

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 11, 2016

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 11, 2016 at 6:30 p.m.

Roll Call: Present: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

Chairperson Phelps declared 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 28, 2016; the minutes stand approved as presented.

3. CITIZEN COMMENTS: Chairperson Phelps welcomed the new Hays USD 489 Superintendent, John Thissen.

Mr. Thissen and the City Commissioners are eager to improve communication and collaboration between the two bodies.

4. CONSENT AGENDA: A. The following appointment was recommended at the July 28, 2016 City Commission meeting and is now being presented for approval.

Hays Recreation Commission Board:

Mark Junk – four-year term to expire August 1, 2020 (5th term)

B. The following proposed appointments will be presented for approval at the August 25, 2016 City Commission meeting.

Building Trades Board

Robert Meier (Electrical Rep) – four-year term to expire August 27, 2020 (2nd term)

Jacob Proffitt (Plumbing/Mechanical Rep) – four-year term to expire August 27, 2020 (1st term)

Hays Public Library Board

Katherine Wolfe – four-year term to expire April 30, 2020 (2nd term)

Shaun Musil moved, Lance Jones seconded, to approve the consent agenda as presented.

Vote: Ayes: Eber Phelps

Shaun Musil

James Meier

Henry Schwaller IV

Lance Jones

NEW BUSINESS

5. 2016 STREET MAINTENANCE – SUPPLEMENTAL DIAMOND GRINDING

CONTRACT: Greg Sund, Director of Public Works, stated in March, the City Commission approved bids for 2016 Street Maintenance Projects. Diamond grinding sections of Canterbury and 27th Streets was included. The contractor hired to grind the bumps from the concrete streets, APAC of Hays, has been unable to achieve the level of improvement expected by the City.

City staff has contacted the next low bidder, West Fork, LLC in regards to accomplishing the work that APAC's grinding subcontractor, Interstate Grinding of Garden City, was not able to complete. West Fork has much larger equipment than Interstate Grinding, and they successfully accomplished this same work on Commerce Parkway in 2013. West Fork has agreed to honor their bid price of \$168,080.12, and could accomplish the work in October.

The areas ground by the current contractor would have to be redone to achieve the desired improvement. Therefore, it will take the full amount of West Fork's original bid to complete the job. This project also includes a significant amount of pavement markings, which includes the entire intersections of 27th & Vine and 13th & Canterbury.

Staff is working with the City Attorney on terminating the contract with APAC and determining due compensation.

Several Commissioners spoke against continuing to invest money in short-term fixes until it is clear why the pavement is warping.

Mr. Sund stated City staff is working to obtain core samples and possible geo-tech services to help identify the cause of the problems.

Commissioner Schwaller asked if the pavement structure presents a public safety emergency.

Mr. Sund stated it is an acceptance of travel more than anything. Citizens want a smoother surface.

It was the consensus of the Commission to not pursue additional diamond grinding at this time.

City staff will report back at a later date regarding efforts to diagnose the problem and options for fixing it.

6. LOTS 19 & 20, HAYS AIRPORT INDUSTRIAL PARK, HAYS MEDICAL CENTER – SURFACE NONDISTURBANCE AGREEMENT AND DECLARATION:

Commissioner Meier recused himself from this discussion because he is an employee of Hays Medical Center.

Hays Medical Center is purchasing the surface rights in Lots 19 and 20 at Hays Airport Industrial Park from Heart of America Development Corporation; the former NEW building. The City of Hays owns the minerals under these lots. Hays Medical Center has requested a Surface Nondisturbance Agreement and Declaration from the City of Hays to ensure that there will be no drilling for minerals on the property.

City Attorney, John Bird, stated due to the proximity to the airport there are aviation easements which would prevent drilling. Mr. Bird added this agreement will not forfeit the City's mineral rights.

Lance Jones moved, Shaun Musil seconded, to approve the Surface Nondisturbance Agreement and Declaration and direct the Mayor to sign it on behalf of the City of Hays.

Vote: Ayes: Eber Phelps
Shaun Musil
Henry Schwaller IV
Lance Jones

7. 2017 BUDGET PUBLIC HEARING: Chairperson Phelps opened the public hearing to hear comments on the 2017 Budget.

City Manager, Toby Dougherty, briefly reviewed the 2017 Budget. He stated the 2017 Budget is a balanced budget, contains no additional full-time employees, no salary raises for all employees, adequately funds reserves, fully funds the street maintenance program, and the 25 mill cap is maintained.

There were no comments from the public.

Henry Schwaller IV moved, Lance Jones seconded, to close the public hearing for the 2017 City of Hays Budget.

Vote: Ayes: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

8. 2017 BUDGET RESOLUTION: The 2017 budget total tax levy in dollars exceeds the 2016 levy. This is adjusted upward by the 2015 CPI for all urban consumers as well as revenue in the current year attributable to the taxation of new improvements to real property, annexed territory, increased personal property valuation (except oil and gas leasehold and mobile homes), and property which has changed in use. Therefore, an authorizing resolution must be adopted prior to approval of the budget.

James Meier moved, Henry Schwaller IV seconded, to consider approving Resolution No. 2016-004 authorizing the City to budget property tax revenues for 2017 in an amount exceeding the total dollars levied in the 2016 Budget.

Vote: Ayes: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

9. 2017 BUDGET APPROVAL: Henry Schwaller IV moved, James Meier seconded, to approve the 2017 Budget for the City of Hays as presented.

Vice-Chairperson Musil commented it will be important to get raises for our employees next year and if the sales tax decline continues he would look at cutting outside agency funding in the future.

Commissioner Schwaller stated he feels expectations should be that there are no guarantees for any outside agency funding in 2018. He noted that City funding never was intended to be an entitlement and stated public support should not be guaranteed to any of the outside agencies in the future.

It was the consensus of the Commission to have a public discussion regarding outside agency funding before the next budget process begins.

Vote: Ayes: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

10. REPORT OF THE CITY MANAGER: The City Manager had nothing to report.

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Meier recognized Assistant City Manager Jacob Wood for assisting the City of Oakley, a City he formerly managed, in completing their budget process, following the resignation of their current City Manager.

Vice-Chairperson Musil commented on the Duck Derby, a fund raising event for Big Brothers Big Sisters in Ellis County. He stated it was an amazing event and it was great to see all the volunteers and public in attendance.

Chairperson Phelps commended the company doing the mill and over-lay street projects on Hall Street and 27th Street, for a very admirable job.

12. Executive Session: James Meier moved, Shaun Musil seconded, that the Governing Body recess to executive session at 7:18 p.m. for a period not to exceed 20 minutes to discuss attorney-client privilege information. The executive session included the City Commissioners, the City Manager, the City Attorney, Todd Powell from the City Attorney's Office, the Utilities Director, the Assistant Utilities Director, and the Assistant City Manager.

Vote: Ayes: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

No action was taken during the executive session.

Henry Schwaller IV moved, Shaun Musil seconded, that the Governing Body recess to executive session at 7:38 p.m. for a period not to exceed 10 minutes to discuss attorney-client privilege information. The executive session included the City Commissioners, the City Manager, the City Attorney, Todd Powell from the City Attorney's Office, the Utilities Director, the Assistant Utilities Director, and the Assistant City Manager.

Vote: Ayes: Eber Phelps
Shaun Musil
James Meier
Henry Schwaller IV
Lance Jones

No action was taken during the executive session.

The meeting was adjourned at 7:48 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk