

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 24, 2013

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 24, 2013 at 6:30 p.m.

Roll Call: Present: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

Chairperson Hickman declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on January 10, 2013. The minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that month-to-date sales tax collections for the Sports Complex were \$227,641, which was a decrease of \$27,571 when compared to last year. Total year-to-date collections are \$2,984,766 and inception-to-date collections total \$9,925,849. Month-to-date General Fund sales tax collections in December 2012 were \$555,204, down \$67,090 or -10.78% when compared to last year. Year-to-date General Fund tax collections are up \$354,056 or 5.09%. The six-month running average on sales tax collections is 4.41%.

The Finance/City Clerk's Office invested \$4,000,000 of new or renewing certificates with weighted average interest rate of .1975%. The portfolio of certificates of deposit on December 31, 2012 totaled \$48,950,000 with a weighted average interest rate of .23%. The total balance of the Money Market account on December 31, 2012 was \$500,000 with a current yield of .20%. Total investments are up \$5,750,000 when compared to this time last year.

Ron Mellick moved, Henry Schwaller IV seconded, that the Financial Statement for the month of December 2012 be approved.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Chairperson Hickman presented the following proposed mayoral appointment, which will be presented for approval at the February 14, 2013 Commission meeting:

Sister Cities Advisory Board

Mehran Shahidi – three-year term to expire January 1, 2016

NEW BUSINESS

6. REQUEST BY ELLIS COUNTY – SUPPORT FOR SALES TAX

LEGISLATION: The Hays City Commission has been approached by Ellis County asking for support of legislation amending K.S.A. 12-187. The amendment would allow Ellis County to add its name to the list of counties that receive 100% of the revenue generated by a special sales tax. In 2013, Ellis County is planning to put a ballot question before the voters for approval of a county sales tax that would be utilized to fund the building of a joint EMS/Rural Fire facility as well as improvement to the Ellis County courthouse and jail. As presented to the Hays City Commission, the ballot will have two questions for voters to consider, one dealing specifically with EMS/Rural Fire and one for the courthouse/jail. According to Ellis County, receiving 100% of the sales tax revenue would allow them to pay off one, or both, of these projects in an expedited manner, and the sales taxes would sunset upon payment of the project(s). Ellis County now falls under legislation that requires them to share any county generated sales tax with the municipalities within that county.

Ellis County Commissioner Dean Haselhorst appeared before the Commission to request a letter of support from the City in their efforts to amend K. S. A 12-187.

Commissioner Schwaller questioned whether it would be wiser to do an inter-governmental agreement to accomplish the same results.

City Attorney John Bird stated an inter-governmental cooperation agreement could be done between the city and the county or between other municipalities and the county, if that is something they would be willing to sign off on, giving all proceeds from the sales tax back to the county. The cities would not make any claim on the money. Once K.S.A. 12-187 is amended, it would be in perpetuity; all future projects would be subject to the same regulations, meaning the county would receive 100% of any future county sales tax.

Commissioner Steward stated that the projects are worthy and needed; however, he is not in support of changing state legislation. Every city has its needs and if changing the law means the county will always be able to keep all of the sales tax money, he is not in favor of that.

Commissioner Schwaller said he does not want to tie the hands of future Commissions by signing away their right to take their share of the proceeds from a county-wide sales tax. Additionally, the legislature is in an anti-tax mood; the Governor has proposed a tax lid on counties. It is not a great time to ask the legislature for help in raising additional tax revenue. There could be a backlash that would affect other counties governments and school districts. A simple agreement between the city and the county would be a much better solution.

City Attorney Bird stated that there are 28 counties named in K.S.A. 12-187 that are allowed to keep 100% of the revenue of a county-wide sales tax for the purposes of financing construction or remodeling of a courthouse, jail, law enforcement facility or other county facility. Ellis County wants to add its name to that statute.

Henry Schwaller IV moved, Ron Mellick seconded, that the request by Ellis County for a letter of support be tabled and that the City Manager and the

County Administrator meet to discuss an inter-governmental agreement between the two entities.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

7. RESTRIPIING OF 27TH STREET BETWEEN PLUM AND HALL: Discussion on re-striping 27th Street between Plum and Hall to a 3-lane configuration and eliminating on-street parking on the south side of the street was held at the January 3, 2013 and January 17, 2013 work sessions.

Public Works Director I. D. Creech and Police Chief Don Scheibler presented more in-depth information about traffic flow and accidents along this section of 27th Street.

The street starts as a 5-lane at Vine, turns into a 4-lane, then a 3-lane, then a 2-lane and again to a 4-lane west of Hall. Traffic counts taken in August 2012 show the peak hour is between 3:00 – 4:00 p.m. with nearly 1,000 vehicles during that time. 85% of the vehicles traveling on this stretch of 27th were traveling at or below 34 mph. The speed limit along this section is 30 mph. There have been 50 accidents on this stretch of 27th since 2007. The inconsistency of the lane configuration combined with many access points and turning movements causes safety issues, which are evident in the type and number of crashes. 20 of those accidents may have been prevented if on-street parking had been eliminated and a center opposing left turn lane added. 27th Street is an arterial street running east and west across the city and is, with the exception of Vine Street, the most traveled street in Hays

The following spoke against re-striping: Lana Hardman, Donna Hansen, Gabe Hardman, and Dominic Pianalto. It is felt that parking is needed since there is no parking on the north side of the street, property values will go down, it would be expensive for residents to install off-street parking, and there will be a higher danger to pedestrians since sidewalks are right next to the street. It was

suggested that a parking lane be marked and tried out for a few years to see if that would help lower the accident rate.

Henry Schwaller IV moved, Kent Steward seconded, that on-street parking be removed on 27th Street and the street be re-stripped to a 3-lane configuration from Plum to Hall with a dedicated center turning lane.

Kent Steward moved to amend the motion to include driveway cuts be provided by the City for homeowners who don't have circle drives. City crews would cut out the curb and replace the concrete up to where the sidewalk begins. Eber Phelps seconded the motion.

Vote: Ayes: Kent Steward

Eber Phelps

No: Troy Hickman

Henry Schwaller IV

Ron Mellick

Commissioner Schwaller stated that other streets in Hays have been re-stripped to a 3-lane configuration and in every instance, accidents have been reduced. It is time to re-stripe this street to a 3-lane.

Commissioner Mellick commented that Hays has grown tremendously in the last 60 years and with it the traffic on 27th Street. It is time to adapt a street that was designed 60 years ago to today's standards.

Chairperson Hickman called for the vote on the first motion.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Ron Mellick

Eber Phelps

No: Troy Hickman

8. BIKE HAYS MASTER PLAN: In 2012, the Commission requested further study of bike lanes. The Hays Bike Master Plan was developed by RDG. The system connects key community attributes providing a convenient and accessible means of mobility for various purposes. The base plan, 1a phase, is estimated to cost \$272,900. The Commission budgeted adequate funds in 2013 Special

Parks for this project. Funding for Special Parks projects comes from alcohol taxes and can only be used for quality of life projects.

As will be addressed in the next agenda item, an opportunity for state funding is now available and staff requests approval to submit an application utilizing budgeted funds as a match for phase 1b to maximize the system's potential. Additionally, \$100,000 from Stormwater Funds will be requested as a match for the Big Creek levee cap.

Assistant City Manager Paul Briseno presented information about the two phases of the Bike Master Plan. The complete cost of phase 1a and 1b is estimated to cost \$811,670 and will consist of 26 miles of bike pathways. If matching funds are received through the Transportation Enhancement Program, the City will pay \$400,000 for a \$811,670 system. Should state funding be denied, staff will implement phase 1a if approved by the Commission.

Kent Steward moved that the base plan, 1a phase, be approved. Henry Schwaller seconded the motion.

Commissioner Steward stated he would rather proceed with 1a phase and wait a couple of years to see how it works before proceeding with 1b phase.

City Manager Dougherty commented that the City was notified fairly late of this funding opportunity and saw this grant as an opportunity to leverage what the City would spend and receive for its investment.

The chairperson called for the vote.

Ayes: Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

Eber Phelps

9. TRANSPORTATION ENHANCEMENT GRANT APPLICATION – HIKE AND

BIKE: Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 2013-002, being a resolution declaring the eligibility of the City of Hays, Kansas to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds set forth by the Federal Transportation

Equity Act for the 21st Century for the Hays Bike Project in Hays, Kansas and authorizing the City Manager of the City of Hays to sign the application, be approved.

Commissioner Schwaller feels that this is a great step forward and it is important to keep Hays an attractive, vibrant city to bring in new people and keep the ones we have.

Commissioner Steward stated he felt it would be better to wait on the 1b phase in order to see how 1a works. He is not confident that 1a will work nearly as well as planned because of the layout of Hays streets. Some changes may need to be made before 1b is implemented. Additionally, he wants to wait until the report on the Big Creek levy is known.

Commissioner Phelps commented that given the health issues in Kansas, he feels that anytime we can promote fitness it is a good thing.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Ron Mellick

Eber Phelps

No: Kent Steward

10. DEVELOPER AGREEMENT – WHEATLAND LOTS: Darrell Dreher, the owner of six lots along the east side of Wheatland Avenue just south of 22nd Street, is proposing both sanitary sewer and street improvements to serve those lots. A developer agreement has been crafted, which sets forth the conditions for the improvements and allows the City to reimburse the developer for the cost of over sizing in the amount of \$22,853.20.

Ron Mellick moved, Henry Schwaller IV seconded, that the City Manager be authorized to enter into an agreement with Darrell Dreher for the construction of sanitary sewer and street improvements to serve the lots along Wheatland Avenue.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

11. ENGINEERING AGREEMENT – WATERLINE DESIGN: The Capital Improvement Program includes the replacement of various waterlines in older sections of the city, which have had a disproportionately high frequency of waterline breaks. Staff solicited engineering services for the design of waterline upgrades and replacements. Kaw Valley Engineering of Junction City submitted the lowest cost proposal in the amount of \$46,904 for the design of water and sanitary sewer force main upgrades in ten locations around the city.

Director of Utilities Bernie Kitten presented an overview of the replacement projects planned. While all of the improvements proposed for design may not be constructed in 2013, there is efficiency in having them all designed at the same time.

Henry Schwaller IV moved, Ron Mellick seconded, that the City Manager be authorized to enter into an agreement with Kaw Valley Engineering, in the amount of \$46,904, for engineering services to be funded from the Water and Sewer Capital reserve funds.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

12. PROGRESS REPORT: Assistant City Manager Paul Briseno reported on various city related events, activities, and projects.

13. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report on.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps stated that he would like the alley behind the homes on 27th Street between Plum and

Hall properly maintained. Some of the residents along that stretch of 27th will most likely be using the alley for access to their homes.

Commissioner Steward requested a list of streets that are to be restriped this spring. Additionally, he would like to discuss the Sister Cities program at the February 5, 2013 work session.

15. EXECUTIVE SESSION: Henry Schwaller moved, Ron Mellick seconded, that the Governing Body recess to executive session at 8:50 p.m. for 15 minutes to discuss possible property acquisition. The executive session included the Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 75-4319 authorizes the use of executive session to discuss property acquisition.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Eber Phelps

Chairperson Hickman called the meeting back to order at 9:05 p.m. He stated no action was taken during executive session.

The meeting was adjourned.

Submitted by: _____

Doris Wing – City Clerk

