

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 14, 2011

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 14, 2011 at 6:30 p.m.

Present: Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick
Kent Steward

Chairperson Wasinger 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 24, 2011; the minutes stand approved as presented.

3. MAYOR'S COMMENTS: Chairperson Wasinger congratulated Commissioners Steward, Schwaller, and Mellick on their re-election to the Commission.

4. SWEARING IN CEREMONY: City Clerk Doris Wing administered the oath of office to Kent Steward, Henry Schwaller IV, and Ron Mellick

5. REORGANIZATION OF GOVERNING BODY: Henry Schwaller IV moved, Troy Hickman seconded, that Barbara Wasinger be appointed Mayor.

Vote: Ayes: Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick
Kent Steward

Henry Schwaller IV moved, Ron Mellick seconded, that Troy Hickman be appointed Vice-Mayor.

Vote: Ayes: Barbara Wasinger
Troy Hickman
Henry Schwaller
Ron Mellick
Kent Steward

6. CITIZEN COMMENTS: There were no comments.

7. CONSENT AGENDA: Chairperson Wasinger presented her proposed appointment of Mike Prindle to the CARE Council for a two-year term to expire March 1, 2013. The proposed appointment will be presented for approval at the April 28, 2011 Commission meeting.

A. Henry Schwaller IV moved, Ron Mellick seconded that Resolution No. AR-01, being a resolution expressing appreciation to Joseph Boeckner for establishing a new business (Joe Bob Outfitters, LLC) in the city of Hays, be approved.

Vote: Ayes: Barbara Wasinger
Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick

B. Cereal Malt Beverage License Application for Al's Chickenette: This item was removed from the agenda and will be on the April 28, 2011 agenda for consideration.

NEW BUSINESS

8. BICKLE-SCHMIDT SPORTS COMPLEX CONCESSION EQUIPMENT PURCHASE: Troy Hickman moved, Barbara Wasinger seconded, that the purchase of three refrigerators, two freezers, two ice makers, and two ice storage bins from Douglass Equipment for \$16,252.02, and the purchase of three prep tables from Hobart Sales for \$953.70 be approved.

Vote: Ayes: Barbara Wasinger
Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick

9. AIRPORT RUNWAY REHAB DESIGN – AWARD OF CONTRACT: Burns and McDonnell has prepared Supplement #1 to the master service agreement for preliminary engineering and design services for the reconstruction of main runway 16-34, at a cost of \$367,915. The agreement is contingent upon FAA awarding a grant to cover 95% of the costs; the City's share would be \$18,396.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the City Manager be authorized to execute Supplement #1 with Burns and McDonnell, in the amount of \$367,915, contingent upon the award of an FAA grant to cover 95% of the cost.

Vote: Ayes: Barbara Wasinger
Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick

10. STORMWATER UTILITY ORDINANCE – ESTABLISHES THE UTILITY AND SETS THE RATE: The City of Hays authorized a study to implement a stormwater utility to fund needed upgrades and repairs to the City's storm sewer system and allow for staffing to bring the City into compliance with requirements of the National Pollutant Discharge Elimination System (MS4permit). The proposed ordinance authorizes the City Commission to set the rates for the stormwater utility. The fee is \$3.62 per month per "Equivalent Residential Unit".

Kent Steward moved, Barbara Wasinger seconded, that Ordinance No. 3829, being an ordinance establishing a stormwater utility for the City of Hays, Kansas, effective July 1, 2011, be approved.

Stormwater Superintendent Nick Willis summarized the activities and recommendations of the Stormwater Utility Advisory Committee and work done

by Camp, Dresser, and McKee during the last 18 months leading up to the present time.

Annie Erbert, property manager of The Mall, read a statement from the vice-president of Dial Properties, owner of The Mall, regarding the distribution of the stormwater fees to their tenants. The company recognizes that stormwater fees are required to fund upgrades to the infrastructure, however, they would like the fees to be assessed directly to the tenants along with their monthly utility bill rather than to the property owner.

City Attorney John Bird stated that the stormwater fee cannot be added to the water/sewer bills of tenants because the City does not have any leverage if the tenant refuses to pay the fee. The fee must be assessed to the property owner; if the owner does not pay, it will become a lien against the property. The City does not want to be a referee between the tenant and the business owner or be responsible for allocating the fee among the tenants.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

11. STORMWATER UTILITY ORDINANCE – REPEAL OF EXISTING

STORMWATER FEE: Henry Schwaller IV moved, Ron Mellick seconded, that Ordinance No. 3830, being an ordinance repealing Section 65-230 of the Code of Ordinances of the City of Hays, Kansas regarding establishment of stormwater fee, effective July 1, 2011, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

12. STORMWATER UTILITY ORDINANCE – MODIFICATION OF EXISTING

BUILDING PERMIT REQUIREMENTS: The Stormwater Utility fee for non-

residential properties is based upon the impervious surface area of the property. Currently, there are no requirements for submitting a property's impervious area when applying for building permits. The proposed ordinance amends Chapter 11 to include calculations of impervious surfaces.

Ron Mellick moved, Henry Schwaller IV seconded, that Ordinance No. 3831, being an ordinance amending Chapter 11 of the City of Hays, Kansas, Municipal Code, by modifying Article VIII, Section 11-479, Subsection (a) regarding calculations of impervious area, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

13. STORMWATER CONSTRUCTION SITE AND ILLICIT DISCHARGE

ORDINANCE: The City of Hays is authorized to discharge stormwater from its stormwater collection system by a Kansas Department of Health and Environment (KDHE) permit (MS4 permit). Amending the current Stormwater Management Ordinance to prohibit illicit discharges and requiring a stormwater plan for construction sites and implementing on-site controls will bring Hays into compliance with the requirements of the KDHE MS4 permit.

Henry Schwaller IV moved, Ron Mellick seconded, that Ordinance No. 3832, being an ordinance amending Chapter 53 of the City of Hays, Kansas, Municipal Code providing for a system of stormwater management in Hays, Kansas, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

14. PUBLIC HEARING FOR SPECIAL ASSESSMENTS: Property owners in Tallgrass Phase IV Addition, Golden Belt Estates 3rd Addition, Heart of America

1st Addition, and King's Gate 1st Addition received a notice of public hearing and the cost proposed to be assessed against the property for the improvements.

Chairperson Wasinger opened the public hearing to hear comments regarding the proposed special assessments.

Tom and Patricia Kotch, 3013 East 14th Street, had several questions about their assessment and the process used by the City of Hays, which were answered by City staff and the Commissioners.

Henry Schwaller IV moved, Troy Hickman seconded, that the public hearing be closed.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

15. ORDINANCE LEVYING SPECIAL ASSESSMENTS: Barbara Wasinger moved, Henry Schwaller IV seconded, that Ordinance No. 3833, being an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of Hays, Kansas, as heretofore authorized by Resolution Nos. 2010-005; 2010-004; 2008-011; 2009-014 and 2010-016 of the City; and providing for the collection of such special assessments, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

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

17. COMMISSION INQUIRIES AND COMMENTS: Commissioner Steward requested the Commissioners review the water situation in its entirety sometime in the near future.

The City Manager will schedule discussion on this at a future work session.

The meeting was adjourned at 7:35 p.m.

Submitted by: _____

City Clerk