

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON OCTOBER 22, 2009

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 22, 2009 at 6:30 p.m.

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

Absent: Troy Hickman

Chairperson Mellick 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 October 8, 2009; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported that investments on September 30, 2009 totaled \$42,750,000, which is a \$3,800,000 increase compared to September 2008. The weighted average interest rate on the total investment portfolio as of September 30, 2009 is .4784%. In September, the Finance/City Clerk's Office invested \$11,250,000 of maturing certificates of deposit with a weighted average interest rate of .61075%. September General Fund tax collections rebounded somewhat; however there was still a decrease of \$25,909 compared to September 2008. Year-to-date General Fund sales tax collections are still down \$256,202 or -5.19%. September sales tax collections for the Sports Complex were \$224,152; the year-to-date total is \$838,923.

Christopher Channell moved, Barbara Wasinger seconded, that the Financial Statement for the month of September 2009 be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

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

**5. HAYS EMPLOYEE RECOGNITION:** The following City employees were recognized for their years of service:

5-Year Awards

Nancy Gassman	Ryan Hagans	Justin Choitz
Phillip Hartsfield	Myron Dreiling	Michelle Bryant
Harold Anderson	Ross Meder	Linda Bixenman
Sarah Degenhardt	Brandon Zimmerman	Wyatt King
Stanley Shupe	Luke Scoby	

10-Year Awards

Aaron Larson	Debbie Cox	Stephen Schmidtberger
Tessa Scheck	Mark Lang	Ruben Schuckman

15-Year Award

Steven Dreiling

20-Year Awards

Tim Dreiling	Firma Helget
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25-Year Awards

Patricia Wolf	Kyle Sulzman
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30-Year Awards

James Braun

**6. CONSENT AGENDA:** Chairperson Mellick presented the following proposed mayoral appointments:

Sister Cities Advisory Board

Miriam Bolyard – unexpired term to expire January 1, 2011

Neighborhood Revitalization/Downtown Development Review Board

Wilbert Pfeifer – term to expire January 1, 2012

Northwest Kansas Community Corrections Board

Sue Rouse – two-year term to expire November 1, 2011

The proposed appointments will be presented for approval at the November 12, 2009 Commission meeting.

**NEW BUSINESS**

**7. STEVEN TROUT APPEAL OF UTILITY BILL:** The water meter located on the property of Steven Trout, 321 West 32<sup>nd</sup> Street, registered an unusually high reading when read on August 10, 2009, the date of the normal monthly meter reading. The Trout family was out of town during the previous four weeks. The usage of 25,500 cubic feet of water resulted in a water charge of \$440.98 and a 2<sup>nd</sup> tier conservation charge of \$410.84 for a total of \$851.82. The meter has been tested and found to be operating normally. No leak has been found. The 2<sup>nd</sup> tier charge of \$410.84 has been waived, as is the policy for vandalism, theft, or for a water leak.

Mr. Trout requested a further reduction to an amount that reflects the average usage of 1333 cubic feet for a total water charge of \$30.14, which would require another \$410.84 to be charged off.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the request to reduce the water charges be denied.

Commissioner Schwaller stated that, most likely, the excess water usage can be attributed to a leaky toilet or a malfunctioning water softener.

Chairperson Mellick stated that if it can be proved that the meter malfunctioned or if the City is in any way liable, the City will refund his money.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Henry Schwaller IV

**8. HABITAT FOR HUMANITY OF ELLIS COUNTY – TAP FEE WAIVER**

**REQUEST:** Habitat for Humanity of Ellis County is preparing two dwellings for

purchase at the corner of 17<sup>th</sup> and Allen Street. One dwelling was built and one was moved in. Habitat for Humanity has requested that the City waive the tap fees associated with setting two meters for the two homes. The fee would be \$440 per tap or a total of \$880. City Ordinances do not address the waiver of such fees; therefore, it is necessary for the City Commission to consider this request.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the tapping and meter fee for one connection, a value of \$440, be waived.

Commissioner Schwaller stated he understands the reluctance to waive this fee and setting precedence; however, he is in favor of granting the request in the interest of moving this project forward.

Chairperson Mellick suggested that the tap fee that is being waived be paid out of the City Commission contingency fund in order to not set precedence.

Henry Schwaller IV amended his motion; Barbara Wasinger approved the amended motion, that the tap fee being waived be paid out of the City Commission contingency fund.

A discussion was held about the cost for tapping and setting a meter. The Commission requested updated estimates of the average cost to tap and set a meter.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Henry Schwaller IV

## **9. CONTRACT EXTENSION WITH RICHARD GUFFEY FOR PRO-SHOP**

**OPERATIONS:** Staff requested that the Commissioners consider extending the current contract with Richard Guffey until December 31, 2012. Extending the contract will allow staff to quantify the financial impact of the improvements made in 2008 and 2009. This information can then be used to solicit and negotiate a contract with interested parties in 2012 through a Request for Proposal process. Funding is in place in the 2010 Budget to cover the contract amount of \$21,000.

Henry Schwaller IV moved, Christopher Channell seconded, that a three-year contract extension with Richard Guffey for Pro-Shop operations be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**10. AWARD OF BID FOR WATERLINE PROJECT:** Barbara Wasinger moved, Christopher Channell seconded, that a bid in the amount of \$1,543,616.64, submitted by Hi-Plains Sand for 2009 Waterline Upgrades, be approved and that the City Manager be authorized to execute the contract for the construction of the waterline upgrades.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**11. AMENDMENT #3 TO AGREEMENT WITH OLSSON ASSOCIATES – WATER MAIN DESIGN:** Previous plans for the Sports Complex called for a connection to Trego County Rural Water District #2; however, the water district has indicated that they do not have the capacity to meet the demand required by the Sports Complex. Therefore, the City's design consultant, Olsson Associates, has prepared an Amendment to the original agreement for professional services, which allows for the design of improvements necessary to extend the City water main from 27<sup>th</sup> Street to the Sports Complex.

Amendment #3 is for professional design services in the amount of \$24,800. The estimated cost of the waterline extension is estimated to be \$510,462, of which, \$316,473 would be funded by the Sports Complex sales tax and Fort Hays State University, with the remaining \$193,989 being funded by a Water and Sewer Revenue Bond.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the City Manager be authorized to execute Amendment #3 to the April 29, 2009

agreement with Olsson Associates for professional services related to the design of a water main extension for the Sports Complex.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**12. PRE-ANNEXATION AGREEMENT FOR 2615 EAST 7<sup>TH</sup> STREET:** The owner of property located at 2615 East 7<sup>th</sup> Street has requested a Pre-Annexation Agreement that would allow for the property to be connected to the City water line. The property will be connected to the Big Creek Sewer District for sanitary sewer services.

Christopher Channell moved, Henry Schwaller IV seconded, that a Pre-Annexation Agreement for 2615 East 7<sup>th</sup> Street be approved.

Commissioner Wasinger stated that she will abstain from the vote because the property is on contract and she still has ownership of the property.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Henry Schwaller IV  
Abstain: Barbara Wasinger

**13. ABATEMENT OF VEHICLE AT 317 EAST 5<sup>TH</sup> STREET:** Henry Schwaller IV moved, Barbara Wasinger seconded, that Resolution No. 2009-035, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 317 East 5<sup>th</sup> Street, Hays, KS, be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**14. ABATEMENT OF VEHICLES AT 610 EAST 7<sup>TH</sup> STREET:** Henry Schwaller IV moved, Barbara Wasinger seconded, that Resolution No. 2009-036, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 610 East 7<sup>th</sup> Street, Hays, KS, be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**15. DEVELOPMENT POLICY REVISIONS:** City staff has made minor changes to the current Development Policy, mostly for clarification of the intent of the Policy. The Hays Area Planning Commission has reviewed and approved the revised policy.

Barbara Wasinger moved, Christopher Channell seconded, that the revisions made to the Development Policy be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**16. AWARD OF BID – COLD PLANER:** The purchase of cold planer was a scheduled replacement item for 2010; however, the current planer is not in good operating condition. This equipment is needed in order for the Service Division to complete the street maintenance projects. There is sufficient money available in the Vehicle and Equipment Reserve to pay for this item.

Henry Schwaller IV moved, Christopher Channell seconded, that the low bid submitted by White Star Machinery, in the amount of \$18,010.70, for a cold planer, be approved.

Vote: Ayes: Ron Mellick  
Christopher Channell  
Barbara Wasinger  
Henry Schwaller IV

**17. REPORT OF THE CITY MANAGER:** City Manager Toby Dougherty thanked the employees who received service awards this evening, as well as all employees of the City of Hays, for their dedicated service.

The City Manager reported on the 2009 Alley Cleanup. The overall tonnage collected was 418 tons and the cost, including labor, of the Alley

Cleanup is \$47,914.61. With the exception of the tree collection, the cleanup was completed in seven days. The City Manager thanked Ellis County for the loan of a shredder/chipper to complete the tree collection.

**18. COMMISSION INQUIRIES AND COMMENTS:** Commissioners Schwaller and Wasinger and Chairperson Mellick also thanked the City employees for their dedication and hard work.

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

The meeting was adjourned.

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

City Clerk