

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON FEBRUARY 26, 2009

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 26, 2009 at 7:30 p.m.

Roll Call: Present: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

Absent: Troy Hickman

Chairperson Wasinger 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 February 10, 2009; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported that investments on January 31, 2009 totaled \$41,350,000, which is a \$1,950,000 increase when compared to January 2008. The weighted average interest rate on the total investment portfolio as of January 31<sup>st</sup> is 1.95%. In January, the Finance/City Clerk's Office invested \$8,500,000 of maturing certificates of deposits with a weighted average interest rate of .87%. January sales tax collected for the General Fund totaled \$878,232, which was an increase of \$113,166 when compared to January 2008. To date, sales tax collections are up 14.79% compared to 2008. Mr. Rupp noted that some of the collections received in January included payment for the December 2008 liability.

Ron Mellick moved, Christopher Channell seconded, that the Financial Statement for the month of January 2009 be approved.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

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

**5. CONSENT AGENDA:** **A.** Mayoral Appointments: Christopher Channell moved, Allan Lytton seconded, that Tim Cossaart and Kara Moore be appointed to the Hays Sports Complex Project Development Advisory Committee.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

**B.** Mayoral Appointments (recommendations): Chairperson Wasinger presented her recommendations for the following mayoral appointments:

**Sister City Advisory Board**

Tom Thomas – 3-year term to expire January 1, 2012

Jenny Jiang – unexpired term to expire January 1, 2011

**Hays Convention & Visitors Bureau Advisory Committee**

George Lavigne (Ramada Convention Center) – unexpired term to expire December 1, 2010

**Care Council**

John Scheck – 2-year term to expire March 1, 2011

The appointments will be presented for approval at the March 12, 2009 Commission meeting.

**NEW BUSINESS**

**6. LEON'S WELDING AND FABRICATION PROPERTY TAX ABATEMENT –**

**PUBLIC HEARING:** Chairperson Wasinger opened the public hearing to

consider a 50% property tax abatement for Leon's Welding and Fabrication. There were no comments.

Ron Mellick moved, Allan Lytton seconded, that the public hearing be closed.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**7. LEON'S WELDING AND FABRICATION PROPERTY TAX ABATEMENT –**

**RESOLUTION:** This resolution is the Governing Body's acknowledgment that the necessary application and process have been followed by Leon's Welding to be eligible for the 50% property tax abatement as required by K.S.A. 79-251 and the City of Hays Economic Development Policy.

Allan Lytton moved, Christopher Channell seconded, that Resolution No. 2009-006, being a resolution of the Governing Body of Hays, Kansas making certain findings of fact as required by K.S.A. 79-251 with respect to a property tax exemption to be granted to Leon's Welding and Fabrication, LLC, be approved.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**8. LEON'S WELDING AND FABRICATION PROPERTY TAX ABATEMENT –**

**ORDINANCE:** Ordinance No. 3765 is the actual award of the 50% property tax abatement to Leon's Welding and Fabrication as defined in Article 11, Section 13 of the Kansas Constitution permitting the governing body of any city by ordinance to exempt from ad valorem taxation all or any portion of the appraised valuation of all buildings, land, and tangible personal property used exclusively by a newly expanded business for manufacturing, research and development, or the storing of goods traded in interstate commerce.

Ron Mellick moved, Barbara Wasinger seconded, that Ordinance No. 3765, being an ordinance exempting certain property in the City of Hays from ad valorem taxation for economic development purposes, be approved.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**9. POOL RESERVE FUNDS REQUEST FOR VIRGINIA GRAEME BAKER**

**POOL AND SPA SAFETY ACT:** To be in compliance with the Virginia Graeme Baker Pool and Spa Safety Act (VGB Act), the City of Hays must replace the drain covers before the pools open for the season. The VGB Act requires all new drain and grate covers to be certified to all applicable standards prior to opening. The Consumer and Product Safety Commission recommend aquatic facility owner/operators enlist the services of a certified professional to determine each facility's needs and ensure final compliance.

City Manager Toby Dougherty stated the low bid submitted by Water's Edge had a clause in the contract that was unacceptable. The clause was in reference to the firm's liability limit. Staff has found another firm that can provide the same services that does not have a limit on their liability. The City Manager requested approval for an amount to not exceed \$8,000.

Chairperson Wasinger moved, Allan Lytton seconded, that funds not to exceed \$8,000 from the Pool Reserve Fund be approved for professional engineering services to achieve compliance with the VGB Act.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**10. REQUEST FOR AUTHORIZATION TO IMPLEMENT PART-TIME POLICE**

**OFFICER PROGRAM:** Police Chief Jim Braun proposed the implementation of a Part-time Officer Program. This program has the potential to slightly lessen the

burden of overtime placed on the full-time Hays police officers while also providing a means to evaluate a police applicant's work ethic and ability in a real-time work environment prior to being hired in a fulltime position. The cost to fill these positions would be absorbed through overtime savings. It is estimated at this time that the City could see a net savings of approximately \$20,000 per year by implementing this program. The Police Chief discussed the details of the program with the Commissioners.

Allan Lytton moved, Christopher Channell seconded, that the request to hire four part-time police officers for the implementation of a Part-time Officer Program be approved.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**11. AWARD OF BID TO REPLACE A SECTION OF LINCOLN TUNNEL AT**

**15<sup>TH</sup> & MAIN:** Ron Mellick moved, Barbara Wasinger seconded, that the low bid submitted by J Corp, in the amount of \$101,485 for the replacement of a section of the Lincoln tunnel under 15<sup>th</sup> and Main Street be approved and that the City Manager be authorized to enter into a contract with J Corp to perform the work.

Vote: Ayes: Barbara Wasinger

Ron Mellick

Christopher Channell

Allan Lytton

**12. REQUEST FOR PROPOSALS (RFP) FOR REMOVAL OF HOUSE AT 108**

**WEST 16<sup>TH</sup> STREET:** Previously, Habitat for Humanity wanted to relocate both houses located at 108 West 16<sup>th</sup> Street to empty lots located at the southeast corner of 17<sup>th</sup> and Allen. However, due to unforeseen costs related to moving the brick house located on the north portion of the lot, Habitat for Humanity is no longer interested in that house. Habitat for Humanity still intends to relocate the house on the south portion of the lot. Staff has developed a Request for Proposals (RFP) to determine whether anyone else is interested in the removal

of the brick house. The RFP calls for the submission of proposals by March 25, 2009 and the removal to be accomplished by July 13, 2009.

Barbara Wasinger moved, Christopher Channel seconded, that staff be authorized to solicit proposals for the removal of the brick house at 108 West 16<sup>th</sup> Street.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

**13. VINE STREET PROJECT FOR KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) STIMULUS PACKAGE:**

KDOT has called for the submission of possible projects to be funded by the American Recovery and Reinvestment Act. Of the money filtering its way down to local communities, \$3 million has been allocated to KDOT District 3, which includes 18 counties in northwest Kansas. KDOT has asked local governments to submit their proposed projects to the KDOT district office no later than March 13, 2009. A project evaluation process has been established by KDOT to prioritize and select projects to be funded.

Based on established ranking criteria, staff recommended submitting the reconstruction of a portion of Vine Street from 22<sup>nd</sup> to 27<sup>th</sup> Street. The total estimated cost of this project is \$1.5 million. Current KLINK grants total \$400,000 leaving \$1.1 million to be funded by the stimulus funds.

Ron Mellick moved, Allan Lytton seconded, that the Mayor be authorized to sign the request to KDOT for the reconstruction of Vine Street from 22<sup>nd</sup> to 27<sup>th</sup> Street under the American Recovery and Reinvestment Act, and authorize City staff to solicit engineering firms for the design of the project.

Commissioner Mellick asked what would happen if KDOT does not fund the entire \$1.1 million?

Public Works Director Brenda Herrman stated it is her understanding that the City could not back out of the project. Additionally, if the City is awarded the money and fails to meet any deadlines and does not spend the money, the

money is lost and cannot be used for any project. Ms. Herrman stated that she cannot promise anything, but she feels Hays has a pretty good chance of being awarded stimulus money.

The City Manager stated that if this project was not paid entirely with stimulus money, the City would have to bond the remainder of the cost.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

**14. CITY MANAGER EMPLOYMENT AGREEMENT – FOURTH ADDENDUM:**

Christopher Channell moved, Allan Lytton seconded, that the Fourth Addendum to the City Manager’s Employment Agreement be approved.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

**15. REPORT OF THE CITY MANAGER:** The City Manager stated he has requested the Assistant Manager update the Commissioners monthly about activities occurring in the various City departments.

Assistant City Manager Mark Loughry discussed the Fire Department’s Regional Hazardous Material Team, which was implemented through grant funding. Mr. Loughry also highlighted activities in the Police Department. Over the past couple of months, the department has conducted applicant screening tests and hosted the emergency medical dispatcher certification training course in Hays. The Police Department also participated in a joint training exercise with the KBI.

Mr. Loughry reported that a wash pit has been installed at the Solid Waste facility to clean the trash trucks. It is estimated that approximately \$5,000 in fuel costs and staff time will be saved since they no longer will need to go to the Public Works facility to perform this cleaning.

The Assistant City Manager stated that 15 parking stalls have been installed at the Hays Regional Airport and this work was done in-house at a cost of approximately \$14,000 saving \$60,000.

Mr. Loughry updated the Commissioners on the 22<sup>nd</sup> Street construction project between Canterbury and Commerce Parkway. The street may be ready for opening in March.

**16. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Channell reported that the flag at the Hays Aquatic Park needs to be replaced.

**17. EXECUTIVE SESSION:** Barbara Wasinger moved, Christopher Channell seconded, that the Governing Body recess to executive session at 8:34 p.m. for 10 minutes to discuss property acquisition and attorney-client privileged information. The executive session included the City Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 25-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

Chairperson Wasinger called the meeting back to order at 8:44 p.m. She stated no action was taken during executive session.

Barbara Wasinger moved, Ron Mellick seconded, that the City Manager be authorized to sign agreements with the Larry Werth family and the Donald Werth family to settle agreements on land acquisition relating to the Smoky Hill Wellfield project.

Vote: Ayes: Barbara Wasinger  
Ron Mellick  
Christopher Channell  
Allan Lytton

The meeting was adjourned.

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

City Clerk