

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 25, 2008

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 25, 2008 at 7:30 p.m.

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

Chairperson Wasinger 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 September 11, 2008; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that investments on August 31, 2008 totaled \$37,250,000, which is a \$1,100,000 increase when compared to August 2007. The weighted average interest rate on the total investment portfolio as of August 31, 2008 is 2.61%. In August, the Finance/City Clerk's Office invested \$8,000,000 of maturing certificates of deposit with a weighted average interest rate of 2.59%. Sales tax collected in August for the General Fund totaled \$810,716, which was an increase of \$68,444 when compared to 2007. To date, sales tax collections are up 8.66% compared to 2007.

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

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Ron Mellick moved, Troy Hickman seconded, that the mayoral appointment of Stacey Smith to the Hays Convention and Visitors Bureau Advisory Committee for a three-year term to expire December 1, 2011 be approved.

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

NEW BUSINESS

6. SCHEDULING OF PUBLIC HEARING FOR 2008 LIBRARY BUDGET

AMENDMENT: Charter Ordinance No. 12 allows the Library to request up to six (6) mills when determining their budget. When preparing the 2007 Budget, the Library submitted a budget using the City's estimated projection of assessed valuation numbers. A second budget was submitted after the City received the final assessed valuation numbers. City staff did not realize the two budgets were different and therefore used the first budget submission for 2007 budget purposes. This resulted in the Library's actual disbursement being \$27,857 less than their request. For 2007, the cash received was actually higher than projected leaving an excess of \$28,413. This carryover balance is not budgeted for 2008; therefore it is necessary to submit an amendment to the 2008 Library Budget so those funds can be dispersed to the Library in 2008.

Troy Hickman moved, Allan Lytton seconded, that a public hearing be held on November 13, 2008 to consider an amendment to the 2008 Library Budget.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

7. PUBLIC HEARING REQUESTED BY HOWARD REYNOLDS: Dr. Howard Reynolds owns 7 properties on Ash and West 2nd Street near the Lewis Field area. Over the past two years, the City has sent 10 letters (6 in 2007 and 4 in 2008) to Dr. Reynolds to address weeds, trees, and miscellaneous materials on the property after receiving citizen complaints. While he has made an attempt to keep the perimeter area directly adjacent to Elm Street in acceptable condition, he has not made many attempts to clean the interior of the properties. Most of the letters sent dealt with trees overhanging the street along Ash, Elm, and 2nd Street, as well as weeds along Elm Street. On September 15, 2008, Dr. Reynolds requested a public hearing before the City Commission.

Dr. Reynolds stated that he plans to make arrangements with a tree trimmer to chip up the wood for mulch. He has also cleaned up other areas.

Planning, Inspection and Enforcement Superintendent Jesse Rohr stated Dr. Reynolds understands that the property needs to be cleaned up. There are massive amounts of tree limbs and an abandoned green house that is full of miscellaneous junk and trash that have not yet been addressed. If the Commissioners approve a resolution to abate the problem at the next Commission meeting on October 9, 2008, Dr. Reynolds would have an additional 10 days to clean up the property before the City steps in to do the job on October 20, 2008.

Dr. Reynolds felt he could get the work done prior to October 20th.

Chairperson Wasinger felt the Commissioners should proceed with the abatement process by having the resolution to abate on the October 2nd work

session agenda and the October 9th Commission meeting agenda. The Commissioners were in agreement with Chairperson Wasinger.

8. NUISANCE ABATEMENT – 1304 EISENHOWER: Procedures were started on July 30, 2008 regarding the junk and construction debris on the property at 1304 Eisenhower. Staff has gone through all of the proper procedures to abate the problem. The code violation still remains with slow progress from the property owner to remove the nuisance. The property owner has not requested a hearing before the Commission.

Mary Stroup, owner of the property, stated that none of the letters she received stated that she must request a hearing.

Chairperson Wasinger stated Mrs. Stroup was welcome to address the Commissioners this evening.

Mrs. Stroup stated that the house at 1304 Eisenhower is being remodeled and most of the items in the yard will be going back inside the house when the house is done. She further stated that the house won't be done until she gets more money to pay for the improvements.

Chairperson Wasinger stated that you cannot leave renovation items lying around outside. It is against City ordinances and attracts animals as well as being unsightly. She suggested that a storage place be found to store the items laying around in the yard.

City Manager Toby Dougherty suggested that the Planning, Inspection, and Enforcement Superintendent visit the site tomorrow and inform Mrs. Stroup what items needed to go and what could be tidied up and stay.

Chairperson Wasinger stated that since there was not a notice of public hearing given to Mrs. Stroup, this discussion tonight could be considered her public hearing with the abatement process to follow, which means that the Commission would consider a resolution to abate at the October 9, 2008 Commission meeting. If the resolution abatement is approved by a majority of the Commissioners, the property must be cleaned up prior to October 20, 2008.

Christopher Channell moved, Ron Mellick seconded, that any action on the abatement for property located at 1304 Eisenhower be tabled until the October 9, 2008 Commission meeting.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

9. NEIGHBORHOOD REVITALIZATION PLAN: It is currently a requirement of the Neighborhood Revitalization Plan to have a board established to review all applications for the tax rebate program. It has recently become apparent that some changes to the plan are necessary so it can continue to be a benefit to those who use it. One change is to no longer require a licensed architect to be a member of the board. The recommendation is to have a “member-at-large” rather than an architect, since there are a limited number of architects in Hays. One other change is to no longer require the board to review every application. Only applications with exterior façade modifications will be required to be reviewed by the board. All changes have been approved by the review board and the Ellis County Appraiser. It will be necessary for Ellis County and USD 489 to also approve the amended plan.

Barbara Wasinger moved, Allan Lytton seconded, that Resolution No. 2008-021, being a resolution amending the Neighborhood Revitalization Plan be approved.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

10. REPORT OF THE CITY MANAGER: The City Manager reported that progress is continuing on the Main Street waterline and repair project. It is expected that Main Street will be open the first part of October. Additionally,

repairs are being done to curb and gutters in various parts of the town, as well as brick street repairs.

The City Manager also reported that an electronic flood notification device is being installed on the concrete weir at the Van Doren pond located at 27th and Country Lane. When water reaches a certain level, the proper people will be notified so that arrangements can be made to prepare for flooding and to notify the people living in the flood path.

11. COMMISSION INQUIRIES AND COMMENTS: Chairperson Wasinger thanked Mark Deterding for his work on the Planning Commission. She also thanked Mike Michaelis for his work as Economic Development Director; we are fortunate to have him in Ellis County.

Chairperson Wasinger expressed her dismay that the Ellis County Commission allowed Michel Werth to present a one-hour presentation regarding City negotiations with Mr. Werth concerning the expansion of the City Smoky Hill Wellfield. She felt it was unfortunate that private contract negotiations, along with pending future litigation, were made public in a venue that was neither correct nor appropriate. It was understood by Mr. Werth and the Ellis County Commissioners that Ellis County has no jurisdiction in this matter. Professional courtesy has prevented the City Commissioners from making public statements on issues that are county related in order to allow the County Commissioners to do the job they were elected to do without interference. Allowing Mr. Werth to present his hour long presentation is both outrageous and inexplicable. She implored the County Commissioners to give the City Commissioners the same professional courtesy that has been afforded to them and not give public meeting time to someone the City is negotiating with and where they have no jurisdiction. This will allow the City Commissioners and City staff to do their job without interference.

Commissioner Hickman agreed with Chairperson Wasinger's comments. He commented that the Commissioners are not judges; they are policy makers. No one should be putting the City or County Commissioners in a position to be judge or jury.

Commissioner Hickman requested staff research the by-laws of the Ellis County Wellhead Protection Committee regarding the selection of at-large members.

Commissioner Channell stated that the alley south of the Post Office is a two-way alley. A citizen has approached him about making the alley a one-way. He requested staff study the issue and discuss their findings at a future work session.

Commissioner Mellick asked Public Works Director Brenda Herrman about the status of the Lincoln Draw Rehabilitation.

The Public Works Director responded that City staff is in the process of writing a request for proposal for this project. Most likely bids will be received this year with work to be scheduled before spring.

12. EXECUTIVE SESSION: Christopher Channell moved, Barbara Wasinger seconded, that the Governing Body recess to executive session at 8:20 p.m. for 30 minutes to discuss property acquisition. The executive session included the City Commissioners, the City Manager, and the City Attorney. K.S.A. 25-4319 authorizes the use of executive session to discuss property acquisition.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

Troy Hickman

Chairperson Wasinger called the meeting back to order at 8:50 p.m. She stated no action was taken during executive session.

The meeting was adjourned.

Submitted by: _____

City Clerk

