

The Regular City Council Meeting was called to order by Mayor Bruce Armstrong at 6:59 p.m. in the Haysville Municipal Building, 200 West Grand Avenue.

Roll was taken by Administrative Secretary Morgan Capps: Kessler here, Walters here, Rardin here, Ewert here, Benner here, Parton here, Crum here, Thompson here.

Invocation was given by Pastor David Vetter, West Haysville Baptist Church.

Mayor Armstrong led the Pledge of Allegiance.

Under Presentation and Approval of Minutes, Mayor Armstrong presented for approval the Minutes of February 22, 2021. Councilperson Kessler stated he did not make the motion for the Purchasing of the New Camera Server, but Councilperson Crum did.

Motion by Kessler. Second by Ewert.

I make a motion we approve the Minutes of February 22, 2021, with the changes.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.
Motion carried.

There were no Citizens to be Heard.

There were no Licenses and Bonds presented.

Under Introduction of Ordinances and Resolutions, Mayor Armstrong presented for approval AN ORDINANCE AMENDING ARTICLE 7 SECTION 408 REGARDING VIOLATIONS OF THE NUISANCE CODE. He stated the Attorney's Memo explains why this needs to be done, but it does not state that this is a recommendation from the Judge. Mayor Armstrong said the City has a large problem with nuisance codes in town, specifically referencing two properties. In short, Mayor Armstrong stated the property owners stated they will pay the fine instead of cleaning up the mess. He also stated the Judge needs more discretion to legally enforce the property owners to clean up the specific properties mentioned. Mayor Armstrong stated many citizens have addressed Broadway needing to be cleaned up, and without an ordinance to enforce it, it will not get completed. He stated the recommendation from the Judge will help increase the fine with the addition of jail time. One court case is currently ongoing, while the other went to the District Court. Mayor Armstrong stated one property owner has been fined on the nuisance issue, while the other paid the fine but did not clean up the mess. Mayor Armstrong stated the Judge cannot take any more legal action against the defendant due to how the code is written. Mayor Armstrong explained the change for this code change will allow the Judge more discretion to help the City get the properties cleaned up. In the Memo, Mayor Armstrong stated the City can abate, but it can become an extensive and costly proposition removing motor homes and vehicles from the properties. He stated these new changes will make it truly possible to have the properties cleaned up without repeating previous problems. He also said the previous code was effective until recently. Councilperson Crum asked what the differences are between Section 7 and Section 17 and what they cover. Mayor Armstrong responded by saying the only difference is where the amounts are published. Councilperson Crum asked what the current cost is to have a person in the Sedgwick County jail, and if the amount will fall back on the City or the offender. Mayor Armstrong said the City currently pays the amount, roughly between \$0.50 and \$0.70 per day, and

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after 30 days the final amount will be paid by the City because it legally cannot fall back on the offender unless the City goes through the court system to make it a restitution-type situation.

Councilperson Crum asked if the \$100 fine for animal neglect can be increased. City Attorney Josh Pollak stated he would have to rewrite the entire ordinance, even if there is a slight change. He also stated if a change needs to be made, he would have to redraft the ordinance and bring it up at the next City Council meeting. Councilperson Crum asked if this is part of the ordinances the Council reviews each year. Mayor Armstrong replied it potentially could be when they review the City Code annually. Councilperson Ewert agreed with Councilperson Crum by stating the fine should be higher. Mayor Armstrong said there have not been enough cases for this ordinance to arise, and if there is a problem then it should be addressed at this meeting. He also stated there hasn't been a court case with this type of situation. Councilperson Crum said his concern for the fine being low. Mayor Armstrong said they can look at updating other fines.

Councilperson Benner asked if this ordinance change is for chronic violations or chronic violators. Mayor Armstrong said it can be any violation, but it does not say chronic. Councilperson Benner asked what is considered chronic under this ordinance, specifically asking if this applies to a few specific incidents or the entire city. Mayor Armstrong said two specific cases are truly chronic and ongoing for several months, and this ordinance change will give the judge more discretion that he did not have before. Councilperson Benner asked if threatening these violators with jail time, will it then make the owners clean up the properties. Mayor Armstrong said yes and this is the judge's recommendation. He also stated the Zoning Code already has jail time present. Councilperson Benner asked if the property owners are currently violating the zoning code. Mayor Armstrong said yes. Councilperson Benner asked why this ordinance change is necessary. Mayor Armstrong stated they are two different codes that have to come up; one offender might violate the nuisance code without zoning, while the other may violate the zoning code without nuisance. He stated this will bring the zoning and nuisance code in line with each other. Councilperson Benner stated his definition of nuisance violations would be similar to that of not maintaining grass levels, having inoperable vehicles in the yards, or barking dogs. Mayor Armstrong stated there is a separate code for grass, but an inoperable vehicle parked would fall under this code. Councilperson Benner asked if the threat of jail time would apply to every item in the nuisance code. Mayor Armstrong said yes. Councilperson Benner stated he does not consider the nuisance code to be criminal, therefore jail time should not be applicable. He asked with the current process of notifying the offenders and taking legal action resulting in them paying fines, does the city still have the option to abate. Mayor Armstrong replied yes and the City might have to abate, but if it can be prevented it would save the City resources. He stated if the owners clean up the properties without having to use abatement, it truly is a better way than going through the abatement process. Councilperson Benner asked if the City does go through the abatement process, would the cost be levied against the property owner. Mayor Armstrong said yes. Councilperson Benner asked if the City was to abate, would it be short of any money. Mayor Armstrong said we would be out the money until it was paid with the taxes, and the City has no control over that. He also said the City has a very high amount of delinquent tax due to people not paying it fast enough. Mayor Armstrong said if Citizens go against the code, this ordinance change will give the judge the discretion he currently does not have. Councilperson Walters suggested increasing the fine for each violation. He stated he agrees with Councilperson Benner on what should be considered a criminal offense. For each violation, Councilperson Walters suggested doubling the

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amount of the fine. If the offender does not pay the fines, then the judge can issue a jail sentence. Mayor Armstrong asked what the time frame will be for each violation. Each time there is a new violation, a new case must be issued through the court system and it can be a lengthy process. Mayor Armstrong said jail time can be used as a motivator. Councilperson Walters asked if we are making a new law for a couple of individuals. Mayor Armstrong said no.

City Attorney Josh Pollak said the threat of possible jail time could be used as a motivator for the owners to get the properties cleaned up. Instead of abating through the City and incur the added costs and expenses, it would be beneficial to go through the City courts instead. He stated fines are currently not enough to motivate people to get the issues resolved, and most of the surrounding cities impose criminal penalties for violating nuisance codes. Mayor Armstrong said two properties in the Industrial District have a significant amount of trash needing to be cleaned up, and citizens have brought to his attention the issue of Broadway needing to be cleaned up several times. Councilperson Walters said the new ordinance states the potential punishment for violating the nuisance code is up to 30 days in jail, and he does not agree with it. Public Works Director Tony Martinez said one of the offenders is quite contentious, and roughly two weeks ago the police had to be called to issue a "no trespass" and said the offender tried to get into the doors of the Public Works building. He stated the abatement process is not the best option due to having code enforcement on-site and letting the contractor know this is an abatement property, and he does not want staff involved in this type of situation. Martinez said most people want to comply and is usually handled with educating people about city codes. He also said potential cases similar to the current ones mentioned would receive potential jail time. Councilperson Walters asked if there is a way to reword the ordinance to address these particular cases. He stated three local cities list jail time in their ordinance, but asked about the others and what they are currently doing apart from jail time that makes them effective. Martinez said it is up to the judge's discretion, and if that judge has seen the offender more than once then the offender will receive less discretion. He also said this specific case has been in the court system for more than two years, and by having the third offense he could potentially have another year of not cleaning up the property until he is finally in jail. Councilperson Walters asked Martinez if the offender made two violations over several years. Martinez said no, the City has been dealing with him for two different years. The first time he complied and the case was assumed closed, but he started accumulating more nuisance code violations on the property. Martinez said that resulted in another case opening and it has been ongoing for over a year. Mayor Armstrong said the first time the offender did pay his fine and cleaned up the property, then he brought more stuff onto the property. By doing so he realized he can bring more items onto said property and pay each fine instead of cleaning it up. Mayor Armstrong said this is truly what the judge recommends and asked for. Councilperson Parton said she does not see the judge using the new ordinance on one case or a minor violation, but rather using it for chronic cases. She also said that he will continue to pay the increased fines instead of cleaning up the property. Councilperson Benner asked if he refuses to clean up after being in jail for 30 days, what the next step is. Pollak said the City still has the option to abate, but he wants to avoid the possible issue of controlling citizens. From the City's standpoint, the easiest option is to go through the court system without having to abate. Councilperson Rardin said there were a lot of code violations from the tornado that destroyed houses and buildings in 1999. He said the City abated the properties and the property owners left instead of cleaning up the messes, resulting in hundreds of thousands of dollars in abatements to clean up the properties. He said this property being discussed is in his ward and has been creating violations for over 5 years. Rardin also said the City lost this amount due to people abandoning their homes, and

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they refused to pay their property taxes. As a result, the City was not able to recoup these losses. He said we need to have something that has teeth. Councilperson Kessler stated the Broadway corridor plan will not get completed until the property owners clean up their properties. He also said citizens have been wanting to see the City cleaned up as a whole, and doing this it will be a big start to completing that. Councilperson Crum said he will trust the discretion of the judge. The City appoints a judge each year and if the appointed judge is not using this or using it properly, he will not get reappointed. He also stated that not making money due to being in jail will motivate them to clean up.

Motion by Kessler. Second by Ewert.

I make a motion we approve the ORDINANCE AMENDING ARTICLE 7 SECTION 408 REGARDING VIOLATIONS OF THE NUISANCE CODE.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner no, Parton yea, Crum yea, Thompson yea. Motion carried.

Councilperson Crum if this is the same ordinance but a different part. Mayor Armstrong said this is the section where the fines are listed in Article 17.

Motion by Crum. Second by Ewert.

I make a motion we approve the ORDINANCE AMENDING ARTICLE 17 SECTION 321 REGARDING VIOLATIONS OF THE NUISANCE CODE.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner no, Parton yea, Crum yea, Thompson yea. Motion carried.

Councilmember Crum asked if the City can review the neglect ordinance at the end of the year. Pollak asked if it is only the specific fine resulting from cruelty that needs to be reviewed. Councilperson Crum said yes.

Mayor Armstrong said the current judge for our city is the judge for other cities as well. He is making this recommendation to other cities also.

Under Notices and Communications, Mayor Armstrong called for Governing Body Announcements. Councilperson Crum stated the regular Haysville Public Library hours. He said the Library will be celebrating Pi Day on Saturday, March 13th by selling whole pies from 10:00 a.m. to 2:00 p.m. He also said the Library will be hosting a class titled "How to Connect with Virtual Meetings" in the computer lab on Tuesday, April 13th at 11:30 a.m., and reservations must be made in advance. Councilperson Crum also gave an update regarding the girls' bowling team and boys' bowling team and boys' basketball team at Campus. Mayor Armstrong announced upcoming events at the Haysville Senior Center and an update regarding the Haysville Hustle. He also said construction on North Main is scheduled to begin on March 15th, which will cause traffic delays. Councilmember Crum asked if there can be a news press release on Channel 7. Mayor Armstrong said it will be on all social media platforms. Construction is scheduled to be completed in late summer or early fall. Mayor Armstrong said this project will eliminate the standing water and thicken the asphalt on the street.

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Under Notices and Communications, Mayor Armstrong presented the Sedgwick County Fire Department Station 34 February Report. He also presented the FTA 5310 Award Letter Regarding the Haysville Hustle Operations.

There was no Old Business.

Under Other Business, Mayor Armstrong presented for approval Consideration of Agreement with PEC Regarding the Wire Water Line Design. Councilperson Crum asked about the line running the length of Wire to Grand and German. Martinez said it will run the main water line the entire length of Grand and curve to German. Councilperson Crum asked if it will impact Grand while they are working on the water line. Martinez said they might have one lane closed for a day or two.

Motion by Rardin. Second by Ewert.

I make a motion we approve the Consideration of Agreement with PEC Regarding the Wire Water Line Design.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.
Motion carried.

Under New Business, Mayor Armstrong presented for approval Consideration of Agreement with PEC Regarding Wastewater Master Plan. Mayor Armstrong said the City's sewer plan will be studied as well as the water plan and figure out potential upgrades.

Motion by Parton. Second by Ewert.

I make a motion we approve the Consideration of Agreement with PEC Regarding the Wastewater Master Plan.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.
Motion carried.

Under New Business, Mayor Armstrong presented for approval Consideration of a Temporary Special Event Permit Application. He stated the location has already been approved for alcohol use due to the Community Building allowing alcohol, but the special event permit needs to be approved.

Motion by Parton. Second by Ewert.

I make a motion we approve the Consideration of Temporary Special Event Permit Application.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.
Motion carried.

Under Department Reports, Chief of Police Jeff Whitfield introduced the visiting officer, Master Police Officer Brady Simmons. Recreation Director Rob Arneson announced upcoming events.

There were no Appointments.

There were no Off Agenda Citizens to be Heard.

There was no Executive Session.

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Under Bills to be Paid, Mayor Armstrong presented for approval the Bills to be Paid for the First Half of March.

Motion by Ewert. Second by Rardin.

I make a motion we approve the Bills to be Paid for the First Half of March.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.

Motion carried.

There was no Consent Agenda.

Under Council Items, Councilperson Crum asked when the last time a storm sewer master plan was reviewed. Martinez said there has never been one. Councilperson Crum said he remembers the City talking about closing the drainage by the Stadium, as well as Stewart Street not having a storm sewer for water. He said the west part of the street continuously has standing water. Mayor Armstrong said it could be planned for. Councilperson Crum asked if the City is going to have a higher-than-normal utility bill due to recent extreme temperatures. Mayor Armstrong said the City has adequate funds to cover it, but he doesn't know what the amount will be. Councilperson Crum asked if there is an estimate for it. Chief Administrative Officer Will Black said the first bill will show normal usage. As the companies replenish their natural gas, then the City's bill will be higher based on those costs. There is no estimate currently. Councilperson Crum asked how long the program will be in place set by the Kansas government. Black said they want applications by March 15th, and the focus is on the cities that provide their own utilities.

Under Council Items, Councilperson Kessler stated he was approached at the Wichita Area Home Builders Association home show and was asked if the City's water was affected by past events. He asked if there was something the City could release stating the water is safe and uncontaminated. Mayor Armstrong said yes. Mayor Armstrong said the sidewalks were affected by extreme temperatures and will be repaired.

Mayor Armstrong presented for approval Adjournment.

Motion by Kessler. Second by Ewert.

I make a motion we adjourn tonight's meeting.

Kessler yea, Walters yea, Rardin yea, Ewert yea, Benner yea, Parton yea, Crum yea, Thompson yea.

Motion carried.

The Regular City Council Meeting adjourned at 7:44 p.m.

Angela Millsbaugh, City Clerk