

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 28, 2012

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 28, 2012 at 6:30 p.m.

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

Absent: Barbara Wasinger

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

**2. MINUTES:** There were no additions or correction to the minutes of the regular session held on June 14, 2012; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported month-to-date sales tax collections for the Sports Complex were \$249,295, an increase of \$16,821 when compared to last year. Total year-to-date sales tax collections are \$1,221,034 and inception-to-date collections total \$8,162,117. The Sports Complex is now paid for and any additional monies generated will go toward future maintenance budgets. Month-to-date General Fund sales tax collections were at \$611,234, up \$41,609 compared to last year; year-to-date General Fund sales tax collections are up \$162,705 or 5.74%. The six month running average on sales tax collections is up 7.22%.

The Finance/City Clerk's Office invested \$5,300,000 of new or renewing certificates with a weighted average interest rate of .18%. The portfolio of certificates of deposit on May 31, 2012 totaled \$46,850,000 with a weighted average interest rate of .26%. The total balance of the Money Market account on

May 31, 2012 was \$650,000 with a current yield of .20%. Total investments are up \$7,600,000 when compared to this time last year.

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

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

**4. CITIZEN COMMENTS:** John Pyle, 3002 Columbine, and Fire Chief Gary Brown, representing the Viet Nam Veterans of America Chapter 939, requested the permanent utilization of a parcel of land at the Hays Regional Airport for the display of static helicopters. There will be no expense to the City for this project.

City Manager Toby Dougherty stated, at this time, the land is used for overflow parking when fly-in events are held. He would like to check the Airport Master Plan before any decision is made. This will be discussed again at a future work session.

**5. HAYS BEAUTIFICATION AWARD:** The Hays Beautification Committee began the Commercial Improvement Award program to recognize the efforts of commercial businesses that improve the overall appearance of their place of business. The following businesses were recognized and presented with a certificate:

Golden Belt Bank	1101 East 27 <sup>th</sup> St.
Dillons	27 <sup>th</sup> & Hall St.
Seibel Law Office	1805 East 27 <sup>th</sup> St.

**6. CONSENT AGENDA:** A. Mayor Hickman presented the following proposed appointments which will be presented for approval at the July 12, 2012 Commission meeting:

Hays Convention & Visitors Bureau Advisory Committee

Don Westfall – three-year term to expire December 1, 2015

Hays Housing Authority Board

Al Klaus – unexpired term to expire February 14, 2013

B. Henry Schwaller IV moved, Kent Steward moved, that Christopher Springer be appointed to a three-year term on the Airport Advisory Committee to expire April 30, 2015.

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

### **NEW BUSINESS**

**7. COMMERCIAL INSURANCE RENEWAL – 2012/2013:** The City of Hays commercial insurance with Travelers Insurance will expire on July 1, 2012. Currently, Insurance Planning provides critical insurance oversight for the City as the insurance broker. Requested quotes to various companies by Insurance Planning resulted in four responsive and responsible bids. Companion Commercial Insurance, through their broker APEX, submitted the low bid of \$192,094. Travelers Insurance came in with the second lowest bid of \$205,635.

Finance Director Kim Rupp stated that he has checked out Companion Commercial and visited with a few of their clients in other states and he feels the bid submitted by Companion Commercial Insurance is a responsible bid.

Rich Kraemer and Dale Chaffin from Insurance Planning addressed the Commission regarding switching to Companion Commercial, which just started writing public entities in Kansas this year; the City of Hays would be their first customer in the state of Kansas.

Staff recommended staying with EMC for Public Wholesale Water District #15 general and liability coverage, as the premium is only \$1,678 for 2012/2013.

Henry Schwaller IV moved, Ron Mellick seconded, that the City Manager be authorized to renew the 2012/2013 Commercial Insurance Policy with Companion Commercial Insurance for the coverage presented and the Public Wholesale District coverage with EMC in an annual premium total amount not to exceed \$193,772.

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

**8. FORT HAYS STATE UNIVERSITY LARKS PARK TURF REQUEST:** Fort Hays State University (FHSU) has approached the City of Hays to determine if the City would be interested in sharing the cost of replacement turf at Larks Park, estimated to cost \$260,000-\$280,000. Larks Park is owned by the City who contracts with FHSU to operate the facility. FHSU provides all routine maintenance, not just for FHSU games, but for Larks and Hays Baseball Association games as well.

The current turf is approximately 10 years old and needs replacement. The entire base under the turf needs to be rehabilitated or restructured as well. As the City owns the facility, the City typically takes care of all structural needs. Since 2005, the City has invested \$329,474.06 in Larks Park, over and above the normal time and equipment, to improve Larks Park in order to create a top-notch facility for players and fans.

City Manager Toby Dougherty stated that the Hays Baseball Association and Fort Hays State University have agreed, along with the City's \$5,000 annual contribution, to each set aside \$5,000 annually for future turf replacement at Larks Park.

Curtis Hammeke, FHSU Athletic Director, also addressed the lack of protection in front of the dugout at Larks Park.

The City Manager stated the cost to install protective fencing would be minimal and could be included with this project.

Ron Mellick moved, Kent Steward seconded, that funds not to exceed \$140,000 be authorized for turf replacement at Larks Park, to be paid out of the City Commission Financial Policy Projects fund.

Mr. Hammeke requested that \$150,000 be authorized for this project in case bids come in higher than expected.

Commissioner Mellick amended his motion that up to \$150,000 be authorized for turf replacement at Larks Park, to be paid out of the City Commission Financial Policy Projects fund. Commissioner Steward agreed to the amended motion.

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

**9. FRIENDS OF THE HAYS DOG PARK REQUEST:** The Friends of the Hays Dog Park (FHDP) have organized an effort to create a dog park in Hays and have requested Commission approval to designate a six acre tract of land east of the maintenance building at the Bickle-Schmidt Sports Complex for this purpose. It is estimated that construction costs of the park will be \$50,000 to \$75,000. To date the group has raised approximately \$8,600.

The FHDP feels that the amount of donations toward the park should continue to rise if the City Commission approves a designated location for a dog park. If the dog park becomes a reality, staff will be required to spend approximately 300 hours per year plus materials or roughly \$4,800. If naming rights are considered for the dog park, the FHDP may receive significant funding for this project.

Henry Schwaller IV moved, Kent Steward seconded, that a six acre tract of land east of the maintenance building at the Bickle-Schmidt Sports Complex be designated as the future home for the new dog park.

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

**10. DISBANDING THE REGIONAL HAZARDOUS MATERIALS TEAM:** Since 2002, the Hays Fire Department has operated the Regional Hazardous Materials Team through an agreement with the State Fire Marshall. While the City's financial cost to operate the Team is minimal, the time and effort necessary to

maintain the Team is great and the utilization of the Team is low. City firefighters must be generalists and professionally competent in a number of disciplines. It is difficult to maintain the level of specialization needed to properly operate the Team. The special breathing apparatus used by the Team must be replaced at an estimated cost of \$32,500. Grant funding used to train the firefighters as hazardous materials technicians is no longer available; therefore staff made the recommendation to terminate the Regional Hazardous Material Team Agreement with the State Fire Marshall and disband the Team.

Ron Mellick moved, Henry Schwaller IV seconded, that the Regional Hazardous Materials Team Agreement with the State Fire Marshall be terminated.

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

#### **11. REPORT ON THE CITY'S PUBLIC FIRE PROTECTION**

**CLASSIFICATION:** Since 2004, the City has had a Class 3 public fire protection classification from the Insurance Services Office. This classification is important in predicting property loss due to fire and establishing commercial fire insurance rates in our city. In December 2011, the City was reevaluated by the Insurance Services Office. In May, the City Manager was notified that the City's public fire protection classification remains essentially unchanged at Class 3/9. With 1,184 rated communities in Kansas, only eight have a higher public fire protection classification. There are 40 other communities in our state rated as Class 3.

This agenda item was presented for information purposes only; no Commission action was necessary.

**12. ACQUISITION OF PNEUMATIC ROLLER:** Henry Schwaller IV moved, Kent Steward seconded, that the City Manager be authorized to accept the low bid for a nine wheel pneumatic roller from Van Keppel, in an amount not to exceed \$56,850, to be paid out of the New Equipment Reserve Fund.

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

**13. REZONING OF 3112 E. 13<sup>TH</sup> ST:** The owners of the property located at 3112 E. 13<sup>th</sup> St. have submitted a request to rezone the property from A-L (Agriculture) to R-3 (Two Family Dwelling). The Planning Commission, by an 8-0 vote, recommended approval of the rezoning request.

Commissioner Schwaller questioned why the Planning Commission approved this rezoning request because the property is so close to commercial property on Commerce Parkway.

Commissioner Mellick pointed out that there are houses on both sides of this property and are far enough away from Commerce Parkway.

Commissioner Schwaller responded that a lot of money was spent 20 some years ago to develop this area for business entities. The area surrounding Commerce Parkway has not been developed in an orderly fashion. There should be a buffer between a business development and a housing development. He is not against this rezoning, but this is not orderly development. The Planning Commission will ultimately be responsible if ten years from now there are concerns regarding the development in this area.

Ron Mellick moved, Kent Steward seconded, that Ordinance No. 3847, being an ordinance rezoning all of Lots 15, 17, and 19, Block 9, and the north ½ of the vacated alley along south side of said lots, and except for the north 17' of said lots for R/W, all in the George Phillip Addition to the City of Hays, be approved.

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

**14. ANNEXATION OF 3112 E. 13<sup>TH</sup> STREET:** Ron Mellick moved, Kent Steward seconded, that Ordinance No. 3848, being an ordinance annexing land to the City of Hays, Kansas, be approved.

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

**15. DEMOLITION REQUEST – 811 FORT:** Owners of the building at 811 Fort are requesting the Commissioners to make a determination that demolition of the building is the only feasible and prudent alternative to address the safety and structural issues at this location. Significant amounts of debris, primarily limestone blocks, have fallen from the structure on at least two separate occasions in the past five weeks forcing the City to close off the sidewalk and on-street parking adjacent to the structure. Further debris could fall at any time resulting in damage or injury, therefore the timely nature of this issue is imperative.

Henry Schwaller moved, Kent Steward seconded, that the Governing Body has determined that there are no other feasible and prudent alternatives to demolition of the historic structure at 811 Fort, as required by the State Historical Preservation Office.

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

**16. PROGRESS REPORT:** There was no progress report this month.

**17. REPORT OF THE CITY MANAGER:** City Manager Toby Dougherty stated that next month the Commissioners will be presented with the Comprehensive Plan. This Plan should provide a fresh start going forward with how planning/zoning issues are handled.

The City Manager reported that City water resources are holding up during the current dry spell and hot weather. The drought proofing measures made

over time are paying off. He urged residents to continue to be diligent and use wise water conservation practices.

Mr. Dougherty also reported that two long-time City employees, Russ Sytsma and Charlie Blair, are retiring this week. He thanked them for their years of service and wished them a happy retirement.

**18. COMMISSON INQUIRIES AND COMMENTS:** Commissioner Mellick requested that Planning, Inspection and Enforcement look into the possibility of inspecting buildings on a regular basis, especially in downtown Hays, so that what has happened to the historic building at 811 Fort will not happen again.

Commissioner Schwaller stated that since it is the Mayor's decision whether or not to allow fireworks this year, it is important that he has the full support of the Commission.

Commissioner Steward urged the mayor to ban fireworks this year. He concedes that there may not be a heightened danger, but there is the perception that people are afraid and angry. He feels the prudent thing to do is ban fireworks this year.

City Manager Dougherty stated fireworks are inherently dangerous. Having fireworks in the City heightens the risk for structure and yard fires. He conceded that we are in an abnormally hot and dry period, but from a perspective of the potential for damage, whether it is 90 degrees or 100 degrees, there is the same potential to burn. There are not large tracts of open areas with tall grass within the city limits. There are not large tracts of forests. The ordinance is written that there has to be a substantial threat to persons or property. His recommendation is that if the Commission is going to make the determination to ban fireworks because of the hot, dry year, they should disallow them for good.

Chairperson Hickman stated this matter has been weighing on him as well. He has visited with the City Manager every day as well as being in contact with the Commissioners. If something happens where he feels he should take action, he will.

The City Manager stated the Fire Department will be staffing an extra truck during the three day period when fireworks can be discharged. The

difference between the city and the county is that in the city limits, there is a readily available source of water to extinguish the fire; if something sparks a fire in the county, water would have to be hauled to put out the fire.

The meeting was adjourned at 8:21 p.m.

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

Doris Wing – City Clerk