

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON JUNE 10, 2004

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 10, 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 special meeting held on May 25, 2004 or the regular meeting held on May 27, 2004: they stand approved as written.

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

**4. SALES TAX DISCUSSION:** Commissioner Billinger commented that in order for the City of Hays to remain viable, it is necessary to maintain what is currently in place and move forward. Hays will only grow as the region grows. Under the sales tax proposal, the use of sales tax monies to fund the General Fund would provide relief to property owners. The eliminated property tax could not be reinstated as long as the sales tax is in effect. The sales tax would generate more revenue than what is currently collected through property tax at the current mill levy. Hays is a hub for many amenities and services for the region. It is important that this sales tax initiative be passed as a source of revenue for operating City government.

Chairperson Koerner stated this is an opportunity to change how government is funded. The City cannot spend the money if the money does not

come in through sales tax revenue. This is a great way to make government live within its means.

**5. CONSENT AGENDA:** Henry Schwaller IV moved, Troy Hickman seconded, that resolutions expressing appreciation for establishing a new business in the City of Hays be presented to:

Mark Ottley – Mo’s Soup, Salad, and Stuff – 2428 Vine St.

Kristina Dreher – Redz – 1605 Main St.

Dr. Paul Solomon – 8<sup>th</sup> Street Chiropractic – 206 West 8<sup>th</sup> St.

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

### **UNFINISHED BUSINESS**

**6. PARK LEASE:** Henry Schwaller IV moved, Wayne Billinger seconded, that a park lease be approved for the Wild West Festival Committee to utilize Municipal Park on June 28, 2004 through July 4, 2004.

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

**7. MUNICIPAL PARK MASTER PLAN:** The Park Department and the Wild West Festival Committee would like to implement a variety of park improvements at Municipal Park as outlined by the Municipal Park Master Plan. These improvements will include the addition of two shelter houses, sidewalks, drinking fountains, restrooms, and irrigation as well as the relocation of the horseshoe pits

and removal and replacement of several trees. The project would be completed in steps utilizing donations, matching funds, and future budget requests.

Wayne Billinger moved, Troy Hickman seconded, that the Municipal Master Plan be approved.

Jeff Boyle, Park Director, and Nick Niernberger, representing the Wild West Festival Committee, reviewed the Master Plan with the Commissioners.

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

**8. CARE COUNCIL 2004 DISTRIBUTION OF FUNDING:** The CARE Council has processed funding requests for distribution to local social service agencies. This was accomplished by reviewing applications, making site visits, and gathering additional information to develop recommendations. Local social services agency monies are obtained through the City's budgetary process. Special alcohol and drug program monies are obtained through collections involving the Special Liquor Tax with a third of the revenue received by the City being mandated for alcoholism and drug abuse prevention and education.

Henry Schwaller IV moved, Troy Hickman seconded, that the distribution of 2004 budgeted funds be allocated to the following agencies:

American Red Cross, Ellis County Chapter	\$8,000
Big Brothers, Big Sisters of Ellis County	8,000
Cancer Council of Ellis County	3,000
CASA of the High Plains, Inc.	4,000
Ellis County Ministerial Alliance	7,000
Foster Grandparent Program	1,000
Hays Area Children's Center	4,000
Northwest Kansas Family Shelter	4,000
Senior Companion Program	<u>1,000</u>
	\$40,000

And, that the following agencies receive the following distribution of Special Alcohol and Drug Program funds:

DREAM, Inc.	\$24,000
Regional Prevention Center	15,000
Smoky Hill Foundation for Chemical Dependency	<u>17,000</u>
	\$56,000

Sandra Bainter and Harriet Caplan, representing the CARE Council, reviewed the recommendations with the Commissioners. The criteria to receive funding is based on: 1) providing critical services complimenting the services provided by the City; 2) the service is not duplicated by other agencies; and 3) that the citizens of Hays contribute to these organizations specifically.

The chairperson called for the vote.

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

**9. 41<sup>st</sup> STREET PLAZA FIFTH ADDITION:** Due to an oversight, a small portion of 41<sup>st</sup> Street Plaza Fifth Addition was not annexed into the City. The area needs to be annexed in order for the proposed development to occur.

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3643, being an ordinance annexing land to the City of Hays, Kansas be approved.

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

**10. VINE STREET MILL AND OVERLAY CONSTRUCTION BIDS:** The City has a 50/50 KLINK Grant from KDOT to mill and overlay Vine Street from 13<sup>th</sup> to 27<sup>th</sup>

Street. Bids were opened on May 26, 2004. City staff recommends awarding the bid to APAC-Kansas of Hays in the amount of \$464,948. Construction would take place between August 1<sup>st</sup> and October 15<sup>th</sup>, 2004.

Troy Hickman moved, Henry Schwaller IV seconded, that the bid from APAC-Kansas in the amount of \$464,948 to mill and overlay Vine Street from 13<sup>th</sup> to 27<sup>th</sup> Street be approved.

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

**11. ENGINEERING SERVICE AGREEMENT – GENERAL CUSTER**

**WATERLINE LOOP:** A Water Distribution Study conducted by Bartlett and West Engineers recommends the construction of a water line loop from the Water Plant on 10<sup>th</sup> and Vine to 13<sup>th</sup> and General Custer along General Custer. The improvement, intended to by-pass the bottle-neck on Vine Street, will provide system reliability, particularly when the million gallon tower is taken out of service for maintenance next year. An addendum to the existing Engineering Service Contract with BG Consultants to prepare the plans and specifications for construction is attached. The Contract Addendum is for an amount not to exceed \$31,000.

Wayne Billinger moved, Kent Steward seconded, that Addendum No. 1 to Agreement for Engineering Services with BG Consultants for construction of the General Custer waterline loop be approved.

Commissioner Schwaller was out of the room during the vote.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Troy Hickman  
Not Voting: Henry Schwaller IV

**12. PETROLEUM STORAGE RELEASE TRUST FUND CONTRACT FOR REMEDIATION:**

The Kansas Department of Health and Environment (KDHE), Bureau of Environmental Remediation is overseeing a project at the Public Works facility to remediate potential petroleum contaminants. This is similar to other remediation projects across Hays that KDHE has managed. Because the project is on city-owned property, the City becomes a partner in the project. KDHE prepared the specifications and completed a competitive bid process. The contract is between Greenfield Contractors, Inc. and the City of Hays. KDHE will pay for the project through a reimbursement process.

Wayne Billinger moved, Troy Hickman seconded, that the bid from Greenfield Contractors, Inc. in an amount not to exceed \$73,376 be approved and the City Manager be authorized to sign said contract to remediate petroleum contaminants on city-owned property.

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

**13. REPORT OF THE CITY MANAGER:** City Manager Randy Gustafson reported that the Ellis County Commission has banned the use and sale of fireworks in the county because of the drought. The City ordinance provides that fireworks may be sold. In order to ban them, it would be necessary to change the ordinance. He does not recommend that. The type of fireworks that are legally able to be sold in the City can be used in the City. The county ban does not affect the City.

**14. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested that the “tornado” slide at Sunrise Park be checked for safety reasons.

Commissioner Schwaller stated that he feels the City should do everything it can to legally reclaim the plots in Mount Allen Cemetery that were purchased years ago, but have never been used. He also feels the City should establish a

columbarium on land located between Mount Allen Cemetery and the St. Joseph Catholic Cemetery. The columbarium would be for the placement of ashes.

Commissioner Schwaller commented on the four letters he has recently received about illegal aliens in our community. The City does not have the legal authority or the financial ability to address immigration issues at the local level. Laws regulating immigration are under the jurisdiction of the federal court system. Indirectly, there are ways the City could address this issue. The City could continue to create and maintain high skill, high wage jobs that attract a high skilled labor market. The City could work more closely with local law enforcement and social service agencies to address the problem of the transient homeless. He urged anyone who is concerned about this problem to contact U.S. Representative Jerry Moran.

**15. EXECUTIVE SESSION:** There was no executive session.

Thereupon the Governing Body adjourned.

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

Clerk of the Board