

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON DECEMBER 10, 2009

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 10, 2009 at 6:30 p.m.

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

Chairperson Mellick 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 November 24, 2009; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

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

A. Resolution No. AR – 07, being a resolution expressing appreciation to Doug Fritz, new owner of a business (Dominos's Pizza), for his help in maintaining Hays' viable economic base and his expression of confidence in the City of Hays by assuming ownership of a Hays business; and

B. The following mayoral appointments to the Hays Convention and Visitors Bureau Advisory Committee:

William Smriga – three-year term to expire December 1, 2012

Robert Wilhelm – three-year term to expire December 1, 2012

NEW BUSINESS

5. AIRPORT MASTER PLAN: In May 2008, the City received a grant from the Federal Aviation Administration (FAA) to have the Airport Master Plan updated. The FAA funded 95% of the cost (\$169,928); the City's share amounted to \$8,944, which was funded through General Obligation Bonds for Airport Projects. Bucher, Willis, and Ratliff (BWR) was chosen to perform the Master Plan update. In July 2008, an Airport Master Plan Advisory Committee was established to work with BWR on updating the Master Plan. The project was put on hold awaiting a report from FAA regarding the VORTAC. Earlier this year, the project was reactivated, and the Airport Advisory Committee has been engaged in working with the consultant on developing the Master Plan. In August, the City Commission approved an airport layout plan, which showed three different options for future development of the general aviation area. The final draft of the Master Plan was presented at the November meeting of the Airport Advisory Committee. The Committee recommended taking the plan forward to the City Commission for consideration and acceptance.

Brad Reisenberg, representing BWR, presented an overview of the Master Plan. He commented that even though this is the City's Airport Master Plan, the Federal Aviation Administration will be looking at it closely and using it to consider future airport funding requests/improvements.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the updated Airport Master Plan, as prepared by Bucher, Willis and Ratliff, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

6. BLEACHER PURCHASE: An amount of \$24,000 is budgeted in the 2009 budget for the purchase of eight bleachers for Stramel and Glassman Ball Fields.

These bleachers will replace eight existing bleachers that are being taken out of service. Ten bids were received with Sterling West submitting the lowest bid.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the bid submitted by Sterling West, in the amount of \$21,188 for eight bleachers be accepted.

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

7. SOLICITORS AND PEDDLERS ORDINANCE: The current regulations regarding solicitors and peddlers have been declared invalid by the U.S. Federal Court and are unenforceable. The City Commission has reviewed a model ordinance presented by City Attorney John Bird and, after much discussion, has determined that the current ordinance should be repealed.

Barbara Wasinger moved, Troy Hickman seconded, that Ordinance No. 3800, being an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas regarding peddlers, solicitors and canvassers, be approved.

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

8. CITY EMPLOYEE HEALTH INSURANCE PLAN RENEWAL FOR 2010: The City of Hays was presented with a 44.5% increase renewal proposal from Preferred Health Systems. As a result of this increase, the City contracted with Freedom Claims Management to act as a consultant to solicit bids from other health insurance carriers. Several proposals were reviewed with Blue Cross & Blue Shield providing the best option for 2010.

Henry Schwaller IV moved, Christopher Channell seconded, that the City Manager be authorized to sign a contract with Blue Cross & Blue Shield Insurance Company to provide health insurance coverage in 2010 for City of Hays employees.

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

9. CITY'S PARTICIPATION IN EMPLOYEE HEALTH INSURANCE PREMIUM FOR 2011 AND BEYOND: During the December 3, 2009 work session, the Commissioners discussed limiting the City's participation toward health insurance premiums.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the City's cap toward employee health insurance contributions be held at \$9,500 a year per employee.

City Manager Toby Dougherty stated an employee wage and benefit committee has been formed. One of the challenges the committee will be tasked with is to look at ways to contain costs going forward.

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

10. PROPOSED CHANGE TO GARBAGE COLLECTION AND DISPOSAL ORDINANCE: City staff has reviewed the Garbage Collection and Disposal Ordinance and is recommending three changes. Those changes include requiring customers to remove the refuse container from the curbside collection area within 24 hours after collection, authorizing the City to assign and bill for additional refuse containers to those customers producing excessive amounts of

refuse, and the clarification of other language regarding the requirement for all refuse to be bagged, properly tied and placed inside the refuse container.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Ordinance No. 3801, being an ordinance amending Chapter 50 of the City of Hays, Kansas, Municipal Code, by modifying Article II., Section 50-21, Subsection (A) regarding solid waste storage, be approved.

Discussion was held about curbside trash pick-up. Commissioner Schwaller requested the Commissioners consider additional changes to curbside pick-up at a future date.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

11. AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES –

SPORTS COMPLEX SEWER: During the planning phase of the Sports Complex project, the intention was to connect to Prairie Acres Sewer District to meet the sanitary sewer needs of the Hays Sports Complex. However, that option did not materialize; therefore, staff solicited proposals for the design of a new lift station and associated sanitary sewer improvements to serve the proposed sports complex and the Fort Hays State University soccer facility.

At this time, it is also advisable to consider a study of the sanitary sewer collection system which contributes to the load on the existing lift station at the intersection of 27th Street and the US 183 Bypass (Dakota Lift Station), as well as the 10" force main which passes by the sports complex, into which the proposed sanitary sewer would be connected.

Proposals were received from four firms and staff recommended accepting the proposal submitted by Olsson Associates in an amount not to exceed \$29,350. Olsson submitted two bids: \$20,905 for Option 1 and \$29,350 for Option 2. The cost differential between the two options is associated with the increased size and complexity of the new lift station and the additional required

modifications to the existing Dakota Lift Station under Option 2. Olsson Associates is the engineering firm for the sports complex project, which places them in a position to quickly begin the study and seamlessly mesh this into the sports complex design already underway. The cost of services will be funded by the Water & Sewer Fund, the Sports Complex Sales Tax, and Fort Hays State University in proportion to the benefits received.

Commissioner Schwaller stated he supports the bid submitted by Wilson & Company because their bid of \$25,193 would be for either Option 1 or 2. This is a Kansas based firm that has considerable experience in water and sewer issues. He would be much more comfortable with a firm that has worked with the City in the past on water and sewer lines rather than a firm that doesn't seem to know what we need.

Commissioner Wasinger agreed with Commissioner Schwaller.

Assistant Public Works Director John Braun stated that Olsson and Company is a major national firm with over 600 engineers that are based out of Lincoln, Nebraska.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the proposal from Wilson & Company for engineering services related to the sanitary sewer lift station design for the Hays Sports Complex be accepted and that the City Manager be authorized to enter an agreement with Wilson & Company in an amount not to exceed \$25,193.

Chairperson Mellick stated he will be voting against the motion because he has been happy with the work that Olsson has done so far on the sports complex and is basing his decision on the fact that he feels that only Option 1 will be needed.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

No: Ron Mellick

12. SKYLINE DRAW LOAN AGREEMENT: The City submitted a project to undertake stormwater quality improvements to Skyline Draw for funding under the American Recovery and Reinvestment Act of 2009 (ARRA). The project was selected for funding under the Kansas Clean Water State Revolving Fund in the amount of \$120,000. While the Revolving Fund is essentially a loan program, 75% of the principal amount of the loan will be forgiven; therefore, funding basically becomes a 75% grant (\$90,000 Kansas Department of Health & Environment and \$30,000 City).

Assistant Director of Public Works John Braun stated the low bid for construction was approximately \$37,000 higher than originally estimated. KDHE has agreed to cover their share of the increased project costs. Staff has submitted an addendum to the agreement to increase the total project cost to \$158,773, resulting in the City's share being \$39,693.25 with a non-eligible loan interest and administration fee of \$4,392, bringing the total City cost to \$44,085.25.

Barbara Wasinger moved, Troy Hickman seconded, that Ordinance No. 3802, being an ordinance authorizing the execution of a loan agreement between the City of Hays, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Fund for the purpose of financing a Green Infrastructure/Nonpoint Source Pollution Control Project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

13. SKYLINE DRAW AWARD OF BID: The low bidder, Sporer Land Development, submitted a bid of \$129,881.20 for stormwater improvements to Skyline Draw. The project is being funded through the Kansas Department of Health and Environment (KDHE) and the American Recovery and Reinvestment Act of 2009 for Innovative Green Infrastructure Water Quality Projects. The low bid is \$37,000 over the originally estimated amount. KDHE has indicated that funds are available to cover the KDHE share of increased project cost. Originally, the City's share was to be \$30,000; if the low bid is accepted, the City's share will be \$41,338.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the bid submitted by Sporer Land Development, in the amount of \$129,881.20, for the construction of stormwater quality improvements in Skyline Draw be accepted, contingent upon KDHE extending the loan agreement to cover the increased cost.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

14. REPORT OF THE CITY MANAGER: City Manager Toby Dougherty thanked City employees for the great job they have done in snow removal of city streets.

15. COMMISSION INQUIRIES AND COMMENTS: Commissioner Wasinger had concerns about how the sport complex baseball fields would be laid out and the effect of foul balls. Assistant Public Works Director John Braun stated this will be discussed with the Advisory Committee and the consultant.

Commissioner Channell requested staff provide some cost estimates on how much it would cost to place higher nets at Larks Park to avoid having foul balls go into the Hays Aquatic Park. He also requested information from the Hays Recreation about how many swimmers are normally in the pool during the last ½ hour of operation, from 6:30 to 7:00 p.m.

Chairman Mellick recognized City employees who were working on a water main break late into the evening on Friday, December 4th. He also commented on the efficiency of the Solid Waste Division and how well they were operating in spite of all the snow on the ground.

The meeting was adjourned.

Submitted by: _____

City Clerk