

MINUTES OF A MEETING
OF THE GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 14, 2006

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 14, 2006 at 7:30 p.m.

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

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 August 24, 2006 regular meeting; the minutes stand approved as written.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: **A. Proclamation:** Chairperson Billinger read a proclamation proclaiming September 25, 2006 as Family Day and presented the proclamation to Christina Davidson.

Kent Steward moved, Barbara Wasinger seconded, that the following Consent Agenda items be approved:

B. Mayoral Appointments:

Airport Advisory Committee – 3-year terms

Monty Smith – term to expire April 30, 2009

Dan Stecklein – term to expire April 30, 2009

Hays Beautification Committee – 3-year terms

Jeremy Dannebohm – term to expire August 1, 2009

Hays Convention & Visitors Bureau Advisory Committee – 3-year terms

Tim Cossaart – unexpired term to expire December 1, 2007

Jane Matlock – unexpired term to expire December 1, 2007

Mitesh Patel – term to expire December 1, 2008

Neighborhood Revitalization/Downtown Development Review Board

3-year terms

Kim Billinger – term to expire January 1, 2009

Wilbert Pfeifer – term to expire January 1, 2009

C. Gift from Sister City in China: Accept a gift received from Hays' Sister City, Xinzheng, Henan, China.

D. Cereal Malt Beverage License: Approve a Cereal Malt Beverage License for the Volga German Society for Oktoberfest.

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

NEW BUSINESS

5. 2005 AUDIT: Ken Beran and Melissa Romme of Adams, Brown, Beran and Ball reviewed the 2005 Audit with the Commissioners.

Mr. Beran stated that the general condition of the City is excellent, particularly in the General Fund. The Water and Sewer Fund revenue has been increasing as far as operating revenue; however, revenue from the sales tax has been used to subsidize water activities.

Mrs. Romme reported that outstanding debt at the end of 2005 went from \$27.4 million down to \$21.8 million. The City was able to retire some

additional revenue bonds and temporary notes, along with general obligation bonds set to retire in 2005, along with some capital leases. The City realized a sizeable gain in investments going from \$92,613 in 2004 up to \$265,000 in 2005.

Henry Schwaller IV moved, Troy Hickman seconded, that the 2005 Audit for the City of Hays, as presented by Adams, Brown, Beran and Ball, be approved.

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

6. NEX-TECH TELEPHONE FRANCHISE AGREEMENT: The current franchise with Nex-Tech, Inc. to construct, operate and maintain a telecommunications system in Hays expires in October 2006. The proposed franchise term is 10 years with two automatic five year renewals. Nex-tech will be providing some free services to the City including hosting the City web-site, internet wireless hot spots at several locations, and free internet connections for 14 static I.P. addresses.

Kent Steward moved that the franchise agreement be approved as written except the franchise fee be eliminated. The motion died for lack of a second.

Troy Hickman moved, Wayne Billinger seconded, that Ordinance No. 3705, being an ordinance granting to Nex-Tech, Inc., a contract franchise to construct, operate and maintain a telecommunications system in the City of Hays, Kansas, and prescribing the terms of said contract, be approved.

Commissioner Steward stated that he intends to vote for this motion; philosophically, he has a problem with charging the citizens of Hays a hidden tax via a franchise fee. He would rather the City stop taxing the citizens this way. The somewhat minimal costs for City administration of the agreement could be covered out of a general taxation fund.

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

7. POOL SERVICES AGREEMENT: The existing agreement between the City of Hays and the Hays Recreation Commission will expire December 31, 2006. Staff recommended approving the agreement for an additional five years. The Hays Recreation Commission has reviewed and agreed to the changes in the contract. The only major change in this contract is the “automatic contract renewal process”.

Troy Hickman moved, Kent Steward seconded, that the Pool Services Agreement with the Hays Recreation Commission be approved.

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

8. RECREATION FACILITIES AGREEMENT: The existing agreement between the City of Hays and the Hays Recreation Commission will expire December 31, 2006. Staff recommended approving the agreement for an additional five years. The Hays Recreation Commission has reviewed and agreed to the changes in the contract. The two major changes include the “automatic renewal process” as well as the Hays Recreation paying the City of Hays \$35,000 annually to offset ball field expenditures in lieu of completing projects.

Kent Steward moved, Barbara Wasinger seconded, that a Recreation Facilities Agreement with the Hays Recreation Commission be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman

Barbara Wasinger
Henry Schwaller IV
Kent Steward

9. 2006 UNIFORM PUBLIC OFFENSE CODE: The League of Kansas 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.

Troy Hickman moved, Barbara Wasinger seconded, that Ordinance No. 3706, 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 2006, and repealing Ordinance No. 3688 of the Code of Ordinances of the City of Hays, Kansas, as passed on August 25, 2005, and as published on August 31, 2005, be approved.

Commissioner Schwaller was out of the room during the vote.

Vote: Ayes: Wayne Billinger
Troy Hickman
Barbara Wasinger
Kent Steward

Not Voting: Henry Schwaller IV

10. 2006 STANDARD TRAFFIC ORDINANCE: The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The majority of the STO remains the same from year to year, with only a few changes made.

Troy Hickman moved, Barbara Wasinger seconded, that Ordinance No. 3707, 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 2006, providing certain penalties and repealing Ordinance No. 3687 of the Code of Ordinances of the City of Hays, Kansas, as passed on August 25, 2005, and as published August 31, 2005, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman
Barbara Wasinger
Henry Schwaller IV
Kent Steward

11. AIRPORT IMPROVEMENTS RESOLUTION: The Commissioners were requested to approve a resolution initiating proceedings for the construction of wind cones at the Hays Regional Airport, the acquiring of land for the construction and operation of Runway 4-22, rehabilitating the apron, construction of a large hangar, and construction of an apron expansion to be located on the west side of the terminal.

Kent Steward moved, Troy Hickman seconded, that Resolution No. 2006-014, being a resolution initiating proceedings for the construction of certain improvements to the Hays Regional Airport and fields and providing for the financing thereof, be approved.

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

12. 26th/27th AND ASH INTERSECTION IMPROVEMENTS: In July, staff presented a design prepared by HWS Consulting for improvements to the intersection of 26th, 27th, and Ash Streets to prevent cut-through traffic from using 26th Street to get from 27th Street to Fort Street. The cost estimate for the design from HWS was approximately \$120,000. The Commission, at that time, chose not to proceed with the design as presented by HWS. Since then, City staff has been working on a more simple in-house design, which could be constructed in-house. Two options were shown to the Commissioners.

Option 1 consists of a large raised island to be constructed on top of the existing pavement. It contains inlaid brick accents and includes ramps for sidewalk access along 27th Street. Staff estimates that this option will cost \$7,000 for materials and 270 man hours.

Option 2 consists of a two-foot wide raised median constructed on top of the existing pavement with reflective object markers mounted on top of the curb. This design is easier to construct and allows more space for turn around or parking in the area blocked by the median. Staff estimates that Option 2 will cost \$4,250 for materials and 200 man hours.

Henry Schwaller IV moved, Kent Steward seconded, that Option 1 be chosen for the improvements to the intersection at 26th/27th and Ash Street.

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

13. REZONING OF A PORTION OF STERNBERG 2ND ADDITION: A developer has requested that the zoning for Lots 2 and 3, less the north 75 feet of Lot 3 in Block 2 of the Sternberg 2nd Addition and a Replat of a Portion of Sternberg 1st Addition be changed from A-L to C-2. The request was made to accommodate potential commercial development. The Planning Commission has recommended that the City Commission approve the zoning change.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3708, being an ordinance rezoning Block Two (2), Lots Two (2) and Three (3) less the north 75 feet of Lot Three (3) of the Sternberg 2nd Addition and Replat of a portion of Sternberg 1st Addition, Ellis County, Kansas, from "A-L" Agricultural to "C-2" General Commercial and Service District, be approved.

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

14. 8th STREET STRIPING (MILNER TO VINE): City staff was directed to consider the feasibility of striping 8th Street from Vine to Milner to three

lanes. It is possible to have this done at the same time that striping for the 8th Street Reconstruction Project is completed in October. United Rentals, the pavement markings contractor, has agreed to perform the additional striping at the same unit prices bid to KDOT for the Reconstruction Project. Based on estimated quantities, the cost to stripe 8th Street from Vine to Milner is \$15,500. In order to reconfigure this portion of 8th Street to a three-lane configuration, parking along this section of 8th Street would be prohibited.

Kent Steward moved, Troy Hickman seconded, that 8th Street from Milner to Vine Street be reconfigured to a three-lane street.

Larry Schmidt, owner of Schmidt Monument Works, 501 East 8th Street, requested that the street remain a four-lane street. That street is used a lot for loading and unloading; there is a lot of truck traffic along that stretch of 8th Street. Striping it to a three-lane would force semi-trucks to park in the middle lane. The truck driver would have to dodge traffic coming from both directions when loading or unloading. Parking in that area is limited; there are very few other options for parking. Mr. Schmidt stated that he will lose half of his off-street parking. He has not talked to any other businesses along 8th Street that think this is a great idea.

Commissioner Steward stated the City is trying to reduce the number of lane transitions that exist on City streets. He agrees that Mr. Schmidt has a valid concern about parking; however the City has heard from only a handful of the many businesses along that portion of 8th Street and some of those favored three-lane striping.

Vote: Ayes: Wayne Billinger
Troy Hickman
Barbara Wasinger
Kent Steward

No: Henry Schwaller IV

Commissioner Steward commented that he voted for the three-lane striping because he thinks it will be for the greater good of the community. If

other business owners on 8th Street encounter problems, he would like to hear from them. However he would like to try three-lanes for a while

City Attorney John Bird was directed to research the possibility of an ordinance allowing delivery trucks to load and unload in the driving lane.

15. ABATEMENT OF DANGEROUS STRUCTURES (COTTONWOOD PARK, INC.): The property located at Cottonwood Park, 700 East 6th Street, Lots 22, 32, 41, 43, 57, 97, 102, 105, 106, 129, 130, 146, 150, 156, and 157 are in violation of City Ordinance 15.020.010. Staff has gone through all the proper procedures to abate the dilapidated and deteriorated structures. Four of the fifteen structures are occupied. Cottonwood Park is owned by First National Bank and thus far, the owners have been cooperative with City staff. Planning, Inspection, and Enforcement requested that a resolution for structure abatement be considered.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Resolution No. 2006-015, being a resolution authorizing the City of Hays or its designated agent to abate the dangerous structures located on the property at 700 East 6th Street, Lot 22, 32, 41, 43, 57, 97, 102, 105, 106, 129, 130, 146, 150, 156, and 157 be approved.

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

16. CHARTER ORDINANCE: It is being proposed that a transient guest tax be levied, at a rate not to exceed 5%, upon gross rental receipts derived from or paid by transient guests for lodging or sleeping accommodations in any hotel or motel. This tax will be used to fund the construction of an office building at the corner of 27th and Vine Street that will house the Hays Convention and Visitors Bureau, Hays Area Chamber of Commerce, and the Ellis County Coalition for Economic Development.

City Attorney John Bird stated that the way the charter ordinance is written, it does not have a specific sunset clause in it. State statute provides that a cap be set, and then by resolution establish the percentage rate. It would take another resolution to change the rate at such time as the Commission wanted to change the rate. Additionally, a charter ordinance needs four votes to pass.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Charter Ordinance No. 23, being a charter ordinance exempting the City of Hays, Kansas, from the provisions of K.S.A. 12-1696 and K.S.A. 12-16.101, inclusive, amending City Charter Ordinance No. 19 as passed on February 12, 1998, and providing substitute and additional provisions of the same subject, relating to the levy of a transient guest tax for tourism and conventions, be approved.

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

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

18. COMMISSION INQUIRIES AND COMMENTS: Chairperson Billinger thanked Parks Director Jeff Boyle for arranging a meeting to discuss the Larks Park facility. A report will be forthcoming on the meeting.

The meeting was adjourned.

Submitted by: _____

City Clerk

