

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 23, 2013

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 23, 2013 at 6:30 p.m.

Roll Call: Present: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

Chairperson Steward 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 May 9, 2013; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that month-to-date sales tax collections for the Sports Complex were \$214,082, which was an increase of \$6,067 when compared to last year. Total year-to-date collections are \$978,690 and inception-to-date collections total \$10,904,539. Month-to-date General Fund sales tax collections were \$523,623, up \$13,678 or 2.68% as compared to last year. The six month running average on sales tax collections is up slightly at .19%.

The Finance/City Clerk's office invested \$3,750,000 of maturing or renewing certificates with a weighted average interest of .22%. The portfolio of certificates of deposit on April 30, 2013 totaled \$53,050,000 with a weighted average interest rate of .28%. The total balance of the Money Market account on April 30, 2013 was \$700,000 with a current yield of .20%. Total investments are up \$7,700,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, that the Financial Statement for the month of April 2013 be approved.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Mayor Steward presented the following proposed mayoral appointments which will be voted upon for approval at the June 13, 2013 Commission meeting:

Airport Advisory Committee

Lyle Noordhoek - three-year term to expire April 30, 2016

Gary Wentling – three-year term to expire April 30, 2016

NEW BUSINESS

6. SALE AND USE OF FIREWORKS IN 2013: Chapter 32 of the City of Hays Municipal Code provides for the City Commission to make a final determination as to whether or not to suspend the sale and use of fireworks at its final regular meeting in May. City staff recommends suspending the sale and use of fireworks for 2013 due to the continuing drought. Staff feels fireworks could be allowed at the last minute if conditions are favorable and that vendors will have no problem finding a supply of fireworks if the sale and use is allowed at the last minute.

City Manager Toby Dougherty stated the Ellis County Commission voted to allow the sale of fireworks in Ellis County, but have not yet made a decision regarding the use of fireworks.

Dan Thyfault, owner of TAZ Fireworks, doesn't want the Commission to make a decision now. He would prefer the sale of fireworks be allowed and cancelled later if it is too dry.

Ron Mellick moved, Kent Steward seconded, to suspend the sale and use of fireworks in the city limits for 2013.

Commissioner Mellick stated he will vote to ban fireworks this year because of the drought and because after last years Fourth of July events, the vendors and non-profit organizations made it clear they wanted to know ahead of time and not have a last minute ban leaving them with fireworks they couldn't sell.

Commissioner Phelps suggested scheduling a special meeting the middle of June to lift the ban, still allowing vendors time to order their fireworks.

City Attorney John Bird pointed out that the ordinance states the decision on whether or not to ban fireworks has to be decided at the 2nd meeting in May. The ordinance would have to be amended and published if the Commission wants to make this determination at a meeting different than the 2nd meeting in May.

Commissioner Musil has heard from many citizens and most of them would like to have fireworks allowed this year.

Commissioner Schwaller would like to work with the Ellis County Commission to adopt a county wide policy. He feels a ban is important at this time, but will vote against a ban due to the County's decision to allow fireworks.

The chairperson called for the vote.

Vote: Ayes: Kent Steward

Eber Phelps

Ron Mellick

No: Henry Schwaller IV

Shaun Musil

7. BICKLE-SCHMIDT SPORTS COMPLEX SHADE STRUCTURE: The Bickle-Schmidt Sports Complex is in need of a shade structure for the southwest four-plex. The recommended shade structure was not part of the original construction project but has become one of the most requested items for the Bickle-Schmidt Sports Complex. An amount of \$26,900 is budgeted in the 2013 Bickle-Schmidt Sports Complex budget for this purpose. If approved, this structure will provide the same shade for visitors at the southwest four-plex that is available to visitors at the northeast four-plex and at the soccer concession

area. The recommendation from City staff is to approve the purchase of a 24'x50' shade structure from Athco, Lenexa, KS, for an amount of \$15,644 which is \$11,256 under budget.

Ron Mellick moved, Eber Phelps seconded, that the bid submitted by Athco in the amount of \$15,644 for the purchase of a 24'X50' shade structure to be funded from the Bickle-Schmidt Sports Complex budget, be approved.

Commissioner Schwaller stated he will be voting against the motion; he would like a more permanent shade structure installed.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

No: Henry Schwaller IV

8. REQUEST FOR REZONING (A-L TO C-2) – PROPOSED LUECKE

ADDITION: The owners of the property located along and south of 41st St. east of Home Depot (proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to C-2 (General Commercial and Service District). The Planning Commission, by a vote of 7-0, recommended approval of the rezoning as requested. However, staff recommended sending this item back to the Planning Commission for additional consideration of all eight factors required by the Kansas Supreme Court, including the character of the neighborhood and the zoning and uses of nearby properties and how they relate to the remaining agricultural zoned property.

Henry Schwaller IV moved, Ron Mellick seconded, that the rezoning request be returned to the Planning Commission for additional consideration of all eight factors required by the Kansas Supreme Court, including the character of the neighborhood and the zoning and uses of nearby properties and how they relate to the remaining agricultural zoned property.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

9. REQUEST FOR REZONING (A-L TO R-3) – PROPOSED LUECKE

ADDITION: The owners of the property located along and south of 41st St. east of Home Depot (proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to R-3 (Two-Family Dwelling District). The Planning Commission, by a vote of 7-0, recommended approval of the rezoning as requested. However, staff recommended sending this item back to the Planning Commission for additional consideration of all eight factors required by the Kansas Supreme Court, including the character of the neighborhood and the zoning and uses of nearby properties and how they relate to the remaining agricultural zoned property.

Henry Schwaller IV moved, Eber Phelps seconded, that the rezoning request be returned to the Planning Commission for additional consideration of all eight factors required by the Kansas Supreme Court, including the character of the neighborhood and the zoning and uses of nearby properties and how they relate to the remaining agricultural zoned property.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

10. SIDEWALK REPAIR ASSESSMENT ORDINANCE: Sidewalk repairs were completed for seven properties last fall per Commission approval. Four of the properties have paid for their repair costs and it is now necessary to assess the other three property owners for their repairs totaling \$1919.09. If the ordinance is approved, notices will be sent to the three property owners, giving them 30 days

after publication of the ordinance to pay. If they fail to pay, the sidewalk assessment plus four percent interest will be levied against the property.

Henry Schwaller IV moved, Shaun Musil seconded, that Ordinance No. 3862, being an ordinance assessing the cost of services rendered by the City benefitting the properties located at 421 West 5th Street, 307 West 6th Street, and 217 West 6th Street to be paid in one total installment for each, be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

11. RESOLUTION SETTING PUBLIC HEARING TO CONSIDER SPECIAL ASSESSMENTS:

Special assessments for two special improvement districts within the City of Hays are ready to be finalized and assessed to the property owners. A public hearing is scheduled for June 13, 2013 to consider the proposed assessments against property located in:

- o Golden Belt Estates Fourth Addition – 21 lots
- o Replat of 46th Street First Addition – 7 lots

Henry Schwaller moved, Ron Mellick seconded, that Resolution No. 2013-013, being a resolution providing notice of a public hearing to consider proposed assessments as to the public improvements for: Golden Belt Estates Fourth Addition (Water, Sanitary Sewer, Storm Sewer and Streets); Replat of 46th Street First Addition (Water, Sanitary Sewer, Storm Sewer and Streets) be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

12. PROGRESS REPORT: Assistant City Manager Paul Briseno presented a monthly report on projects and activities occurring in various City of Hays departments.

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

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps clarified that the fireworks ban does not include the Wild West Fest fireworks display.

The meeting was adjourned at 7:39 p.m.

Submitted by: _____

Doris Wing – City Clerk