

MINUTES OF A MEETING  
OF THE  
GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON  
FEBRUARY 24, 2005

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 24, 2005 at 7:30 p.m.

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

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

**2. MINUTES:** Chairperson Koerner made a correction to the minutes of the February 10, 2005 Commission minutes. On agenda item #11 – Snow and Ice Removal – she voted no on the motion to direct staff to draft a snow and ice removal ordinance based on a complaint driven basis. The minutes stand approved as corrected.

**3. FINANCIAL STATEMENT:** Henry Schwaller IV moved, Wayne Billinger seconded, that the Financial Statement for January 2005 be approved.

City Manager Randy Gustafson reported that sales tax collections deposited in January 2005 totaled \$188,177, which is a 14.98% increase over sales tax collected last year for the same period.

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

**4. CITIZEN COMMENTS:** There were no comments.

**5. CONSENT AGENDA:** Henry Schwaller IV moved, Wayne Billinger seconded, that the following consent agenda items be approved:

**A.** An agreement for Annexation for property located on 41<sup>st</sup> Street (Allen and Kim Rohr)

**B.** An agreement for Annexation for property located on 41<sup>st</sup> Street (Darrell and Norene Unrein)

**C.** Mayoral Appointments:

Hays Beautification Committee:

Joseph Becker – unexpired term to expire August 1, 2007

Sister Cities Advisory Board:

Ray Johnson – 3-year term to expire January 1, 2008

**D.** A Cereal Malt Beverage License for The Other Side, 2400 Vine Street

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

### **UNFINISHED BUSINESS**

**6. HAYS AQUATIC PARK FEES:** Henry Schwaller IV moved, Sunell Koerner seconded, that the fee structure for the 2005 season at the Hays Aquatic Park be:

Weekday fees for users 3 years of age and older:	\$ 2.50
Weekend and holiday fees for users 3 years of age and older:	3.00
Season passes:	35.00

Rick Claiborn, Hays Recreation Commission (HRC) Superintendent, informed the Commission the average fee for the 2004 season was \$2.59 after the season pass admissions were deducted.

Commissioner Schwaller stated he felt that raising the fees from \$2.25 to \$3.00 for weekdays would adversely affect attendance and would probably not result in a large windfall of revenue. He feels it would be better to try to lower costs.

Commissioner Steward stated he supports Commissioner Schwaller's motion, but would like to implement some type of program that allows for free swimming one day a week for anyone who may not be able to afford the entrance fee.

A discussion followed about implementing a scholarship program that would allow certain youths to be eligible for a season pass at a reduced cost.

Commissioner Schwaller amended his motion to add that certain youths be eligible for a season pass at a reduced cost, using guidelines HRC has in place for other scholarship programs. Chairperson Koerner amended her second.

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

**7. WILSON POOL:** The City Commission requested information concerning the possible closure of Wilson Pool. The Hays Recreation Commission (HRC) conducted a survey and the overall response was to keep the pool open and make necessary repairs to the facility. HRC also held a public meeting concerning the pool closure and received the same responses. All in attendance felt that \$75,000 to make necessary repairs is well worth the cost. Many of the repairs must be completed prior to opening the pool to ensure efficient operation as well as to provide safety.

Henry Schwaller IV moved, Wayne Billinger seconded, that staff be instructed to develop a Request for Proposal for the pool equipment, including replacement of the pump, the chlorinator, the filters, valves and plumbing.

Commissioner Schwaller stated he would rather do this via a Request for Proposal (RFP) than accept bids. The RFP would be open-ended without written specifications. The Commissioners would review the RFPs and determine whether it would be feasible to do the necessary repairs.

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

Henry Schwaller IV moved, Sunell Koerner seconded, that any further discussion on a bid process for the repair of Wilson Pool be tabled until such time as the Request for Proposals are returned.

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

### **NEW BUSINESS**

**8. COLORADO TIMING SYSTEM:** Commissioner Steward stated that a decision was made in December 2004 to sell the Colorado Timing System (CTS) for \$11,500. The CTS originally cost approximately \$40,000. It is used by the City one time each year for a swim meet at the Hays Aquatic Park. The unit is stored at the Hays Medical Center indoor pool and is used mostly by the Hays High School swim team and by Fort Hays State University for track meets on campus. Hays Recreation Commission (HRC) has been the caretaker of the unit. Information provided by the HRC led the Commission to believe the CTS was not operational, when in fact, it does work.

Joe Spangler, HRC Aquatics Director, stated the unit could be used without the repairs but should be repaired to function properly.

Lyle Noordhoek, a Hays High School swim team volunteer, stated the unit is not used frequently and the plugs get corroded. That is the main problem along with several other minor ones.

Commissioner Schwaller stated he felt it would be best to repair the system; there are plenty of uses for it.

The City Manager recommended that staff explore the cost of a digital base system that doesn't corrode. If it is possible to buy a digital system cheaper, the Commission could consider selling the current system. Otherwise, he recommended the Commission consider keeping it and spend the dollars necessary to make the unit fully operational.

Mark Hantla, chairman of the Pool Task Force, stated the CTS was bought with sales tax money that was generated from sales within the community. The unit is intended for the entire community's use.

Rick Claiborn, HRC superintendent, stated that HRC's assessment of the unit was not intended to lead the Commission to believe it was not operational. The unit should be housed/maintained by the Parks Department, HRC, or the school district. Fort Hays State uses the CTS the most.

Commissioner Schwaller stated that storage of the unit at the Hays Medical Center indoor pool is inappropriate due to the high humidity environment.

Staff was directed to meet with all the parties that use the CTS to try to find an appropriate storage place for the unit.

## **9. CONSULTANT SELECTION – WATER TOWER REPAIR/PAINT PROJECT:**

To paint and repair the inside of the one-million gallon water tower will require it to be taken out-of-service for 45 to 60 days. In anticipation of this project, a 2004 project installed Variable Frequency Drive (VFD) pumps at the Water Softening Plant to control the pressure in the distribution system so that the water tower could be taken out-of-service.

Bartlett and West Engineering was the consultant for the VFD project and created a water model that will be used as a tool for staff to control the pressure

in the distribution system and determine the placement of the pressure relief valves on selected fire hydrants for this project.

City Manager Gustafson recommended awarding the consultant services to Bartlett and West Engineers for the repair/paint project.

Troy Hickman moved, Kent Steward seconded, that Bartlett and West Engineering be hired as the sole source consultant on the one-million gallon water tower maintenance project.

Commissioner Schwaller was out of the room during the vote.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Troy Hickman

**10. AGREEMENT FOR PAYMENT FOR SHERMAN WATER LINE PROJECT:**

The owner of property located along Sherman Avenue (Hays Plaza 7<sup>th</sup> Addition, Block 1, Lots 2-9) wishes to pay in full the amount of \$23,253 for the construction, engineering, and inspection prior to the improvement proceeding. The owner agrees to pay any overages above and beyond the amount of \$23,253 that are the direct result of any change orders during the construction phase of the improvement. The City agrees to reimburse the owner in the event the total improvement expenditures are less than the contract amount of \$23,253.

Troy Hickman moved, Wayne Billinger seconded, that the Agreement for Payment with Vernon and Carol Kinderknecht describing the payment method for the Sherman Avenue water line project be approved.

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

**11. REPEAL OF SPECIAL ASSESSMENT RESOLUTION NO. 2004-489 FOR SHERMAN AVENUE WATER LINE:** The owner of property along Sherman

Avenue requests the repeal of Resolution No. 2004-489 and wishes to pay in full the amount of \$23,253 for the construction, engineering, and inspection prior to the improvement proceeding, rather than special assessing the costs of the project.

Troy Hickman moved, Kent Steward seconded, that Resolution No. 2005-006, being a resolution repealing Resolution 2004-489, be approved.

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

**12. SHERMAN AVENUE WATER SYSTEM IMPROVEMENTS – AWARD OF**

**BID:** Bids were received from one contractor, APAC, for the Sherman Avenue water line improvements in the amount of \$18,153. This project is being paid in full by the developer. The total cost, including engineering, construction and inspection is \$23,253.

Troy Hickman moved, Wayne Billinger seconded, that the bid from APAC in the amount of \$23,253 be approved.

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

**13. 2005 STREET IMPROVEMENT PROJECT:**

Bids were received from one contractor (Stripe and Seal) for the installation of crack seal and polypatch materials on various streets throughout the City of Hays. City staff recommended approving the bid for work in an amount not to exceed \$200,000.

Henry Schwaller IV moved, Troy Hickman seconded, that the bid from Stripe and Seal for the installation of crack seal and polypatch materials on various streets throughout Hays be approved.

Vote: Ayes: Sunell Koerner

Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**14. FAIR HOUSING/CIVIL RIGHTS POLICY:** In order for the City to participate in certain Community Development Block Grants, the Kansas Department of Commerce and Housing requires that the City have in place a policy outlining the procedures for handling fair housing and civil rights issues within the city limits.

Troy Hickman moved, Kent Steward seconded, that a Fair Housing/Civil Rights Policy for the City of Hays be approved.

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

**15. REPORT OF THE CITY MANAGER:** Discussion took place at the February 17, 2005 Work Session in reference to raising diversion fees for alcohol related offenses. The additional revenue generated would be allocated to the Safe Ride Program.

The City Manager reported that it would not be necessary to pass an ordinance in order to raise the fees from \$100 to \$250.

Wayne Billinger moved, Henry Schwaller IV seconded, that the additional funds generated by increasing the diversion fees from \$100 to \$250 be used for the Safe Ride Program, with the understanding that the money collected this year is not budgeted and funds will have to be taken out of contingency to allow it to be spent.

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

**16. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested, with the other Commissioners' approval, that the City Manager send a letter drafted by the City Attorney to the Ellis County Wellhead Protection Committee informing them they have not followed procedures as outlined by a prior Commission.

The other Commissioners agreed with Commissioner Schwaller's request.

Commissioner Hickman requested that the Airport Manager appear before the Commission to report on promotional activities at the Hays Regional Airport.

Chairperson Koerner requested staff research the procedures necessary to have property rezoned.

Thereupon the Governing Body adjourned.

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

City Clerk