

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON DECEMBER 28, 2006

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 28, 2006 at 7:30 p.m.

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

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

**2. MINUTES:** There were no additions or corrections to the minutes of the regular session held on December 14, 2006; the minutes stand approved as written.

**3. FINANCIAL STATEMENT:** Finance Director/City Clerk Mark Loughry reported that investments on November 30, 2006 totaled \$33,750,000, which is an increase of \$750,000 over the previous month. Interest due on investments totaled \$1,546,509, which is a decrease of \$50,000 over the previous month. Sales tax collections for the General Fund totaled \$468,789, which is an increase of \$33,540 over November 2005. To date, sales tax collections are up a weighted 3.46%.

Troy Hickman moved, Barbara Wasinger seconded, that the Financial Statement for the month of November 2006 be approved.

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

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

**5. CONSENT AGENDA:** Troy Hickman moved, Barbara Wasinger seconded, that the following items in the Consent Agenda be approved:

- A. The renewal of various Cereal Malt Beverage Licenses for 2007
- B. Resolution 2006-024 redefining the corporate city limits of Hays
- C. Resolution 2006-025 continuing the Neighborhood Revitalization Plan
- D. The appointments of Mike Michaelis and Francis Schippers to the Sister Cities Advisory Board for three-year terms to expire January 1, 2010

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

### **UNFINISHED BUSINESS**

#### **6. ABATEMENT OF DANGEROUS STRUCTURE AT 611 EAST 7<sup>TH</sup> STREET:**

On December 15, 2006, one day after the City Commission tabled the resolution proceedings for the property at 611 East 7<sup>th</sup> Street, Planning, Inspection, and Enforcement inspectors visited the site along with Jim Unrein, the property owner. Access was gained to the interior of the structure and a thorough inspection was made of the interior conditions. The structure has had severe water damage throughout, especially along the exterior walls. Roof leaks and improper exterior grade drainage have contributed to the severe degradation of the structure. There are structural issues all around the building, from roof structure to rotted and decayed structural stud members. The majority of the damage is located along the exterior load bearing walls.

Mr. Unrein was given a list of items to be corrected by December 28, 2006. Some of the items can be performed by Mr. Unrein and some will require a City of Hays licensed contractor.

Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 2006-021, being a resolution authorizing the City of Hays or its designated agent to abate the dangerous structure located on the property at 611 East 7<sup>th</sup> Street, Hays, Kansas, be approved.

Mr. Unrein requested an additional 30 days to make the repairs.

City Manager Randy Gustafson stated procedures to resolve this issue were started September 5, 2006. If Mr. Unrein had taken out the necessary permits and started work on the dilapidated and deteriorated structure at that time, the problem would not have escalated to this point. At this time it is past the point to request additional time. Staff's opinion is that the building has not been fixed anywhere near satisfactory. If the Commission approves the resolution, it directs City staff to abate the building if the work has not been completed in 10 ten days.

Chairperson Billinger called for the vote.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

## **NEW BUSINESS**

### **7. ABATEMENT OF SIDEWALK AND TREES AT 2403 GENERAL CUSTER:**

The Planning, Inspection, and Enforcement Division of the Public Works Department requested that a resolution for abatement for sidewalk reconstruction be approved for property located at 2403 General Custer, which is in violation of City ordinances. Staff has followed all the proper procedures to correct the violation. The sidewalk remains in disrepair with no action taken from the property owner to replace the sidewalk. The property owner has not requested a hearing before the Commission.

Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 2006-026, being a resolution authorizing the City of Hays or its designated agent to repair the sidewalk and remove two street trees located on the property at 2403 General Custer, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**8. ABATEMENT OF NUISANCE AT 730 EAST 8<sup>TH</sup> STREET:** This item was removed from the agenda. The nuisance has been taken care of by the property owner.

**9. REZONING OF A LOT IN THE 1300 BLOCK OF EAST 33<sup>RD</sup> STREET:** A developer has requested a change of zoning from A-L to R-4 for property located in the 1300 block of East 33<sup>rd</sup> Street. The area is defined as multi-family residential. The Planning Commission has unanimously approved the rezoning.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Ordinance No. 3718, being an ordinance rezoning a tract of land situation on a portion of the Northwest Quarter (NW/4) of Section Twenty-Seven (27), Township Thirteen (13) South, Range Eighteen (18) West of the 6<sup>th</sup> Principal Meridian, Ellis County, Kansas, from "A-L" Agricultural to "R-4" Multi-Family Dwelling District, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**10. SOLID WASTE RESOLUTION:** At the December 14, 2006 Commission meeting, the Commissioners passed Ordinance No. 3710 amending Title 8, Chapter 8.12 of the Municipal Code regarding garbage collection and disposal. The Ordinance allows for the implementation of an automated refuse collection program and mandatory collection of residential refuse with the exception of those customers who can show proof of service by a licensed refuse collector

prior to the time the Ordinance was passed. It is required that the Commissioners pass a resolution setting the fee to be charged for refuse collection. Staff has recommended that the fee be set at \$15.20 per month per unit.

Troy Hickman moved, Barbara Wasinger seconded, that Resolution No. 2006-028, being a resolution setting the refuse service fees for residential customers within the City of Hays, Kansas, be approved.

Commissioner Schwaller stated that he will be voting no on this resolution. He supports the rate increase because the Solid Waste Fund has been losing money for about five years and the auditors have recommended raising the rates. His concern is that residential customers were prohibited from contracting with private haulers once the ordinance was passed and published.

Vernon Befort, 1404 West 44<sup>th</sup> Street, asked how long the increase from \$12.00 to \$15.20 will be in effect.

The City Manager stated that the additional \$3.20 will cover the cost of new trucks and polycarts, and in all likelihood, will be permanent. It may be possible to reduce the rates at some future date. There has not been an increase in Solid Waste rates since 1996.

The Chairperson called for the vote.

Vote: Ayes: Wayne Billinger

Troy Hickman

Barbara Wasinger

No: Henry Schwaller IV

**11. RIGHT-OF-WAY ORDINANCE:** In order to protect the City's rights-of-way, the Commissioners were requested to approve an ordinance that will allow City staff to more adequately manage the public right-of-way, and will reduce the need for right-of-way language in the various franchise agreements.

Troy Hickman moved, Barbara Wasinger seconded, that Ordinance No. 3719, being an ordinance regarding use and excavation of the public right-of-way, be approved.

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

**12. TRANSIENT GUEST TAX RESOLUTION:** Passage of Resolution No. 2006-029 will set the transient guest tax at 5% to assist with the construction of the welcome center/office building that will house the Hays Convention and Visitors Bureau, Ellis County Coalition for Economic Development and the Hays Area Chamber of Commerce. The resolution provides for the 5% rate to continue until the end of the quarter year when the building is paid for, and then 4% until further modified.

Troy Hickman moved, Barbara Wasinger seconded, that Resolution No. 2006-029, being a resolution setting the transient guest tax within the City of Hays, Kansas, be approved.

Commissioner Schwaller commented that he feels that a one-half percent (1/2 %) increase would have been sufficient.

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

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

**14. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller spoke of a recent event where a local church was trying to relocate a phone utility pole and experienced great difficulty working with AT&T. He requested the City Attorney notify the Kansas Corporation Commission about this situation and any others situations that may arise.

Commissioner Schwaller stated a citizen has contacted him about raising the speed limit to 35 miles per hour on Hall Street from 27<sup>th</sup> to 8<sup>th</sup> Street.

City staff will check into the possibility of raising the speed limit.

Commissioner Hickman requested staff prepare a report on the possibility of implementing a Developmental Policy for commercial buildings along Commerce Parkway.

The meeting was adjourned.

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

City Clerk