

MINUTES OF A MEETING
OF THE GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON JULY 13, 2006

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 13, 2006 at 7:30 p.m.

Roll Call: Present: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Kent Steward

Absent: Barbara Wasinger

Chairperson Billinger 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 June 22, 2006; the minutes stand approved as written.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: There were no items on the Consent Agenda.

NEW BUSINESS

5. 13TH & HALL GREENSPACE: Henry Schwaller IV moved, Kent Steward seconded, that proposed landscape improvements for the 13th & Hall Street greenspace be approved, at a cost not to exceed \$7,410.

Commissioner Steward stated he would like some kind of signage in the greenspace.

Commissioner Hickman stated that the Signage Study that is currently being done may address this in their final report.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV

Kent Steward

6. USE OF ASSESSMENTS WITH SIDEWALK REPLACEMENT

PROGRAM: The Sidewalk Replacement Program was initiated in January 2006. Inspectors in the Planning, Inspection, and Enforcement (PIE) Division of the Public Works Department identified 2,469 sidewalk violations throughout the City. The goal of the Program is to aid citizens with matching funds in replacing sidewalks which are in disrepair and may cause an obvious safety hazard to pedestrians. To date, only 25 property owners have come forward volunteering to replace their sidewalks and take advantage of funds available from the City.

The next step would be to begin notifying property owners and forcing the replacement of their sidewalks as allowed by City ordinance. This is expected to create a financial hardship for property owners and be a time consuming task for City staff. Staff in the PIE Division suggested that sidewalk replacement be contracted out by the City and the costs for repair assessed against the property, to be paid out over a five-year period, as allowed by state statute.

Henry Schwaller IV moved, Troy Hickman seconded, that the Sidewalk Replacement Program be continued.

City Attorney John Bird stated the Sidewalk Ordinance is one that the City can enforce where there are serious deficiencies in sidewalks. If the property owner does not repair the sidewalks, the City can repair the sidewalks and assess the cost back to the property owner to be paid out over a five-year period.

Commissioner Hickman commented that the Sidewalk Replacement Program has only been in existence for one year. It may take longer for the public to become aware of the Program and take advantage of the funds available.

City Manager Randy Gustafson stated that it would take the City five years and cost anywhere from \$200,000 to \$500,000 per year to repair all of the sidewalks and special assess the costs against the property. For that

reason, staff developed the Sidewalk Replacement Program to provide funds to partially reimburse property owners for the cost of the repairs.

Commissioner Schwaller stated it is important to have safe sidewalks; however, the City cannot afford to pay for the repair. Given the tax increases proposed by all the tax entities, this would be another tax on property owners. He would like to continue the Sidewalk Replacement Program.

The City Manager stated all sidewalks are the responsibility of the property owner. If a complaint was received, the property owner would be required to repair the sidewalk. If funds were still available in the Sidewalk Replacement Program, the property owner could participate in that Program.

Commissioner Steward stated that a significant portion of the City's infrastructure is deteriorating. It doesn't sound like a good idea to just ignore the problem. He does agree with Commissioner Hickman that the Program is fairly new and it may take some time to educate the public about the Program.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Kent Steward

Commissioner Steward stated that he would like to review the Sidewalk Replacement Program in one year.

7. 26th /27th AND ASH INTERSECTION IMPROVEMENTS: When HWS was hired to conduct a city-wide traffic study, they identified the intersection of 26th, 27th, and Ash Streets as one of the traffic problems needing immediate correction. The traffic accident data does not indicate that this is a high accident location (16 accidents in 6 years); however, the traffic study identified this location as an area where dangerous conditions exist or the potential exists for a dangerous result and may reflect a situation where liability may exist to the City.

HWS was authorized to design intersection improvements and their proposal is to cul-de-sac 26th Street at Ash Street. The estimated cost for the

improvements is \$120,000. Construction could be coordinated with proposed waterline upgrades along Ash Street this fall.

Kent Steward moved, Wayne Billinger seconded, that the City proceed with the waterline upgrades along Ash Street and do nothing to the intersection at 26th/27th and Ash.

Commissioner Hickman stated that this is a dangerous area and should be addressed. There have not been a lot of accidents, but there have been a lot of speeding vehicles driving through the neighborhood. If the other Commissioners are not comfortable with the proposed design and cost, he would be willing to look at other designs.

Commissioner Steward stated that people drive poorly all over town, however, you don't reconfigure a street just because people don't drive the way they should.

Commissioner Schwaller stated that this is an unsafe intersection and if nothing is done, it will continue to cause problems. However, he feels the cost is too high. This could be done for less. He would like to look at another design that provides both access and safety. He is opposed to leaving the intersection the way it is and just doing the waterline upgrade.

Chairperson Billinger stated that he agreed with Commissioners Hickman and Schwaller. He would like to see another design and discuss it at a future work session.

Lenora Goetz, 203 West 26th St, and Kathleen Bittner, 207 West 26th St., both voiced their opposition to the cul-de-sac. They do not feel that it is necessary to make these changes and are concerned about being hemmed in. They are willing to compromise as long as they have access to 27th Street.

Vote: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Kent Steward

8. BUSINESS LICENSE ORDINANCE: The current City ordinance addressing transient merchants and peddlers has been difficult to interpret and even

harder to enforce. After discussion with the City Attorney and the City Clerk, it is believed that this ordinance, while pertinent and necessary in the past, has become somewhat outdated due to Consumer Protection laws and state statutes. The City Attorney recommended that everything in the ordinance be repealed except the provision prohibiting peddlers from going door to door. Law enforcement would be responsible for enforcing state statutes that require peddlers to be licensed in the county they are operating in. Peddlers would need to contact the County Clerk's Office about licensing.

Henry Schwaller IV moved, Kent Steward seconded, that Ordinance No. 3704, being a ordinance amending Title 5, Chapter 5.16 of the City of Hays, Kansas, Municipal Code regarding peddlers, solicitors and canvassers, be approved.

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

9. SCHEDULING OF PUBLIC HEARING FOR 2007 BUDGET: Henry Schwaller IV moved, Kent Steward seconded, that a public hearing be held on July 27, 2006 to hear comments on the 2007 Budget.

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

Commissioner Schwaller stated he would like to review the 2007 Budget at the next work session to see if there are any areas where further cuts could be made.

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

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller requested staff study the possibility of adding a bike lane on Ash and Fort Streets.

Commissioner Schwaller stated that there are grants available through humane organizations that would allow municipalities to spay and neuter wild cats. He requested staff check into this.

Thereupon the meeting was adjourned.

Submitted by _____

City Clerk