

MINUTES OF A MEETING
OF THE GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON OCTOBER 12, 2006

1. PROCLAMATION: Mayor Wayne Billinger read a Proclamation for Helping People with Intellectual Disabilities Days, October 13 – 15, 2006, to kick off the 36th annual fund drive sponsored by the Knights of Columbus. Mayor Billinger presented the Proclamation to Dave Dunn.

2. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 12, 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.

3. MINUTES: There were no corrections or additions to the minutes of the September 28, 2006 regular session; the minutes stand approved as written.

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: At the September 28, 2006 Commission meeting, Mayor Billinger recommended the following mayoral appointments:

Airport Advisory Committee

Weeden Nichols – term to expire April 30, 2009

Sister Cities Advisory Board

Tom Thomas – term to expire January 1, 2009

Henry Schwaller IV moved, Barbara Wasinger seconded, that Mayor Billinger's recommended appointments be approved.

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

NEW BUSINESS

6. ABATEMENT OF DANGEROUS STRUCTURES – 700 EAST 6TH

STREET: Procedures were started June 23, 2006 regarding the dangerous structures at 700 East 6th Street (Cottonwood Park Inc.), Lots 30, 34, 35, 55, 66, and 98. Staff has gone through all the proper procedures to abate the dilapidated and deteriorated structures. Six (6) mobile homes remain in violation with minimal or no action taken from the property owner to rehabilitate the structures. The Planning, Inspection, and Enforcement Division requests that a resolution be approved to abate the dangerous structures.

Troy Hickman moved, Kent Steward seconded, that Resolution No. 2006-016, 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, Lots 30, 34, 35, 55, 66, and 98 (Cottonwood Park Inc.) Hays, Kansas, be approved.

Arden Kobler, owner of the structures in question, appeared before the Commission. He stated the structures on Lot 34 and Lot 36 could be brought up to compliance to make them habitable; he would like to save those two units, but is willing to liquidate the other four mobile homes. Mr. Kobler requested 30 days to remove the four mobile homes.

City Manager Randy Gustafson commented that assuming the resolution is passed, after the ten-day period, if any of the mobile homes are

still on the property, the owners of the Cottonwood Park would remove the mobile homes.

Commissioner Schwaller stated he is in favor of allowing Mr. Kobler additional time.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the vote on Resolution 2006-016 be tabled until the October 26, 2006 Commission meeting.

Vote: Ayes: Wayne Billinger
Barbara Wasinger
Henry Schwaller IV
No: Troy Hickman
Kent Steward

7. ABATEMENT OF INOPERABLE VEHICLES – 600 EAST 8TH STREET:

Procedures were started August 24, 2006 regarding the inoperable vehicles on the property at 600 East 8th Street (CAR Inc.). Staff has gone through all of the proper procedures to abate the inoperable vehicles. Seventy-two vehicles remain on the property with no action taken by the property owner to remove the vehicles.

Troy Hickman moved, Kent Steward seconded, that Resolution No. 2006-017, being a resolution authorizing the City of Hays or its designated agent to abate a nuisance located on the property at 600 East 8th Street, Hays, Kansas, be approved.

Arden Kobler, owner of the property, questioned why some of the cars that are within a fenced-off area would be subject to removal.

Commissioner Schwaller stated that all of the 72 cars are inoperable and the area has basically become a junk yard. The property is not zoned for a junk yard.

Public Works Director Brenda Herrman stated that the City is taking quotes on what it would cost to abate the high weeds, and remove the junk and inoperable vehicles. If the resolution is approved and Mr. Kobler has not removed the vehicles from the premises and cleaned up the area within 10

days, the City would hire someone to do the work, and the cost would be assessed to Arden Kobler, owner of the property.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

Kent Steward

8. PUBLIC HEARING: ABATEMENT OF DANGEROUS STRUCTURE – 414

EAST 16TH STREET: Procedures were started July 18, 2006 regarding the dangerous structure on the property located at 414 East 16th Street. The property owner did contact the Planning, Inspection, and Enforcement Division and implied that the work would be completed, but no action has been taken. The property owner did not file for an appeal within 30 days. The owner did not apply for a building permit to repair or demolish the structure within 60 days. The 60 day time limit for the work lapsed on September 12, 2006. The owner of the property, James Bollig, requested a hearing.

Chairperson Billinger opened the hearing.

Mr. Bollig stated that he has been working on the outside of the home and has repaired most of the items that have been identified by City staff as in need of repair. He plans on installing a new roof in the near future.

Public Works Director Brenda Herrman stated that there are a number of things that need to be done inside the house to make the house habitable. She thinks the entire electrical system would have to be rewired and the plumbing could very well be in question.

Commissioner Steward stated that the Commission has a responsibility to the community to eliminate dangerous structures.

Mr. Bollig stated he is willing to make whatever repairs the City wants him to do; however, he does not want to demolish the house.

Chairperson Billinger stated that he is in favor of tabling the vote on the resolution until the October 26, 2006 Commission meeting in order to give Mr. Bollig more time.

It was the general consensus of City staff and the other Commissioners that it would take a lot longer than two weeks, plus the additional 10 days allowed in the resolution, to make any major repairs.

The City Manager stated the Commissioners did not have to pass this resolution; this resolution requires the City to demolish the property if all repairs are not completed in 10 days. He suggested that if Mr. Bollig was willing to go through the building permit process, that conditions be placed in the permit with regard to a timeline.

City Attorney John Bird suggested that this public hearing be extended until a later Commission meeting. In the meantime, staff could give an update of the progress of the repairs on the house.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the public hearing be extended until the November 9, 2006 Commission meeting.

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

No: Kent Steward

9. KDOT CITY/STATE AGREEMENT – 41ST STREET: City staff applied for and received a KDOT Economic Development Grant towards the reconstruction of 41st Street from Home Depot east to Canterbury Drive to a 2-lane concrete roadway. Carlson-Baughman was hired to prepare the plans and specifications. Acquisition of additional right-of-way will begin shortly. The City/State Agreement with KDOT details the terms of the grant, which includes KDOT paying 75% of the actual construction and inspections up to a maximum KDOT share of \$1,000,000. The project is scheduled to go out for bids in January 2008, with construction to follow shortly thereafter.

Kent Steward moved, Barbara Wasinger seconded, that Resolution No. 2006-019, being a resolution relating to state aid for the improvement of City connecting links on the state highway system, be approved.

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

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

Commissioner Hickman requested the Airport Manager include enplanement figures for non-commercial flights in future reports.

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller asked when the other Commissioners would be willing to meet with representatives from the Fort Hays State University Student Government Association (SGA).

Chairman Billinger stated he is working with Dena Thomas, SGA representative, to select a date that will work for both groups.

Chairman Billinger stated that a mayoral conference will be held in Hill City, Kansas this Saturday, October 14, 2006. It is expected that there will be 20 mayors in attendance.

The meeting was adjourned.

Submitted by: _____

City Clerk