

MINUTES OF A MEETING  
OF THE GOVERNING BODY  
OF THE  
CITY OF HAYS, KANSAS  
HELD ON  
APRIL 14, 2005

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 14, 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:** There were no corrections to the minutes of the regular meeting held on March 24, 2005 or the special meeting held on April 7, 2005; they stand approved as written.

**3. SWEARING IN CEREMONY:** Finance Director/City Clerk Mark Loughry administered the Oath of Office to the following Commissioners-elect:

Troy Hickman  
Barbara Wasinger  
Henry Schwaller IV

**4. REORGANIZATION OF GOVERNING BODY:** A. Henry Schwaller IV nominated Kent Steward to serve as Mayor of the City of Hays. Wayne Billinger seconded the motion.

Vote: Ayes: Kent Steward  
Wayne Billinger  
Troy Hickman  
Barbara Wasinger

Henry Schwaller IV

**B.** Troy Hickman nominated Wayne Billinger to serve as Vice-Mayor of the City of Hays. Henry Schwaller IV seconded the motion.

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

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

**6. CONSENT AGENDA:** **A.** Troy Hickman moved, Wayne Billinger seconded, that Resolution No. 2005-008, being a resolution adopting by reference the City of Hays Commission Rules of Procedure and repealing all previous resolutions, motions or actions in conflict therewith, be approved.

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

**B.** Henry Schwaller IV moved, Wayne Billinger seconded, that the following mayoral appointments be approved:

**Care Council**

Peggy Herrman – 2-year term to expire on March 1, 2007

Marti Stadalman – 2-year term to expire on March 1, 2007

**Ellis County Wellhead Protection Committee**

Ronald Schott – 3-year term to expire on May 1, 2008

**Hays-Ellis County Planning Commission**

Jim Fouts – 3-year term to expire on April 30, 2008

Robert Wertenberger – 3-year term to expire on April 30, 2008

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

Henry Schwaller IV moved, Wayne Billinger seconded, that the appointment of Bill Heimann to the Public Wholesale Water Supply District #15 (PWWSD#15) Board of Directors be rejected.

Commissioner Billinger stated he is in favor of retaining Alan States for another term on the Board.

City Attorney John Bird stated that because Bill Heimann is employed by an agency that deals with PWWSD#15 on many issues, he feels that it would be considered "incompatible" to hold both positions at the same time. The duties of his job could conflict with the duties of a PWWSD#15 Board member.

Commissioner Schwaller stated that Alan States has not had a chance to serve his term because the PWWSD#15 Board has not met. Mr. States will do an excellent job and should have a chance to serve.

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

Chairperson Steward stated he will make a recommendation for the open position at the next Commission meeting.

Henry Schwaller IV moved, Wayne Billinger seconded, that a Cereal Malt Beverage License for the Blue Moon LLC, dba Semolino, be approved.

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

## **NEW BUSINESS**

**7. HAYS HOUSING AUTHORITY ANNUAL REPORT:** Harlan Murphy and Brian Kinnard, representing the Hays Housing Authority Board, presented the 2004 Annual Report.

It was not required to take any action on the report.

**8. EMERGENCY SHELTER GRANT:** First Call for Help, in collaboration with the Ellis County Ministerial Alliance, is requesting that an application be submitted through the City of Hays to the Kansas Housing Resource Corporation for an Emergency Shelter Grant in the amount of \$26,000. This grant would be used for homeless prevention, including conditional payment to prevent evictions and utility shut-offs.

Henry Schwaller moved, Wayne Billinger seconded, that a grant application to the Kansas Housing Resource Corporation for an Emergency Shelter Grant be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**9. REQUEST FOR PROPOSALS (RFP) – ARTWORK AT 13<sup>TH</sup> & HALL:** Henry Schwaller IV moved, Wayne Billinger seconded, that the Request for Proposals for artwork to be displayed at the intersection of 13<sup>th</sup> Street and Hall Street be approved.

Commissioner Wasinger questioned why an application for a grant was not made or donations sought to pay for this project.

Parks Director Jeff Boyle stated that this project has been brought up rather recently and staff has not had the time to look into a grant application. Grant applications are typically a lengthy process.

Chairperson Steward stated that it was mentioned during previous discussions, however, it was determined that it would slow the process down.

Commission Schwaller stated that any funding the City could possibly receive would come from the Kansas Arts Commission. Those funds are stretched fairly thin and the most the City could receive, in his opinion, would be \$1000 to \$2000. He is in favor of soliciting community support.

Commissioner Hickman stated artwork would make a great addition to the area; however, he is opposed to spending taxpayer money for the artwork.

Chairperson Steward commented that the City has never paid for artwork; however, taxpayer money is spent on other beautification projects.

Vote: Ayes: Kent Steward

Wayne Billinger

Henry Schwaller IV

No: Troy Hickman

Barbara Wasinger

**10. ALLEY VACATION IN GEORGE'S ADDITION:** The owner of Lot 1, George's Addition, has requested that the City of Hays vacate the portion of the 20' alley right-of-way located along the north side of the Addition. There are no City utilities located in the platted alley as well as no franchised utilities. The property was platted in 1976, and at that time, an alley seemed logical to the developer and was platted as such. There is no alley platted on the property to the east or west of George's Addition.

The owners of Lots 1 and 2 agree to vacate the alley, but the owner of Lot 3 wishes to have the alley kept as right-of-way. The alley is used for access to the rear of the three lots. The owner of Lot 3 has not made a formal request to not vacate the alley. The request to vacate has been reviewed by the Utility Advisory Committee and no issues were raised.

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3678, being an ordinance vacating the alley in George's Addition to the City of Hays, Kansas be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

No: Henry Schwaller IV

**11. SANITARY SEWER STUDY PROPOSAL:** Staff recommended the Commission approve an agreement with BG Consultants for Engineering Services in the amount of \$22,000. The study would provide the necessary information for proper planning of sanitary sewer improvements along 22<sup>nd</sup> Street and assist with the planning for developments north of the new 22<sup>nd</sup> Street to I-70 as well as within the study area north of I-70 and east of Chetolah Creek.

Troy Hickman moved, Wayne Billinger seconded, that an agreement with BG Consultants in the amount of \$22,000 for a Sanitary Sewer Study be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**12. CONSENT FOR FUTURE ANNEXATION – 2240 EAST 8<sup>TH</sup> STREET:** The owner of property at 2240 East 8<sup>th</sup> Street wishes to connect a commercial business onto the City of Hays public water system that extends along Highway 40. A Consent for Future Annexation Agreement has been drawn up to allow the connection to occur.

Wayne Billinger moved, Troy Hickman seconded, that the Consent for Future Annexation Agreement for the property located at 2240 East 8<sup>th</sup> Street be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**13. CONSENT FOR FUTURE ANNEXATION – 375 EAST 41<sup>ST</sup> STREET:** This Consent for Future Annexation Agreement came about in part due to a water line

issue that was discovered during construction of 41<sup>st</sup> and Sherman Avenue. The property owner had acquired a private easement in 1961 for the placement of a private water line across property to the east of his. After acquiring additional right-of-way for the improvement of 41<sup>st</sup> Street, the water line and easement were now in the right-of-way and need to be relocated. The property owner has agreed to Consent for Future Annexation Agreement which will provide him with public water service. The City of Hays agrees not to annex the property for a period of ten years unless the property changes hands or if the property owner wants to establish sanitary sewer service.

Troy Hickman moved, Henry Schwaller IV seconded, that the Consent for Future Annexation Agreement for the property located at 375 East 41<sup>st</sup> Street be approved.

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

**14. REPORT OF THE CITY MANAGER:** The City Manager reported that enplanements at the Hays Regional Airport continue to increase. Both airlines showed a composite increase of 9% for March 2005 compared to March 2004.

The City Manager also reported that the mill and overlay project at the Hays Regional Airport has started and is going very well.

**15. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested staff check into the possibility of having the Kansas Department of Transportation place additional signage along the 183 Highway Bypass. The signage would be to direct traffic to various parts of the community and also to help identify the location of 27<sup>th</sup> & 41<sup>st</sup> Streets.

Commissioner Schwaller requested that staff research the intersection of Western Plains and 21<sup>st</sup> Street and determine if a stop sign should be placed at that location.

Commissioner Schwaller requested procedures be put in place to make sure that the Hays Regional Airport is open and available for incoming flights.

The City Manager stated that procedures have already been developed and put in place.

Commissioner Hickman requested updates on the progress of the Essential Air Service (EAS) discussions.

Commissioner Hickman requested staff check out the crack filling on Golden Belt Drive. He has received complaints about the work that was done.

Thereupon the Governing Body adjourned.

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

City Clerk