

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON  
SEPTEMBER 8, 2005

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 9, 2005 at 7:30 p.m.

Roll Call: Present: Kent Steward  
Wayne Billinger  
Barbara Wasinger  
Henry Schwaller IV  
Absent: Troy Hickman

Chairperson Steward 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 25, 2005; they stand approved as written.

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

**4. CONSENT AGENDA:** Henry Schwaller IV moved, Wayne Billinger seconded, that a Cereal Malt Beverage License be approved for Tobacco 4 Less, 717 Vine Street.

Vote: Ayes: Kent Steward  
Wayne Billinger  
Barbara Wasinger  
Henry Schwaller IV

**NEW BUSINESS**

Commissioner Hickman joined the meeting.

**5. FIREWORKS ORDINANCE:** The City Commission requested a review of the fireworks ordinance after receiving reports from City staff regarding the recent Independence Day holiday. Approval of the proposed ordinance amends the sections regarding the use and sale of fireworks.

Wayne Billinger moved, Barbara Wasinger seconded, that Ordinance No. 3689, being an ordinance amending Title 8, Chapter 8.08 of the City of Hays, Kansas, Municipal Code, by modifying Section 8.08.060, Subsection G. regarding hazardous materials, be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

Henry Schwaller IV

**6. BULB-OUT AT 8<sup>TH</sup> AND FORT:** Earlier in 2005, the City Commission directed staff to place a temporary bulb-out on Fort just south of the 8<sup>th</sup> Street intersection that would include painting the bulb-out and installing reflective delineators around the bulb-out to alert southbound traffic in the left lane on Fort at 8<sup>th</sup> Street that they are to make a left turn and cannot go straight.

Staff has since determined that the placement of those delineators would pose a problem for the northernmost parking stall at the Post Office. Staff believes that painting the bulb-out and placing hash marks in the bulb-out would accomplish the same thing and not disrupt parking. Staff also recommended that a curved dashed white line be painted on Fort for southbound traffic in the left lane to turn east on 8<sup>th</sup> Street.

Troy Hickman moved, Kent Steward seconded, that a bulb-out be painted at 8<sup>th</sup> and Fort Street without the installation of reflective delineators.

Commissioner Schwaller stated he would vote no. He was opposed to the original plan to install reflective delineators and the striping at Fort and Ash. He is skeptical that this will work. Painting a bulb-out is a creative solution, but he does not think it is a workable solution.

Chairperson Steward commented that the entire intersection will be reconfigured in a year; whatever the Commission decides to do this evening is only temporary.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman

Barbara Wasinger

No: Henry Schwaller IV

## **7. MEMORANDUM OF AGREEMENT WITH THE HAYS FIREFIGHTERS**

**LOCAL 2119:** City Attorney John Bird addressed Agenda Items 7, 8, 9, and 10 together because all the Items are essentially the same.

The City Attorney stated the Memorandum of Agreement between the City of Hays and the Hays Firefighters Local 2119 has been signed. The Memorandum of Agreement between the City and the Fraternal Order of Police, Lodge 48 will be signed and delivered to the City Manager's Office no later than Monday, September 12, 2005.

Mr. Bird addressed the primary changes to the Memorandum. A Paid Time Off (PTO) Policy will be initiated replacing the current Leave Policy. Another major change is that eligible employees in the Police and Fire Department will be affiliated with the Kansas Police & Fire retirement system. Non-eligible employees will stay with the Kansas Public Employees Retirement System.

The Memorandum also addresses Pay for Performance, which involves an objective evaluation process. The employees will be evaluated in nine different areas of their work. Their percentage of pay increase will be tied to the score obtained in the evaluation.

Wayne Billinger moved, Barbara Wasinger seconded, that a Memorandum of Agreement between the City of Hays and the Hays Firefighters Local 2119 be approved.

Vote: Ayes: Kent Steward

Wayne Billinger

Troy Hickman  
Barbara Wasinger  
Henry Schwaller IV

**9. MEMORANDUM OF AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, LODGE 48:** See Agenda Item 7 for discussion relating to this topic.

Wayne Billinger moved, Barbara Wasinger seconded, that a Memorandum of Agreement between the City of Hays and the Fraternal Order of Police, Lodge 48 be approved contingent upon receiving the signed Memorandum of Agreement by September 12, 2005.

Vote: Ayes: Kent Steward  
Wayne Billinger  
Troy Hickman  
Barbara Wasinger  
Henry Schwaller IV

**8. & 10. KANSAS POLICE AND FIRE RETIREMENT SYSTEM (KP&F):** See Agenda Item 7 for discussion relating to this topic.

Wayne Billinger moved, Barbara Wasinger seconded, that Resolution 2005-016, being a resolution authorizing affiliation for transfer of Firefighters from the Kansas Public Employees Retirement System to the Kansas Police & Fire retirement system be approved, and Resolution 2005-016 further authorizing affiliation for transfer of sworn Police Officers from the Kansas Public Employees Retirement System to the Kansas Police & Fire retirement system, contingent upon receiving the signed Memorandum of Agreement with the Fraternal Order of Police, Lodge 48 by September 12, 2005.

Vote: Ayes: Kent Steward  
Wayne Billinger  
Troy Hickman  
Barbara Wasinger  
Henry Schwaller

**11. REPORT OF THE CITY MANAGER:** The City Manager complimented the City Attorney and City staff that assisted in the union negotiation process. He commented that they have done an excellent job.

**12. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested an update on the Home Depot development.

City Manager Gustafson stated he would ask Mike Michaelis from the Ellis County Coalition to give a presentation to the City Commissioners.

Commissioner Schwaller requested a presentation on emergency preparedness planning.

The City Manager will schedule a presentation at a future date.

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

Thereupon the Governing Body adjourned.

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

City Clerk