

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 22, 2010

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 22, 2010 at 6:30 p.m.

Roll Call: Present: Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick

Chairperson Channell 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 July 8, 2010; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that the portfolio of certificates of deposit on June 30, 2010 totaled \$42,000,000 with a weighted average interest rate of .5404%. Three certificates were renewed for a total of \$4,000,000 at a weighted average interest rate of .355%. The total balance of the Money Market account on June 30, 2010 was \$3,750,000 with a current yield of .46%. Total investments are down \$900,000 from a year ago.

Month-to-date sales tax collections for the Sports Complex are \$214,826 and year-to-date collections are \$1,242,718. Inception-to-date collections total \$2,759,865 and inception-to-date expenditures total \$1,819,228. General Fund sales tax collections rebounded in June with a month-to-date increase of \$45,598. This brings the year-to-date collections up to -2.02% or -\$62,768 from a year ago. Total year-to-date collections for the first six months of the year are \$3,046,813 for the General Fund.

Ron Mellick moved, Henry Schwaller IV seconded, that the Financial Statement for the month of June 2010 be approved.

Vote: Ayes: Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Barbara Wasinger moved, Troy Hickman seconded, that Resolution No. AR-07, Series of 2010, being a resolution expressing appreciation to Mike and Elizabeth Harvey for establishing a new business, Hays Bobcat Rental, in the city of Hays; and that Resolution No. AR-08, Series of 2010, being a resolution expressing appreciation to Mike Reed for establishing a new business, Sunrise Oilfield Supply, in the city of Hays, be approved.

Vote: Ayes: Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick

NEW BUSINESS

6. STORMWATER ADVISORY COMMITTEE MEMBERS: At the June 24, 2010 Commission meeting, the Commissioners approved the creation of a Stormwater Advisory Committee (SWAC) with membership not-to-exceed nine members. Representatives from various business types have been selected and have agreed to serve on the SWAC to work with City staff and the consulting firm of Camp, Dresser, and McKee for the purpose of making a recommendation regarding the creation of a stormwater utility and to bring forth an ordinance for the Commissioners' consideration. The Commissioners were requested to approve the following list of nine Hays citizens to serve on this committee:

<u>Representing</u>	<u>Name</u>	<u>Business</u>
Large Impervious Area	Mike Konz	Wal-Mart
Large Impervious Area	Chris Schumacher	Fort Hays Auto Sales
Large Impervious Area	Rich Webb	Hays Medical Center
Large Impervious Area	Anne Elbert	The Mall
School District	Fred Kaufman	USD489
Downtown	Dave Van Doren	Hadley Center
Fort Hays State Univ.	Jim Schreiber	Fort Hays State University
Citizens	Jack Curtis	Active Citizen
Church	Ramie Wasinger	St. Nick's Parish

Public Works Director Brenda Herrman stated that Don Larson, representing Heartland Building Center, has shown interest in serving on the committee.

Commissioner Schwaller stated that Don would be an excellent addition to the committee.

Henry Schwaller IV moved, Ron Mellick seconded, that the nine names submitted by staff, to serve as members of the Stormwater Advisory Committee, be approved, as well as Don Larson, to represent Heartland Building Center.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

7. SIGN REGULATION ORDINANCE CHANGES: Due to concerns about various signage that has been erected in the recent past, the Planning Commission has spent several months reviewing and discussing current sign regulations. Of particular concern were electronic LED signage and large billboard signs. The language found within the current regulations has remained primarily unchanged since the adoption of the regulations in 1973.

Planning, Inspection, and Enforcement Superintendent Jesse Rohr reviewed the changes and additions to the ordinance.

Barbara Wasinger moved, Henry Schwaller IV seconded, that Ordinance No. 3809, being an ordinance amending Chapter 71 of the City of Hays, Kansas, Municipal Code, by modifying Article IV, regarding sign regulations, be approved.

Barbara Wasinger amended her motion, Henry Schwaller IV seconded the amended motion, to change Section 71-801 (b) to state sixty days, instead of thirty days, to correct any defect on a sign.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

Bill Billinger, owner of Signs and Designs, stated that state regulations do not allow animation on off-premise electronic signs. On-premise signs can have animation. He requested the ordinance be amended to allow off-premise animation if he could present documentation that would prove that animation does not have any effect on or increase accidents.

The Planning, Inspection, and Enforcement Superintendent stated the Planning Commission chose to keep the city ordinance consistent with state regulations.

Commissioner Schwaller recommended that Mr. Billinger request the Planning Commission to consider his request. If the Planning Commission decides to amend the ordinance, most likely, the Commissioners would support that recommendation.

8. KDOT AVIATION GRANT FOR LARGE COMMERCIAL HANGAR AT THE HAYS REGIONAL AIRPORT:

The Hays Airport Master Plan called for the construction of a clear span hangar in 1984 and again in 2010. There is a need to protect commercial aircraft from adverse weather. Keeping these aircraft protected leads to more on-time flights, fewer cancellations, and reduced environmental concerns associated with de-icing.

City staff learned of a Pilot Program Grant from the KDOT Aviation Division that had a very short timeline to submit grant applications. The construction of a clear span hangar qualifies for the available funding. The grant application was due July 16, 2010. At the City Manager's direction, appropriate paperwork was submitted to request KDOT funding. The costs to construct the hangar, relocate two hangars, reconfigure the taxiway, plus architectural fees and contingency would be approximately \$500,000. The proposed 2011 Budget contains sufficient funding to cover 50% of the cost of the project; the grant provides for a 50/50 split between KDOT Aviation and the City of Hays.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the submission of a KDOT Aviation grant to fund the construction of a clear span hangar, relocate two private hangars and reconfigure the taxiway, if necessary, be approved.

Vote: Ayes: Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV
Ron Mellick

Commissioner Wasinger left the meeting.

9. REVISION OF SMOKE FREE ENVIRONMENT POLICY: Legislation passed by the Kansas Legislature prohibits smoking in all public buildings and vehicles and also imposes a 10-foot limit on smoking near entrances. Commissioners were requested to approve an amended Smoke Free Environment Policy that complies with State law.

Commissioner Hickman stepped out during the discussion and vote.

Ron Mellick moved, Henry Schwaller IV seconded, that the Smoke Free Environment Policy be amended to comply with House Bill 2221.

Vote: Ayes: Christopher Channell
Henry Schwaller IV
Ron Mellick

10. WATER RATES RESOLUTION: Resolution 2007-002, which sets water rates, stipulates that rates shall be modified by increasing them 3% of the rate then existing, each successive year on January 1st. Staff has recommended that no rate increase be implemented in 2011. Existing water rates, set through annual increases over the past two years, have balanced operating and capital expenditures. Therefore, it is necessary for the Commissioners to approve a resolution to set 2011 water rates without a 3% increase.

Henry Schwaller IV moved, Ron Mellick seconded, that Resolution 2010-020, being a resolution setting the water rates for residential and business customers within the city of Hays, Kansas, by foregoing any increase for the year 2011, be approved.

Chairperson Channell stated he does not like the idea of having automatic scheduled increases each year. Rates should be reviewed every year and a determination made at that time whether to increase them or not. He will vote against the resolution, not because he supports an increase, but because he does not support the process.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Ron Mellick

No: Christopher Channell

11. SEWER RATES RESOLUTION: Resolution 2008-012, which sets sewer rates, stipulates that rates shall be modified by increasing them 3% of the rate then existing, each successive year on January 1st. Staff has recommended that no rate increase be implemented in 2011. Existing sewer rates, set through annual increases over the past two years, have balanced operating and capital expenditures. Therefore, it is necessary for the Commissioners to approve a resolution to set 2011 sewer rates without a 3% increase.

Henry Schwaller IV moved, Ron Mellick seconded, that Resolution 2010-021, being a resolution setting the sewer rates for the residential and business customers within the city of Hays, Kansas, by foregoing any increase for the year 2011, be approved.

Chairperson Channell stated he will vote against the resolution for the same reason as he voted against Resolution No. 2010-020.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Ron Mellick

No: Christopher Channell

12. SCHEDULING OF PUBLIC HEARING FOR 2011 BUDGET: Troy Hickman moved, Henry Schwaller IV seconded, that August 12, 2010 be set as the date for a public hearing for the 2011 Budget.

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller IV
Ron Mellick

13. REPORT OF THE CITY MANAGER: Assistant City Manager Paul Briseno presented a monthly review of City projects and activities.

14. COMMISSION INQUIRIES AND COMMENTS: The Commissioners expressed their sympathy at the passing of long-time Ellis County Commissioner Vernon Berens. They spoke of his dedication, excellent service, and the contributions he made to Ellis County.

15. EXECUTIVE SESSION: Ron Mellick moved, Christopher Channell seconded, that the Governing Body recess to executive session at 7:15 p.m. for 45 minutes to discuss property acquisition, personnel issues, labor negotiations, and attorney-client privileged information. 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 the topics stated in the motion.

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller IV
Ron Mellick

Chairperson Channell called the meeting back to order at 8:00 p.m. He stated no action was taken during executive session.

The meeting was adjourned.

Submitted by: _____

City Clerk