

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 9, 2010

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 9, 2010 at 6:30 p.m.

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

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

2. MINUTES: There were no additions or corrections to the minutes of the regular session held on August 26, 2010; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Troy Hickman moved, Henry Schwaller IV seconded, that the following be approved:

- A. A Cereal Malt Beverage License for Volga German Society (Oktoberfest)
- B. The following mayoral appointments:

Fort Hays Municipal Golf Course Advisory Board

Ron Speier – 3-year term to expire July 1, 2013

Hays Beautification Committee

Marlis Fletcher – 3-year term to expire August 1, 2013

Joni Phelps – 3-year term to expire August 1, 2013

Anna Wear – unexpired term to expire August 1, 2012

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller, IV

NEW BUSINESS

5. THE BIG READ: Dr. Larry Gould, representing Fort Hays State University (FHSU), made a presentation to the City Commission regarding the Big Read program. In cooperation with USD489, the Hays Public Library, Thomas More Prep-Marian, the Hays Arts Council, and the Hays Recreation Commission, FHSU has acquired a grant from the National Endowment of the Arts to use a classic piece of literature, Willa Cather's classic work, My Antonia, to promote reading and grant access to great literature in rural communities. The amount of the grant was matched by funds from FHSU and a private donation.

The National Endowment of the Arts requires City government participation in the launching of this grant. It requires that the Mayor participate in the launch set for October 4, 2010 at City Hall. It was decided that either Mayor Channell or Commissioner Schwaller will attend the launch.

6. 2010 FIREWORKS OVERVIEW: James Braun, Police Chief, and Gary Brown, Fire Chief, reported that they saw a very minimal increase in the number of fireworks related calls in 2010 compared to 2009, even with the City loosening the existing fireworks ordinance to allow aerial fireworks in 2010.

Rural fire fighters responded to five small ditch fires, with no significant fireworks related fires reported within Ellis County. The Hays Fire Department responded to four minor grass fires, the most probable cause was fireworks.

7. 2010 UNIFORM PUBLIC OFFENSE CODE: The League of Kansas Municipalities publishes a revised Uniform Offense Code (UPOC) on a yearly basis. The majority of the UPOC remains the same from year to year, with only a few changes made.

Police Chief James Braun reviewed the changes to the UPOC.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3813, being an ordinance regulating public offenses within the corporate limits of the City of Hays, Kansas, incorporating by reference "The Uniform Public Offense Code for Kansas Cities," Edition of 2010, and repealing Ordinance No. 3777 of the Code of Ordinances of the City of Hays, Kansas, as passed on

September 10, 2009, and as published on September 15, 2009, be approved.

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller IV

8. 2010 STANDARD TRAFFIC ORDINANCE: The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The majority of the STO remains the same from year to year, with only a few changes made.

Police Chief James Braun reviewed the changes to the STO.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3814, being an ordinance regulating traffic within the corporate limits of the City of Hays, Kansas, incorporating by reference "The Standard Traffic Ordinance for Kansas Cities," Edition of 2010, providing certain penalties and repealing Ordinance No. 3778 of the Code of Ordinances of the City of Hays, Kansas, as passed on September 10, 2009, and as published on September 15, 2009, be approved.

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller IV

9. SPORTS COMPLEX NAMING RIGHTS FOR QUADS AND SOCCER FIELDS: City Manager Toby Dougherty requested the Commission formally approve the naming of the sports complex to be the Bickle-Schmidt Sports Complex in honor of the \$500,000 donation given by the Bickle and Schmidt families.

Henry Schwaller IV moved, Troy Hickman seconded, that the sports complex be named the Bickle-Schmidt Sports Complex.

Vote: Ayes: Christopher Channell
Troy Hickman
Henry Schwaller IV

At the August 5, 2010 work session, the City Manager discussed the utilization of field naming rights at the sports complex. By selling the naming

rights of specific fields, the City could generate additional revenue which would allow the construction of more facilities while the contractors are still onsite. Within the complex, the Commission identified three distinct areas to be named: The North Ball Field Quad, the South Ball Field Quad, and the Soccer/Football Fields.

Two proposals were received for naming rights; no field preference was given through the bidding process. The proposal submitted by Nex-Tech Wireless was \$160,000 cash to be paid over 10 years, as well as other peripheral benefits including a free Wi-Fi Hot Spot. The bid submitted by Eagle Communication was \$10,000 cash to be paid over 10 years, plus various services, with a total value of \$150,000.

Johnie Johnson, CEO for Nex-Tech Wireless, reviewed the bid submitted by his company.

Gary Shorman, President/CEO of Eagle Communications, reviewed the services that Eagle would provide at the sports complex.

Commissioner Hickman stated the objective of soliciting naming rights for the sports complex was to raise cash in order to be able to complete more items on the project list.

Commissioner Schwaller stated that when the donor phase on the monetary side is completed, if Eagle is still willing to offer advertising and promotion in exchange for something, whether it is naming rights or something else, the City will consider it at that time.

Mr. Shorman stated he knew there was some concern on the cash aspect of this proposal and that there are some projects that need to be done to make this a good facility. The board of directors at Eagle has decided to take \$40,000 of the \$100,000 dedicated to promotion/marketing of the sports complex and convert it to cash; the proposal is still worth \$150,000, but provides \$50,000 in cash rather than \$10,000.

The City Manager stated that the donation by the Bickle and Schmidt families, along with the proposal from Nex-Tech, will put the project within about

\$15,000 of completing every item in the master plan, with the exception of the batting cages.

Troy Hickman moved, Henry Schwaller IV seconded, that the proposal submitted by Nex-Tech Wireless for contributions in the amount of \$160,000 for naming rights at the Bickle-Schmidt Sports Complex, be accepted.

Troy Hickman amended his motion to include “at the location of their choosing”. Henry Schwaller IV approved the amended motion.

Vote: Ayes: Christopher Channell

Troy Hickman

Henry Schwaller IV

Henry Schwaller IV moved that the Eagle Communication proposal submitted this evening, \$50,000 in cash over 10 years, along with other services, bringing the total amount of the proposal to \$150,000, be accepted.

The motion died for lack of a second.

Christopher Channell moved, Troy Hickman seconded, that the proposal submitted by Eagle be tabled until the September 23, 2010 Commission meeting so that it could be discussed at next week’s work session with the other two Commissioners.

Vote: Ayes: Christopher Channell

Troy Hickman

Henry Schwaller IV

Christopher Channell moved, Henry Schwaller IV, seconded, that change orders be approved for completion of all items on the master plan, with the exception of the batting cages.

Vote: Ayes: Christopher Channell

Troy Hickman

Henry Schwaller IV

10. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report on.

11. COMMISSION INQUIRIES AND COMMENTS: Chairperson Channell reiterated earlier statements made by Commissioner Schwaller thanking the Bickle and Schmidt families for their donation, as well as the citizens of this community for all the work that has been put into the sports complex project to bring it to fruition.

12. EXECUTIVE SESSION: Henry Schwaller IV moved, Troy Hickman seconded, that the Governing Body recess to executive session at 7:35 p.m. for 45 minutes to discuss property acquisition and attorney-client privileged information. The executive session included the Commissioners, the City Manager, the Assistant City Manager, the Convention and Visitors Bureau Director, 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

Chairperson Channell called the meeting back to order at 8:20 p.m. He stated no action was taken during executive session.

The meeting was adjourned.

Submitted by: _____

City Clerk