

MINUTES OF A MEETING
OF THE
GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON
JANUARY 27, 2005

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 27, 2005 at 7:30 p.m.

Roll Call: Present: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

Chairperson Koerner declared that a quorum was present and called the meeting to order.

2. MINUTES: Commissioner Billinger made a correction to the minutes of the regular meeting held on January 13, 2005 regarding Agenda Item 8.

Wayne Billinger moved, Kent Steward seconded, that the minutes be approved as corrected.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

3. FINANCIAL STATEMENT: Director of Finance/City Clerk Mark Loughry reported that sales tax collections deposited in December 2004 to the General Fund totaled \$181,673, which is a 5.33% increase over sales tax collections last year for the same period. To date, sales tax collections deposited to the General Fund for 2004 total \$2,156,540, which is a 4.71% increase over the previous year.

Henry Schwaller IV moved, Troy Hickman seconded, that the Financial Statement for the month of December 2004 be approved.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Henry Schwaller IV moved, Wayne Billinger seconded, that **A.** certain past-due utility accounts in the amount of \$4,280.50 be declared as non-collectible; and **B.** that certain outstanding Hays Municipal Court fines in the amount of \$9,556.37 be declared as non-collectible.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

6. "CHILD IN NEED OF CARE" FACILITY PROPOSAL: Kelly Wayman and Dawana Jennings, representing A.C.E.S. of Northwest Kansas, requested the City of Hays donate a large home or building with rooms to house at least twenty-five to thirty juveniles. The facility would provide services for juvenile girls in need of care and status and non-violent offenders. The facility would provide a thirty-day stay program for those that are ready to age out of the system and a walk-in shelter for those in need.

It was recommended that a proposal be submitted to the CARE Council.

7. WATER PRESENTATION: City Attorney John Bird and Brian Meier of Burns and McDonnell Engineering presented a report in reference to the effect of the Cedar Bluff Operations Agreement. The report detailed the Agreement and the monitoring and operational activities of the Smoky Wellfield.

8. GOLDEN BELT ESTATES – 45TH STREET PROJECT: At the November 18, 2004 Work Session, Western Plains Service Corporation presented a proposal to

construct improvements in the Golden Belt Estates Addition along the proposed 45th Street west of Hall Street. The plan includes the construction of pavement and storm sewer improvements along 45th Street from Hall Street west to the 41st Street Plaza, Fifth Addition; the extension of a sanitary sewer from the existing Golden Belt Estates, First Addition; and the extension of water service along 45th Street from the 41st Street Plaza, Fifth Addition to Hall and along Hall from 41st to 45th Street.

City Manager Randy Gustafson stated Western Plains would construct 45th Street; the agreement changes the Development Agreement of the City of Hays in that Western Plains will pay completely for 45th Street. This will serve as their contribution for the special assessment for the area. The City's contribution will be to pay for the oversizing of the water lines and streets. That cost is estimated to be \$269,000; \$163,000 to come from the Special Highway Fund with the balance to be paid out of the Water and Sewer Fund.

Henry Schwaller IV moved, Wayne Billinger seconded, that the City of Hays enter into an Agreement with Western Plains Service Corporation for improvements in the Golden Belt Estates Addition along the proposed 45th Street west of Hall Street.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

9. 46th STREET, FIRST ADDITION – REPLAT: Western Plains Service Corporation has submitted a replat of a portion of the 46th Street, First Addition. The replat has been approved by the Planning Commission. The replat increased the size of the lots in the replatted area, subsequently decreasing the number of lots by eight.

Wayne Billinger moved, Troy Hickman seconded, that Resolution No. 2005-001, that resolution being a replat of a certain portion of 46th Street, First Addition to the City of Hays, Kansas, be opened for discussion and vote.

Commissioner Billinger stated he has some concerns with the 31 foot streets in the replat. He worries about the turning radius for emergency vehicles and feels that Hoover and 47th Street should both be 40 foot wide streets.

Jim Desbien, representing Western Plains Service Corporation, stated this area was developed as a neighborhood residential area. These streets will feed into 45th Street, which will be a major collector street and will be a 45 foot wide street.

Commissioner Schwaller stated that there was a commitment made to the developer several years ago concerning 31 foot streets and it is important for the Commission to keep its promises. In his opinion, a 31 foot street is not ideal, but feels the Commission should honor its previous commitment.

Commissioner Billinger stated he is not against 31 foot streets, but he is against the 31 foot street configuration in this development.

Commissioner Steward stated that after tonight he will not vote to approve a 31 foot street until somebody gives him some information to justify a narrower street.

Vote: Ayes: Sunell Koerner

Kent Steward

Henry Schwaller IV

Troy Hickman

No: Wayne Billinger

10. 46TH STREET, FIRST ADDITION – RESOLUTION FOR IMPROVEMENTS:

Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 2005-002, being a resolution determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Water, Sewer, Storm Sewer and Street Improvements/46th Street, First Addition) be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

11. 46th STREET, FIRST ADDITION – ENGINEERING SERVICES

AGREEMENT: Henry Schwaller IV moved, Troy Hickman seconded, that an Engineering Services Agreement with Ruder Engineering and Surveying, L.L.C. for the design and inspection of improvements to the proposed 46th Street, First Addition, in an amount not to exceed \$37,900, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

12. COVENANT PLACE ADDITION – REPLAT: Covenant Builders, Inc. has submitted a plat of the Covenant Place Addition, that plat being a replat of a portion of Block Seven, Hays Plaza Seventh Addition. The plat subdivides a portion of the previous plat into 22 lots for residential development.

Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 2005-003, being a resolution authorizing the replat of a portion of Block Seven, Hays Plaza Seventh Addition to the City of Hays, Kansas be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

13. COVENANT PLACE ADDITION – CHANGE OF ZONING

CLASSIFICATION: Henry Schwaller IV moved, Wayne Billinger seconded, that Ordinance No. 3675, being an ordinance rezoning Lots One through Twenty-Two of the Covenant Place Addition, Ellis County, Kansas, from “A-L” Agricultural to “R-2” Single-Family Dwelling District be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger
Henry Schwaller IV
Troy Hickman

14. COVENANT PLACE ADDITION – RESOLUTION FOR IMPROVEMENTS:

Wayne Billinger moved, Troy Hickman seconded, that Resolution No. 2005-004, being a resolution determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Water, Sewer, Storm Sewer and Street Improvements/Covenant Place Addition) be approved.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

15. COVENANT PLACE ADDITION – ENGINEERING SERVICES

AGREEMENT: Troy Hickman moved, Wayne Billinger seconded, that an Engineering Services Agreement with Ruder Engineering and Surveying, L.L.C. for the design and inspection of improvements to the proposed Covenant Place Addition, for an amount not to exceed \$27,200, be approved.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman

16. COMPREHENSIVE PLAN UPDATE: The City of Hays Comprehensive Plan is updated to reflect changes that occur over a period of time. Several changes have been made to the map which has been approved by the Planning Commission and the Ellis County Commission.

Henry Schwaller IV moved, Troy Hickman seconded, that the changes to the Comprehensive Plan map be approved.

Commissioner Billinger was out of the room during the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Henry Schwaller IV

Troy Hickman

Not Voting: Wayne Billinger

17. SNOW AND ICE CLEARING/REMOVAL: Henry Schwaller IV moved, Kent Steward seconded, that Chapter 12.20 (Snow and Ice Clearing/Removal) and Chapter 10.20.190, Sub-section B, Phase II (Parking, Operation of Vehicles Upon Streets During Winter Storm Emergencies) be repealed.

Chapter 12.20 requires snow and ice be removed from sidewalks within a 24 hour time period or being fined for failing to comply. Chapter 10.20.190, Sub-section B, Phase II refers to the requirement that vehicles must be equipped with tire chains, except for vehicles with four-wheel drive, as a requirement for driving on an emergency snow route during a Phase II storm.

Commissioner Schwaller stated that he felt there isn't any reason to have these ordinances. As long as people know that if someone were to slip or fall on their property as a result of their sidewalks not being cleared, they could have an insurance claim filed against them. Besides that, it takes staff time and is costly to enforce. Many people cannot physically shovel their sidewalks and/or cannot afford to have someone do the work for them. There are so many weather exceptions that it would be difficult to have an ordinance to cover every situation and make it fair and equitable.

The City Manager stated the proper procedure would be to direct the City Attorney to prepare the necessary ordinances repealing these two sections.

Commissioner Steward commented that he did not think the snow removal ordinance is an effective method to get citizens to clean their sidewalks. It would be better to appeal to people's better instincts to do the right thing.

Chairperson Koerner stated she would not be in favor of repealing the ordinances. This last storm was unusual with all the ice; there are a lot of people

on foot and it is dangerous for people to walk in the streets because sidewalks are not shoveled.

Vote: Ayes: Kent Steward
Wayne Billinger
Henry Schwaller IV
Troy Hickman
No: Sunell Koerner

18. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report.

19. COMMISSION INQUIRIES AND COMMENTS: Commissioner Hickman stated he would like to know how much it would cost to clear residential streets. He thought the Commission may want to review those costs when preparing the 2006 Budget.

Commissioner Schwaller requested that the Commission reconsider the Tam O'Shanter/Country Club alley obstruction issue that was discussed at the January 20th Work Session without having another meeting with the homeowners. Staff has enough information to proceed. He would like to have this item placed on the February 1, 2005 Work Session agenda.

Chairperson Koerner proposed a program whereby sunflowers are planted along major traffic ways such as Interstate 70. She feels this would be a beautiful way to show off our state and draw visitors to our state. She has talked to several legislators and would like to pursue this.

The Commission gave its approval. A resolution will be prepared supporting Chairperson Koerner's proposal.

Thereupon the Governing Body adjourned.

Submitted by: _____

City Clerk

