

MINUTES OF A MEETING
OF THE
GOVERNING BODY OF THE
CITY OF HAYS, KANSAS
HELD ON
FEBRUARY 10, 2005

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 10, 2005 at 7:30 p.m.

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

Chairperson Koerner 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 meeting held on January 27, 2005; they stand approved as written.

3. CITIZEN COMMENTS: Harry Watts, representing the Hays Rotary Club, extended an invitation to the dedication of the new community shelter house in Frontier Park. The dedication will be held on February 23, 2005, at 1:30 p.m.

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

A. Resolution No. AR-01, being a resolution expressing appreciation to Jason Burris and Barry Kleweno for establishing a new business (The Other Side, 2400 Vine Street) in the City of Hays, and;

B. That the following mayoral appointments be approved:

Hays Beautification Committee:

Jeremy "Basil" Dannebohm – un-expired term to expire August 1, 2006

Building Trades Board

Jim Shelton – un-expired term to expire on August 27, 2008

Hays Convention & Visitors Bureau Advisory Committee

Bill Smriga – un-expired term to expire on December 1, 2006

Rita Stramel – 3-year term to expire on December 1, 2007

Darren Schumacher – 3-year term to expire on December 1, 2007

Tia Homeier – 3-year term to expire on Decemer 1, 2007

Hays Housing Authority Board

Harlan Murphy – 4-year term to expire on February 14, 2009

Neighborhood Revitalization/Downtown Development Review Board

Rick Davidson – 3-year term to expire on January 1, 2008

Sister Cities Advisory Board

Mike Michaelis – un-expired term to expire on January 1, 2007

Ed Stehno – 3-year term to expire on January 1, 2008

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

Troy Hickman

5. ALLEY BEHIND TAM O'SHANTER/COUNTRY CLUB DRIVE: Alley obstructions were found in the alley behind Tam O'Shanter and Country Club Drive, in violation of an agreement dated September 13, 1973, limiting the use of the alley by City crews and the general public and allowing owners to plant grass in the alley. This agreement was rewritten in 1984 and signed by the City of Hays and all abutting property owners, once again allowing owners to plant grass in the right-of-way, but restricting any other permanent obstructions.

The City has received a petition to vacate the alley behind Tam O'Shanter Drive. This request has been previously discussed at the January 20, 2005 Work Session, and again at the February 1, 2005 Work Session.

Henry Schwaller IV moved, Sunell Koerner seconded, that the petition to vacate the alley be denied.

Commissioner Hickman stated that other areas bordering the Golf Course have had alleys platted as easements or the alleys have been vacated to easements. Because of this precedent, he will be voting against the motion.

City Attorney John Bird stated that the petition itself is defective; it asks for relief under a statute that applies to cities of the 1st class. Even if a corrected petition was submitted and the alley vacation granted, the City would be opening itself up to claims by the original signators of the agreement.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

No: Troy Hickman

6. HAYS AQUATIC PARK FEES: A study was conducted concerning the fees at the Hays Aquatic Park. Based on this study, the Hays Recreation Commission (HRC) is requesting that the daily admission fee be increased to \$3.00 per person regardless of age or day of the week, the Lazy River fee be eliminated due to the admission increase, and the season pass fee be reduced to \$35.00 for the 2005 season.

Henry Schwaller IV moved, Sunell Koerner seconded, that the 2004 fee schedule be retained in 2005.

Commissioner Schwaller stated that one of the promises made by the Pool Task Force was to keep the rate for the new pool similar to what was charged at the old pool. There have been losses; raising prices will reduce demand for the pool. Raising the price by \$.50 or \$1.00 will not make up the difference to cover the loss. It would unfairly punish a segment of the community and that is not appropriate. He would prefer the 2004 rates be tried for another year and would like to revisit the issue next fall.

Joe Spangler, HRC Aquatics and Wellness Director, stated that HRC is trying to simplify the fee structure in order to speed up the admission line. Throughout the season, there are special promotions that allow entry into the pool for a reduced cost.

Commissioner Billinger commented that even though HRC is more efficient with the operation of the pool, costs will continue to go up. He does not want to fall too far behind; the fee structure should gradually go up so that it is not necessary to raise the fees too much at one time.

Vote: Ayes: Sunell Koerner
Henry Schwaller IV
No: Wayne Billinger
Troy Hickman

Wayne Billinger moved, Troy Hickman seconded, that the recommendations of the HRC be accepted.

Commissioner Hickman stated he would like to have a lower rate for children that would not be able to use the Lazy River.

Vote: Ayes: Wayne Billinger
No: Sunell Koerner
Henry Schwaller IV
Troy Hickman

Troy Hickman moved, Sunell Koerner seconded, that a flat fee of \$2.75 be charged, with a \$2.00 fee for children between the ages of two and five. Children under the age of two are admitted free and the season pass fee lowered from \$40.00 to \$35.00.

Vote: Ayes: Sunell Koerner
Troy Hickman
No: Wayne Billinger
Henry Schwaller IV

Wayne Billinger moved, Henry Schwaller IV seconded, that further discussion on this item be tabled until the next Commission meeting.

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

7. 2005 HAYS RECREATION COMMISSION PROJECT REQUEST: As per an agreement, the Hays Recreation Commission (HRC) is required to contribute approximately \$35,000 each year to benefit recreation facilities. HRC would like to purchase 14 scoreboards and accessories for all ball field and soccer field facilities as payment for 2005 as per the existing agreement.

Wayne Billinger moved, Troy Hickman seconded, that the 2005 project request from Hays Recreation Commission, being the purchase of scoreboards for all ball field and soccer field facilities, be approved.

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

8. WILSON POOL: Henry Schwaller IV moved, Wayne Billinger seconded, that this agenda item be tabled until the next work session.

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

9. MEMORANDUM OF AGREEMENT: Henry Schwaller IV moved, Wayne Billinger seconded, that the Memorandum of Agreement between the City of Hays, Hays Area Chamber of Commerce and Ellis County Coalition for Economic Development for office space at the new 27th & Vine building location be approved.

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

10. PARKING, OPERATION OF VEHICLES UPON STREETS DURING A WINTER STORM TRAFFIC EMERGENCY: Chapter 10.20.190, Subsection B, Phase II, of the Code of Ordinances refers to the requirement that vehicles must

be equipped with tire chains, except for vehicles with four-wheel drive, as a requirement for driving on an emergency snow route during a Phase II storm.

Wayne Billinger moved, Henry Schwaller IV seconded, that Ordinance No. 3676, being an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas, be approved.

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

11. SNOW AND ICE REMOVAL: Chapter 12.20 requires that snow and ice be removed from sidewalks within a 24 hour time period or that fines be given for failing to comply. This ordinance is difficult to enforce.

Henry Schwaller IV moved, Wayne Billinger seconded, that Ordinance No. 3677, being an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas, be approved.

Chairperson Koerner stated that if this ordinance is repealed, more people will probably not shovel their walks. It is important to have the sidewalks shoveled for people who need to walk on them.

Vote: Ayes: Wayne Billinger
Henry Schwaller IV
Troy Hickman
No: Sunell Koerner

Troy Hickman moved, Wayne Billinger seconded, that staff draft a snow and ice removal ordinance based on a complaint driven basis.

Vote: Ayes: Wayne Billinger
Henry Schwaller IV
Troy Hickman
No: Sunell Koerner

12. INTERSTATE 70 CORRIDOR BEAUTIFICATION: Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 2005-005, being a resolution by the Governing Board of the City of Hays, Kansas, to encourage the

use of sunflowers to beautify the I-70 Corridor through the State of Kansas, be approved.

Commissioner Hickman stated he appreciated the intent of the Resolution, however, he will be voting against the motion. He feels that planting sunflowers will attract deer, which in turn, makes driving I-70 more hazardous.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

No: Troy Hickman

13. THIRD ADDENDUM – CITY MANAGER EMPLOYMENT AGREEMENT:

The City Commission, upon the annual review of the City Manager, has prepared an Addendum to be attached to the City Manager's existing Employment Agreement. This Addendum incorporates a 4.5% increase in salary and an increase of \$2,000 annually in ICMA contributions.

Wayne Billinger moved, Troy Hickman seconded, that the Third Addendum to the Employment Agreement between the City of Hays and Randall L. Gustafson be approved.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

Troy Hickman

14. REPORT OF THE CITY MANAGER: City Manager Gustafson reported that a new street sweeper has been ordered and will be here on or after March 1, 2005. The entire city will be scheduled for regular street sweeping once the new sweeper has arrived.

15. COMMISSION INQUIRIES AND COMMENTS: Commissioner Hickman commented on the Ellis County Wellhead Protection Committee by-law changes regarding adding a third member-at-large. He is not pleased with this change to the by-laws.

City Attorney John Bird will research this further and report back to the Commission.

Chairperson Koerner stated that \$20 million in grant money is being provided by the U.S. Department of Transportation Small Communities for Air Service Grants. She requested that staff check into whether the City of Hays would qualify for any of the grant money.

Thereupon the Governing Body adjourned.

Submitted by: _____

City Clerk