

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: Kessler here, Kanaga here, B. Rardin here, Ewert here, Benner here, J. Rardin here, Crum here, Thompson here.

Invocation was given by Pastor John Meadows of the Christian Chapel Foursquare Church.

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

Mayor Bruce Armstrong recognized a special guest in the audience, Mayor White from the City of Derby.

Under Special Order of Business, Mayor Bruce Armstrong presented a Public Hearing for Paving and Drainage Improvements in Orchard Acres Addition. Mayor Armstrong advised he would be reading from a script. Mayor Armstrong requested a motion to open the Public Hearing for Paving and Drainage Improvements in Orchard Acres Addition.

Motion by Kessler – Second by B. Rardin

I make a motion we open the Public Hearing for Paving and Drainage Improvements in Orchard Acres Addition.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Mayor Armstrong declared the meeting open and asked if any Councilmembers had had any outside contact regarding the case. Councilperson Bob Rardin advised he had spoken with Linda and Roger Johnson and the conversation only entailed Rardin advising them that the matter was coming before Council. No other councilmembers had had outside contact. Mayor Armstrong asked if any councilmembers had a conflict of interest and asked them to excuse themselves if so. No councilmembers reported a conflict of interest. Mayor Armstrong asked if any city staff members had received any written or electronic communication regarding the case and asked that they be read or described. No staff members reported having any written or electronic communication. Mayor Armstrong asked if any member of the public would like to speak. No audience members came forward. Mayor Armstrong asked if any members of the Council would like to speak. Councilperson Russ Kessler asked if the City had had meetings with the residents from the area. Mayor Armstrong advised that there had been two meetings with residents. Kessler asked how many people were in attendance. Mayor Armstrong advised the meetings consisted of both Orchard Acres residents and Dirck Street residents, and estimated approximately 50-75 citizens were in attendance. Kessler asked of residents were for or against the improvements. Mayor Armstrong stated the straw vote that was taken at the time showed the majority of residents were in favor of the improvements. Councilperson Steve Crum asked if citizens in the area were notified of the Public Hearing. Mayor Armstrong answered in the affirmative. Mayor Armstrong requested a motion to close the Public Hearing.

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Motion by Kessler – Second by Ewert

I make a motion we close the Public Hearing on Orchard Acres Addition.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Special Order of Business, Mayor Bruce Armstrong presented a Public Hearing for Paving and Drainage Improvements in South Field Addition on Dirck Street. Mayor Armstrong advised he would be reading from a script. Mayor Armstrong requested a motion to open the Public Hearing for Paving and Drainage Improvements in South Field Addition for Dirck Street.

Motion by Kessler – Second by B. Rardin

I make a motion we open the Public Hearing for Paving and Drainage Improvements in South Field Addition for Dirck Street.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Mayor Armstrong declared the meeting open and asked if any Councilmembers had had any outside contact regarding the case. Councilperson Russ Kessler advised he had spoken with the Commander of VFW Post #6957 about the case. No other councilmembers had had outside contact. Mayor Armstrong asked if any councilmembers had a conflict of interest and asked them to excuse themselves if so. Councilperson Kessler stated he did not believe his membership at the VFW posed a conflict. Mayor Armstrong asked if any city staff members had received any written or electronic communication regarding the case and asked that they be read or described. No staff members reported having any written or electronic communication. Mayor Armstrong asked if any member of the public would like to speak. Mayor called forward Vance Hill as a member of the public to speak. **Vance Hill, Post Commander, Haysville VFW, 7507 S. Broadway**, stated the VFW is opposed to the road improvements because the VFW owns 5 of the 23 lots that would be affected by specials if the improvements were to occur. He stated that the specials for these 5 lots would be about \$450 per month, which would place a large financial burden on the membership of the VFW. Hill went on to state that there were other reasons for their objection, but the main one is the financial burden. Mayor Armstrong asked if anyone else would like to speak. No one came forward. Mayor Armstrong asked if any members of the Council would like to speak. Councilperson Mike Kanaga asked if anyone from the area requested the improvements. Mayor Armstrong stated there was a petition for the improvements previously, but they couldn't get enough signatures. Councilperson Steve Crum asked if the City could waive or negotiate the specials for a non-profit group like the VFW. Mayor Armstrong advised that if the VFW were removed from the benefit district, the specials would be divided between the remaining 18 lots, which would increase that burden on those homeowners. Councilperson Crum asked if the City at-large could pay for a portion of the project. Mayor Armstrong advised the City at-large is already paying for the curb and guttering. Seeing no additional comment from Council, Mayor Armstrong requested a motion to close the Public Hearing.

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Motion by Kessler – Second by Ewert

I make a motion we close the Public Hearing.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Presentation and Approval of Minutes, Mayor Bruce Armstrong presented for approval the Minutes of January 23<sup>rd</sup>, 2017.

Motion by Kessler – Second by Ewert

I make a motion we approve the minutes of January 23<sup>rd</sup>, 2017.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Presentation and Approval of Minutes, Mayor Bruce Armstrong presented for approval the Minutes of a Special Meeting on January 31<sup>st</sup>, 2017.

Motion by Kessler – Second by Thompson

I make a motion we approve the minutes of the Special Meeting on January 31<sup>st</sup>, 2017.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert abstain, Benner yea, J. Rardin abstain, Crum yea, Thompson yea.

Motion declared carried.

Under Citizens to be Heard, Mayor Bruce Armstrong introduced Janet Parton. **Janet Parton, 1330 Cottonwood Lane**, advised that as current president of the Haysville Fall Festival Committee, she was present to request permission to use Riggs Park for the 33<sup>rd</sup> annual Fall Festival from October 20<sup>th</sup> to October 22<sup>nd</sup>.

Motion by Kanaga – Second by B. Rardin

Mr. Mayor, I move that we allow Haysville Fall Festival the use of Riggs Park from October 20<sup>th</sup> to October 22<sup>nd</sup>.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

There were no Licenses or Bonds for Approval.

Mayor Bruce Armstrong advised the City's Bond Counsel, Bret Shogren, of George K. Baum and Company was present to explain the process for financing improvement projects using bond funds. Shogren reviewed the special assessment process. He advised the street improvement project would need to be completed before specials can be calculated. He advised if the resolutions were approved tonight, interim financing would be used, meaning that at a later Council meeting, Council would need to approve the sale of temporary notes. Shogren stated that once the projects were completed, a final cost

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would be calculated and a debt service schedule would be completed. There would then be another hearing and meeting of the Council, after which time property owners would have 30 days to pay all or part of their portion of the debt as a lump sum. Once the 30 day time frame has been met, the total amount of debt remaining would be calculated and would be paid by property owners over a 15 year period. Councilperson Kessler asked how much time residents would have to protest the improvements. After discussion it was determined that if the resolutions were passed tonight, they would be published in the Haysville Sun-Times and residents would have 20 days from the date of publication to protest the resolutions. Chief Administrative Officer Will Black clarified that the 30 day period Shogren was referring to was the pay-in period in which residents could pay all or part of their portion of the specials.

Under Introduction of Ordinances and Resolutions, Mayor Bruce Armstrong introduced A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF HAYSVILLE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (STREET IMPROVEMENTS/ORCHARD ACRES). Councilperson Russ Kessler asked if there had been any protest to the improvements. Mayor Armstrong advised there had been no protests.

Motion by Crum – Second by B. Rardin

I'll make a motion that we pass A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF HAYSVILLE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST, which is street improvements for Orchard Acres.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Introduction of Ordinances and Resolutions, Mayor Bruce Armstrong introduced A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF HAYSVILLE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (STREET IMPROVEMENTS/DIRCK STREET). Councilperson Russ Kessler asked if there had been any protest to the improvements. Mayor Armstrong advised only those protests that were heard previously. Council Pat Ewert asked if the residents who came tonight to speak out against the improvements would have the right to petition within the previously discussed 20 day time period. Mayor Armstrong answered in the affirmative, but clarified that if a petition is distributed each party that owns a particular property must sign in order for that property to count as having signed the petition. Councilperson Bob Rardin advised he sympathized with the position of the VFW, but the upgrades to the

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area are long overdue and need to happen. Councilperson Kessler stated he did not wish to burden the VFW with this financial hardship, which is why he is against the improvements.

Motion by Kanaga – Second by B. Rardin

I move that we approve A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS FOR THE CITY OF HAYSVILLE, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS, SUBJECT TO PROTEST (STREET IMPROVEMENTS/DIRCK STREET).

Kessler nay, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum nay, Thompson yea.

Motion declared carried.

Mayor Armstrong urged any of the affected residents who planned to petition to seek the advice of legal counsel to ensure that they petition properly so it meets the legal form.

Under Introduction of Ordinances and Resolutions, Mayor Bruce Armstrong introduced AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY OF HAYSVILLE, KANSAS. Councilperson Bob Rardin stated that when annexations come before Council in the future, he would like a map included in the packet for review. Chief Administrative Officer Will Black advised the annexation would cover Meridian from Grand Avenue up to the bridge at the big ditch. He stated this portion of the road was recently resurfaced by the County, so it should not need any maintenance for some time. Councilperson Bob Rardin asked what the speed limit would be for the annexed street. Mayor Armstrong and Police Chief Jeff Whitfield advised it would be based on the City's already existing code. Councilperson Dan Benner asked if this annexation would include the street right of way on both sides of Meridian. Chief Administrative Officer Will Black advised the information in front of him did not specify. Councilperson Steve Crum asked if there was a time limit on when the Council would have to annex the street. Mayor Armstrong advised there was not a timeline. Councilperson Mike Kanaga suggested the Ordinance should be tabled in order to verify whether or not the right of way was included.

Motion by Crum – Second by Ewert

I make a motion that we table AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY OF HAYSVILLE, KANSAS.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Notices and Communications, Mayor Bruce Armstrong called for Governing Body Announcements. Councilperson Steve Crum advised of upcoming events at the Haysville Community Library.

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Under Notices and Communications, Mayor Bruce Armstrong presented Haysville Park Board 2016 Annual Report. Councilperson and Park Board Chair Russ Kessler reviewed details of projects that had been completed in 2016 and advised of projects that would be the focus of the Park Board in 2017.

Under Notices and Communications, Mayor Bruce Armstrong presented a Letter to USD 261 Regarding a Natatorium Parking Lot North of Sarah Lane, a Letter from Senator Dan Kerschen Regarding MYLC Topeka Trip, a Memo to Council Regarding New Door to Door License, a Thank You Card from Parents As Teachers Regarding Donation for Mom's Meal, and Emails from Cox Communications Regarding Service Pricing Change and Negotiation of Agreements with Certain Cable Networks.

There was no Old Business.

Under Other Business, Mayor Bruce Armstrong presented a Recommendation from the Haysville Planning Commission to Approve a Zone Change Request for Certain Lots in the River Forest 2<sup>nd</sup> Addition. Planning and Zoning Administrator Rose Corby advised the Planning Commission held a public hearing on January 26<sup>th</sup> regarding rezoning lots 26-30 in block B of the River Forest 2<sup>nd</sup> Addition. Corby advised the Planning Commission recommended approval of the zoning change request. Councilperson Kessler verified that no one present at the Public Hearing opposed the zone change. Corby answered in the affirmative.

Motion by Kessler – Second by B. Rardin

I make a motion that we approve the zone change as presented.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Fiber Optic Installation and Termination Services. Chief Administrative Officer Will Black was available to answer questions from Council. Councilperson Russ Kessler asked if the fiber optic upgrades would be helpful for the WiFi City enhancements and the telephone upgrades later in the packet. Mayor Armstrong answered in the affirmative and advised that City employees had already run conduit in preparation for the fiber optic upgrades.

Motion by Kessler – Second by B. Rardin

I make a motion we approve this installation of fiber with Decker Electric for \$13,074.47.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Phone System Purchase. Chief Administrative Officer Will Black was available to answer questions from Council.

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Motion by B. Rardin – Second by Ewert

If there are no questions, I make a motion we accept the bid from Great Plains Communications for the purchase and installation of phone system in the amount of \$46,578.00.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Public Defender Services Agreement. Mayor Armstrong advised the proposed public defender was recommended by Judge Terry Beall.

Motion by Kessler – Second by B. Rardin

I make a motion we approve this agreement between the City and Kenneth Miller.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Easement Granting Access to 140 N. Main. Mayor Armstrong reviewed details of the request. Councilperson Russ Kessler asked how long the process of removing the plume would take. Chief Administrative Officer Will Black advised they were starting with the north side of the lot so it is completed as soon as possible and hopefully doesn't interfere with the Veteran's Memorial timeline.

Motion by Kessler – Second by B. Rardin

I make a motion we approve granting the easement for 140 N. Main.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Manhole Rehab with Mayer Specialty Services. Assistant Public Works Director Tony Martinez reviewed details of the request and advised Mayer would continue to honor a price freeze enacted in 2015 for \$125.00 per vertical feet.

Motion by Kessler – Second by B. Rardin

I make a motion that we approve this request with Mayer Specialty for \$25,000.00 for 200 vertical feet.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Antique-style Light Pole Purchase. Assistant Public Works Director Tony Martinez reviewed details of the request. He advised the purchase of 12 pole assemblies would be for Sarah Lane.

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Motion by Kessler – Second by B. Rardin

I make a motion we approve the purchase of LED lamps and poles from City Electric Supply for \$22,623.60.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Change Orders for New Activity Center. Recreation Director Georgie stated the change orders were at the request of the City and requested approval of \$14,534.70 in changes. Councilperson Russ Kessler asked what the new completion date would be. Carter advised April 28<sup>th</sup>.

Motion by Kessler – Second by Ewert

I make a motion we approve these change orders for \$14,534.70.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Carter requested approval from Council for Mayor Armstrong to approve change orders without the approval from Council according to the purchasing policy for non-budgeted items.

Motion by Crum – Second by Ewert

I make a motion to allow Mayor to approve change orders under \$10,000.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Agreement with USD 261 Regarding Campus Baseball. Recreation Director Georgie Carter advised most changes are relating to dates of use.

Motion by Crum – Second by Thompson

I make a motion that the Mayor sign the agreement with USD 261 for use of Plagens Carpenter.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Agreement with Haysville Aviators. Recreation Director Georgie Carter advised most changes are relating to dates of use. Councilperson Russ Kessler verified a discrepancy in the dates of charge waivers. Carter advised of waiver of charges should be from May to August and requested the motion reflect that change.

Motion by Kessler – Second by B. Rardin



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I make a motion we approve the agreement with the Haysville Aviators with the changes as discussed.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

Mayor Bruce Armstrong asked for Department Reports.

Chief Administrative Officer Will Black had nothing to report.

City Clerk Janie Cox advised City offices would be closed on February 20<sup>th</sup> for the Presidents Day holiday. She advised Public Works would have staff on call and could be reached at the Police Department's non-emergency phone number, 529-5912.

Police Chief Jeff Whitfield stated the visiting officer was Master Police Officer Justin Jacks. Chief Whitfield also advised he reviewed the city code and discovered that the speed limit on Meridian would be 35 miles per hour. He advised that the ordinance would need to be updated once this area of Meridian were annexed as the code contains the legal description of the street.

Recreation Director Georgie Carter advised of upcoming events at the Activity Center, including S.O.S. days, an archery clinic and a membership drive.

Under Appointments, Mayor Bruce Armstrong introduced Appointment of Acting Public Works Director. Mayor Armstrong stated his choice was Tony Martinez.

Motion by Crum – Second by B. Rardin

I make a motion that we have you appoint Acting Public Works Director as Tony Martinez.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

Motion declared carried.

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 February. City Clerk Janie Cox advised a mistake was made and the bills in the digital packet were not correct. She advised the correct bills had been placed on the bench for Council's review.

Motion by Ewert – Second by J. Rardin

I'd like to make a motion that we go ahead and pay the First Half of February bills per the packet we were given.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea, Thompson yea.

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Motion declared carried.

There was nothing under the Consent Agenda.

Under Council Items, Mayor Bruce Armstrong asked for Council Concerns. Councilperson Bob Rardin advised he had received several requests from citizens regarding the use of hydraulic brakes on Broadway near 79<sup>th</sup> Street. Chief Whitfield advised the City had previously requested KDOT place signage restricting hydraulic brakes in the area, but would follow up on that request. Councilperson Mike Kanaga asked if the speed limit for Meridian Avenue could be changed to 40 in town. Mayor Armstrong advised that since it would need to be changed with an updated ordinance, that it could be done.

Under Council Items, Mayor Bruce Armstrong presented Council Action Request Updates. Planning & Zoning Administrator Rose Corby provided updates for 7426, 7470 and 7474 S. Broadway.

Mayor Bruce Armstrong presented for approval Adjournment.

Motion by Kessler – Second by Ewert

Mayor and Council, I make a motion we adjourn tonight's meeting.

Kessler yea, Kanaga yea, B. Rardin yea, Ewert yea, Benner yea, J. Rardin yea, Crum yea  
Thompson yea.

Motion declared carried.

The Regular Council Meeting adjourned at 8:06 p.m.

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Janie Cox, City Clerk