

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON OCTOBER 8, 2009

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 8, 2009 at 6:30 p.m.

Roll Call: Present: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

Chairperson 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 September 24, 2009; the minutes stand approved as presented.

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

**4. CONSENT AGENDA:** There were no items on the consent agenda.

**NEW BUSINESS**

**5. 2008 AUDIT:** As required by Kansas Statute, the City of Hays hires an outside firm to conduct an annual audit of City finances. Ken Beran and Melissa Romme of Adams, Brown, Beran and Ball reviewed the 2008 Audit with the Commissioners.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the 2008 Audit as presented be accepted.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

**6. AWARD OF BID – HYDRAULIC RESCUE TOOL:** Barbara Wasinger moved, Troy Hickman seconded, that the low bid received from AMKUS, Incorporated, in the amount of \$26,010.23, for the purchase of a hydraulic rescue tool for the Hays Fire Department be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

**7. PERMISSIBLE FIREWORKS:** The current City code limits the sale and use of consumer fireworks to “safe and sane” fireworks and prohibits aerial fireworks. State law allows these aerial fireworks and, because they are readily available for sale in other areas of the state, their use is widespread throughout the City during the Independence Day holiday. This divergence in local and state fireworks regulations makes it difficult to enforce the City code. Fireworks vendors complain that their business is unfairly restricted by the City regulation.

Troy Hickman moved, Christopher Channell seconded, that Ordinance No. 3780, being an ordinance amending Chapter 32 of the City of Hays, Kansas, Municipal Code, by modifying Article II., Division 3, Section 32-76, regarding fireworks sales, be approved.

Bob Munsch, representing Linda’s Fireworks, a local vendor, urged consumer safety if the ordinance is approved.

Fire Chief Gary Brown stated state law limits fireworks to those fireworks that are defined as consumer fireworks under the federal law; however, state law prohibits bottle rockets.

Police Chief James Braun suggested that the public be informed of the dangers and responsibilities of those using fireworks via articles in the newspaper as well as handouts at the time of the fireworks sale.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

**8. SMOKY HILL WELL FIELD EXPANSION PROJECT UPDATE:** Joe Obholz, Utilities Director, reported that 10,800 feet of pipe for water transmission have been installed and pressure tested. All five water wells have been drill tested and developed; the tie-ins have been installed on each well. Well #6 has been disconnected from the transmission line and the monitoring wells have been drilled; however the monitoring equipment has not yet been installed. Power poles have been installed for each well site and the electrical wiring has been completed. The dirt work has been completed on the elevation of the water wells. The project is expected to be completed by February 1, 2010.

**9. PUBLIC HEARING: ABATEMENT OF OVERGROWN TREES AT 101 WEST 33<sup>RD</sup> STREET:** Planning, Inspection, and Enforcement requested a resolution be approved to abate overgrown vegetation on the property located at 101 West 33<sup>rd</sup> Street. The owners of the property, Gerald and Vicki Degenhardt, requested a public hearing to contest the abatement of the overgrown trees in the alley right-of-way.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the public hearing be opened.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Gerald Degenhardt stated he has trimmed the trees, but apparently not enough to satisfy the requirements of the City. He stated there is plenty of room to go down the alley; the trees do not hinder anything. The trees are a good windbreak and shelter. Last year, he cut the trees back twice. This year he has not had time to complete the work due to his job.

Vicki Degenhardt stated that the trees were cut back to the way they were last year at this time and that was satisfactory last year, but not this year.

City Manager Toby Dougherty commented that the ordinance states the trees need to be trimmed back to the property line or back to the trunk of the tree and up to 14 feet in height in alley right-of-way.

Mrs. Degenhardt asked why it was OK last year, but not this year.

The City Manager stated the determination last year was made by a part-time employee who no longer works for the City and he could not answer that question.

Commissioner Schwaller stated that it is important to keep these trees trimmed when they encroach upon city right-of-way because it may be necessary to service the utilities that are in the alley. The City is trying to enforce these regulations uniformly across the city.

The Commissioners agreed to grant the Degenhardts until November 15, 2009 to complete the work. If the work is not completed by that date, the City will abate the problem.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the public hearing be closed.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

Barbara Wasinger moved, Henry Schwaller IV seconded, that Resolution No. 2009-031, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 101 West 33<sup>rd</sup> Street, Hays,

Kansas, be approved, with the stipulation that the City shall take no action prior to November 15, 2009.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

**10. ABATEMENT OF ABANDONED VEHICLE AT 507 MILNER:** Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 2009-032, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 507 Milner, Hays, Kansas, be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Henry Schwaller IV

**11. REPLAT OF LOT 11 OF REPLAT OF LOTS 2-4, BLOCK 5, CENTENNIAL ESTATES SIXTH ADDITION:** The owner of a tract of land located near Schwaller Avenue and General Custer Road requested the property be replatted. Three buildable lots are being proposed as well as one unbuildable lot that will be reserved for green/open space.

Troy Hickman moved, Christopher Channell seconded, that Resolution No. 2009-033, being a resolution replatting Lot 11 of Replat of Lots 2-4, Block 5, Centennial Estates Sixth Addition, be approved.

Commissioner Schwaller abstained from the vote and left the room due to a conflict of interest.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Abstain: Henry Schwaller IV

**12. FINAL PLAT OF CLUBHOUSE GARDENS I:** Ron Mellick moved, Henry Schwaller IV seconded, that Resolution No. 2009-034, being a resolution approving the Final Plat of Clubhouse Gardens I, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

**13. AIRPORT FIRE STATION PROJECT UPDATE:** Public Works Director Brenda Herrman updated the Commissioners on the progress of the airport fire station. The water line as well as the communication line has been installed. Most of the work that has been done is not noticeable. Footings will be poured next week and the project is moving along. The expected completion date is June 3, 2010.

**14. CITY HALL PARKING LOT:** Public Works Director Brenda Herrman stated that most of the work on the City Hall parking lot has been completed. It is still necessary to do the striping before the lot can be opened for parking.

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

**16. COMMISSION INQUIRIES AND COMMENTS:** There we no comments.

The meeting was adjourned.

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

City Clerk