

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON
August 25, 2005

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 25, 2005 at 7:30 p.m.

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 or additions to the minutes of the August 11, 2005 regular session; they stand approved as written.

3. FINANCIAL STATEMENT: Deputy City Clerk Doris Wing reported that sales tax collections increased \$287,731 due to the collection of an additional $\frac{3}{4}$ % sales tax in 2005 for budget stabilization. Sales tax collections deposited in July 2005 to the General Fund totaled \$188,624, which is a 1.31% increase over sales tax collected last year for the same period. Year-to-date sales tax collection for the General Fund totaled \$1,283,353, which is an increase of 4.57% over the same time frame in 2004. The City also receipted \$282,936 in sales tax to the Budget Stabilization Reserve in July 2005 bringing the total for the year to \$1,300,511.

Troy Hickman moved, Wayne Billinger seconded, that the Financial Statement for the month of July, 2005, be approved.

Vote: Ayes: Kent Steward
Wayne Billinger
Troy Hickman

Barbara Wasinger

Henry Schwaller IV

4. CITIZEN COMMENTS: Glen Teel, 1208 Motz, appeared before the Commission regarding a roofing violation that he incurred at one of his rental properties. He requested an extension of the deadline to remove two layers of shingles from the roof until he could present evidence in court.

City Attorney John Bird stated that Mr. Teel failed to obtain a building permit as required by law. He did get a permit after the work was done, but he has refused to comply with the City's statutory requirements. City Prosecutor Glenn Braun wrote Mr. Teel a letter informing him that he had until August 31st to go through that process. This is not the forum for Mr. Teel to present this issue. If he feels he has defenses on this matter, he needs to present them to the judge.

Commissioner Schwaller stated that had Mr. Teel gotten the permit prior to placing a 2nd layer of shingles over the existing layer, City staff could have inspected the roof and he probably could have had two layers of shingles on the roof.

5. CONSENT AGENDA: Henry Schwaller IV moved, Wayne Billinger seconded, that the following items be approved:

A. A Cereal Malt Beverage License be approved for the Volga German Society for the Oktoberfest event on September 30, 2005.

B. That Cris Crispin and Bob Helm be appointed to the Fort Hays Municipal Golf Course Advisory Committee for three-year terms to expire on July 1, 2008.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

NEW BUSINESS

6. PUBLIC HEARING – SPECIAL ASSESSMENTS: Chairperson Steward opened the public hearing to hear comments regarding the special assessments for four special assessment districts. The four districts are the Reverse Access Roads-Tebo Special, Tallgrass Addition-Phase III, Golden Belt Estates First Addition, and 41st Street Plaza Fifth Addition.

George Vitztum, 208 West 24th Street, stated he recently bought a lot in the Golden Belt Estates First Addition. He requested information about how the assessments are calculated and if the property owners were being charged for over-sizing of the water and sewer lines.

City Manager Randy Gustafson stated that the City-at-large pays for over-sizing of the lines as stated in the Development Policy. They are not charged against the property.

Deputy City Clerk Doris Wing stated the total cost of the project for Golden Belt Estates First Addition was \$407,918.75. This was for the design and inspection of the project, and the construction of street, curb and gutter, storm water sewer, and water and sewer lines. The City picked up \$50,892.92 for the over-sizing of the lines. The developer, Western Plains Service Corporation, paid 30% or \$107,107.75, leaving \$249,918.08 plus issuance costs of \$8,328.69 to be divided among the 14 lots in the special assessment district.

Mr. Vitztum had some questions about maintenance of the drainage ditch between Fillmore Drive and Harrison Street and how this ditch fits into the watershed program and flood control.

The City Manager stated the developer will be responsible for maintaining the drainage ditch. City staff is working on a program for flood control for that area as well as other areas. Further discussion on flood control will occur this fall.

There being no further comments, Chairperson Steward closed the public hearing.

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3686, being an ordinance levying assessments on lots, pieces and parcels of land in the City of Hays, Kansas for the purpose of paying all of the costs for

improvements consisting of the installation of water and sanitary sewer lines to serve a tract of land along General Hays Road between 45th Street and 48th Street; the installation of grading, paving, curbing and guttering of Tallgrass Drive and East 14th Street, and installation of storm water sewer improvements, all in the Tallgrass Addition; the construction and installation of storm water sewer, water and sanitary sewer improvements and the grading, paving, curbing and guttering of Fillmore Drive from the north line of West 41st Street to and including a cul-de-sac and Harrison Street to and including a cul-de-sac, all in the Golden Belt Estates First Addition; and the construction and installation of storm water sewer, water and sanitary sewer improvements and the grading, paving, curbing and guttering of Smoky Hill Drive, 45th Street, Hoover Street, and an unnamed street, in the 41st Street Plaza, Fifth Addition, and Lot 1 Block 1 in the 46th Street Addition, be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

7. PROPOSED WIND FARM: Eric Simons, Distributed Generation Systems, Inc. (DISGEN) appeared at the August 18, 2005 work session and requested that the City Commission prepare a letter supporting the proposed wind farm, which will be located southwest of Hays.

Jo Kraus, representing the landowners who have signed easements allowing the placement of the wind towers on their property, stated the landowners are supportive of this project.

Christy Gordon, representing DISGEN, reviewed the project which has been under development for 1 ½ years. A Request for Proposal (RFP) has been issued by Kansas City Power and Light (KCPL) for wind projects up to 100 megawatts and DISGEN will be bidding on the project. Ms. Gordon requested the Commission consider a letter of support for DISGEN.

Troy Hickman moved, Wayne Billinger seconded, that a letter of support for Distributed Generation Systems, Inc.'s proposal for a wind farm under the RFP issued by KCPL, be approved.

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

8. 2005 STANDARD TRAFFIC ORDINANCE: The Kansas League of Municipalities publishes a revised Standard Traffic Ordinance on a yearly basis. The majority of the Ordinance remains the same from year to year, with only a few changes made.

Troy Hickman moved, Barbara Wasinger seconded, that Ordinance No. 3687, being an ordinance regulating traffic within the corporate limits of the City of Hays, Kansas, incorporating by reference "The Standard Traffic Ordinance for Kansas Cities," Edition of 2005, providing certain penalties and repealing Ordinance No. 3651 of the Code of Ordinances of the City of Hays, Kansas, be approved.

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

9. 2005 UNIFORM PUBLIC OFFENSE CODE ORDINANCE: The Kansas League of Municipalities publishes a revised Uniform Public Offense Code (UPOC) on a yearly basis. The majority of the UPOC remains the same from year to year, with only a few changes made.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Ordinance No. 3688, being an ordinance regulating public offenses within the corporate limits of the City of Hays, Kansas, incorporating by reference "The Uniform Public

Offense Code for Kansas Cities,” Edition of 2005, and repealing Ordinance No. 3652 of the Code of Ordinances of the City of Hays, Kansas, be approved.

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

10. 55th STREET CONSTRUCTION BID: The City has a Corridor Management Grant to reconstruct a portion of 55th Street from US-183 (Vine Street) east to the new reverse access road (General Hays Road). One bid was received from APAC, Kansas Inc. in the amount of \$178,257.50. Subsequently, City staff has worked with APAC to produce a change order reducing the construction cost by \$27,747.05, bringing the adjusted contract amount to \$150,510.45.

Troy Hickman moved, Wayne Billinger seconded, that the bid and change order from APAC, Kansas Inc. for an amount of \$150,510.45 for the reconstruction of 55th Street from Vine to General Hays Road be approved.

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

11. 8TH STREET CONSTRUCTION: KDOT has prepared and submitted to the City an Agreement related to the reconstruction of 8th Street from Elm to Milner. A resolution has been prepared to authorize the Mayor and the City Clerk to act on behalf of the City in regards to the City/State Agreement. The proposed reconstruction of 8th Street is scheduled to be bid on November 16, 2005, with construction to follow in the spring of 2006.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 2005-015, being a resolution relating to benefits obtainable by cities under program for federal aid on highway construction, be approved.

Vote: Ayes: Kent Steward

Wayne Billinger
Troy Hickman
Barbara Wasinger
Henry Schwaller IV

12. STRIPING ON 33RD STREET – 3-LANE CONFIGURATION: Staff requests to stripe 33rd Street from Vine to Broadway as a 3-lane roadway. That would allow left-hand turning movement to go to the center lane to make that maneuver. Through traffic would then be allowed to move forward or make a right-hand turn into existing business areas.

The roadway is wide enough to become a 3-lane configuration. At Broadway, striping would be placed to transition from 3-lane to 2-lane for eastbound traffic; and 2-lane to 3-lane for westbound traffic. City crews will perform the work.

Barbara Wasinger moved, Henry Schwaller IV seconded, that a segment of East 33rd Street from Vine to Broadway be striped to a 3-lane roadway.

Vote: Ayes: Kent Steward

Wayne Billinger
Troy Hickman
Barbara Wasinger
Henry Schwaller IV

13. REPORT OF THE CITY MANAGER: The City Manager did not have any additional items to report on.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Hickman stated he would like some clarification of the year-to-date summary report for the Hays Aquatic Park.

The City Manager stated he would ask Rick Claiborn to give an analysis of the report.

Commissioner Hickman asked if it was possible for the traffic light at 27th and Fort Street to incorporate a turning arrow.

City staff will determine if this is possible and report back to the Commission.

Commissioner Schwaller stated he would like to review community wide standards in regards to sheds in back yards at a work session.

Commissioner Schwaller requested a review of the agreement regarding the leasing/selling of land at the Hays Regional Airport.

The City Manager stated that review of the agreement will be placed on a future work session agenda.

Chairperson Steward asked when Chetolah Creek north of I-70 near the Home Depot store would be dredged.

City Manager Gustafson stated it would be dredged this fall. Additionally, this fall, Public Works staff will be presenting a proposal and program for storm water areas on a phased basis for the Commission's review.

15. EXECUTIVE SESSION: There was no executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

City Clerk