

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 28, 2010

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 28, 2010 at 6:30 p.m.

Roll Call: Present: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

Acting Mayor Wasinger 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 October 14, 2010; the minutes stand approved as presented.

3. REORGANIZATION OF GOVERNING BODY – NOMINATION AND ELECTION OF VICE-MAYOR: Mayor Chris Channell has announced his departure with official resignation dated October 22, 2010. Kansas law provides that the Vice-Mayor (Barbara Wasinger) serve in the absence of the Mayor and is known thereafter, until reorganization, as the Acting Mayor. The City Commission shall elect a suitable person to fill the vacancy of the Vice-Mayor for the balance of the unexpired term.

Henry Schwaller IV moved, Ron Mellick seconded, that Troy Hickman be nominated for the position of Vice-Mayor for the balance of the unexpired term.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

4. REPLACEMENT COMMISSIONER APPOINTMENT: Because of the resignation of Mayor Chris Channell, it is necessary to appoint a replacement

Commissioner within 10 days of the official resignation. An application form was created for residents interested in filling the vacancy. Applications were received from Sue Boldra, Jayne Clarke, Anthony Glassman, Jerry Sonntag, and Kent Steward.

Commissioner Schwaller suggested that Roberts Rules of Order be suspended so that discussion can be held prior to the motion and second. The other Commissioners were in agreement with Commissioner Schwaller's suggestion.

Discussion followed on the qualifications of the five applicants.

Troy Hickman moved, Henry Schwaller IV seconded, that Kent Steward be appointed to fill the vacancy for the balance of the unexpired term.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

5. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that month-to-date sales tax collections for the Bickle-Schmidt Sports Complex are \$221,950, which is a decrease of \$2,202 when compared to last year. Year-to-date collections are \$1,906,087 and year-to-date expenditures are \$5,106,153. Inception-to-date collections total \$3,473,233 and inception-to-date expenditures total \$5,596,615. General Fund sales tax collections dipped slightly in September with a month-to-date decrease of \$3,112. This brings the year-to-date down to -.14% or -\$6,741 from a year ago. Total year-to-date collections are at \$4,669,679 for the General Fund. The six month running average on sales tax collections is up 4.62%. Last month's six month running average was incorrectly reported at .03%. It should have been 3.48%.

The portfolio of certificates of deposit on September 30, 2010 totaled \$34,400,000 with a weighted average interest rate of .5038%. The total balance of the Money Market account on September 30, 2010 was \$4,250,000 with a current yield of .45%. Total investments are down \$4,100,000 from a year ago.

This reduction in the investment portfolio includes the Sports Complex expenditures.

Troy Hickman moved, Ron Mellick seconded, that the Financial Statement for the month of September 2010 be approved.

Vote: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

6. CITIZEN COMMENTS: There were no comments.

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

Hays Beautification Committee

Mary Hart-Detrixhe – 3-year term to expire August 1, 2013

Carol Heiman – 3-year term to expire August 1, 2013

Vote: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

NEW BUSINESS

8. 13TH AND CANTERBURY INTERSECTION: The upgrade of the 13th and Canterbury traffic signal was scheduled for 2011. Due to continual problems and concerns, the Commissioners agreed to expedite the situation by allowing the upgrade to be done in 2010.

Assistant Director of Public Works John Braun discussed the installation and operation of the new traffic signal.

9. BICKLE-SCHMIDT SPORTS COMPLEX LIFT STATION BIDS: Nine (9) bids were received for the construction of a sanitary sewer lift station to serve the needs of the Bickle-Schmidt Sports Complex and accommodate the future growth and development needs of the northwest area of the city. The low bid

was submitted by Midland Contracting in the amount of \$425,675, which is \$30,265 over the engineer's estimate of \$395,410.

Assistant Public Works Director John Braun reviewed the engineer's estimate. Wilson Company underestimated costs in three areas. Wilson Company reviewed the bid from Midland Contracting to determine how they arrived at their bid and then determined where Wilson Company engineers underestimated costs.

City Attorney John Bird stated that state law provides that if you have a bid that is higher than the engineer's estimate, the project must be re-bid or under certain circumstances, if the engineer has made an error, the engineer can correct their estimate, which is what has happened in this case.

Henry Schwaller IV moved, Troy Hickman seconded, that the City Manager be authorized to enter into a contract with Midland Contracting for an amount not to exceed \$425,675 for the construction of a lift station at the Bickle-Schmidt Sports Complex.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

10. SITE TRIANGLE REGULATIONS: The current City of Hays ordinance regarding site triangles is nothing more than a one-sentence definition found in the zoning regulations – very limited in detail and quite restrictive. Currently, staff addresses site issues at intersections on a complaint basis from either staff members or citizens. Staff made a recommendation to amend the nuisance ordinance so that there is a clearer interpretation and regulation for dealing with intersection site obstruction issues as well as aid in the enforcement of intersection site obstructions, and repeal the definition of site triangles found within the current zoning regulations.

Assistant Public Works Director John Braun reviewed the current zoning regulations related to site triangles and the recommended modifications to the nuisance ordinance.

Ron Mellick moved, Henry Schwaller IV seconded, that Ordinance No. 3824, being an ordinance amending Chapter 71 of the City of Hays, Kansas, Municipal Code, by deleting the definition of a site triangle in Article I., Section 71-5, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

Ron Mellick moved, Troy Hickman seconded, that Ordinance No. 3825, being an ordinance amending Chapter 26 of the City of Hays, Kansas, Municipal Code, by modifying Article IV., Section 26-153, Subsection A. regarding the definition of nuisances, be approved.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

11. MORATORIUM ON COMMUNITY IMPROVEMENT DISTRICT (CID)

PETITIONS: The City Commission placed a moratorium on accepting petitions for the creation of Community Improvement Districts (CID). The current CID policy was discussed in detail at the October 21, 2010 work session. After much discussion, the Commission decided to make no changes to the policy.

Henry Schwaller IV moved, Ron Mellick seconded, to lift the moratorium on the acceptance of petitions for the creation of Community Improvement Districts.

Vote: Ayes: Barbara Wasinger

Troy Hickman

Henry Schwaller IV

Ron Mellick

12. REPORT OF THE CITY MANAGER: Assistant City Manager Paul Briseno presented his monthly report of activities and projects in the City of Hays.

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Mellick requested the final cost of the annual alley clean-up.

Commissioner Hickman commented that he appreciated seeing aerial photos of the Bickle-Schmidt Sports Complex.

City Manager Toby Dougherty stated that at the November 9, 2010 Commission meeting a progress report on the Sports Complex will be presented.

Chairperson Wasinger asked if the City has made any security changes to protect the City's copper inventory.

The City Manager replied that the City has taken precautions to safeguard the City's copper inventory.

The meeting was adjourned at 7:18 p.m.

Submitted by: _____

City Clerk