

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 25, 2003

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in reconvened session on Wednesday, June 25, 2003, 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 objections to the minutes of the recessed session held on June 12, 2003; they were approved as written.

**3. FINANCIAL STATEMENT:** City Clerk Susie Berger reported that the Finance Department has completed the conversion of accounts receivable, accounts payable and general ledger from the IBM AS400 to PC based Munis software.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Financial Statement for the month of May 2003 be approved.

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

**4. CITIZEN COMMENTS:** Glen Staab, Ellis County Democratic Chairperson, invited the Commission and the community to a reception for Governor Sebelius at Fort Hays State University on June 26, 2003.

**5. AWARDS AND RECOGNITIONS:** Connie Wilson, representing the Hays Beautification Committee, presented Commercial Improvement Awards to the following businesses:

Commerce Bank – 8<sup>th</sup> & Main Street

Edward Jones Investments – 2700 Sternberg Drive

Casey's General Store – 1301 Canterbury Drive

**6. CONSENT AGENDA:** Henry Schwaller IV moved, Sunell Koerner seconded, that the following be approved:

**A.** Mayoral appointments to the Fort Hays Municipal Golf Course Advisory Committee:

Karen Beery - 3-year term expiring July 1, 2006

Bill Bieker – 3-year term expiring July 1, 2006

**B.** A Cereal Malt Beverage License for the Wild West Festival Beer Garden:

Vote: Ayes: Troy Hickman

Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

**C.** Staff has followed all of the necessary procedures to abate the nuisance at 114 East 15<sup>th</sup>, but to no avail.

Commissioner Schwaller noted that this is a third time offender.

City Manager Randy Gustafson stated the nuisance ordinance is being changed to handle repeat offenders, however, it is not yet ready for the Commission's consideration.

Wayne Billinger moved, Sunell Koerner seconded, that Resolution No. 438, being a resolution authorizing the City of Hays or its designated agent to abate nuisances located on the property at 114 East 15<sup>th</sup> Street, be approved.

Vote: Ayes: Troy Hickman

Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

**NEW BUSINESS**

**7. UTILITY EASEMENT TO RURAL TELEPHONE:** Rural Telephone has requested a Utility Easement to bury a fiber optic cable from Vine Street to General Custer Road along the north 5 feet of City property at the Water Treatment Plant and Speier Ball Fields.

City Manager Gustafson recommended the easement be granted. It will not interfere with any proposed or current utility.

Wayne Billinger moved, Henry Schwaller IV seconded, that a Grant of Easement for Rural Telephone be approved.

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

**8. TEBO WATER AND SANITARY SEWER RESOLUTION:** Tebo Development Co. has petitioned the City for improvements to a tract of land along General Hays Road between 45<sup>th</sup> and 48<sup>th</sup> Street. Improvements are to include sanitary sewer and water lines. This tract of land is situated along the proposed East Reserve Access Road (General Hays Road) north of I-70, which is planned for construction in 2004. The water and sewer improvements would be constructed in conjunction with the Reverse Access Road construction.

City Manager Gustafson stated the total cost of the project is estimated to be \$335,00 with \$324,800 to be special assessed and \$10,200 to be paid for by the City at large for over sizing of sewer lines, additional pavement width and thickness as provided in the Development Policy. He recommended approval.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 435, 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: Troy Hickman  
Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV

**9. TALLGRASS PHASE III IMPROVEMENTS:** Lusk Land Company has petitioned the City for improvements to Tallgrass Addition, Block A, Lots 1 through 8, and Block B, Lots 1 through 19. Improvements are to include the grading, pavement, curb and gutter, storm water sewer, sanitary sewer, and water lines.

City Manager Gustafson stated the total cost of the project is estimated to be \$505,000 with \$487,920 to be special assessed and \$17,080 to be paid by the City at large for over sizing of sewer lines, additional pavement width and thickness as provided in the Development Policy. He recommended approval.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 436, 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: Troy Hickman  
Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV

**10. KANSAS DEPARTMENT OF TRANSPORTATION/UNION PACIFIC RAILROAD AGREEMENT:** Part of the reconstruction project of Hall Street from 8<sup>th</sup> to 27<sup>th</sup> Street involves construction on the right-of-way of Union Pacific Railroad (UPRR). The Kansas Department of Transportation (KDOT) has provided an agreement, executed by UPRR, which establishes a relationship

between the City, KDOT, and UPRR. The Agreement basically states that KDOT, as the City's agent for this project will compensate UPRR for work performed by UPRR as a result of this project.

Wayne Billinger moved, Sunell Koerner seconded that Resolution No. 437, being a resolution authorizing the City of Hays to enter into an agreement with Union Pacific Railroad Company, and the Secretary of Transportation of the State of Kansas, be approved.

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

**11. EAST 43<sup>RD</sup> STREET SUPPLEMENTAL AGREEMENT:** The original Agreement 117-02 between the City and the Kansas Department of Transportation (KDOT) dated September 25, 2002, placed a \$325,000 cap on the cost for construction and inspection of the East 43<sup>rd</sup> Street project; whereby, the City would be responsible for 100% of any costs over and above \$325,000. This \$325,000 cap was established based on preliminary design figures, and was not adjusted when the project scope increased. Supplemental Agreement No. 1 raises that cap to \$350,000 to cover actual construction costs.

Wayne Billinger moved, Sunell Koerner seconded, that Supplemental Agreement No. 1 to Agreement 117-02 between the City of Hays and Kansas Department of Transportation, be approved.

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

**12. BAR SCREEN REPLACEMENT:** Bids for Bar Screen Replacement at the Wastewater Treatment Plant were received from the following:

CAS Construction	\$219,080
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Utility Contractors	256,600
Smoky Hill, LLC	292,524

Kent Steward moved, Sunell Koerner seconded, that the bid from CAS Construction in the amount of \$219,080 for Bar Screen Replacement at the Wastewater Treatment Plant be accepted.

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

**13. ALGAE REMOVAL SYSTEM:** Ford Hall Company was the only company to submit a bid for an Algae Removal System at the Wastewater Treatment Plant. The amount of the bid is \$16,750.

Sunell Koerner moved, Wayne Billinger seconded, that the bid from Ford Hall Company in the amount of \$16,750 for an Algae Removal System at the Wastewater Treatment Plant be accepted.

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

**14. REPORT OF THE CITY MANAGER:** City Manager Gustafson stated that the Commissioner's packet included information from the Hays Recreation Commission regarding attendance at the Hays Aquatic Park for the first month of the swim season.

Commissioner Schwaller expressed concern about US Airways changing the departure time of flights from Hays to Kansas City. The new schedule has planes leaving later in the day and it will be harder to get connecting flights out of Kansas City.

City Manager Gustafson stated he plans to meet with US Airway officials and encourage them to move the flight departure times back to where they were.

**15. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested that City staff determine the value of several City owned lots in the 3000 block of Sherman Avenue and present several options for disposal.

Commissioner Schwaller stated the Youth Council met and will be working on city projects. He would appreciate any input from the Commissioners or the community.

**16. EXECUTIVE SESSION:** Wayne Billinger moved, Sunell Koerner seconded, that the Governing Body recess to executive session at 8:10 p.m. for 25 minutes to discuss Hall Street right-of-way acquisition, union negotiations, and hangar acquisitions at the Hays Municipal Airport. The executive session will include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

Chairperson Hickman recognized that the Hays Daily News protests executive sessions.

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

Chairperson Hickman called the meeting back to order from executive session at 8:35 p.m. He reported no action was taken during executive session.

Thereupon the meeting was adjourned.

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

