

MINUTES OF A MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF HAYS, KANSAS  
HELD ON MAY 12, 2005

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 12, 2005 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. MINUTES:** There were no corrections to the minutes of the regular meeting held on April 28, 2005; they stand approved as written.

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

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

Public Wholesale Water Supply District #15 Board

Joseph Glassman – 3-year term to expire March 1, 2008

Alan States – 3-year term to expire March 1, 2008

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Henry Schwaller IV

**NEW BUSINESS**

**5. REMEDIATION OF WATER POLLUTION IN HAYS:** John Hauck, a Fort Hays State University student, presented a report in reference to the remediation

of water pollution in Hays. For the last three months, Mr. Hauck has been doing an internship with the Ellis County Wellhead Protection Committee. His report was based on groundwater pollution in Hays and how the concentrations levels of contaminants are changing as a result of remediation efforts.

**6. JOB BOUNTY PROGRAM APPLICATION – NEX-TECH WIRELESS, LLC:**

The Job Bounty Program of the City of Hays is to encourage new and /or existing businesses to create new jobs and hire employees. There are general conditions to be agreed to by the applicant receiving the Job Bounty incentives from the City of Hays.

City Manager Randy Gustafson stated the City agrees to pay the company a set amount per new job created at a set hourly rate if all conditions of the Program are met. Nex-Tech plans to employ 20 additional people in the coming months; ten of those employees at the \$10/hour level with the remaining ten at the \$15/hour level.

**Commissioner Wasinger joined the meeting.**

Troy Hickman moved, Wayne Billinger seconded, that the Job Bounty Program Application made by Nex-Tech Wireless, LLC be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**7. HAYS RECREATION COMMISSION – 2006 PROJECT REQUEST:**

The Recreation Facilities Agreement requires the Hays Recreation Commission (HRC) to complete a project each year. The contractual obligation of the HRC is to contribute approximately \$35,000 per year to benefit recreation facilities.

Rick Claiborn, HRC Superintendent, requested that the 2006 project be the resurfacing of 20,000 square feet of gymnasium floor at the Hays Recreation Center, which the City of Hays owns. It will cost approximately \$60,000 to apply another layer of urethane over the existing gym floor along with repainting all the

game lines. He requested that HRC's contractual obligation of \$35,000 be dedicated to cover partial payment for the resurfacing.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Hays Recreation Commission 2006 project request for the resurfacing of the gym floor at the Hays Recreation Center be approved.

Commissioner Schwaller stated that he will vote to approve this project this year, however, in the future, he will only vote for items identified in the 2000 Park and Recreation Master Plan or items identified by the Parks Director.

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

**8. ANNEXATION – EAST 41<sup>ST</sup> STREET, 43<sup>RD</sup> STREET AND SHERMAN**

**AVENEUE:** It is necessary to annex right-of-way on roadways improved by the Home Depot Transportation Development District, which includes East 41<sup>st</sup> Street, East 43<sup>rd</sup> Street, and Sherman Avenue. The Ellis County Commission passed a resolution May 9, 2005 authorizing the annexation of what is currently County rights-of-way.

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3681, 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. KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) 5-YEAR PLAN:**

KDOT is asking cities to update their 5-year plans for State Fiscal Year 2006-2010. Currently on the plan are the 8<sup>th</sup> Street reconstruction project, the 41<sup>st</sup> Street Economic Development Grant Project, and the 22<sup>nd</sup> Street construction

project from Canterbury to Commerce Parkway. Staff proposed the addition of two projects which may be eligible for 80/20 cost share with KDOT. The first addition is reconstruction of 13<sup>th</sup> Street from Anthony Drive to Commerce Parkway, and the second addition is the extension of Willow Street from 38<sup>th</sup> to 41<sup>st</sup> Street.

Henry Schwaller IV moved, Wayne Billinger seconded, that the updated 5-Year Plan and the Request for Construction Projects to be submitted to KDOT be approved.

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

**10. USE AND SALE OF FIREWORKS IN HAYS:** City Attorney John Bird stated he has prepared an ordinance that allows the use and sale of safe and sane fireworks in Hays. The Fire Code, which was revised and adopted by the City in 2003, states the use and sale of fireworks would be permitted as provided by the law of Kansas. State regulations allow aerial mortars. Fire Chief Gary Brown feels these create a hazard for personal injury and fire safety within the City. The new ordinance limits the sale and use of fireworks to ground and hand-held type of fireworks.

Wayne Billinger moved, Barbara Wasinger seconded, that Ordinance No. 3682, being an ordinance amending Title 8, Chapter 8.08 of the City of Hays, Kansas Municipal Code, by modifying Section 8.08.060, Subsection G., regarding hazardous materials, be approved.

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

**11. REPORT OF THE CITY MANAGER:** The City Manager reported that enplanements at the Hays Regional Airport for the month of April increased even though the main runway was closed.

**12. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller commented that a promise was made to improve neighborhood parks in a timely manner. He is bothered that a promise has been made and not kept. In the future, he will not approve project requests from the Hays Recreation Commission if they do not relate to parks.

Commissioner Hickman requested discussion on other options for a snow ordinance at a future work session.

Commissioner Hickman requested a schedule of street repairs that will be done this summer.

**13. EXECUTIVE SESSION:** There was no executive session.

Thereupon the Governing Body adjourned.

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

City Clerk