

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 23, 2005

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 23, 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:** Chairperson Steward made a correction to the minutes of the June 9, 2005 regular session of the Commission minutes. Under the Consent Items, only the Cereal Malt Beverage License was approved. Chairperson Steward's recommendation for an appointment to the Hays-Ellis County Planning Commission will be voted upon at the June 23, 2005 Commission meeting.

The minutes stand approved as corrected.

**3. FINANCIAL STATEMENT:** Finance Director/City Clerk Mark Loughry stated that sales tax collections deposited in May 2005 to the General Fund totaled \$196,430, which is a 19.91% increase over sales tax collected last year for the same period. Year-to-date sales tax collection for the General Fund totaled \$924,961, which is an increase of 6.36% over the same time frame in 2004. The City receipted \$292,100 in sales tax to the Budget Stabilization Reserve in May 2005 bringing the total for the year to \$763,328.

Henry Schwaller IV moved, Troy Hickman seconded, that the Financial Statement for the month of May 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:** A. Henry Schwaller IV moved, Troy Hickman seconded, that the following mayoral appointment be approved:

**Hays-Ellis County Planning Commission**

Lawrence Gould – 3-year term to expire April 30, 2008

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

B. Henry Schwaller IV moved, Troy Hickman seconded, that a Cereal Malt Beverage License be approved for Neighbars Bar & Grill.

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

**NEW BUSINESS**

**6. CHANGE OF ZONING CLASSIFICATION – CORNER OF 33<sup>RD</sup> AND SHERMAN AVENUE:** A developer has requested a zoning change for property located at the corner of 33<sup>rd</sup> and Sherman Avenue, (Lot 9 Block 1 Hays Plaza Seventh) from R-3 (Two-Family Dwelling District) to C-2 (General Commercial and Service District). The Planning Commission recommended the City Commission deny the request to rezone. It was noted by the Planning Commission that there are many vacant parcels zoned commercial and it cannot

be justified to rezone this one residential lot to commercial. The property was zoned commercial for several years and remained vacant the entire time.

The owners of the property were unable to attend the meeting. They sent a letter explaining their rezoning request. It will be attached to the official copy of the minutes.

Henry Schwaller IV moved, Kent Steward seconded, that the Commission accept the Planning Commission's recommendation to deny the applicant's request to rezone the property from R-3 to C-2.

Commissioner Schwaller commented that, in the past, when residential areas were next to commercial properties, the City received a great number of complaints from the citizens living in the residential areas.

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

#### **7. INDUSTRIAL REVENUE BONDS (IRBs) – ENERSYS DELAWARE INC.:** It

is necessary to approve an ordinance authorizing the City of Hays to issue taxable revenue bonds in the amount of \$1,800,000 for the purpose of paying the costs of acquiring and installing certain manufacturing machinery and improvements to the Enersys facility located in Hays.

City Manager Randy Gustafson stated that these bonds are not a liability of the City; they are a liability of Enersys. Enersys is responsible for their repayment.

Troy Hickman moved, Henry Schwaller IV seconded, that Ordinance No. 3683, being an ordinance authorizing the City of Hays, Kansas to issue its taxable Industrial Revenue Bonds, Series 2005 (Enersys Delaware Inc. Project) in the aggregate principal amount of \$1,800,000 for the purpose of paying the costs of acquiring and installing certain manufacturing machinery and improvements to the facility; authorizing the execution of a third supplemental trust indenture by and between the City and the Bank of New York Trust

Company, N.A., in the City of St. Louis, Missouri, as trustee; authorizing the City to lease said project to Enersys Delaware Inc. and authorizing execution of a third supplemental lease by and between said City and Enersys Delaware Inc., be approved.

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

**8. CITY OF HAYS INSURANCE – ANNUAL RENEWAL:** City staff solicited proposals for insurance coverage from numerous agencies for the period running July 1, 2005 to July 1, 2006. The City's current insurance policy is with Insurance Planning and expires on July 1, 2005. Insurance Planning was the only company to submit a proposal.

This year the increase in premiums for property, auto and liability amounted to approximately 12%. The coverage area that saw the largest premium increase was the general liability portion of the policy. It increased by 23.9%.

The City Manager recommended approval of the proposal, however, staff is looking at ways to cut back on premium costs.

Henry Schwaller IV moved, Troy Hickman seconded, that the proposal from Insurance Planning to provide insurance for the City of Hays be accepted.

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

**9. REPORT OF THE CITY MANAGER:** The City Manager reminded the Commissioners of a Work Session next Thursday, at which time the Commissioners will review the preliminary 2006 Budget.

**10. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller commented on the landscaping in the Vine Street median. He is concerned about some of the trees that are planted there; they look like they are dying.

The City Manager stated that some of the trees were not put in properly. The contractor will be replacing them free of charge.

Thereupon the Governing Body adjourned.

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

City Clerk