

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 Ginger Cullen: Kessler here, Walters here, Rardin here, Ewert here, Parton here, Crum here, Thompson here. Councilperson Dan Benner was not present.

Invocation was given by Pastor Rusty Westerfield of the First Christian Church.

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

Under Special Order of Business, Mayor Bruce Armstrong introduced a Public Hearing Regarding a Community Development Block Grant Project Application. Mayor Armstrong advised he would be reading from a script, and advised the hearing was to discuss a specific application to be submitted to the Kansas Department of Commerce for a Small Cities Community Development Block Grant for Community Facilities. He stated the project application is for street improvements in the area between 63rd and 65th Streets to the north and south, and Seneca Street and Osage Avenue, including Osage Court, to the east and west. He advised the estimated cost of the project is \$420,983.00 and the amount of the grant would be \$336,000.00. Mayor Armstrong asked for a motion to open the Public Hearing.

Motion by Crum – Second by Rardin

I'll make a motion that we open the Public Hearing having to do with Community Development Block Grant Project Application as explained by the Mayor.

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

Motion declared carried.

Mayor Armstrong declared the Public Hearing open and asked if Council had contact with residents or conflict of interest regarding the project. No Councilpersons came forward. Mayor Armstrong asked if staff had received any communication from residents. Staff answered in the negative. Chief Administrative Officer Will Black presented a staff report, advising the area in question was also known as the Sunset Fields Addition. He advised the City's required twenty five percent match is \$84,000.00, but the difference between the project cost and the grant funding is \$84,982.69. Councilperson Steve Crum asked what type of drainage services are planned for the area, and what account would be used to fund the remaining \$84,982.69. Black advised the City plans to work a project concurrent to this paving project, in which the City would install curb, gutter, and storm drainage pipes, and the City's portion of the paving project would be paid from Capital Improvements. Councilperson Russ Kessler asked what the timeframe for the project would be. Mayor Armstrong advised the application is due on November 1, 2018 and the grant money is awarded in January of 2019, and the project wouldn't move forward unless the City was given the grant money. Mayor Armstrong provided an opportunity for public comment. No one from the public came forward to speak. Mayor Armstrong asked for a motion to close the Public Hearing.

Motion by Parton – Second by Ewert

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I make a motion we close the public hearing.

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

Under Presentation and Approval of Minutes, Mayor Bruce Armstrong presented for approval the Minutes of September 24th, 2018.

Motion by Parton – Second by Rardin

I make a motion we accept the minutes of the September 24th, 2018 as presented.

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

Motion declared carried.

Under Citizens to be Heard, Mayor Bruce Armstrong introduced Cathy Hurley regarding the Living History Rendezvous. Hurley provided details of the event and requested permission to have full use of Riggs Park from November 1st to November 4th.

Motion by Kessler – Second by Parton

I make a motion we allow the Living History Rendezvous to take place in Riggs Park on November 1st through the 4th.

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

There were no Licenses or Bonds.

There were no Ordinances or Resolutions.

Under Notices and Communications, Mayor Bruce Armstrong called for Governing Body Announcements. Councilperson Steve Crum reviewed library events. Councilperson Janet Parton discussed the Fall Festival. Mayor Armstrong reviewed upcoming events at the Senior Center.

Under Notices and Communications, Mayor Bruce Armstrong presented a Memo to Council Regarding a New Business and a Memo to Council Regarding a Door-to-Door License. Discussion occurred regarding ensuring businesses going door-to-door are providing accurate information, with an example of tap water quality being used. Staff advised if reports from citizens are received, then contact with the door-to-door business is attempted. Councilperson Steve Crum asked residents to report door-to-door businesses who give inaccurate information.

There was no Old Business.

Under Other Business, Mayor Bruce Armstrong presented Consideration of Preliminary and Final Plat for the Bridgeport Baptist Church Addition. Planning and Zoning Administrator Rose Corby advised the property in question is in Haysville's Area of Influence. Discussion occurred regarding the property's location in a floodplain. Corby

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advised that according to the 2016 FEMA floodplain maps, the area is in the floodplain, but prior to that the owner had been bringing in fill dirt and have applied for a Letter of Map Amendment (LOMA) with FEMA, which would remove them from the floodplain.

Motion by Kessler – Second by Rardin

I make a motion we approve the Preliminary and Final Plat for the Bridgeport Baptist Church Addition.

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

Motion declared carried.

Under Other Business, Mayor Bruce Armstrong presented Discussion of Sign Code. Transcription of a voicemail from Representative John Whitmer was distributed to Council, and a recording of the voicemail was played aloud. For the record, the voicemail said, “Hi Rose, it’s John Whitmer calling. I got a couple of phone calls last night. I guess you guys were in the news on the yard sign thing again. So I happened to follow up this morning, watched the story from last night, now I know why I got a couple of calls. So I’m curious since it’s come back again. I’m assuming now we need to take some kind of actions to try and resolve it. So I’m curious what you guys are thinking, if you’re going to look to address it at the code level wise, if the city’s going to, you know, revise their municipal code or if the state needs to have the Attorney General opine through some sort of an opinion, clarification from the Attorney General’s Office or if next session the legislature needs to, you know, revise the law to enforce it or put some sort of penalty in for cities that refuse to comply. I’m just curious what you would like from us. If you need, I can get the Attorney General’s office to send clarification. If the City Council is going to address the issue, that would probably be the easiest way to resolve it – just have you guys change your code back to the way it originally was, but I’ve now...I’ve received four calls last night, two this morning. So I just thought I’d kind of follow up and see if you guys had discussed what options you were gonna take to comply with state law. Gimme a call and let me know what your thoughts are if you had a chance to discuss it and what your intention was with those as it goes to complying with state law. Again this is John Whitmer 990-1095. Thank you.”

Mayor Armstrong advised the voicemail was received on September 26th and stated the City had already asked for an opinion from the Attorney General, when repeal of the state’s sign code failed to pass in the State Senate. Mayor Armstrong provided a history of the development of the City’s sign code, reviewed policy made at the state level, and stated the Supreme Court passed a ruling declaring Kansas’ law on removing signage based on content unconstitutional, citing free speech and the second amendment. Mayor Armstrong opened the topic up for discussion from Council.

Councilperson Russ Kessler stated the City’s current rule allowing signs to be placed 14 days prior to an event no matter the content does not allow enough time for the signs to be seen by citizens who vote early or via mail, since mail-in ballots can be sent in 20 days before an election. Councilperson Russ Kessler distributed a piece of paper containing K.S.A. 25-2711 as well as the Haysville City Sign Code. He advised he wanted to see the City comply with the 45 day timeframe laid out in the Kansas Statute. Kessler said he

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would not post garage sale signs 45 days prior and didn't think anyone needed to be concerned about that happening. He reviewed changes to the Haysville sign code that he will recommend via motion at the end of the discussion and asked for any other comments. Councilperson Steve Crum asked to have the phrase "temporary sign" defined by staff. Chief Administrative Officer Will Black advised the temporary signs referenced in discussion are those which are exempt from permitting, which are under 8 square feet in area. Crum advised he wants to place his own signs, but thinks cities should have the authority to prevent signs from cluttering their streets. He advised he was in favor of having signs be allowed early enough to reach early or mail-in voters.

Councilperson Steve Crum asked City Attorney Josh Pollak if there was a way to word the code so it allows for signage to be placed for a specified length of time before the beginning of a scheduled event. Pollak advised that would require staff to read such signage and make a determination as to the start and finish of an event, which would be making a judgement based on content. Pollak advised content-based judgement is what makes the Kansas Statute unconstitutional and therefore, illegal. Pollak recommended suspending the Sign Code rules regarding posting times for all non-permitted temporary signs during specific times of the year based on election and campaign schedules, which would prevent staff from violating the second amendment by reading such signs. Councilperson Janet Parton asked if the City has requested an opinion from the Attorney General yet. Mayor Armstrong answered in the negative, and Parton stated she was in favor of the City doing so. Kessler stated he was concerned with wording clarity of the Sign Code if election cycle dates change from year to year. Pollak recommended referencing the Kansas Statute in the ordinance and stating the City would not regulate temporary signs of any type during the timeframe set out in the Statute. After additional discussion, Councilperson Russ Kessler made a motion to alter the Haysville Sign Code.

Motion by Kessler – Second by Crum

I'm going to go ahead and make a motion that we have City Staff draft changes to the Sign Code to allow for the display of temporary signs or other private signs during the 45 days prior and the two days after an election cycle as specified in the state statute, but at the same time keeping our neutral sign code that doesn't make reference to specific types of speech, and to request an opinion from the Attorney General.

Kessler yea, Walters yea, Rardin nay, Ewert yea, Parton 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 the deadline to register to vote in the upcoming election was October 16th.

Police Chief Jeff Whitfield advised the visiting officer was Master Police Officer Brady Simmons, and advised Coffee with a Cop would take place on Wednesday, October 10th at Haysville High School/Tri-city Day School.

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Public Works Director Tony Martinez advised milling and overlay would occur on Mimosa and Slade Drives, weather permitting. He also advised the City was awarded a Gold Star from the loss prevention program with Kansas Municipal Insurance Trust. He explained that the Gold Star equates to a 5 per cent discount on the City's Worker's Comp insurance policy.

Recreation Director Georgie Carter reviewed upcoming events and programs.

There were no Appointments.

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 October.

Motion by Ewert – Second by Walters

I would like to make a motion that we pay the First Half of October Bills.

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

Motion declared carried.

There was nothing under the Consent Agenda.

Under Council Items, Mayor Bruce Armstrong asked for Council Concerns. Councilperson Steve Crum clarified timing on when signs can be posted relating to the current election cycle. It was determined that October 23rd would be the beginning of the 14 day window in which political signs are allowed.

Under Council Items, Mayor Bruce Armstrong introduced Public Works Director Tony Martinez, who gave updates on a Council Action Request for 801 Sunflower and advised the matter is considered closed. He advised a Council Action Request received on October 4th for 6440 South Osage was investigated and is considered closed as well.

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

Motion declared carried.

The Regular Council Meeting adjourned at 7:53 p.m.

Janie Cox, City Clerk

