

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 8, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 8, 2003 at 7:30 p.m.

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

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 April 24, 2003, regular meeting; the minutes were approved as written.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Henry Schwaller IV moved, Wayne Billinger seconded, that the following mayoral appointments be approved:

Sister City Advisory Board

James Forsythe – three-year term expiring January 1, 2006

Susan Gamboa – three-year term expiring January 1, 2006

Carol Solko – three-year term expiring January 1, 2006

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

NEW BUSINESS

5. PARK LEASE: City Manager Randy Gustafson mentioned that a citizen has expressed a concern about the fireworks held at Lewis Field Stadium every July 4th. The citizen felt the fireworks display is very upsetting to the buffaloes that are penned nearby at Frontier Park. City Manager Gustafson stated that the fireworks would be at a different location further away. He recommended the Commission approve the park lease for the Wild West Fest.

Tom Meiers, representing the Wild West Fest (WWF) Committee, stated the fireworks display would be held at the baseball practice fields near the bypass. This area is more out in the open, away from trees and the residential area.

Kent Laas, co-chair of the WWF Committee, stated that a person experienced in animal husbandry would monitor and evaluate the reactions of the buffalo while the fireworks are being set off.

Wayne Billinger moved, Henry Schwaller IV seconded, that a park lease for the Wild West Festival Committee for the use of Municipal Park on July 1 – 6, 2003, be approved.

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

6. ORDINANCE REPEALING CHAPTER 15.48 OF THE CITY OF HAYS CODE OF ORDINANCES: Commissioner Schwaller voluntarily left the Commission Chambers during discussion of this issue due to a conflict of interest.

City Manager Gustafson stated this ordinance is outdated and refers to the licensing of small transient trailers within a trailer park. Our zoning and subdivision regulations address mobile homes and the City receives very little revenue from the licensing. The owners of the mobile homes pay property tax. He recommended this section of the Code be repealed.

City Clerk Susie Berger stated that revenue collected from licensing trailer parks amounts to approximately \$3,000 a year. Enforcement of the code became a controversial issue, and the City did not enforce it in 2002.

Wayne Billinger moved, Kent Steward seconded, that Chapter 15.48 of the Code of Ordinances pertaining to a license requirement for trailer camps be repealed.

Vote: Ayes: Troy Hickman
Kent Steward
Wayne Billinger

Abstain: Henry Schwaller IV

7. R-9 RANCH LEASE AGREEMENT: The R-9 Ranch located in Edwards County is jointly owned by the City of Hays and the City of Russell. Public Wholesale Water Supply District #15 has reviewed options regarding leasing of farmland on the Ranch. Their recommendation is to approve a lease agreement with BET Farms for a one-year period effective January 1, 2003 for a total lease payment of \$225,000.

Commissioner Billinger asked about the status of the last installment of the 2002 payment in the amount of \$75,000 that BET Farms defaulted on.

City Attorney John Bird stated that if the City doesn't enter into a lease agreement with BET Farms, they would have to vacate the property. If they stay on the property at the District's request, they would plant cover crops that would be beneficial to both parties. The District has not pressed the issue on the rent until it was decided whether to lease to BET Farms or not.

Commissioner Schwaller stated this is a difficult time to operate a farm, however, the District has been very lenient to them when they failed to make their December payment. He is concerned that they have the benefit of the operation as well as a farm subsidy and that they may default again.

City Attorney John Bird stated BET Farms has a fairly substantial amount of personal property on the Ranch. In a worst case scenario, the District could collect what is owed. This one-year lease is advantageous to the District because it does away with the rolling lease that was previously agreed upon.

Commissioner Schwaller requested that if the lease is approved, it be diligently enforced and take action if BET Farms fails to make a payment.

City Manager Gustafson stated the lease will be enforced and it will be necessary to consider future plans for the property. This will be discussed at a future work session and Commission meeting.

Wayne Billinger moved, Kent Steward seconded, that a one-year lease with BET Farms for the R-9 Ranch located in Edwards County, Kansas be approved.

Commissioner Schwaller stated he would be voting against this lease.

Commissioner Steward stated he respects Commissioner Schwaller's point of view; however, he does feel that approval of this lease would protect our investment in Edwards County. He is hopeful that this land can be converted into cash for a more promising water solution.

The Chairperson called for the vote.

Vote: Ayes: Troy Hickman

Kent Steward

Wayne Billinger

No: Henry Schwaller IV

8. HAYS REGIONAL AIRPORT FIXED BASE OPERATOR (FBO

PROPOSALS: Two proposals were received for the purpose of conducting the business of a Fixed Base Operator at the Hays Regional Airport on a contractual basis. The two proposals received were from Rich's Air Service, Hays, Kansas and Crotts Aircraft Service, Inc., Dodge City, Kansas.

City Manager Gustafson recommended the City accept the high bid received from Crotts Aircraft Service.

Henry Schwaller IV moved, Wayne Billinger seconded, that the bid from Crotts Aircraft Service, Inc., Dodge City, Kansas for Fixed Base Operator services at the Hays Regional Airport be approved.

Vote: Ayes: Troy Hickman

Kent Steward

Wayne Billinger

Henry Schwaller IV

9. AGREEMENT FOR ANNEXATION AND PROVISION OF PUBLIC WATER

SERVICES: Kent Steward moved, Wayne Billinger seconded, that the Mayor be authorized to sign an Annexation Agreement and Provision of Public Water Services for property located at 804 B Commerce Parkway.

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

10. ARMY RESERVE PROPERTY AND LAND EXCHANGE:

The Commission is being asked to approve an agreement involving land and property exchange with the Heart of America Development Corporation and the U.S. Army Reserve. Once the agreement is passed, the Heart of America Development Corporation will deed a 15-acre tract valued at \$225,000 on Commerce Parkway to the City, which in turn will deed the land to the U.S. Army when construction starts on the new Reserve building. The building is slated for construction in 2005 with a completion date of 2007. At the time of completion, the City will pay approximately \$178,650 to the Heart of America Development Corporation and receive in return the old Army Reserve building that sits on City property at 101 Main Street. The City has already paid \$46,350 to initiate this process.

Wayne Billinger moved, Kent Steward seconded, that the City Manager be authorized to sign an Agreement involving land and property exchange with the Heart of America Development Corporation and U.S. Army Reserve.

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

11. REPORT OF CITY MANAGER:

City Manager Gustafson announced that Brenda Herrman has been appointed as Public Works Director effective May 8, 2003. The Community Development and Public Works Departments will be combined under her direction.

Commissioner Schwaller requested the Chairperson do an audit of mayor appointed committee member attendance. He is concerned about some of the members not attending committee meetings as required.

12. COMMISSION INQUIRIES AND COMMENTS: Commissioner Billinger expressed his concern that the City emergency warning siren system is inadequate. He would like to see this issue addressed.

City Manager Gustafson stated he shared Commissioner Billinger's concern. Staff will be reviewing the areas of town with inadequate coverage and making recommendations about improving the system. One of the things the City is planning on doing with regard to tornadoes is to use eight police cars and some of the fire trucks to assist in the warning process. This also aids in removing emergency response vehicles in the case of tornado damage to City facilities.

13. EXECUTIVE SESSION: There was no executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board