

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 22, 2004

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 22, 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:** There were no corrections to the minutes of the April 8, 2004 meeting; they stand approved as written.

**3. FINANCIAL STATEMENT:** Henry Schwaller IV moved, Troy Hickman seconded, that the Financial Statement for the month of March 2004 be approved.

City Clerk Susie Berger reported that sales tax collections in March totaled \$180,626 compared to \$150,484 for March 2003. Sales tax collections year to date for 2004 are 7.7% above last years' collections for the same time period.

The Mayor called for the vote.

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

**4. CITIZEN COMMENTS:** Mark Ottley appeared before the Commission to request that the Cereal Malt Beverage License for his new restaurant at 2412

Vine Street be issued prior to his final City inspections. He is planning to open on May 1<sup>st</sup>; however, the Commission will not be meeting prior to that date.

The Commission would not approve his request; however, they agreed to hold a special session to approve his Cereal Malt Beverage license as soon as he meets all of the necessary requirements and inspections.

**5. CONSENT AGENDA:** Henry Schwaller IV moved, Wayne Billinger seconded, that the following Mayoral appointments be approved:

Hays-Ellis County Planning Commission

Jerry Haley – 3-year term to expire April 30, 2007

Hays Public Library Board

Janet Affentranger – 4-year term to expire April 30, 2008

Elizabeth Harris – 4-year term to expire April 30, 2008

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

**UNFINISHED BUSINESS**

(No business to review)

**NEW BUSINESS**

**6. LEGISLATIVE UPDATE:** Representative Eber Phelps, (D) District III and Senator Janis Lee, (D) District 36, appeared before the Commission to update them on various legislative issues that were discussed during the 2004 session. The wrap-up session for this year will start on April 28, 2004. They briefly talked about casino gambling, the omnibus appropriation bill, the school finance bill, sales tax issues, and financing road construction.

Commissioner Schwaller left the room at this point in the meeting.

**7. 41<sup>st</sup> STREET PLAZA FIFTH ADDITION RESOLUTION FOR**

**IMPROVEMENTS:** Western Plains Service Corporation has petitioned the City to construct improvements to the 41<sup>st</sup> Street Plaza Fifth Addition through the establishment of a special assessment district. This would include the extension of Smoky Hill Drive and the construction of 45<sup>th</sup> Street including storm sewer, water and sanitary sewer. The cost of the improvements is estimated to be \$620,294.46 with the City's share at \$83,157.36 for over-sizing as provided for in the development policy.

Troy Hickman moved, Wayne Billinger seconded, that Resolution No. 465, being a resolution determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**8. 41<sup>st</sup> STREET PLAZA FIFTH ADDITION ENGINEERING SERVICES**

**CONTRACT:** Bucher, Willis and Ratliff has prepared a contract for Engineering Services to include the design and contractor solicitation, inspection, and warranty for improvements to the 41<sup>st</sup> Street Plaza Fifth Addition. The contract amount of \$64,100 is to be paid by the developer and special assessment.

Troy Hickman moved, Wayne Billinger seconded, that a contract with Bucher, Willis and Ratliff for engineering services for 41<sup>st</sup> Street Plaza Fifth Addition be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

Commissioner Schwaller came back into the room after the vote.

**9. SOLID WASTE WOOD CHIPPER – PURCHASE/GRANT APPLICATION:**

The existing chipper is very old and parts are not available any more. Staff requested permission to purchase a Vermeer wood chipper at a cost of \$31,150. Public Works staff is applying for a Solid Waste grant through the Kansas Department of Health and Environment. If the City is awarded the grant, 75% of the cost of the wood chipper will be paid for through the grant, which will be awarded in September 2004.

Kent Steward moved, Wayne Billinger seconded, that the purchase of a wood chipper for the Solid Waste Division at a cost of \$31,150 be approved, and further, that the grant application to pay for 75% of the cost be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**10. ARMY RESERVE ADDITION FINAL PLAT:** Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 466, being a resolution approving the Final Plat of the Army Reserve Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**11. SALES TAX:** As reflected in the 2001 City of Hays Audit, there is a serious deterioration of cash involving the General Fund. In order to discontinue this pattern, as well as developing plans for addressing future needs, staff is recommending that a .75% increase in sales tax be implemented with the voter's

approval. This would eliminate a portion of the property tax being collected for the General Fund.

Troy Hickman moved, Henry Schwaller IV seconded, that Charter Ordinance No. 22, being a Charter Ordinance of the City of Hays, Kansas exempting the City from the provisions of K.S.A. 12-187, K.S.A. 12-189 and K.S.A. 12-189c relating to the levying and collection of local retailers' sales taxes and providing substitute and additional provisions relating thereto, including the imposition of a three-quarters percent (.75%) citywide retailers' sales tax (the "General Fund Sales Tax") for the purpose of funding the City's General Fund and eliminating the City's property tax for the General Fund, such General Fund sales tax to continue for ten years after its commencement and thereafter until the City's property tax for the General Fund is reinstated; and authorizing and providing for the calling of a special question election in the City for the purpose of submitting to the electors of the City the question of whether such Charter Ordinance shall take effect, be approved.

City Manager Gustafson stated that sales tax revenue is volatile; sales tax revenue goes up or down with the economy. It may not be as comfortable as depending on property tax. It will force the City to live within its means because the City will only be able to operate the General Fund with the money it receives from sales tax.

The Commissioners discussed the sales tax issue and were in agreement that it would be the best way to address the needs of the City that are normally funded through the General Fund.

The Mayor called for the vote.

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

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

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller, on behalf of the Leadership Studies class at Fort Hays State University, requested a one-time use of the Fox Theatre in conjunction with the Spring Block Party on Sunday, May 2. It would cost the City approximately \$250 in utility charges and staff time to supervise.

Commissioner Steward requested that the students give a short report to the Commission concerning this endeavor.

Chairperson Koerner moved, Henry Schwaller IV seconded, that the Rules of Order be suspended in order to vote on this request tonight.

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

Chairperson Koerner moved, Henry Schwaller IV seconded, that the Leadership Studies class be allowed use of the building. The class is to clean the building before and after its use and report back to the Commission. The City will pay for utility costs and staff time.

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

Commissioner Schwaller requested that City water billing policies be revisited. The due dates are not consistent. He also stated he was asked by a mobile home park owner about paying minimum water and sewer charges on vacant pads.

Commissioner Steward stated he felt it was improper for Commissioner Schwaller to bring forward a discussion concerning charges for mobile home parks since he would have a conflict of interest.

City Manager Gustafson suggested that in the future, any person making a request of a Commissioner that could be construed as a conflict of interest, contact the City Manager directly and request to have the issue placed on an agenda for further discussion.

Commissioner Schwaller requested that City sign ordinances be reviewed. There are many instances of signs and banners being placed illegally in the right-of-way.

He also requested staff look into how alleys are graded. He has received some complaints that the way the alleys are being graded does not allow for drainage.

Commissioner Schwaller asked if the Commission could reach a consensus to publicize, support, and endorse businesses that are smoke free either by posting notice on our web site or a link to some other web site. The Commission agreed by consensus.

Commissioner Billinger agreed that water billing procedures and charges need to be addressed.

Commissioner Billinger asked about the process to notify the citizens about work session agendas.

City Manager Gustafson stated the media is given a copy of the agenda on Monday, a news briefing is conducted on Tuesday, and the agenda is on the City website.

Chairperson Koerner requested an update on the program to increase water pressure in residential homes by increasing the pipe size.

Public Works Director Brenda Herrman stated only three residential home owners participated in the program. In those homes, there was a considerable increase in water pressure at the meter. However, the home owner's perception of an increase inside the house was not as great as they had anticipated. There could possibly be other problems. Mrs. Herrman will prepare a report to be presented at a future work session.

Thereupon the Governing Body adjourned.

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

Clerk of the Board