

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 10, 2014

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 10, 2014 at 6:30 p.m.

Roll Call: Present: Kent Steward  
Henry Schwaller IV  
Eber Phelps  
Shaun Musil

Absent: Ron Mellick

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

**2. MINUTES:** There were no corrections or additions to the minutes of the regular session held on March 27, 2014; the minutes stand approved as presented.

**3. MAYOR'S COMMENTS:** Chairperson Steward expressed his thanks and gratitude to the Commissioners. He stated a lot has been accomplished and he gives tremendous credit to the people of Hays.

**4. REORGANIZATION OF GOVERNING BODY:** Eber Phelps moved, Shaun Musil seconded, that Henry Schwaller IV be elected to the position of Mayor.

Vote: Ayes: Kent Steward  
Henry Schwaller IV  
Eber Phelps  
Shaun Musil

Henry Schwaller IV moved, Shaun Musil seconded, that Eber Phelps be elected to the position of Vice-Mayor.

Vote: Ayes: Henry Schwaller IV  
Eber Phelps  
Shaun Musil  
Kent Steward

Chairperson Schwaller recapped the many events, activities and accomplishments that occurred during Mr. Steward's term as mayor. He also thanked him for his service and presented him with a plaque.

**5. CITIZEN COMMENTS:** There were no comments.

**6. CONSENT AGENDA:**

A. Kent Steward moved, Shaun Musil seconded, that Resolution No. 2014-005, adopting the City of Hays City Commission Rules of Procedure and repealing all previous resolutions, motions, or actions in conflict therewith, be approved.

Vote: Ayes: Henry Schwaller IV  
Eber Phelps  
Shaun Musil  
Kent Steward

B. The following proposed mayoral appointments were presented and are scheduled to be approved at the April 24, 2014 City Commission meeting.

**CARE Council**

Michael Billinger – 2-year term to expire on March 1, 2016

Olga Detrixhe – 2-year term to expire on March 1, 2016

**Hays Housing Authority Board**

Sue Rouse – 4-year term to expire February 14, 2018

**Hays Public Library Board**

Katherine Wolfe – unexpired term to expire April 30, 2016

**Sister Cities Advisory Board**

Ang Robson – unexpired term to expire January 1, 2015

## **NEW BUSINESS**

**7. VEHICLE ABATEMENT – 510 WEST 23<sup>RD</sup> STREET:** The abandoned vehicles located at 510 W 23<sup>rd</sup> have expired tags deeming them inoperable. Up to this point, all proper notification has been given to the owner of the property. To date, no action has been taken by the owner of the property. If the vehicles are removed by the City, all costs of abatement will be charged to the owner of the property.

Eber Phelps moved, Kent Steward seconded, to approve Resolution No. 2014-006 to abate the vehicles located on the property at 510 W 23<sup>rd</sup> ten days after the approval date.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Kent Steward

**8. VEHICLE ABATEMENT – 1309 DONALD DRIVE:** The abandoned vehicle (White Pontiac Firebird) located in the rear yard at 1309 Donald Drive has expired tags and flat tires therefore deeming it inoperable. Up to this point, all proper notification has been given to the owner of the property. To date, no action has been taken by the owner of the property. If the vehicle is removed by the City, all costs of abatement will be charged to the owner of the property.

Shaun Musil moved, Eber Phelps seconded, to approve Resolution No. 2014-007 to abate the vehicle located on the property at 1309 Donald Drive ten days after the approval date.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Kent Steward

**9. VEHICLE ABATEMENT – 1812 EAST 27<sup>TH</sup> STREET:** The vehicle at 1812 East 27<sup>th</sup> Street has been moved so no action was taken.

**10. AWARD OF CONTRACT FOR ZONING REGULATION REWRITE**

**CONSULTANT:** Primarily as a result of the findings of the 2012 Comprehensive Plan, and upon the recommendations of staff and the Planning Commission, it was decided to pursue a consultant to rewrite the current “first generation” Zoning and Subdivision Regulations. In November of 2013, proposals were sought for the review and rewrite of the current zoning and subdivision regulations. The nine proposals were narrowed down to three by a selection committee comprised of City staff and members of the Planning Commission. Because they meet the requirements of the request for proposals and were the top firm recommended by the Selection Committee, the members of the Selection Committee recommend entering into a contract with Kendig Keast Collaborative (KKC) for the rewrite of the Zoning and Subdivision Regulations.

Kent Steward moved, Shaun Musil seconded, that the City Manager be allowed to enter into a contract with Kendig Keast Collaborative for the Zoning and Subdivision Regulation Rewrite.

Chairperson Schwaller stated that this is important for orderly development and these regulations must have legal standing in court.

Commissioner Steward amended his motion to include that the contract not exceed \$150,000.

Commissioner Musil agreed to amend his second to include that the contract not exceed \$150,000.

Vote: Ayes: Henry Schwaller IV  
Eber Phelps  
Shaun Musil  
Kent Steward

**11. EPA FINE FOR EXCEEDING WASTEWATER TREATMENT PERMIT**

**LIMITS:** In 2012, discharge at the City of Hays wastewater treatment facility was out of compliance with the permit issued by the Kansas Department of Health and Environment (KDHE). KDHE was notified immediately and staff worked to

correct the compliance issue as soon as possible. In 2013, the Environmental Protection Agency (EPA) inspected the wastewater facility and noted the permit violation. The EPA determined a fine was in order and initially proposed a fine of \$29,000, but after negotiation, has issued a fine of \$18,000.

Eber Phelps moved, Kent Steward seconded, to authorize the payment of the \$18,000 fine to the EPA to be paid out of the Water/Sewer Contingency account.

Bernie Kitten, Director of Utilities explained that excessive levels of ammonia were discharged due to a mechanical failure and its lingering effects. The plant was testing new processes to reduce the levels of nitrates.

Chairperson Schwaller commented that we do have an older facility and it is in need of repair, but the City was cooperating with the state on the experiment and reported the violations. He also stated that the City lacks the resources to challenge it properly in court.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Kent Steward

**16. REPORT OF THE CITY MANAGER:** The Assistant City Manager had nothing to report.

**17. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Phelps wanted to congratulate and thank Commissioner Steward for his service as mayor and wished Mayor Schwaller the best of luck in the coming year.

Chairperson Schwaller stated that we did receive an order from the Division of Water Resources and we now have the authority to regulate private wells within the city. The watering ban is from 10:00 a.m. to 9:00 p.m. and it is very important that we follow this in this drought.

Chairperson Schwaller also commented that we must work together to build a new economy in the community. He stated that our community lacks new businesses and he believes that the future of this community will be in new industry that is created here.

The meeting was adjourned at 7:06 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk