water tap fees.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton abstain.

Motion Declared Carried.

Mayor Bruce Armstrong asked for Department Reports.

For the City Clerk's Department, Comptroller Will Black stated information on voting.

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Director of Governmental Services has nothing to report.

Police Chief Mike McElroy presented the visiting officer Sergeant Bud Anthis.

Public Works Director Randy Dorner presented the Council with revised street seal plans and stated that November 3rd everything should be completed to schedule. Dorner said there were several streets that have been scheduled for a second sealing through the middle driving section. Councilperson Steve Crum asked how long the street sealing liquids take to dry and asked if the street crews could work only in the morning on Halloween due to the children being out on the streets in the evening. Dorner said he would talk to the contractor. Councilperson Keith Pierce asked if the cracks and potholes were going to be taken care of on Timberlane Court, as the street plan shows that has been sealed. Dorner stated they will go back and do the larger cracks with rubberized crack fill and said the City crews would probably be taking care of the potholes, as they had some tree root issues over there that have to be addressed first.

Recreation Director Georgie Carter stated on October 30, 2008 the City of Haysville will have the first annual Halloween Parade in the Historic District. Councilperson Ken Hampton asked about repairs at the Haysville Activity Center. Carter stated the repairs were in progress.

There were no Appointments.

There were no Off Agenda Citizens to be Heard.

Motion by Pierce – Second by Wilkerson

Mr. Mayor and Council I move that we retire into an Executive Session for the purpose of attorney client privilege for a time frame not to exceed 15 minutes, those in attendance to be Council, the Mayor, Director of Governmental Services, the Director of Public Works and our City Attorney.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.
Motion Declared Carried.

Council went into Executive Session at 8:25 PM.

Mayor Bruce Armstrong called the meeting back to order at 8:40 PM and stated there was no binding action taken in the Executive Session.

Mayor Bruce Armstrong presented Proposal for Old Oak Drainage Improvements.

Motion by Pierce – Second by Crum

Mr. Mayor and Council, I'll move we go ahead and set aside or approve for use \$27,378.26 to work this issue with Old Oak Drainage.

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Councilperson Steve Crum asked if Mr. Lusk will be requested to give the City some monetary help.

Motion amended by Pierce - Second amended by Crum

Pierce stated he would like to amend his motion to include notice be sent to all those parties involved who have a stake this project.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.

Motion Declared Carried.

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

Motion by Crum – Second by Hampton

I'll go ahead and make a motion that we pay the bills for the last half of October.

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.

Motion Declared Carried.

Mayor Bruce Armstrong asked for Council Action Request Updates.

Councilperson Steve Crum asked if approaching the School District would help the installing of a traffic light. Mayor Armstrong stated anything will help.

Councilperson Mike Kanaga showed pictures of broken curbs and stated his he would like the curbs to be repaired before the scheduled time in the street repair plan. Public Works Director Randy Dorner stated all the work is contracted out. Mayor Armstrong stated the City can get bids for the repairs and see from that point if there is storm water funding available to repair the curbs.

Mayor Bruce Armstrong presented a Thank You Letter from the KU School of Medicine.

Mayor Bruce Armstrong presented a Thank You Letter from Rex 3rd Grade Classes.

Mayor Bruce Armstrong asked for Council Concerns.

Councilperson Joe Holub stated patching needed to be done on Willow Street.

Councilperson Keith Pierce stated 9 or 10 of the street lights on Main still need to be removed by Westar, and asked about solutions to fix the problem. Director of Governmental Services Carol Neugent said we would talk to the City Attorney Alison McKenney Brown about that.

Councilperson Rob Wilkerson stated issues regarding the Senior Center that are not being taken care of in a timely manner. Dorner stated some items need to be taken care of by the City and some things need to take care of by the contractor. Dorner said they need to sit down and see what is on Councilperson Wilkerson's list.

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Councilperson Steve Crum asked who is responsible for elections signs near the curb being removed. Police Chief Mike McElroy stated officers had taken down some signs already. Crum asked about parking problems on the end of Stewart Street. McElroy stated he has the authority to ban parking in that area for 90 days and for it to be permanent more research would have to be done. City Attorney Alison McKenney Brown stated the Standard Traffic Ordinance authorizes the Chief of Police to install “no parking” signs and there are two different provisions; one is a 90 day study period allowing the Chief of Police to determine this is going to be effective long-term before bringing it back to Council, and the other provision is in an emergency situation the Chief is authorized to put up signs were he believes it is necessary. There was discussion as to how it would impact the church.

Councilperson Ken Hampton asked if staff was full at the Police Department and Public Works. Police Chief Mike McElroy stated his staff was full. Public Works Director Randy Dorner stated he was one part-time person short. Hampton asked about property near 79th street where they dug out dirt for the railroad property. Mayor Armstrong stated it would eventually be turned into drainage. Hampton asked if could be sold for homes. Mayor Armstrong stated the project of dredging the pond would be very costly.

Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Pierce –Second by Wilkerson

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

Kanaga yea, Slocum yea, Holub yea, Pierce yea, Wilkerson yea, Crum yea, Hampton yea.

Motion Declared Carried..

Meeting Adjourned at 8:55 pm.

Beverly Rodgers, City Clerk