

**MINUTES OF A MEETING
OF THE GOVERNING BODY
OF THE
CITY OF HAYS, KANSAS
HELD ON
APRIL 28, 2005**

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 28, 2005 at 7:30 p.m.

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

Chairperson Steward 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 April 14, 2005; they stand approved as written.

3. FINANCIAL STATEMENT: Finance Director/City Clerk Mark Loughry stated that sales tax collections deposited in March 2005 totaled \$393,293, which is a 117.7% increase over sales tax collected last year for the same period. This is due to receipting \$231,968 of the new $\frac{3}{4}$ -percent sales tax in March 2005.

Troy Hickman moved, Wayne Billinger seconded, that the Financial Statement for the month of March 2005 be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Chairperson Steward recommended that Alan States and Joseph Glassman be re-appointed to the Public Wholesale Water Supply District #15 Board. The Commission will take formal action to approve or disapprove the appointments at the May 12, 2005 Commission meeting.

NEW BUSINESS

6. PUBLIC MEETING: UNDERGROUND STORAGE TANK TRUST FUND/REMEDATION SYSTEMS: Brett Tavener and Aaron Norris, representing the Kansas Department of Health and Environment, presented information about the purpose and operation of the Kansas Underground Storage Tank Reimbursement Trust Fund. Eight locations in Hays have been chosen to be part of the Trust Fund Program and will have remedial systems installed to clean up contaminant soil and groundwater. Funding for the program is provided by a one-cent per gallon tax on fuel sold in Kansas.

7. HAYS PUBLIC LIBRARY BOARD REPORT: Dr. David Goodlett, outgoing vice-chair of the Hays Public Library Board, addressed the Commission. Dr. Goodlett served six years as a member of the Hays Public Library Board of Trustees. He commented that he has worked with many dedicated and inspiring individuals throughout his term.

8. ANNEXATION – ROTH 5TH ADDITION: The owners of Roth 5th Addition have requested by petition and consent in writing to have said land annexed into the city limits of Hays. The property is contiguous with current city limit boundaries.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3679, being an ordinance annexing land to the City of Hays, Kansas be approved.

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

9. 46th STREET CONSTRUCTION BID: Bids were solicited for improvements to a portion of the 46th Street First Addition associated with the construction of portions of 46th Street, Hoover Drive, Jefferson Drive, and Adams Drive. One bid was received from APAC-Kansas, Inc. in the amount of \$404,627.74. In the process of reviewing the bid received from APAC, it was discovered that the plans did not include construction of improvements to serve one of the lots which was included in the petition for improvements and subsequently the resolution authorizing the improvements. Therefore, a change order to the contract in the amount of \$17,266.67 has been prepared to add the additional improvements to the contract. This increases the contract amount from \$404,627.74 to \$421,894.41. The developer will be responsible for the costs in the change order.

City Manager Randy Gustafson stated that the Fire Department reviewed the layout of the streets in the development. The Fire Department does not see a problem with access to the area if the streets are constructed as proposed.

Troy Hickman moved, Barbara Wasinger seconded, that the City Manager be authorized to enter into a contract with APAC-Kansas, Inc. in the amount of \$421,894.41 for the construction of improvements to the 46th Street First Addition.

Commissioner Billinger commented that he does not like the configuration and 31 foot width of the streets in the development. He feels there ought to be a wider street to access the development.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

10. 43rd STREET STORM WATER PROJECT: It is necessary to pass an ordinance authorizing the construction of storm water improvements along East 43rd Street in the approximate location of the Home Depot Addition. The ordinance allows the City to issue a bond in an amount not to exceed \$650,000,

plus capitalized interest and cost of issuance to pay for this work at a later date and reimburse itself for expenditures.

Henry Schwaller IV moved, Wayne Billinger seconded, that Ordinance No. 3680, being an ordinance authorizing the construction of storm water improvements along East 43rd Street from Vine Street east to Chetolah Creek, and authorizing the issuance of General Obligation Bonds of the City of Hays, Kansas to pay the costs thereof, be approved.

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

11. MEMORANDUM OF UNDERSTANDING (MOU) – CITY OF HAYS AND STATE OF KANSAS:

City Attorney John Bird reviewed the Memorandum of Understanding (MOU) between the City of Hays and the State of Kansas, specifically the Kansas Water Office, the Division of Water Resources-Kansas Department of Agriculture, the Kansas Department of Health and Environment, and the Kansas Department of Commerce. This MOU is the culmination of lengthy discussions and negotiations in regard to issues and solutions relating to the water supplies of the City of Hays and the surrounding region.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Memorandum of Understanding between the City of Hays and the State of Kansas in reference to the water supplies of Hays and the surrounding region be approved.

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

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

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller requested that discussion about the Noise Ordinance be put on a future Work Session agenda.

14. EXECUTIVE SESSION: There was no executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

City Clerk