

MINUTES OF A MEETING OF
THE GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON MAY 27, 2004

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 27, 2004 at 7:30 p.m.

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

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 May 13, 2004 meeting; they stand approved as written.

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

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

4. CITIZEN COMMENTS: There were no comments.

5. SALES TAX DISCUSSION: Commissioner Hickman requested that staff put together information about how many additional mills would need to be added to the mill levy in order to fund next year's budget. He also requested a condensed version of the information in the Kansas Journal that shows the mill levy of Kansas cities.

Commissioner Schwaller commented that many of the surrounding cities have a higher sales tax than Hays. The proposed sales tax would not be out of line. What this proposal would do is change the way government is funded. He

supports the sales tax initiative because it will force the City to live within its means, rather than raising the mill levy to fund government operations.

Discussion was held on the public forum to be held June 14th at Hays High School regarding the sales tax proposal. The name of the ad hoc committee members that will be conducting the forum will be announced at the next work session.

Chairperson Koerner stated that part of the increased sales tax could be generated from travelers off of I-70. It is also important to remember that Hays is the hub of western Kansas and it is necessary for Hays to be able to provide services that are used by people traveling to Hays from other communities.

6. CONSENT AGENDA: There were no items for consideration.

UNFINISHED BUSINESS

7. DOWNTOWN HAYS DEVELOPMENT CORPORATION (DHDC): At the May 13, 2004 meeting, the Commission approved spending \$25,000 to match a grant to fund the Coordinator position for the Downtown Hays Development Corporation (DHDC). Due to time constraints and several other factors, that grant will not be submitted. The DHDC would still like to have the City's participation. The Commission will consider this option when setting the 2005 Budget. Previously, the City contributed \$25,000, which accounted for a three-year commitment to funding this position.

The Commission acknowledged the withdrawal of the grant; no action was necessary.

NEW BUSINESS

8. CITY OF HAYS DEVELOPMENT POLICY: The revised language in the Infrastructure Guidelines for New Development states that sanitary sewer lines may be placed in easements if an appeal is requested. The Planning Commission would hear the appeal and make recommendations to the

Commission for final approval. Additionally, a Soils Investigation Report would be required for street construction prior to engineer design.

Troy Hickman moved, Wayne Billinger seconded, that the amended City of Hays Development Policy be approved.

Commissioner Schwaller brought forth several other areas of the Development Policy that he thinks should be amended or clarified.

Henry Schwaller IV moved, Troy Hickman seconded, that the following amendments be made to the Development Policy to include:

1. If alleys are part of the development, the developer and the City shall split the cost of construction of the rock alley equally.

2. Standard sidewalks (set-back) may be allowed with the approval of the City Commission upon the recommendation of the Hays-Ellis County Planning Commission.

3. Street lighting energy costs will be borne by the City of Hays.

4. A grammatical change to Section 1. (c) regarding an appeal to place sewer lines in easements rather than in rights-of-way.

Commissioners Hickman and Billinger stated they would like to see the document redrafted before they approve the Development Policy. They do approve the suggested amendments.

City Manager Gustafson suggested the Commission approve the amendments and table the original motion.

The vote to approve the amendments:

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

Commissioner Billinger stated he would vote no to approve the Development Policy because he would like to see the final draft first.

Commissioner Hickman called for the vote to approve the Development Policy.

Vote: Ayes: Sunell Koerner

Henry Schwaller IV

Troy Hickman

No: Wayne Billinger

9. REPORT OF THE CITY MANAGER: City Manager Randy Gustafson announced that the City of Hays and Prairie Acres have reached an agreement with regard to waste water treatment. The agreement is a settlement agreement and a new contract. He recommended the Commission approve the agreement.

City Attorney John Bird commented that the City of Hays has been in litigation with Prairie Acres Improvement District for several years over interpretation and application of our prior agreement with them. The Prairie Acres Sewer District installed a new flow meter in March 2002. Their treatment costs prior to March 2002 were based on a timed meter. After installation of the flow meter, it was determined that the timed meter erroneously recorded excessive amounts of waste. The City of Hays hired a consulting engineer to determine the actual treatment costs for sewer waste. That cost, \$1.69 per 100 cubic feet, will be multiplied by 1.7 to account for the outside city limit rate, equaling a final cost of \$2.87. Each year thereafter during which the agreement is in effect, the cost will be recalculated based upon the prior year's experience, and the rate shall be adjusted accordingly for the following calendar year.

City Attorney Bird stated the contract also takes into account that this District, unlike many other out of city limit customers, maintains its own collection system. If the City were called upon to make emergency repairs to their collection system, the District would be responsible for the cost of those repairs.

The agreement is intended to be a full and complete settlement of any and all disputes between the City of Hays and Prairie Acres.

Henry Schwaller IV moved, Troy Hickman seconded, that the Agreement between the City of Hays and Prairie Acres Sewer District be approved.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

Troy Hickman

City Manager Gustafson stated that this same criteria and formula will be applied to the Big Creek Sewer Improvement District and he is hopeful that an agreement can be reached with them.

10. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller stated he has received some calls about the clean-up of alleys after the installation of fiber optic cable. He requested an update on the status of the alleys after the crews have completed their work.

Commissioner Schwaller requested the Commission review the policy about alley clean-up and plantings on easements. He would like to see if there are any variances or exceptions that could be made.

City Manager Gustafson stated the policy could be reviewed, but staff is enforcing the current ordinance as it is written. Allowances are being made in various situations. He would have no objection to reviewing the ordinance.

Commissioner Billinger commented that the two diving boards at the Hays Aquatic Park are both at the same level. The highest board was removed due to not enough clearance for divers. Last year a suggestion was made to install a diving board that was not as high as the one removed. He requested staff follow up on this to see if it would be feasible to install a diving board at a little lower level than what was initially installed, but higher than the low board.

Chairperson Koerner stated that recently a special meeting was called to approve a beer license for a local establishment. She stated she wants to discourage the Commission from doing this in the future; she does not want to set a precedent. The Commission meets four times a month, twice for Commission meetings and twice for work sessions.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board