

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MARCH 11, 2004

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, March 11, 2004 at 7:30 p.m.

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

Chairperson Hickman stated that a quorum was present and called the meeting to order.

**2. MINUTES:** There were no corrections to the minutes of the meeting held on February 26, 2004; they stand approved as written.

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

**4. CONSENT ITEMS:** Henry Schwaller moved, Sunell Koerner seconded, that that Cereal Malt Beverage Licenses for the Great Wall Buffet and Beefeaters Plus, be approved.

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

**NEW BUSINESS**

**5. BIDS FOR GENERAL HAYS ROAD FROM CODY AVENUE TO 22<sup>ND</sup>**

**STREET:** Bids were received from APAC-Kansas, Inc., Hays, Kansas; Bryant and Bryant Construction, Halstead, Kansas, and J Corp, Hays, Kansas on

February 25, 2004 for the construction of General Hays Road from Cody Avenue to 22<sup>nd</sup> Street.

City Manager Gustafson said discussion took place at the work session regarding constructing this road to 40 feet instead of 33 feet, which would match up with General Hays Road from Cody north. The estimated cost for the additional width, right-of-way and engineering is between \$28,000 and \$30,000. This amount is under the engineer's estimate and under the budgeted amount for this project.

Kent Steward moved, Wayne Billinger seconded, that the bid of \$128,639.25 from APAC-Kansas, Inc. be accepted, and staff be directed to prepare a change order to construct the street to 40 feet.

Commissioner Schwaller said he would not be voting because of a conflict of interest.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Kent Steward  
Wayne Billinger

Not Voting: Henry Schwaller IV

**6. REPORT OF THE CITY MANAGER:** The City Manager presented an ordinance and resolution as an add-on regarding the Smoky Well Field Project.

City Attorney John Bird said the City is in the process of investigation of the hydrogeology on the Smoky Hill River as part of the redesign of the Schoenchen Well Field. The engineers need access to some property and have not been able to get right of entry permission from a particular land owner. He will continue to try to contact the owner, and obtain the necessary permission to enter the property. However, time is crucial, and it may be necessary to get access through the court system. The type of testing that will be performed on the land is insertion of a probe into the ground to obtain readings. A fee of \$500 is paid to the land owners and the City is responsible for any damages to the property.

The resolution and ordinance will grant the City a temporary easement not to exceed six months.

Henry Schwaller moved, Kent Steward seconded, that Resolution No. 462, being a Resolution declaring the necessity to appropriate certain private real property for the use of the City of Hays, Kansas, and authorizing a survey and description of the land and interest to be appropriated and filed with the City Clerk, be approved.

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

Henry Schwaller moved, Kent Steward seconded, that Ordinance No. 3638, being an ordinance authorizing and providing for the acquisition of real estate and interests therein by eminent domain proceedings pursuant to K.S.A. 26-201, et seq. and K.S.A. 26-501, et seq.

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

City Manager Gustafson said the City has been designated as a "Tree City USA" for the 25<sup>th</sup> year.

The City Manager said the Kansas Department of Transportation has notified the City that the Vine Street Enhancement Project bid letting has been moved to the fall of 2005.

The City Manager said unless there is some objection, he has authorized the Public Works Department to assist in the grading of the parking area of the Recreation Commission Building as a good will gesture.

**7. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller mentioned that the Hays Youth Advisory Council which is comprised of 29

student representatives from the Hays middle schools and the two high schools volunteer their time to help the City, the Downtown Hays Development Corporation, the Chamber of Commerce and the United Way. The Council is conducting a fund raiser to hold a dance for the area middle school students. On Wednesday, March 31, 2004, Pizza Hut will donate 20% of all designated sales to the Youth Council. You may either present a coupon which states that 20% will go to the Youth Council or indicate when the bill is paid that you would like 20% to go to the Youth Council.

Commissioner Schwaller asked that the storm water drainage on 9<sup>th</sup> Street and the tree rebate program be items for discussion at a work session.

Commissioner Billinger corrected a statement in the local newspaper. He was not administrator of the Business Improvement District at the time it disbanded.

Commissioner Billinger would like a nonsmoking ordinance to be re-discussed at the first work session in April.

Commissioner Stewart said he would like discussion at a work session regarding illegal aliens.

Commissioner Koerner asked staff to look into the markings of the access road adjacent to Wal-Mart's parking lot. This is the road to the west and north of Wolf Furniture Galleries.

Thereupon the Governing Body adjourned.

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

Clerk of the Board