

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 12, 2013

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 12, 2013 at 6:30 p.m.

Roll Call: Present: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Chairperson Steward 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 22, 2013; the minutes stand approved as presented.

3. CITIZEN COMMENTS: Bill Luecke addressed the Commissioners regarding concerns about the development of a four acre piece of property on East 41st St. He felt there were unreasonable delays causing lost revenue. He is requesting reimbursement for certain plat & zoning fees. Mr. Luecke also stated that 50 years ago the City of Hays agreed by deed to erect a fence within 1 year on the 52 acres of land the City acquired from Mr. Luecke's parents in February 1964.

Mr. Luecke's representative, Emery Rome also discussed the situation with the Commissioners.

Commissioner Steward stated that if we have a contractual obligation as the City we will have the City Attorney look into it. He also requested that Mr. Luecke provide a written statement of what he thinks he is owed and why, and we will take it under advisement.

North Central Kansas Technical College representative Don Benjamin formally presented the new podium their students constructed for the City Commission Chambers.

Doug Marlett stated 200 student hours went into this project and they are very proud of it.

CONSENT AGENDA: Chairperson Steward presented the following proposed mayoral appointments, which will be voted upon for approval at the September 26, 2013 City Commission meeting.

Hays Beautification Committee

Carolyn Campbell – unexpired term to expire August 1, 2014

Jim Strine – unexpired term to expire August 1, 2015

Hays Housing Authority Board

Cathy Van Doren – unexpired term to expire February 14, 2016

NEW BUSINESS

5. 2013 UNIFORM PUBLIC OFFENSE CODE; The League of Kansas Municipalities publishes a revised Uniformed Public Offense Code (UPOC) on a yearly basis. The UPOC contains the most current legislative changes and updates. The majority of the UPOC remain the same from year to year, with only a few changes made.

Ron Mellick moved, Shaun Musil seconded, that Ordinance No. 3870 adopting the 2013 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays be approved.

One of the changes to the UPOC removes the dagger, dirk, dangerous knife, straight edge razor, and stiletto from the list of dangerous weapons which are prohibited from being carried concealed.

Commissioner Schwaller stated he is concerned about allowing stilettos, straight edge razors and other knives as devices for protection; he felt there is a reason they have been illegal for a very long time, and that they are just too dangerous.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

No: Henry Schwaller IV

6. 2013 STANDARD TRAFFIC ORDINANCE: The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates. The majority of the STO remain the same from year to year, with only a few changes made.

Eber Phelps moved, Henry Schwaller IV seconded, that Ordinance No. 3871 adopting the 2013 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

7. GOLDEN BELT ESTATES 5TH ADDITION – RESOLUTION TO ESTABLISH BENEFIT DISTRICT (DANBY LANE):

Western Plains Service Corp. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing eighteen lots adjacent to West 45th St. within the Golden Belt Estates 5th Addition on the street known as Danby Lane. The engineer's estimate for total construction costs is \$473,093.40. This project is consistent with past residential developments within the City of Hays.

Henry Schwaller IV moved, Ron Mellick seconded, that Resolution 2013-21 authorizing the creation of a special benefit district for infrastructure improvements in the estimated amount of \$473,093.40 for the development of eighteen lots within the Golden Belt Estates 5th Addition be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

8. GOLDEN BELT ESTATES 5TH ADDITION – ENGINEERING SERVICES

AGREEMENT (DANBY LANE): Western Plains Service Corporation has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing eighteen lots within Block 2 of the Golden Belt Estates 5th Addition. Ruder Engineering and Surveying, L.L.C. has now prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection. The contract is for a not-to-exceed amount of \$28,200.

Shaun Musil moved, Henry Schwaller IV seconded, to approve the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for an amount not to exceed \$28,200 for the development of Block 2, Golden Belt Estates 5th Addition.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

9. LEVEE IMPROVEMENTS – ENGINEERING DESIGN SERVICES

AGREEMENT: Wilson & Company was hired in 2012 to perform a safety inspection of the Hays Levee system. The proposed engineering services contract is for design services for repairs and upgrades addressing most of the concerns detailed in Wilson & Co.'s Levee Safety Inspection Engineering Report from October 2012. Making these repairs and improvements will improve the safety and function of the levee and help the City to remain in a federal flood control insurance program known as Public Law 84-99.

Henry Schwaller IV moved, Ron Mellick seconded, to direct the City Manager to execute a contract with Wilson & Co. for levee engineering services

in the amount of \$49,500 to be funded out of the Stormwater Utility's Project Line Item.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

10. BIKE HAYS – ON-STREET BIKE ROUTE ENGINEERING DESIGN

AGREEMENTS: The 2013 budget included \$400,000 in funding for the Bike Hays Plan. In addition, the City was awarded a Transportation Enhancement Grant. As the next step in the process, staff recommends entering into agreements with Cook, Flatt & Strobel Engineers (CFS Engineers) for the On-Street Bike Routes portion of the Bike Hays Plan. The cost for engineering design services for the on-street bike routes is \$48,400. The engineer's primary objective is to provide bidding documents and work in collaboration with the State to ensure standards are met as required by Kansas Department of Transportation (KDOT).

Eber Phelps moved, Ron Mellick seconded, to authorize the City Manager to enter an agreement with CFS Engineers for the design of the on-street bike routes in the amount of \$48,400 to be funded out of Capital Projects.

Commissioner Schwaller stated that he appreciates all the work that has been done, and won't vote against it, but stated that 10% of the cost is in designing it and felt that to be too costly. He also mentioned that we are one of the first communities to go through this process with KDOT and he has great reservations concerning that, he stated that he will abstain.

Vote: Ayes: Kent Steward
Eber Phelps
Shaun Musil
Ron Mellick
Abstain: Henry Schwaller IV

11. BIKE HAYS – LEVEE TRAIL ENGINEERING DESIGN AGREEMENT:

The previous agenda item regarding the Bike Hays – On-Street Bike Routes Engineering Design Agreement presented the details regarding Engineering Design Services for Levee Trail as well as the On-Street Routes. The cost for Levee Path Engineering is \$49,238.

Ron Mellick moved, Kent Steward seconded to authorize the City Manager to enter an agreement with Wilson Company for the design of the levee trail in the amount of \$49,238 to be funded out of Capital Projects.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

Abstain: Henry Schwaller IV

12. REFUSE TRUCKS LEASE/PURCHASE BUYOUT: In 2007 the Solid Waste division purchased three Bridgeport refuse trucks. These were purchased from Downing Sales & Service Inc. and financed by an equipment lease/purchase agreement with Municipal Services Group, Inc. On or after October 18, 2013 the agreement provides for the option to purchase the equipment upon a 30 day written notice to Municipal Services Inc. The City can realize an interest savings of \$16,236.04 if a buyout were completed on the date mentioned.

Shaun Musil moved, Henry Schwaller IV seconded, to authorize City staff to issue a 30 day written notice of the City's intent to exercise its option to purchase the refuse trucks and authorize the expenditure in the amount of \$207,735.16 to be funded from the Solid Waste reserve fund.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

13. ADDENDUM TO THE MEMORANDUM OF AGREEMENT WITH THE HAYS SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 513 FOR 2014: The City of Hays and the SEIU, Service Employees International

Union, Local 513 have an agreement for fiscal year 2014, Wages and Administration of the Pay Plan. The agreement states the City will provide members of the SEIU bargaining unit with a 1% merit increase starting the first payroll in 2014, and the City will continue the current pay ranges.

Henry Schwaller IV moved, Eber Phelps seconded, to authorize the Mayor, City Manager, as well as Directors of Parks, Public Works and Utilities to sign the 2014 Addendum to the 2013 through 2015 SEIU Contract.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

14. REPORT OF THE CITY MANAGER: City Manager Toby Dougherty informed the Commissioner of a developer; Kenneth Doonan, who wants to put a Peterbilt dealership near exit 157 of Interstate 70. Mr. Doonan has approached both the city and county to see what, if any, contributions they could make to the development. The City Manager informed Mr. Doonan that he must present a formal proposal and request in order to proceed.

15. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller thanked the City Commissioners for their attendance at the Core to Campus Kickoff event, and was impressed with the turn out and all the businesses that supported it.

The meeting was adjourned at 8:10 p.m.

Submitted by: _____