

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 14, 2012

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 14, 2012 at 6:30 p.m.

Roll Call: Present: Troy Hickman

Kent Steward

Ron Mellick

Barbara Wasinger

Absent: Henry Schwaller IV

Chairperson Hickman 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 24, 2012; the minutes stand approved as presented.

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

**Commissioner Schwaller joined the meeting.**

**4. CONSENT AGENDA:** Henry Schwaller IV moved, Barbara Wasinger seconded, that a Cereal Malt Beverage License be approved for the Downtown Hays Development Corporation for the Blues and Barbeque event to be held July 20, 2012 in downtown Hays.

Vote: Ayes: Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

Barbara Wasinger

Mayor Hickman presented the following proposed appointment which will be presented for approval at the June 28, 2012 Commission meeting:

Airport Advisory Committee

Christopher Springer – three year term to expire April 30, 2015

## **NEW BUSINESS**

**5. KING'S GATE 2<sup>ND</sup> ADDITION – FINAL PLAT:** City Manager Toby Dougherty stated that the Final Plat for the King's Gate 2<sup>nd</sup> Addition has been approved by the Planning Commission; however, the developer requested the Final Plat not be approved at this time due to timing issues. State statutes require a City Commission to act on a Final Plat within a certain time period once it has been approved by the Planning Commission.

Planning, Inspection and Enforcement Superintendent Jesse Rohr stated the developer is aware that when they are ready to move forward, they will have to re-submit the Final Plat to the Planning Commission and go through the entire process from the beginning.

Barbara Wasinger moved, Ron Mellick seconded, that the Final Plat for the King's Gate 2<sup>nd</sup> Addition be rejected.

Vote: Ayes: Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

Barbara Wasinger

**6. LEVEE INSPECTION AGREEMENT:** The levee along Big Creek was built in response to the flooding in 1951 with the intention to improve it when funding became available; to date that has not happened. Before any improvements are made, staff feels an investigation of the levee's safety and the identification of any obvious deficiencies should be made. Wilson & Co. has submitted the low bid to perform such an inspection. This inspection will be funded by stormwater utility revenues and will cost \$19,874.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the City Manager be authorized to enter into an agreement with Wilson & Co. for levee inspection services at a cost of \$19,874.

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

**7. VEHICLE ABATEMENT AT 1102 EAST 17<sup>TH</sup> STREET:** Two abandoned vehicles located at 1102 East 17<sup>th</sup> Street have expired tags deeming them inoperable. All proper notification has been given to the owner of the property (Davis Equipment) as well as the property tenant who owns the vehicles. No action has been taken by either the property owner or the vehicle owner. If the vehicles are removed by the City, all costs of abatement will be charged to the owner of the property.

Ron Mellick moved, Kent Steward seconded, that Resolution No. 2012-007, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 1102 East 17<sup>th</sup> Street, be approved.

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

**8. BUILDING CONDEMNATION (811 FORT ST.) – SET PUBLIC HEARING:**

For the past several years, staff has been monitoring the condition of the property at 811 Fort, also known as the Opera House, or the Kreuger Building. Within the past six to eight months, the structure has deteriorated to the point that staff feels it is unsafe. Significant amounts of debris, primarily limestone blocks, have fallen from the structure on at least two separate occasions in the past three weeks forcing the City to close off the sidewalk and on-street parking adjacent to the structure. Further debris could fall at any time resulting in damage or injury, therefore the timely nature of this issue is imperative.

After many months of discussion with the property owner and no action on their part, staff recommended the initiation of condemnation proceedings for the

structure. Statutes require that the Governing Body hold a public hearing for the owner to appear and to show cause why the structure should not be condemned and demolished. Staff recommends setting a public hearing for July 26, 2012.

City Manager Dougherty stated that City ordinances allow the City Manager to make the determination that if there is an immediate threat to the health, safety and welfare of the general public, he could make this building be demolished immediately without holding a public hearing. He would prefer to follow the condemnation process starting with the public hearing and then if the Commission deems the building should be torn down, there will be notification period allowing a certain amount of time for the property owner to demolish the building. If more stones start falling, he may have to decide that immediate demolition commence.

Henry Schwaller IV moved, Kent Steward seconded, that Resolution No. 2012-008, being a resolution authorizing the City of Hays or its designated agent to abate dangerous building located at 811 Fort Street be approved and that a public hearing be set for July 26, 2012 for the owner to appear and show cause why the structure should not be condemned and ordered rehabilitated or demolished.

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

**9. FRATERNAL ORDER OF POLICE LODGE 48 2013-2015 MEMORANDUM OF AGREEMENT:**

The City of Hays meet and confer team have reached an agreement with the Fraternal Order of Police (FOP) Lodge 48 for a three-year term. The current agreement expires at the end of 2012.

Ron Mellick moved, Henry Schwaller IV seconded, that the Mayor, City Manager, and Police Chief be authorized to sign the 2013-2015 Memorandum of Agreement with the Fraternal Order of Police Lodge 48.

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

**10. SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 513 2013-2015**

**MEMORANDUM OF AGREEMENT:** The City of Hays meet and confer team have reached an agreement with the Service Employees International (SEIU) Local 513 for a three-year term. The current agreement is set to expire at the end of 2012.

Ron Mellick moved, Barbara Wasinger seconded, that the Mayor, City Manager, and necessary Department Directors be authorized to sign the 2013-2015 Memorandum of Agreement with Service Employees International Union Local 513.

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

**11. HAYS FIREFIGHTERS LOCAL 2119 2013-2015 MEMORANDUM OF**

**AGREEMENT:** The City of Hays meet and confer team have reached an agreement with the Hays Firefighter (IAFF) Local 2119 for a three-year term. The current agreement is set to expire at the end of 2012.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the Mayor, City Manager, and Fire Chief be authorized to sign the 2013-2015 Memorandum of Agreement with Hays Firefighters Local 2119.

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

Chairperson Hickman thanked staff for their work and effort in reaching agreements.

**12. REPORT OF THE CITY MANAGER:** City Manager Dougherty thanked Assistant City Manager Paul Briseno, Human Resource Coordinator Erin Niehaus, Department Directors, and the meet and confer team from the three bargaining unions for working together through the process.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Mellick asked if the terms in the union agreements also apply to non-union employees.

City Manager Dougherty responded that non-union members are eligible for the same benefits as union members.

Commissioner Schwaller stated the City is very fortunate to have the City Manager and Assistant City Manager who have worked to develop a good relationship with the unions over the last five or six years. They have done an excellent job.

The meeting was adjourned at 7:07 p.m.

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

City Clerk – Doris Wing