

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON  
OCTOBER 14, 2004

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 14, 2004 at 7:30 p.m.

Roll Call: Present: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

Chairperson Koerner declared that a quorum was present and called the meeting to order.

**2. MINUTES:** City Manager Randy Gustafson made a correction to the minutes of the July 22, 2004 Commission meeting. Under Agenda Item #10 – Retail Development, the following sentence should be deleted *“Estimated City property taxes of \$183,000 will be abated; however Ellis County and the USD 489 will still collect property tax on this development.”*

Troy Hickman moved, Kent Steward seconded, that the minutes of the July 22, 2004 be approved as corrected, and that the minutes of the September 23, 2004 stand approved as written.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**3. CITIZEN COMMENTS:** Connie Wilson, Benita Lippert, Lydia Sanders, and Linda Braun, part-time City employees who work for the Convention and Visitors Bureau (CVB) and staff the kiosk located at the Mall, appeared before the

Commission. During the 2005 Budget planning session, the Commissioners decided to discontinue the kiosk on January 1, 2005 due to budgetary considerations and staffing issues associated with the construction of the new CVB office building. The group requested the Commissioners consider their appeal to continue the kiosk operation. They feel the kiosk serves a very important purpose of informing visitors of various cultural, educational, and social events throughout the community.

Commissioner Schwaller stated he felt that the decision to eliminate the kiosk was a hasty and not very wise decision. Tourism in Hays is a multi-million dollar business. The ladies at the kiosk serve a vital and cost effective role. He suggested the lease for the kiosk at the Mall be renewed or the kiosk be moved to Wal-Mart.

**4. HAYS EMPLOYEE SERVICE RECOGNITION:** The following City employees were recognized for their years of service:

**5-YEAR AWARDS**

Andrea Windholz	Terry Urban	Melissa Bonczynski
Debbie Cox	Aaron Larson	Lanita Fischer
Tessa Scheck	Steve Schmidtberger	Ruben Schuckman
Mark Lang		

**10-YEAR AWARDS**

Steve Dreiling

**15-YEAR AWARDS**

Firma Helget	Tim Dreiling	
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**20-YEAR AWARDS**

Patty Wolf	Oveta Ford	Julius Engel
Kyle Sulzman		

**25-YEAR AWARDS**

Jim Braun

**30-YEAR AWARDS**

Art Leiker	Zearl Zeigler	
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## **NEW BUSINESS**

**6. REQUEST TO USE THE FOX THEATRE:** The Ellis County Ministerial Alliance and *Frost Fest* Committee requested to use the Fox Theatre for a movie showing in conjunction with *Frost Fest*. The Fox Theatre would be used to show a free family Christmas movie prior to the parade to help promote family and downtown Hays during the *Frost Fest*.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Ellis County Ministerial Alliance and *Frost Fest* Committee be authorized to use the Fox Theatre for a movie showing in conjunction with *Frost Fest*.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**7. DOWNTOWN HAYS HISTORIC DISTRICT DECLARATION:** The Downtown Hays Development Corporation (DHDC) has gone through preliminary procedures for the Downtown Hays Historic Declaration. The next step is to apply for a grant through the Kansas State Historical Society. This grant would be for funding a consultant to write the nomination for the National Historic Register. The DHDC is requesting matching funds in the amount of \$3,100 for this project.

Sabrina William, Hays Area Chamber of Commerce Downtown Coordinator, reviewed the process the DHDC followed leading up to applying for the grant. The project area encompasses the historic properties surrounding five blocks of Main Street, formerly Chestnut Street. A reconnaissance-level survey of over 100 buildings identified many historic commercial buildings within this district that were built between 1874 and 1953.

Henry Schwaller IV moved, Wayne Billinger seconded, that matching funds in the amount of \$3,100 be given to the Downtown Hays Development

Corporation to support their efforts to apply for a grant through the Kansas State Historical Society for funding a consultant to write the nomination for the National Historic Register.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**8. ANIMAL SHELTER CONTRACT:** The Hays City Commission awarded the 2005 Animal Shelter Contract to Hillside Veterinary Clinic during the Commission meeting of September 23, 2004. Hillside Veterinary Clinic has now withdrawn their proposal for Animal Shelter Services in 2005. The Humane Society of the High Plains has been contacted and will honor their proposal for Animal Shelter services submitted on June 15, 2004, and will agree to enter into an Animal Shelter contract with the City of Hays for 2005 for \$39,000.

Henry Schwaller IV moved, Kent Steward seconded, that the 2005 Animal Shelter Contract with the Humane Society of the High Plains be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**9. AMENDMENT OF CHAPTER 9.04 OF THE CODE OF ORDINANCES:** The Commission recently adopted the 2004 Uniform Public Offense Code (UPOC). The UPOC customarily contained a littering ordinance; however littering was not included with the 2004 UPOC. A Littering ordinance has been drafted by the City Attorney for the Commission's approval. The Littering ordinance will be a new addition to the Chapter 9.04 ordinances.

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3658, being an ordinance amending Title 9, Chapter 9.04 of the City of Hays,

Kansas, Municipal Code, by adding Article V, Offenses Against Property, Section 9.04.100 regarding littering, be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**10. AMENDMENT OF CHAPTER 9.08 OF THE CODE OF ORDINANCES:** At the present time, persons suspected of possession of marijuana are charged through Ellis County District Court. The ever increasing workload within the County Attorney's office at times creates a delay in the court process. Prosecuting these misdemeanor possession charges through Municipal Court would significantly improve the time between arrest and the individual's day in court. These newly proposed Drug, Paraphernalia, and Inhalation Ordinances will replace the current Chapter 9.09 Drug Paraphernalia ordinances. The City Attorney has reviewed and prepared changes and additions to the Chapter 9.08 ordinances.

Kent Steward moved, Henry Schwaller seconded, that Ordinance No. 3659, being an ordinance amending Title 9, Chapter 9.08 of the City of Hays, Kansas, Municipal Code, be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**11. COMPREHENSIVE PLAN REVISION:** The City of Hays Comprehensive Plan is updated annually to reflect changes that occur over a period of time. Several changes have been made to the map which has been approved by the Planning Commission and the Ellis County Commission. It is required for the City Commission to also approve these changes. The noted changes have been made on the map in draft form for review purposes only. They will become permanent changes once approved by the Commission.

Larry Gould and Louis Caplan, chairman and vice-chairman, respectively, of the Planning Commission, discussed the process for determining future development sites in the City of Hays. State statutes require updating the Comprehensive Plan annually.

Commissioner Billinger stated he would like to see a plan for the acquisition of upstream land along waterways affecting current and proposed city limits in relation to stormwater runoff.

Commissioner Schwaller stated he is concerned that when one looks at the maps and what the areas are zoned, there are some areas that are currently occupied and were purchased at significant cost and are not zoned correctly. Some of the maps are wrong, showing wrong classifications. While we want a plan that is static and accommodates development, perhaps it should be a little more dynamic to take into account changes that are taking place in the community.

City Manager Gustafson noted that the Comprehensive Plan is not a zoning designation; it is a planning designation.

Commissioner Schwaller stated his point is that the Comprehensive Plan gives the impression the map indicates areas with a dedicated use. Further, when one follows the zoning ordinances that can be used for certain types of businesses, the Plan may or may not prevent people from investing in that dedicated use area.

City Manager Gustafson stated the importance of the Comprehensive Plan and the way it is administered is when a zoning issue comes before the Planning Commission and ultimately the City Commission, one of the questions that is looked at is whether or not it meets the Comprehensive Plan. If it doesn't, the Planning Commission and the City Commission may choose to not rezone it for the proposed use, intending to preserve that land for the use as indicated in the Comprehensive Plan.

Mr. Gould stated that the Planning Commission is certainly not happy with the status of Comprehensive Plan at this particular point. The ultimate goal is to put together a new version of the Comprehensive Plan. He stated that a plan for

the acquisition of land upstream for stormwater purposes is something the Planning Commission has brought up many times, however; it would require financial resources that have not been there in the past.

Henry Schwaller IV moved, Wayne Billinger seconded, that approval of the changes to the Comprehensive Plan be tabled until the Planning Commission reviews the maps and has a chance to comment on the Plan as a governing body.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**12. HOME DEPOT ADDITION – CHANGE OF ZONING CLASSIFICATION:** A

developer has requested a zoning change for the property located east of Vine Street and south of 41<sup>st</sup> Street, from A-L (Agricultural District) to C-2 (General Commercial and Service District). The Planning Commission has recommended the City Commission approve the zoning change.

Wayne Billinger moved, Troy Hickman seconded, that the change of zoning for the Home Depot Addition from A-L (Agricultural District) to C-2 (General Commercial and Service District) be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**13. GENERAL OBLIGATION TEMPORARY NOTES:** It is necessary to pass a resolution authorizing for public sale General Obligation Temporary Notes, Series 2004-A in the amount of \$6,721,000 for funding ongoing City projects.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 04-487, being a resolution authorizing the offering for public sale of General

Obligation Temporary Notes, Series 2004-A of the City of Hays, Kansas, be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**14. NOVEMBER HOLIDAY MEETING SCHEDULE:** Wayne Billinger moved, Troy Hickman seconded, that the City Commission meeting dates of November 11, 2004 and November 25, 2004 be changed to November 9, 2004 and November 23, 2004 due to holidays occurring on the regularly scheduled meeting dates.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**15. REPORT OF THE CITY MANAGER:** City Manager Gustafson reported that enplanements at the Hays Municipal Airport are up this year. Both Great Lakes and U S Airways are seeing increases in passenger traffic.

**16. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested that further discussion of the Convention and Visitors kiosk take place at a future work session.

Commissioner Billinger expressed concern about candy being thrown from floats during parades. He feels it is a dangerous practice and would like to find some other way to hand out candy.

Commissioner Hickman stated this is more of a problem when parades are held at 6:00 p.m. Many cars are still parked along Main at that hour. Children are trying to get out around the cars to get the candy. Parking should be removed along Main Street prior to the parade.

Police Chief Jim Braun stated the Police Department will try different methods to get people to move their cars before the start of a parade. Additionally, the Police Department will send parade organizers a letter encouraging that candy be handed out by someone on foot rather than tossed from the float.

Thereupon the Governing Body adjourned.

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

Clerk of the Board