

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JULY 24, 2008

**1. CALL TO ORDER:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 24, 2008 at 7:30 p.m.

Roll Call: Present: Ron Mellick  
Christopher Channell  
Allan Lytton  
Troy Hickman

Absent: Barbara Wasinger

Vice-chairperson Ron Mellick 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 July 10, 2008; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported investments on June 30, 2008 totaled \$40,950,000, which is a \$3,600,000 increase when compared to June 2007. Interest due at maturity on current investments totals \$577,751, which is a decrease of \$1,284,815 compared to June 2007. In June, the Finance/City Clerk's Office invested \$11,250,000 of maturing certificates of deposit with a weighted average interest rate of 2.37%. Sales tax collected in June for the General Fund totaled \$809,851, which was an increase of \$103,868 compared to June 2007. To date, sales tax collections are up 9.06% compared to the same time period in 2007.

Troy Hickman moved, Allan Lytton seconded, that the Financial Statement for the month of June 2008 be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Allan Lytton  
Troy Hickman

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

**5. CONSENT AGENDA:** The Cereal Malt Beverage License for Chin-Ya, LLC was pulled from the agenda.

A. Troy Hickman moved, Christopher Channell seconded, that a Cereal Malt Beverage License for the Hays Area Chamber of Commerce be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

B. The Commission received Mayor Wasinger's proposed appointment of Dwayne Spady to a three year term to the Hays Beautification Committee. The Commissioners will be requested to approve the appointment at the August 14, 2008 Commission meeting.

### **UNFINISHED BUSINESS**

**6. WITHDRAWAL OF OBJECTION TO ROAD CLOSURE:** At the May 22, 2008 Commission meeting, the City Commission objected to Ellis County closing a portion of 41<sup>st</sup> Street until such time an easement could be obtained. The land owners have signed an easement that provides access to City wells YE1 and YE2 located on the Charles Brull property.

Troy Hickman moved, Christopher Channell seconded, that the City Commission withdraw its objection to the closure of a portion of 41<sup>st</sup> Street.

Vote: Ayes: Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

## **NEW BUSINESS**

### **7. ARCHITECTURAL ENGINEERING STUDY FOR PROPOSED SPORTS**

**COMPLEX:** At the July 17, 2008 City Commission meeting, the Sports Complex Committee presented its proposal for a sports complex to be located on the southwest corner of U.S. 183 By-pass and old U.S. Highway 40. The Committee is requesting the Commissioners' approval to fund half of the architectural engineering study. The total cost of the study is \$35,000; the City's share would be \$17,500, if approved.

City Manager Toby Dougherty stated that the Committee has informed him that the study will be conducted only if the ballot question is approved in November, assuming the petition gets the necessary signatures needed to place the issue on the ballot.

Troy Hickman moved, Allan Lytton seconded, that funding in the amount of \$17,500 be approved for an architectural engineering study for the proposed sports complex.

Vernon Befort, 1404 West 44<sup>th</sup> Street, commented that, in his opinion, the City should not get involved in this project. This will raise taxes and he does not feel the taxpayers should be paying for any part of the project.

Roger Bixenman, a member of the Sports Complex Committee, stated the Committee is looking for ways to fund the project through grants and private funding as well as a sales tax. Property tax will not increase if the complex is built.

Commissioner Channell stated he is not in favor of the City paying for partial funding of the study. He is in favor of the sports complex; he thinks it will be great asset to the community. If not enough signatures are collected to have the issue placed on the ballot, he is in favor of the City Commission putting the issue on the ballot in order to give the citizens of Hays a chance to voice their opinion.

Mr. Bixenman stated that the Sports Complex Committee is confident they will be able to get enough signatures to have the issue placed on the November ballot.

Vice-chairman Mellick and Commissioner Lytton both stated that they are willing to vote yes for partial funding of the study with the understanding that it passes on the November ballot.

Vote: Ayes: Ron Mellick

Allan Lytton

Troy Hickman

No: Christopher Channell

#### **8. RESTRICTIONS FOR PORTABLE STORAGE UNITS/SHIPPING**

**CONTAINERS:** There has been discussion by the Planning Commission to place some restrictions on portable shipping containers that many property owners are starting to use for extra storage. Current regulations do not restrict the number of these types of containers that a commercial or residential property can have. These types of structures are currently allowed in all zoning districts, as long as setbacks are met; however, they are deemed by some to be unsightly. This item was reviewed by the City Commission in 2005; however, no action was taken at that time.

The Planning Commission recommended the City Commission adopt regulations restricting the use of portable shipping containers. The proposed ordinance restricts the use of the storage containers to temporary uses only. No long-term, permanent uses will be allowed if the ordinance is approved as drafted.

Alan Lytton moved, Ron Mellick seconded, that Ordinance No. 3749, being an ordinance amending Chapter 11 of the City of Hays, Kansas, Municipal Code, Article II., Division 5., by adding Sections 11-131 and 11-134 regarding temporary storage units and shipping containers, be approved.

Commissioner Hickman stated he will be voting no. There are a lot of businesses that use these types of storage units as a cost effective way to conduct their business. He feels this is an aesthetic issue and he does not want

to take this option for storage away from them. If this addressed residential areas only, he would be in favor of approving the ordinance.

City Attorney John Bird stated that existing units would not have to be removed. He reviewed the conditions under which temporary units would be allowed.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Allan Lytton  
No: Troy Hickman

**9. ANNEXATION OF PROPERTY LOCATED AT 1210 EAST 43<sup>RD</sup> STREET:**

Christopher Channell moved, Allan Lytton seconded, that Ordinance No. 3750, being an ordinance annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Allan Lytton  
Troy Hickman

**10. DUMP BODY BEDS – AWARD OF BID:** Hays Truck Equipment, Inc. submitted the low bid of \$72,200 for two dump body beds for retrofitting trucks in the Service Division of Public Works. The trucks will be used for street maintenance projects and other Service Division work.

Troy Hickman moved, Allan Lytton seconded, that the bid submitted by Hays Truck Equipment in the amount of \$72,200 for the purchase of two dump body beds be accepted.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Allan Lytton  
Troy Hickman

**11. SCHEDULE OF PUBLIC HEARING FOR 2009 BUDGET:** Christopher Channell moved, Allan Lytton seconded, that August 14, 2008 be set as the date for a public hearing on the 2009 Budget based on 26 mills.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Allan Lytton  
Troy Hickman

**12. REPORT OF THE CITY MANAGER:** The City Manager reported that work on Main Street is progressing well. It is hoped that Main Street will be completely open in the next few weeks. In 2009, work will continue on Main at 24<sup>th</sup> Street.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Hickman requested an update on all the street programs this year.

The meeting was adjourned.

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

City Clerk