

MINUTES OF A MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF HAYS, KANSAS  
HELD ON  
DECEMBER 23, 2004

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 23, 2004 at 7:30 p.m.

Roll Call: Present: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

Chairperson Koerner declared that a quorum was present and called the meeting to order.

**2. MINUTES:** There were no corrections to the minutes of the regular meeting held on December 9, 2004; they stand approved as written.

**3. FINANCIAL STATEMENT:** Sales tax revenue for November 2004 totaled \$181,552, which is an 11.22% increase over sales tax collected last year for the same period.

Wayne Billinger moved, Kent Steward seconded, that the Financial Statement for November 2004 be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**4. CITIZEN COMMENTS:** Norman Mermis, owner of Top-Notch Cleaners at 201 West 8<sup>th</sup> Street, appeared before the Commission to voice his concern over water billing cycles, snow removal, and parking in front of his store.

City Manager Gustafson assured Mr. Mermis that he will only receive 12 water bills during a year. The due date is being changed from 25 days after mailing of the bill to 23 days so that customers will have only one due date each month.

Chairperson Koerner informed Mr. Mermis that the City will remove snow in downtown Hays late at night after stores have closed. The City will work with downtown merchants to keep the streets cleared.

City Manager Gustafson and the Commission discussed the 8<sup>th</sup> Street Improvement Project which is scheduled for completion in 2006. Currently, there are five angle parking stalls in front of Mr. Mermis' business. KDOT will not allow angle parking on a street with as much traffic as 8<sup>th</sup> Street has, therefore, there will only be three parallel parking stalls after the Project has been completed.

City Manager Gustafson suggested that Mr. Mermis meet with Public Works Department staff to review the construction plans.

**5. CONSENT AGENDA:** Troy Hickman moved, Wayne Billinger seconded that the following Consent Agenda items be approved:

**A. Mayoral Appointments:**

Ellis County/City of Hays Transportation Committee (Ad-hoc Committee):

Lelyn Braun

Mitchell Hall

Beverly Safford

Hays Beautification Committee:

Zava Hanson – 3-year term expiring August 1, 2007

William Paul – un-expired term expiring August 1, 2005

Hays Housing Board:

Brian Kinnaird – un-expired term expiring on February 14, 2006

**B. Cereal Malt Beverage Licenses:**

Greek's Pizzeria

China Garden

Taco Shop

Larks Park	Pizza Hut	Super Buffet
Cerv's (27 <sup>th</sup> & Vine)	Dillon Store #14	Five Star Amoco
Dillon Store #61	Golden Ox	Continental Devel.
Hays N. Amoco	Holiday 66 Plaza	Casey's (E. 27 <sup>th</sup> )
Kwik Shop	Love's Store	Casey's (E. 13 <sup>th</sup> )
Diamond Shamrock	Kabredlo's	Cerv's (Hall)
Southside Convenience	Convenience Xpress	Outdoor Edge
Wal-Mart #664		

Vote: Ayes: Sunell Koerner  
 Kent Steward  
 Wayne Billinger  
 Henry Schwaller IV  
 Troy Hickman

### **NEW BUSINESS**

**6. DOWNTOWN STREETScape LIGHTING – 8<sup>TH</sup> STREET:** The Downtown Hays Development District (DHDC) is recommending decorative pedestrian street lighting poles on 8<sup>th</sup> Street between Fort and Oak as well as decorative traffic signal poles at Fort and Oak as part of the 8<sup>th</sup> Street Improvement Project scheduled for 2006. KDOT will participate in funding the equivalent of their share (80%) of standard street lighting. Any costs above the standard lighting for decorative poles will be at the expense of the City.

City Manager Gustafson stated there are two options to light this area. Eight standard street lights that are 40 feet high could be used or 16 ornamental lights could be installed that are compatible with the downtown development. The ornamental lights are 17 feet high and would achieve the appropriate lighting levels required by KDOT. It would cost an extra \$53,000 to install the ornamental lighting as well as the decorative traffic signal poles at Fort and Oak.

Henry Schwaller IV moved, Wayne Billinger seconded for purposes of discussion, that 16 ornamental pedestrian lights and decorative traffic poles at Fort and Oak be approved at an estimated additional cost of \$53,000.

Commissioner Billinger stated he would prefer standard lighting consistent with what is already on Main Street, but also have conduit run underground for eight ornamental lamps at mid-block and also at the intersections of Fort and Oak. This would mean 16 lights, but the pedestrian lights could be put in sometime in the future. The wiring and conduit could be run now.

Commissioner Steward commented that the Commission has scaled back on a lot of the original proposals suggested for this project. The street is being completely rebuilt with new water and sewer lines. It is worth making somewhat of an investment that sets the tone for the area. He supports the motion made by Commissioner Schwaller.

Commissioner Hickman stated 8<sup>th</sup> Street is a street primarily for vehicles, not for pedestrians. For that reason he is against installing 16 ornamental lights.

Commissioner Billinger stated that approval of the motion would be the beginning of a change out of the investment made in 1990 when the ornamental lights were installed on Main Street.

Commissioner Schwaller disagreed. The Commission can choose lighting identical to what is already on Main. There is no reason to change out what is already in place.

Commissioner Steward stated that in voting for this motion, he is most definitely not committing himself to changing out the lights on Main Street. There would have to be a very good argument made before he would be in favor of doing that.

Chairperson Koerner stated she would not be in favor of changing what is already in place on Main Street.

Vote: Ayes: Sunell Koerner

Kent Steward

Henry Schwaller IV

No: Wayne Billinger

Troy Hickman

**7. HAYS AQUATIC PARK SLIDES:** The original water slides at the Hays Aquatic Park have been problematic since they were first installed. The slides were originally purchased from Whitewater West Industries. Whitewater has clearly indicated that they will not repair or replace either slide. Another vendor, Splashtacular, Inc., can construct a new family slide to fit the existing frame and footings as well as resurface the open flume slide for \$48,900. An amount of \$604,028.56 remains in the pool sales tax fund to pay for this project.

City Manager Gustafson stated the City Attorney will be taking whatever legal action is necessary to collect from Whitewater West Industries.

Troy Hickman moved, Kent Steward seconded, that the purchase of a family water slide and resurfacing of the open flume slide at the Hays Aquatic Park for a total cost of \$48,900 be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**8. BUILDING PERMIT PROCESS:** Planning, Inspection, and Enforcement staff has completed a review of the Building Permit Ordinances (Title 15) and has asked for some revisions to various sections. Most changes deal with the cost of permits. The current ordinance does not reflect costs that are currently being charged for permits.

Wayne Billinger moved, Kent Steward seconded, that Ordinance No. 3668, being an ordinance amending Title 15, Chapter 15.12 of the City of Hays, Kansas, Municipal Code, by modifying Sections 15.12.160 regarding evidence to accompany application for examination and 15.12.210, Subsection A. regarding permit fees, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

Wayne Billinger moved, Kent Steward seconded, that Ordinance No. 3669, being an ordinance amending Title 15, Chapter 15.16 of the City of Hays, Kansas, Municipal Code, by modifying Sections 15.16.060, 15.16.140 and 15.16.180, Subsection A. regarding license required, revocation of certification and permit fees, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

Wayne Billinger moved, Kent Steward seconded, that Ordinance No. 3670, being an ordinance amending Title 15, Chapter 15.24 of the City of Hays, Kansas, Municipal Code, by modifying Sections 15.24.010, 15.24.020, 15.24.050, Subsections C. and D. and 15.24.060, Subsection A. regarding fees for building permits and applications and plans and specifications for the same, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

Wayne Billinger moved, Kent Steward seconded, that Ordinance No. 3671, being an ordinance amending Title 15, Chapter 15.44 of the City of Hays, Kansas, Municipal Code, by modifying Section 15.44.050 regarding signage fees, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**9. BENEFITS, CLASSIFICATION & COMPENSATION STUDY:** The City of Hays has received five proposals to conduct a Benefits, Classification and Compensation Study and prepare a Paid Time Off Policy (PTO) for the City of Hays. The firm of FBD Consulting from Overland Park, Kansas, submitted the proposal that most closely describes the project the City of Hays would like to have conducted. The firm will survey up to 15 entities, both public and private, and will use published private sector data and statistics from the Kansas Department of Labor to complete the study.

City Manager Gustafson stated the 2004 Budget has set aside \$10,000 for the preparation of a PTO Policy. The 2005 Budget has \$30,000 budgeted for a benefits, classification and compensation study. The total cost for both studies is \$33,890 plus travel expenses.

Kent Steward moved, Wayne Billinger seconded, that the proposal from FBD Consulting to conduct a benefits, classification and compensation study and to prepare a Paid Time Off Policy for the City of Hays at a cost of \$33,890 plus travel expenses, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**10. WATER BILLING CYCLES/SEWER SERVICE CHARGES ORDINANCES:**

Ordinance No. 3672 defines that utility bills are due 23 days from the bill date, makes allowances for vacant pads in relation to water minimum charges, and sets the minimum water use average at 500 cubic feet.

Ordinance No. 3673 makes allowances for vacant pads in relation to sewer minimum charges.

Commissioner Schwaller stated that as an owner of manufactured home communities he has a material conflict of interest. He left the Commission chambers during the discussion and vote.

Troy Hickman moved, Wayne Billinger seconded, that Ordinance No. 3672, being an ordinance amending Title 13, Chapter 13.12 of the City of Hays, Kansas, Municipal Code, by modifying Sections 13.12.060, Subsection A. and 13.12.070, Subsections B. and C. regarding water rates and due dates, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

Troy Hickman moved, Kent Steward seconded, that Ordinance No. 3673, being an ordinance amending Title 13, Chapter 13.24 of the City of Hays, Kansas, Municipal Code, by modifying Section 13.24.030, Subsection A., Subsection 1., Subsection b. regarding sewer service charges, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**11. CITY OF HAYS/BIG CREEK IMPROVEMENT DISTRICT AGREEMENT:**

This document is intended to serve as both a settlement agreement, resolving all past disputes and establishes the terms by which the City will continue to provide wastewater treatment services to the Big Creek Improvement District. It brings the District in line with the City's other agreements and allows the City to anticipate and accommodate foreseeable growth and not have to amend the agreement as water and treatment rates change over time. It keys the payment for treatment to our actual costs, with a reasonable multiplier to account for the fact that the District is outside the city limits. It protects the other customers of the City's water and treatment system while treating neighbors equitably and eliminates wasteful duplication of services and facilities for the taxpayers of Hays and its surrounding territory.

Henry Schwaller IV moved, Wayne Billinger seconded, that the agreement between the City of Hays and Big Creek Improvement District in reference to sewage treatment be approved.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**12. REPORT OF THE CITY MANAGER:** The City Manager pointed out that enplanements continue to increase at the Hays Regional Airport. There have been 3,880 enplanements during January through November 2004 compared to 3,204 for the same time period last year.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Hickman asked for an update on when Hall Street would be completed, when the building located on City property at 27<sup>th</sup> & Vine would be demolished, and when the Commission would see the final version of the traffic study.

City Manager Gustafson stated Hall Street will be largely complete by the end of the year. There will still be some cleanup work involved, with everything completed by January 31, 2004, weather permitting.

Demolition of the building at 27<sup>th</sup> & Vine Street will start on December 27, 2004.

Phase 3 and Phase 4 of the traffic study report will be discussed at the January 6, 2005 work session.

Thereupon the Governing Body adjourned.

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

City Clerk

