

MINUTES OF A MEETING  
OF THE  
GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON AUGUST 23, 2007

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 23, 2007 at 7:30 p.m.

Roll Call: Present: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

Absent: Christopher Channell

Chairperson Hickman 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 August 9, 2007; the minutes stand approved as written.

**3. FINANCIAL STATEMENT:** Finance Director/City Clerk Mark Loughry reported that investments on July 31, 2007 totaled \$38,350,000, which is a \$4,600,000 increase when compared to July 2006. Interest due at maturity on current investments totals \$1,930,431, which is an increase of \$423,082 compared to July 31, 2006. In July, the Finance/City Clerk's Office invested \$5,000,000 of maturing CD's with a weighted average interest rate of 5.16%. Sales tax collected for the General Fund totaled \$506,894, which was an increase of \$26,243 when compared to July 2006. To date, sales tax collections for 2007 are up 4.44% when compared to 2006.

Ron Mellick moved, Allan Lytton seconded, that the Financial Statement for the month of July 2007 be accepted.

Vote: Ayes: Troy Hickman  
Barbara Wasinger  
Ron Mellick  
Allan Lytton

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

**5. CONSENT AGENDA:** A. Barbara Wasinger moved, Ron Mellick seconded, that the Cereal Malt Beverage License for El Dos De Oros Mexican Restaurant be approved.

Vote: Ayes: Troy Hickman  
Barbara Wasinger  
Ron Mellick  
Allan Lytton

B. Ron Mellick moved, Allan Lytton seconded, that the following mayoral appointments be approved:

**Building Trade Board**

Katherine Burnett – 4-year term to expire August 27, 2011

Jay Connelly – 4-year term to expire August 27, 2011

Roger Mettlen – 4 year term to expire August 27, 2011

Jerry Sonntag – 4-year term to expire August 27, 2011

Vote: Ayes: Troy Hickman  
Barbara Wasinger  
Ron Mellick  
Allan Lytton

**NEW BUSINESS**

**6. 2006 AUDIT:** Ken Beran and Melissa Romme of Adams, Brown, Beran and Ball reviewed the 2006 Audit with the Commissioners.

The City received an unqualified audit which means that there were no substantial reporting issues and no budget violations.

Ron Mellick moved, Allan Lytton seconded, that the 2006 Audit for the City of Hays as presented by Adams, Brown, Beran and Ball be accepted.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**7. HAYS AQUATIC PARK/WILSON POOL REPAIRS:** City staff has exhausted all in-house resources in an effort to eliminate water leak issues at the Hays Aquatic Park and Wilson Pool. Due to the unknown nature of the repairs needed, staff recommended hiring the original contractor/builder of the Hays Aquatic Park to assess and complete all repairs to both facilities for an amount not to exceed \$50,000. A balance of \$480,113 remains in the Pool Reserve Fund that can be used for this purpose.

Barbara Wasinger moved, Allan Lytton seconded, that the use of Pool Reserve funds in an amount not to exceed \$50,000 be approved to contract with Associated Pool Builders to troubleshoot, locate, and repair water leaks at the Hays Aquatic Park and Wilson Pool.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**8. RESOLUTION FOR PROPERTY ACQUISITION FOR 22<sup>ND</sup> STREET:** A project to construct 22<sup>nd</sup> Street from Canterbury to Commerce Parkway is currently underway. The design is complete and acquisition of right of way is nearly complete as well. However, negotiations with one property owner have failed to reach an agreement; therefore, it is necessary to adopt a resolution to begin the condemnation process for property located at the northeast corner of the intersection of 22<sup>nd</sup> and Canterbury. The project is scheduled to bid in January 2008 with construction anticipated to start in April 2008.

Ron Mellick moved, Barbara Wasinger seconded, that Resolution No. 2007-016, being a resolution declaring the necessity to appropriate certain

private real property for the use of the City of Hays, Kansas, and authorizing a survey and description of the land and interest to be appropriated and filed with the City Clerk be approved.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**9. ORDINANCE FOR PROPERTY ACQUISITION FOR 22<sup>ND</sup> STREET:** A project to construct 22<sup>nd</sup> Street from Canterbury to Commerce Parkway is currently underway. Since negotiations for the right of way with one property owner have failed to reach an agreement, it is necessary to pass an ordinance authorizing and directing the City Manager to proceed with the condemnation proceedings against the owner of the property located at the northeast corner of the intersection of 22<sup>nd</sup> and Canterbury

Ron Mellick moved, Barbara Wasinger seconded, that Ordinance No. 3732, being an ordinance authorizing and providing for the acquisition of real estate and interests therein by eminent domain proceedings pursuant to K.S.A. 26-201, et seq. and K.S.A. 26-501, et seq. be approved.

Jude Scheck, owner of the property in question, stated that she cannot find a contractor to replace the building for what the City is offering her.

Chairperson Hickman stated the Commission was not in a position to negotiate with her this evening; City staff will address this at the time an independent appraisal is completed.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**10. SANITATION TRUCK LEASE PURCHASE:** The City of Hays has solicited Requests for Proposals (RFP) for the lease purchase of three sanitation trucks costing \$458,553. The RFP's were reviewed by the Director of Finance and the City of Hays Financial Advisor. After reviewing all proposals and checking into

the financial soundness of the lowest qualified presenter, staff recommended that the City of Hays enter into a Lease Purchase Agreement with Municipal Services Group, Inc. at a total principal and interest amount of \$572,850 for a term of ten years.

Allan Lytton moved, Ron Mellick seconded, that the proposal from Municipal Services to provide lease purchase financing for the City to acquire three new sanitation vehicles be approved.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

Barbara Wasinger moved, Allan Lytton seconded, that Ordinance No. 3733, being an ordinance authorizing the City of Hays, Kansas to enter into a Municipal Lease Purchase Agreement, as lessee, with Municipal Services Group, Inc., as lessor, with respect to sanitation vehicles for use by the City, be approved.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**11. SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 513**

**MEMORANDUM OF AGREEMENT (MOA):** City Manager Toby Dougherty reported that the Memorandum of Agreement between the City of Hays and SEIU regarding the 2006 contract year has been signed by both parties. He stated that workers covered under the SEIU contract did not receive raises in 2006 nor did they accrue any vacation, sick leave or paid-time-off. This only affected the 2006 calendar year. The 2007, 2008, and 2009 contract years were successfully negotiated. The MOA for calendar year 2006 agrees to retroactively provide a cost-of-living increase of 2%, and a retroactive performance increase of 1, 2 or 3 percent based upon their performance evaluation. Any unused vacation on the books at the end of 2006 will be transferred to Paid Time Off (PTO). Any

unused sick leave at the end of 2006 will be paid out in accordance with the City's sick leave payout policy. PTO accrued in 2006 will be paid to the employees. The employees will be allowed to transfer any unused portion of their sick leave that was remaining at the end of 2006, not to exceed 40 hours, to PTO.

City Attorney John Bird stated that SEIU agreed to join with the City of Hays in notifying the Public Employee Relations Board in writing that an economic agreement has been reached and all disputes have been resolved. The written document will ask that all pending complaints be dismissed and withdrawn.

Allan Lytton moved, Barbara Wasinger seconded, that the Memorandum of Agreement between the City of Hays and Service Employees International Union for the 2006 contract year be approved.

Vote: Ayes: Troy Hickman

Barbara Wasinger

Ron Mellick

Allan Lytton

**12. REPORT OF THE CITY MANAGER:** City Manager Dougherty commented that construction on the new Convention and Visitors Bureau is progressing nicely. Additionally, he complimented City workers on the good job they are doing on the street work on East 8<sup>th</sup> Street east of Vine.

**13. COMMISSION INQUIRIES AND COMMENTS:** Chairperson Hickman requested information regarding the posting of gas prices on the premises of a gas station. He regularly receives complaints from travelers passing through our community about a gas station that does not post the price of gas in a highly visible place.

The City Manager stated that there is not a state law that required the posting of gas prices in places other than on the pump itself. Earlier, the Commission talked about the possibility of an ordinance requiring gas prices to be posted on a sign; however, nothing was done at that time.

City Attorney John Bird stated that no formal research has been done on the issue.

The City Manager was directed to research the matter and report back at a future work session.

**14. EXECUTIVE SESSION:** There was no executive session.

The meeting was adjourned.

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

City Clerk