

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON DECEMBER 23, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session on Thursday, December 23, 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 corrections to the minutes; they were approved as written.

3. FINANCIAL STATEMENT: Wayne Billinger moved, Sunell Koerner seconded, that the Financial Statement for the month of November, 2003, be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT ITEMS: The following items were presented for review and consideration:

- A. Consider accepting the low bid from Paul-Wertenberger Construction in the amount of \$99,100 for improvements to Massey Park.
- B. Consider approving the following Mayoral appointments to various boards:

Neighborhood Revitalization/Downtown Development Review Board

Randy Reynolds – 1 year term to expire 1-1-05

Wilbert Pfeifer – 2 year term to expire 1-1-06

Wayne Brungardt – 3 year term to expire 1-1-07

Linda Donlay – 3 year term to expire 1-1-07

Kim Hodny – 3 year term to expire 1-1-07

Sister Cities Advisory Board

Francis Schippers – 3 year term to expire 1-1-07

Dan Carson – 3 year term to expire 1-1-07

Trades Board

Jay Connelly – 4 year term expiring 8-27-07

C. Consider a Resolution expressing appreciation to Kris Munsch, the owner of Munschie’s Liquor, a new business in Hays.

Henry Schwaller moved, Wayne Billinger seconded, that all items on the consent agenda, be approved.

Vote: Ayes: Troy Hickman

Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

6. CITIZEN COMPLAINT INVOLVING LOCAL CONTRACTOR: Kevin R.

Davidson appeared before the City Commission with a complaint involving a local contractor who conducted work on his home. Mr. Davidson is requesting this contractor’s license be suspended or revoked.

In a letter to the City Manager, Mr. Davidson cited a list of defects in the construction of his home including a leaking roof, improper slope of the front porch which has caused the threshold to swell. Mr. Davidson said he has made numerous attempts to resolve the problems, but the contractor has been non-responsive.

Mr. Davidson said he received a letter from Chief Building Inspector Jesse Rohr indicating the roof was not constructed properly. He was under the impression that a contractor's license could be revoked if the work failed to meet standards.

City Attorney John Bird said the City does not have an ordinance in place that governs or makes the City the referee of workmanship issues, which is what this complaint is about. He said a contractor's license can be revoked or suspended if a contractor misrepresents facts on his application, performs work without a permit, uses his license to obtain a building permit for someone else or covers up his work before it is inspected.

City Attorney Bird said he was not telling Mr. Davidson that he did not have a remedy, but a City Commission meeting was not the proper forum to make his complaint.

Mr. Davidson asked why he should have to pay legal fees when the inspector cited the problem. Mr. Bird said it was not the building inspector's job to write the letter.

The City Manager said at one time situations like this were covered under City ordinance, but the ordinance has been amended. He said City staff would do additional research on the ordinance.

7. GOLDEN BELT ESTATES FIRST ADDITION IMPROVEMENTS

RESOLUTION: Western Plains Service Corporation has petitioned the City for improvements to Golden Belt Estates First Addition. The improvements consist of curb and guttering, paving, storm sewer, water lines and sewer lines.

Henry Schwaller moved, Sunell Koerner seconded, that Resolution No. 455, 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 (Water, Sewer, Storm Sewer and Street Improvements/Golden Belt Estates, First Addition, be approved.

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

8. ENGINEERING SERVICE CONTRACT WITH BUCHER, WILLIS AND RATLIFF CORPORATION FOR GOLDEN BELT ESTATES FIRST ADDITION:

Henry Schwaller moved, Sunell Koerner seconded that the Mayor be authorized to sign an Agreement of Engineering Services for a not to exceed amount of \$52,800 for improvements to Golden Belt Estates First Addition.

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

9. BIDS FOR THE DEMOLITION/SALVAGE OF HOUSES IN REFERENCE TO THE HALL STREET CONSTRUCTION PROJECT:

Proposals were received from five individuals for the removal of three houses and one garage in the triangle bounded by Elm, Hall and 13th Street. This demolition project is in connection with the reconstruction of Hall Street from 8th Street to 27th Street.

Wayne Billinger moved, Kent Steward seconded, that the low bid of \$9,162.00 from Tom Bigge for removal of three houses and one garage in connection with the Hall Street Reconstruct Project, be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner

Kent Steward
Wayne Billinger
Henry Schwaller IV

10. INOPERABLE VEHICLE ABATEMENT RESOLUTION: City Manager Gustafson said this item needs to be removed from the agenda. The vehicle in question has been moved to another location, therefore this Resolution is not valid; another Resolution will need to be prepared.

Commissioner Schwaller suggested the Ordinance be changed to cite the vehicle as inoperable by Vehicle Identification Number rather than the location of inoperable vehicle. City Attorney Bird said that was something that could be looked into.

11. NORTH HAYS ADDITION ANNEXATION – REVERSE ACCESS ROADS RESOLUTION: City Manager Gustafson stated that it is necessary to annex the right-of-way for construction of the reverse access roads in connection with the Corridor Management Project.

Henry Schwaller moved, Wayne Billinger seconded, that Ordinance No. 3634, being an ordinance annexing right-of-way for construction of General Hays Road from 48th Street to 45th Street, Roth Avenue from 48th Street to 55th Street and West 48th Street from US-183 to the proposed Roth Avenue, be approved.

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

12. SHOOTING RANGE LEASE AGREEMENT: The Hays City Sportsman Club, Inc. is requesting the City of Hays approve a Lease Agreement for the lease of the shooting range located in the north area of the City. This agreement is for \$1.00 and expires December 31, 2019.

Wayne Billinger moved, Sunell Koerner seconded, that a Lease Agreement between the City of Hays and the Hays City Sportsman's Club for lease of the shooting range located in the north area of the City, be approved.

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

13. ANIMAL CONTROL AND ANIMAL SHELTER SERVICES: The City Manager asked the City Commission to enter into a letter agreement for animal control and shelter services until such time as a contract can be prepared and formally approved by the Commission that is mutually agreeable to the City and to Hillside Veterinary Clinic. The agreement provides that the City pay to Hillside Veterinary Clinic \$65,000 for animal control and animal shelter services. Any funds received for the boarding and sheltering of animals will be forwarded to the City of Hays as per the Code of Ordinances.

Henry Schwaller moved, Wayne Billinger seconded, that a letter of agreement between the City of Hays and Hillside Veterinary Clinic for animal control services in the amount of \$65,000, be approved.

Commissioner Steward noted that the contract with Hillside Veterinary Clinic is for \$65,000 with some refunds coming back to the City in comparison to a proposal of \$129,000 from the Humane Society for the same service. He wished he understood why there would be such a difference.

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

14. REPORT OF THE CITY MANAGER: The City Manager apologized for the confusion regarding the building inspection ordinance that was discussed earlier in the meeting.

15. COMMISSION INQUIRES AND COMMENTS: There were no comments.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board