

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON DECEMBER 21, 2010

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Tuesday, December 21, 2010 at 6:30 p.m.

Roll Call: Present: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

Absent: Troy Hickman

Chairperson Wasinger 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 December 9, 2010; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that the portfolio of certificates of deposit on November 30, 2010 totaled \$36,900,000 with a weighted average interest rate of .4547%. The total balance of the Money Market account on November 30, 2010 was \$1,400,000 with a current yield of .15%. Total investments are down \$5,050,000 from a year ago. The investment portfolio continues to drop because it includes the Sports Complex expenditures.

Month-to-date sales tax collections for the Sports Complex are \$214,406, which is an increase of \$1,549 when compared to last year. Year-to-date collections are \$2,411,586 and year-to-date expenditures are \$5,864,850. Inception-to-date collections total \$3,928,732 and inception-to-date expenditures total \$6,355,311. November 2010 General Fund sales tax collections increased \$3,653 compared to November 2009. This brings the year-to-date to .10% or \$5,867 from a year ago. Total year-to-date collections are \$5,787,444 for the

General Fund. The six month running average on sales tax collections is up 3.63%.

Ron Mellick moved, Henry Schwaller IV seconded, that the Financial Statement for the month of November 2010 be approved.

Votes: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Henry Schwaller IV moved, Kent Steward seconded, that 2011 Cereal Malt Beverage Licenses be approved for various merchants throughout the City of Hays.

Votes: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

NEW BUSINESS

6. LEGISLATIVE UPDATE: State Legislators Janis Lee and Eber Phelps updated the Commissioners on various topics that are scheduled to be included in the 2011 Legislative session.

7. BICKLE-SCHMIDT SPORTS COMPLEX BLEACHER PURCHASE: An amount of \$31,800 was originally budgeted in the Sports Complex budget for the purchase of twelve bleachers for the Bickle-Schmidt Sports Complex. With two additional fields being added, the required number of bleachers is now sixteen. This will allow two bleachers to be placed at each of the eight fields and will provide adequate seating for spectators. The low bid for sixteen bleachers, in the amount of \$40,480, was submitted by Seating Constructors.

Ron Mellick moved, Henry Schwaller IV seconded, that the bid submitted by Seating Constructors, in the amount of \$40,480, be accepted.

Votes: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

8. AMERICAN LEGION ADDITION FINAL PLAT: A new final plat known as the American Legion Addition has been submitted to the City for review and consideration. The plat is comprised of six lots, one of which contains Veterans Park, one lot contains the American Legion Hall, and the remaining four lots could be used for either residential or commercial development. On October 18, 2010, the final plat was reviewed and approved by the Hays Area Planning Commission. The item was taken back to the Planning Commission at the November 15, 2010 meeting for further discussion about the right-of-way along Canterbury Drive and 13th Street. There is only 30-33 feet of right-of-way from center in these areas as opposed to the 50 feet from center required to be dedicated by the current Subdivision Regulations. After discussion, the Planning Commission recommended that the City Commission make an exception to minimize the amount of right-of-way dedicated on this plat to be consistent with other adjacent platted property.

Due to the Subdivision Regulations requiring 50 feet of right-of-way, City staff does not have the authority to recommend anything less, and therefore does not agree with the Planning Commission recommendation. Since 13th and Canterbury are both arterial corridors, the probability of needing the full right-of-way for traffic or underground/overhead utility expansion is greater than for a non-arterial classified street.

Chairperson Wasinger recused herself from discussion and vote on this issue due to a conflict of interest.

Roberts Rules of Order were suspended for the purposes of discussion.

Commissioner Mellick stated he felt the right-of-way should be 50 feet. There is quite a bit of traffic on those two streets; in the future it most likely will be necessary to have the 50 feet. This needs to be taken care of now rather than in the future. Additionally, he does not want to set a precedent.

Darrell Christen, Advanced Land Surveying, and Lambert Staab, commander of Post #173 of the American Legion, addressed the Commission about the process they have followed to plat the property.

Mr. Lambert stated it will take another special meeting of the American Legion membership to approve the change in right-of-way.

Mr. Christen suggested the Commissioners accept the Planning Commission's recommendation to keep the right-of-way at 30-33 feet. The American Legion will lose an additional 17 feet from their parking lot if it is required to have 50 feet dedication of right-of-way.

Discussion was held about the Development Policy that was in place in the 1990's, which required the 30-33 feet right-of-way dedication. The Policy has been changed since then and it is felt that the new regulations have to be followed at this time to provide for future growth and development. It may be years before the additional right-of-way is needed.

Henry Schwaller IV moved, Kent Steward seconded, that Resolution No. 2010-027, being a final plat accepting the American Legion Addition, with one change changing the right-of-way dedication on Canterbury Drive and 13th Street to 50 feet from center on both streets.

Votes: Ayes: Barbara Wasinger

Henry Schwaller IV

Ron Mellick

Kent Steward

9. REPEAL OF ORDINANCE SECTION 11-422 – UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS:

Since January 1, 2007, the City of Hays has used the 2006 International Property Maintenance Code for dealing with dangerous structures/abatement issues. Prior to that time, enforcement of dangerous structures was handled through the 1997 Uniform Code. Earlier this year, it was discovered that both codes were still on the books and could create a conflict situation if there is ever a challenge.

Kent Steward moved, Henry Schwaller IV seconded, that Ordinance No. 3827, being an ordinance repealing certain provisions of the Code of Ordinances

of the City of Hays, Kansas regarding the Uniform Code for the Abatement of Dangerous Buildings, be approved.

Votes: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

10. ADOPTION OF THE 2009 UNIFORM MECHANICAL CODE: Unlike the general building codes, which are published solely by the International Code Council, there are actually two different publications of the mechanical code, those being the International Mechanical Code (IMC) and the Uniform Mechanical Code (UMC). Due to recent updates of the UMC, it is now a more comprehensive and complete code than the IMC. The Buildings Trade Board and City staff recommended adoption of the 2009 UMC.

Ron Mellick moved, Kent Steward seconded, that Ordinance No. 3828, being an ordinance amending Chapter 11 of the City of Hays, Kansas, Municipal Code, by modifying Article IV, Division 2, Section 11-209, Subsection (b) regarding the International Plumbing Code, Mechanical Code, and Fuel Gas Code, be approved.

Votes: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

11. SELECTION OF PROFESSIONAL AUDITING SERVICES: The City of Hays Comprehensive Financial Management Policy requires that the City select a firm for auditing services through the Request for Proposal (RFP) process every five years. RFP's for auditing services for the audit year 2010, with the option for the four subsequent years, were received from three firms. The lowest responsive and responsible bid was received from Berberich Trahan & Co. of Topeka, KS in the amount of \$32,500 for the 2010 audit, with a total cost of \$177,480 for the five year period. Adams, Brown, Beran and Ball submitted a

bid of \$39,500 for the 2010 audit, with a total bid of \$199,100 for the five-year period.

City Manager Toby Dougherty stated Adams, Brown, Beran and Ball have performed the City audit for many years. They have a good institutional knowledge, a good history of the City, and work well with City staff. Both firms are respectable firms.

Karen Linn, a shareholder of Berberich Trahan, addressed the Commissioners about their qualifications for doing the City audit.

Ken Beran and Melissa Rome, partners in Adams, Brown, Beran and Ball, addressed the Commissioners about their qualifications for doing the City audit. Mr. Beran also spoke of the many things their firm does for this community and Fort Hays State University. They feel they have provided a quality product in the past and would like to continue doing so.

Henry Schwaller IV moved, Kent Steward seconded, that the City Manager be authorized to enter a contract for auditing services with Adams, Brown, Beran and Ball for the 2010 audit year with the option to renew the four subsequent fiscal years.

Commissioner Schwaller stated he supports Adams, Brown, Beran and Ball. Even though their bid is a little more expensive, he believes their experience in working with City staff is worth the extra money.

Commissioner Steward agreed with Commissioner Schwaller. The City has a great working relationship with Adams, Brown, Beran and Ball. He feels Berberich Trahan would do an excellent job; however, he feels there is too much at stake to justify making a change.

Chairperson Wasinger commented that the City is fortunate to have two accounting firms of such high quality submit bids. She agrees with the comments of the Commissioners Schwaller and Steward and thanked Ms. Linn for appearing before the Commission.

Vote: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

12. 2010 Boundary Resolution: Whenever property is annexed into the city limits during a calendar year, Kansas statutes require cities to pass a resolution re-defining the boundaries of the city limits. In 2010, Ordinance No. 3806 annexed the King's Gate Addition and Ordinance No. 3826 annexed 3335 East 13th Street into the city limits.

Henry Schwaller IV moved, Ron Mellick seconded, that Resolution No. 2010-028, being a resolution re-defining the boundaries or corporate limits of the City of Hays, Kansas, as required by Section 12-517 of the Kansas Statutes Annotated, be approved.

Vote: Ayes: Barbara Wasinger
Henry Schwaller IV
Ron Mellick
Kent Steward

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Steward asked that a review of the bid policy take place at a future work session.

The meeting was adjourned at 7:46 p.m.

Submitted by: _____

City Clerk