

MINUTES OF A MEETING
OF THE GOVERNING BODY
OF THE CITY OF HAYS, KANSAS
HELD ON MAY 26, 2005

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 26, 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 May 12, 2005; they stand approved as written.

3. FINANCIAL STATEMENT: Finance Director/City Clerk Mark Loughry reported that sales tax collections deposited in April 2005 to the General Fund totaled \$163,940, which is a 21.92% increase over sales tax collected last year for the same period. Year-to-date sales tax collections for the General Fund totaled \$728,531, which is an increase of 3.19% over the same time frame in 2004. The City also receipted \$239,260 in sales tax to the Budget Stabilization Reserve in April 2005, bringing the total for the year to \$471,228.

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: There were no items on the Consent Agenda for approval.

NEW BUSINESS

6. FEASIBILITY STUDY FOR AN ANAEROBIC DIGESTER: Harrison McCune, 2MS, Inc. made a presentation to the City Commission at the May 19, 2005 Work Session. The purpose of the Study was to determine, based on available information, if a legitimate business can profitably operate an Anaerobic Digestion system treating varied animal waste, sorted solid waste, and waste normally treated in a municipal wastewater treatment plant.

The Feasibility Study Final Report must be accepted by both the City Commission and the U.S. Department of Agriculture before final payment can be made to the consultant.

Troy Hickman moved, Wayne Billinger seconded, that the Feasibility Study Final Report for Anaerobic Digester be accepted.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

7. E-WASTE CONTRACT: For some time, the City has been searching for an outlet for old computer monitors, keyboards, printers, copiers, cell phones, TV's, VCR and DVD players, sewing machines, electric and electronic instruments. Meadowlark Computer & Electronic Recyclers will provide a container for collection of these items during the 2005 Annual Alley Cleanup in October. With City Commission approval to move forward, a specific agreement between the City of Hays and Meadowlark will be created, reviewed by the City Attorney, and signed by the City Manager.

Wayne Billinger moved, Troy Hickman seconded, that the City Manager be authorized to sign an agreement with Meadowlark Computer & Electronic Recyclers to dispose of electronic equipment in Hays.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman
Barbara Wasinger
Henry Schwaller IV

8. TALLGRASS PHASE IV – RESOLUTION FOR IMPROVEMENTS: Lusk Land Development has petitioned the City for improvements to Tallgrass Phase IV, a portion of the Tallgrass, First Addition. Improvements are to include grading pavement, curb and gutter, storm water sewer, sanitary sewer, and water lines associated with the construction of Limestone Court and a portion of Tallgrass Drive. Tallgrass Drive is a collector and will be constructed 45 feet in width. Limestone Court is a residential cul de sac and the developer has requested that it be constructed 31' feet wide as allowed for in the Infrastructure Guidelines for New Development Policy. Water and sanitary sewer lines would be extended to serve the proposed addition and future development beyond the current addition. The sanitary sewer line would be oversized at 10 inches.

Wayne Billinger moved, Troy Hickman seconded, that Resolution No. 2005-009, being a resolution determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, be approved.

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

9. TALLGRASS PHASE IV – CONTRACT AGREEMENT FOR ENGINEERING SERVICES: Baughman Company has submitted an Engineering Service Agreement for the design of improvements to the proposed Tallgrass Addition, Phase IV. The Agreement covers design, bid specifications, contract documents, and contractor solicitation for an amount not exceed \$42,800. This amount would be paid as part of the special assessment against the property owners.

Wayne Billinger moved, Troy Hickman seconded, that the agreement with Baughman Company, P.A., for engineering services for Tallgrass Phase IV be approved.

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

10. COVENANT PLACE ADDITION – AWARD OF CONSTRUCTION BID: Bids were solicited for improvements to Covenant Place Addition. The improvements are to include grading, pavement, curb and gutter, sanitary sewer, and water lines for the construction of Trinity Drive, and for sanitary sewer along Indian Trail, 30th Street, and Roosevelt Street. One bid was received from APAC-Kansas, Inc. in the amount of \$360,149.52. These improvements will be paid by special assessment against the property owners.

Troy Hickman moved, Wayne Billinger seconded, that the contract with APAC-Kansas, Inc. in the amount of \$360,149.52 for improvements to Covenant Place Addition be approved.

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

11. SUNDAY LIQUOR SALES: The Kansas legislature passed and the Governor signed a bill this session allowing cities to authorize the selling of alcohol and cereal malt beverages on Sundays by retailers. Each city needs to make a decision on this issue by November 1, 2007.

Chairperson Steward stated that a memo from Police Chief Jim Braun states that the law enforcement community and the liquor store owners share a cooperative working relationship. Any decision on Sunday sales should be made

with input from this group, as this decision will have a greater impact upon them than it does law enforcement.

Commissioner Billinger stated that the last time this issue was discussed he was not in favor of it. However, he has not heard a lot of opposition to Sunday sales this time. If there is opposition, he would like to hear about it.

Commissioner Schwaller stated he is in favor of drafting an ordinance allowing Sunday sales. Every liquor retailer can choose whether or not they would like to be open on Sunday. He does not think the majority of people in Hays have much of a problem with this.

Chairperson Steward commented that he does not sense much enthusiasm for changing the law.

Barbara Wasinger moved, Wayne Billinger seconded, that the City Attorney be directed to draft an ordinance in regard to Sunday liquor sales in Hays for the Commission's review.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

No: Kent Steward

12. REPORT OF THE CITY MANAGER: The City Manager reviewed data concerning the City monitoring well levels in the Smoky Hill well field. He stated that even though the wells have reached the level whereby the City could request a water release from Cedar Bluff, the City will not do so at this time.

City Attorney John Bird stated that with the agreement the City has with the State of Kansas, the City has the ability to ask for the release after some objective criteria has been met.

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller asked for an update on the Tam O'Shanter/County Club Drive agreement regarding the easement in the alley.

The City Attorney responded that access to the alley will be limited to utility companies. The owners have the rights to access the alley.

Commissioner Schwaller stated that enforcement of the agreement is necessary because of prolonged construction; parking of construction vehicles, storage of building materials, and the constant traffic of contractors building things.

Thereupon the Governing Body adjourned.

Submitted by: _____

City Clerk