

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON APRIL 13, 2006

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 13, 2006 at 7:30 p.m.

Roll Call: Present: Kent Steward  
Wayne Billinger  
Troy Hickman  
Henry Schwaller IV  
Absent: Barbara Wasinger

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

**2. REORGANIZATION OF GOVERNING BODY:** **A.** Henry Schwaller IV moved, Troy Hickman seconded, that Wayne Billinger be nominated for the position of Mayor.

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

**B.** Henry Schwaller IV moved, Wayne Billinger seconded, that Troy Hickman be nominated for the position of Vice-Mayor.

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

Chairperson Billinger reviewed the accomplishments that occurred during Mayor Steward's term of office and set out the goals that he hopes to accomplish during his term as Mayor.

**3. MINUTES:** There were no corrections or additions to the minutes of the regular session held on March 23, 2006; the minutes stand approved as written.

**4. CITIZEN COMMENTS:** Harold Schlechtweg, Business Representative for Service Employees International Union (SEIU), Local 513, addressed the Commissioners regarding the on-going union negotiations that are at an impasse. The SEIU represents the City's public service employees. Mr. Schlechtweg reviewed what has occurred to date during the negotiation process and urged the Commissioners to take a personal interest in the negotiations. He is hopeful that the City and SEIU can work things out quickly and move forward.

City Attorney John Bird stated that the legal process takes quite a while; however, he feels the City is making headway. The two sides cannot go through the fact finding process until the charge of prohibitive practices is resolved.

Commissioner Steward commented that he is aware that this is a hardship on the employees affected. The Commissioners are personally involved in this situation; they have been kept aware of what is happening during negotiations and will continue to be involved.

**5. CONSENT AGENDA:** Troy Hickman moved, Henry Schwaller IV seconded, that the following Mayoral appointment be approved:

Sister Cities Advisory Board

Carol Solko – 3-year term to expire on January 1, 2009

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

## **NEW BUSINESS**

### **6. FUTURE OF MARTIN LUTHER KING JR. CELEBRATION PLANNING**

**COMMITTEE:** The Martin Luther King Jr. Celebration Planning Committee has requested that the City take over the planning and coordination of the annual Martin Luther King, Jr. celebration.

Henry Schwaller IV moved, Wayne Billinger seconded, that City staff be directed to take over the planning of the annual Martin Luther King Jr. celebration.

Commissioner Steward stated that this is a very important national holiday and is important to the City of Hays. However, he does not feel that this is something the City should be coordinating. The City is not involved in coordinating or planning other civic or religious events.

Chairperson Billinger wondered if a civic events coordinator or committee might be something to consider. All of the events held in the community could fall under that umbrella and could be coordinated accordingly.

Commissioner Hickman stated he would be concerned about any fundraising being done by a City staff member for any civic or religious event.

Commissioner Schwaller stated that the City took a lead role in this event when it was started, but was not the only entity participating in it. Ellis County, USD#489, and our state representatives all participated. He is hopeful that amount of participation could be recreated. He stated there never was any problem with raising funds and that there is City staff available who could handle this.

Vote: Ayes: Wayne Billinger

Henry Schwaller IV

No: Troy Hickman

Kent Steward

**7. HAYS REGIONAL AIRPORT ENGINEERING CONSULTANT**

**SELECTION:** At the request of the Federal Aviation Administration, the City of Hays solicited statements of qualifications and experience from airport consultants for future projects for the next five years at the Hays Regional Airport. Staff recommended that Burns & McDonnell be approved as the Airport's consultant for future projects.

Troy Hickman moved, Kent Steward seconded, that Burns & McDonnell be approved as the Airport's engineering consultant for any future projects at the Hays Regional Airport for the next five years.

Commissioner Schwaller was out of the room during the vote.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

**8. 8<sup>th</sup> STREET WATERLINE – COMMUNITY DEVELOPMENT BLOCK**

**GRANT (CDBG) PROJECT COMPLETION:** The City received a Community Development Block Grant (CDBG) to cover 50% of the costs to construct a new waterline along 8<sup>th</sup> Street from Elm to Fort. The waterline work is now complete, and the City is requesting reimbursement from the Department of Commerce for the eligible costs associated with the grant. The reimbursement from the Department of Commerce amounts to \$109,971.

Kent Steward moved, Henry Schwaller IV seconded, that the Request for Payment for the CDBG project be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Henry Schwaller IV

**9. DEVELOPMENT POLICY – UTILITY LINE REIMBURSEMENT:**

Alan Fabrizio, representing Carrico Implement, appeared before the Commission to discuss the City's Development Policy and the investment Carrico has made in public water and sewer improvements to bring those services to the Carrico building on 48th Street west of Vine.

Mr. Fabrizio stated it will cost Carrico approximately \$150,000 to provide water and sewer services to their facility. The water line has been constructed and the sewer line will be done this summer in time for their opening in August 2006. If possible, Carrico would like to recoup some of the costs when other individuals hook onto the system.

Discussion was held about forming a benefit district so that adjoining properties could share in the expense of the improvements.

City Manager Gustafson stated that the normal procedure would have been to form a benefit district prior to the start of the improvements. He suggested that the City's bond attorney be contacted to see if a benefit district can be formed after improvements have been made.

**10. SANITARY SEWER LINE ALONG 45<sup>TH</sup> STREET FOR CARRICO**

**IMPLEMENT:** Carrico Implement is constructing a new John Deere dealership along 48<sup>th</sup> Street west of Vine Street. An extension of public sanitary sewer is required. Past studies indicate the line should be 10 inches in diameter to account for future growth in the area. The current development policy requires the developer to pay for an 8-inch line and allows the City to pay for the costs associated with any over-sizing required. The cost to over-size the line to 10 inches is \$3,876.44

Kent Steward moved, Troy Hickman seconded, that the City's participation in the cost of sanitary sewer along 45<sup>th</sup> Street for Carrico Implement, at a cost of \$3,876.44, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Kent Steward

**11. FOX THEATRE RESOLUTION:** The auction for the Fox Theatre was held on Tuesday, March 28, 2006. The high bid was received from Brooks L. Kellogg in the amount of \$101,000. In order to transfer such property, it will be necessary for the City to execute a deed transferring title to Mr. Kellogg. It is

necessary to pass a resolution authorizing the Mayor to execute the necessary documents.

Troy Hickman moved, Kent Steward seconded, that Resolution No. 2006-004, being a resolution authorizing the Mayor to execute documents to transfer certain real estate to Brooks L. Kellogg, be approved.

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

**12. BIDS FOR CITY-OWNED LOTS:** As per the Commission's request, sealed bids were taken for City-owned properties located at 107 East 4<sup>th</sup> Street, 111 East 4<sup>th</sup> Street, and 403 Oak. Gary Haselhorst submitted the high bid in the amount of \$25,000 for all three properties.

Troy Hickman moved, Henry Schwaller IV seconded, that the bid received from Gary Haselhorst, in the amount of \$25,000, for property located at 107 East 4<sup>th</sup> Street, 111 East 4<sup>th</sup> Street, and 403 Oak, be approved.

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

**13. SYSTEM ENHANCEMENT RIGHT OF WAY ANNEXATION**

**ORDINANCE:** The City and KDOT are involved in a project to reconstruct Vine Street from I-70 north to 55<sup>th</sup> Street. The project also includes the construction or reconstruction of various side roads. Construction is scheduled to start in June of 2006 and be completed by November 2007. In order to bond the City's share of the costs associated with the project, all of the right-of-way needs to be annexed into the city limits.

Troy Hickman moved, Kent Steward seconded, that Ordinance No. 3698, being an ordinance annexing land to the City of Hays, Kansas, be approved.

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

**14. SYSTEM ENHANCEMENT AND 55<sup>TH</sup> STREET MAIN TRAFFICWAY**

**ORDINANCE:** In order for the City to reimburse itself for improvements on streets as part of the System Enhancement project on Vine Street north of I-70, it is necessary to declare the streets as main trafficways. The passage of this ordinance is required by Kansas statute in order to issue debt at a later time.

Troy Hickman moved, Kent Steward seconded, that Ordinance No. 3699, being an ordinance designating certain streets, roads, and avenues in the City of Hays, Kansas as main trafficways, be approved.

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

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

**16. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Steward commented that there is some concern among citizens about property tax bills. He feels there is some misunderstanding that the City is to blame. The mill levy for City governmental services for 2006 is 23.871 mills. Out of 117 First or Second Class cities, eight have a lower property tax than Hays. Due to the passage of the additional ¾% sales tax, City property taxes have gone down over 30%. The City Commission has no control over Ellis County and USD489 mill levies and has no authority over property evaluations. However high the property tax may seem, it would have been significantly higher without the big reduction in the City mill levy.

Commissioner Schwaller requested an update on the golf cart sheds at the Hays Municipal Golf Course.

Commissioner Hickman requested an update on the 8<sup>th</sup> Street reconstruction.

Chairperson Billinger suggested that the Commissioners review the structure of the Hays-Ellis County Planning Commission and possibly restructure its membership.

Chairperson Billinger thanked his fellow Commissioners for appointing him as Mayor. He stated he will do his best to perform his duties.

Thereupon the Governing Body adjourned.

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

City Clerk