

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 26, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, August 26, 1999 at 7:30 p.m.

Roll Call: Present: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Mayor Billinger declared that a quorum was present and called the meeting to order.

2. MINUTES: Howard Rome moved, Troy Hickman seconded, that the minutes of the regular meeting held on August 12, 1999, be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

3. FINANCIAL STATEMENT: City Manager Zacharias reported sales tax revenue is approximately \$12,000 less than for the same time period last year.

Troy Hickman moved, Howard Rome seconded, that the Financial Statement for July 1999 be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

4. AWARDS: Mayor Billinger presented the Government Finance Officers Association Distinguished Budget Award for 1999 to Assistant City Manager/Budget Director Penny Postoak.

5. CITIZEN COMMENTS: There were no comments.

6. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated there will be a special joint meeting with the Russell City Council, the Hays City Commission, and the Board of Directors of Public Wholesale District #15 on Wednesday, September 8, 1999, at 7:00 p.m. in Hays at a location yet to be determined. This meeting will be to discuss the cooperative arrangements between all parties regarding acquisition of water.

7. CONSENT ITEMS: A. Troy Hickman moved, Howard Rome seconded, that the following mayoral appointments be approved:

RECREATION COMMISSION

Cheryl Allenbaugh – four year term expiring August 1, 2003

BEAUTIFICATION COMMITTEE

Connie Wilson – three year term expiring August 1, 2002

TRADES BOARD

Danny Tuttle – four year term expiring August 27, 2003

Bob Herl – four year term expiring August 27, 2003

Tom Wasinger – four year term expiring August 27, 2003

Gary Miller – four year term expiring August 27, 2003

LIBRARY BOARD

Michael Flax – unexpired term expiring April 30, 2001

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

B. Henry Schwaller IV moved, Troy Hickman seconded, that a lease with Fort Hays State University Activities Board for Municipal Park from September 16 through September 19, 1999 be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

8. AIRPORT AGRICULTURAL CHEMICAL STORAGE AND HANDLING

POLICY: A. Troy Hickman moved, Howard Rome seconded, that Ordinance No. 3471, being an ordinance amending the zoning regulations of the City of Hays, Kansas, as adopted by reference by Ordinance No. 2458 of the Code of Ordinances of the City of Hays, Kansas, on October 25, 1973, and as published on November 1, 1973, and as thereafter amended, by amending Article IV, Supplementary District Regulations, Section 1, Qualifications and Supplementations to Districts, be approved, to be effective January 1, 2000.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

B. Troy Hickman moved, Howard Rome seconded, that the Airport Agricultural Chemical Storage and Handling Policy be adopted.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

9. AIRPORT ABOVEGROUND FUEL TANKS AT THE HAYS MUNICIPAL

AIRPORT: Terry Urban, Airport Manager, reviewed information he received from Garden City and Great Bend regarding aboveground fuel storage tanks at their airports.

City Manager Zacharias stated if the City were to allow aboveground tanks, the zoning regulations would need to be changed. The ordinance would

also need to be changed and state where they can be placed in the city limits. Any changes to the Airport Layout Plan would need to be approved by the FAA.

Discussion was held on various locations at the airport for the fuel farm. Two possible sites are ¼ mile south of the existing fuel farm and a location approximately 500-600 feet further south on the east/west property line. Wayne Schwartz, Director of Fire and Inspection, stated that if the fuel farm were built at either of those locations, it would be necessary to run an 8" water line and build a good access road leading to the fuel farm for fire protection. City Manager Zacharias stated you could make it a requirement of whoever develops the fuel farm to provide enough on site storage of water to fight a fire or run a water line to the fuel farm.

Commissioner Hickman stated the only decision that needed to be made tonight was whether to allow aboveground fuel tanks. The placement of a fuel farm is a decision that can be made later on.

Commissioner Schwaller stated he would not be voting for aboveground fuel farms. There should be consistent standards and consistent building codes and the overall development of the airport should first be considered.

Troy Hickman moved, Larry Schmidt seconded, that staff be directed to prepare a draft ordinance for review allowing aboveground fuel tanks, and get cost estimates for the installation of a water line.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

10. SPRING CLEAN UP: A monthly fee increase of \$1 in sanitation rates would be necessary to fund a spring or fall clean up. The last increase was in 1996.

Commissioner Schwaller stated he did not think this amount was out of line. He would like to hear from the public to see if they would support a rate increase to fund a clean up program.

Martha McCabe spoke in favor of a clean up program. The alleys throughout Hays are littered with old abandoned mattresses, springs, sofas, refrigerators, and tires. Mrs. McCabe commended the city on its recycling program, compost site, and general trash pick-up; however, large bulky items that are difficult to dispose of are accumulating in our alleys.

City Manager Zacharias stated the biggest expense in a clean up program is not the disposal costs. The cost of labor and equipment is the largest share.

Commissioner Schmidt suggested the clean up be done in three phases, with each phase picking up only a certain type of item. Temporary help could also be utilized to help cut costs.

Commissioner Rome expressed concern about the effect an increase would have on people on a fixed income. Mrs. McCabe stated the elderly people that she has talked to would find the additional \$12 a year cheaper than the cost of paying someone to haul their items.

Commissioner Hickman suggested city staff visit with Ellis County officials to see if the fee for white goods and tree limbs hauled to them at certain times of the year could be waived. Commissioner Schmidt suggested demolition or building materials also be included. Commissioner Schwaller suggested city staff contact private contractors to see if they would be interested in doing the work.

The Commission directed the City Manager to further explore options for a clean-up program.

11. ROTH SECOND ADDITION PLATTING AND REZONING: A. Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 312, being a resolution accepting and approving the plat of Roth Second Addition and the replat of a portion of Juenemann 1st Addition in the City of Hays, Kansas, be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

B. Troy Hickman moved, Henry Schwaller IV seconded, that Ordinance No. 3472, being an ordinance rezoning a tract of land situated in the southeast quarter of Section 21, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, from "A-L" Agricultural to "C-S" Highway Service, be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

A Power Point presentation was given showing the impact of development in this area. Points covered were future land use, water and sewer line expansion, and stormwater management.

12. 1998 AUDIT: Ken Beran and Steve Baumrucker, representing Adams, Brown, Beran and Ball presented the 1998 Audit. Mr. Beran reviewed the audit. He stated that the City is financially sound. He cited one cash violation in a construction fund. The Tallgrass Addition Fund had a negative balance at the end of the year. City Clerk Susie Berger said the Temporary Note issued for this fund did not include funds to cover the construction of a storm sewer. Additional funds will be included when the bonds are sold to cover the storm sewer expense.

Mr. Baumrucker gave a presentation of financial ratios and performance measures in comparison to other Kansas cities.

13. POLICE COMPUTER UPGRADE: Jim Purdy, Support Services Captain of the Hays Police Department, addressed the Commission regarding the purchase of Enterpol computer software. The purchase of this software is necessary to upgrade the records management software to be Y2K compliant. Total cost for the software is \$92,250. The City share is \$40,000. Ellis County and the 911 system will fund the balance. The \$40,000 will be expended from both the 1999 and 2000 budgets.

Commissioner Schmidt stated a lot of overtime hours would be saved using this system. The City should reconsider the hiring of an additional detective in 2000. A patrolman should be hired rather than a detective. This system will cost \$40,000, but the City could save another \$20,000 to \$50,000 by not hiring a detective. He wants his comments to be considered when it is time to hire an additional officer. City Manager Zacharias said the plan is to hire the new officer as was approved in the budget. If the Commission does not wish to hire the additional officer, staff needs to know.

Commissioner Hickman stated the timesavings would allow the detectives more time on the street as opposed to filling out paper work. Officer Purdy stated the timesaving is for records and has nothing to do with the day to day operation on the streets. The amount of overtime depends on happenings on the street. A case may arise which requires a large amount of overtime, but there is no way we can predict what is going to happen in the future.

Henry Schwaller IV moved, Larry Schmidt seconded, that the purchase of Enterpol computer software for the Hays Police Department, in the amount of \$40,000, to be paid out of the 1999 and 2000 budgets, be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Henry Schwaller IV moved, Troy Hickman seconded that Item 16 on the agenda be addressed next.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

16. BUILDING LIMITATION INFORMATION: Community Development Coordinator Kent Laas, addressed the Commission regarding the issue of

percentage of lot coverage allowed by buildings within our "C-S" Highway Service Zoning District. Mr. Laas spoke of the various requirements in the different categories in the Zoning and Subdivision Regulations. The "C-S" Highway Service Zoning allows a 25% lot coverage. The Hays-Ellis County Planning Commission has scheduled a public hearing for September 20, 1999, to formally evaluate and consider possibly making a recommendation to change the current regulations.

Commissioner Schwaller asked Mr. Laas to explain the intent of the present regulations regarding "C-S" zoning.

Mr. Laas stated the intent is that buildings needing a large area have easy access for the community, be convenient for the traveler, and be a single purpose type building. Irrespective of the what kind of percentage regulations are put in place, the building coverage is dictated by the amount of off street parking needed as well as the setbacks and landscape requirements.

14. RURAL TELEPHONE FRANCHISE AGREEMENT: Commissioner Schwaller did the third reading of Ordinance No. 3468, which grants to RTSC Communications, Inc., a subsidiary of Rural Telephone Service Company, Inc., a Kansas corporation, its successors and assigns the right to construct and operate a communication system within the City of Hays, Kansas, defining the manner and place of construction of communication lines, prescribing the terms and conditions thereof, and providing for the payment of franchise fees to the City of Hays, Kansas.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3468, as read at three consecutive City Commission meetings as required by State law, granting RTSC Communications Inc. a franchise to conduct business within the city limits of Hays, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

15. QUORUM CHARTER ORDINANCE: At the request of Commissioner Schmidt, City Attorney John Bird presented a draft ordinance exempting the City of Hays, Kansas from the provisions of K.S.A. 14-1308 relating to the quorum of the governing body.

Mayor Billinger stated he has some reservations about changing the quorum. The public and media perception of discussing city business in groups of two would probably not be well received.

Commissioner Schmidt stated this change would make it easier for two commissioners to discuss city business. Time could be saved if two commissioners are working on the same item; information could be shared between the two. This would not violate the open meetings act. Public policy could not be made without a vote of the full Commission.

Commissioner Rome said he has the same concerns as Mayor Billinger. Business should be discussed in chambers rather than out of chambers.

Commissioner Schmidt said there would still be discussion in chambers. Being able to discuss an item with another commissioner prior to a meeting would be helpful. This charter ordinance would be voted on every year; it would not lock a Commission into never being able to change back. The public could also petition to have the quorum remain at three; the Commission should try this for a year and see how it works out.

Commissioner Hickman stated he would not support this because he does not feel the public wants this change. It would cause more problems with public and media perception.

Henry Schwaller IV moved, Larry Schmidt seconded, that the Commission consider adopting a Charter Ordinance changing the quorum necessary for transacting business from three Commissioners to four Commissioners.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

No: Wayne Billinger

Troy Hickman

Howard Rome

17. 13TH STREET SEWER PLANS: Elden Hammerschmidt, Public Works Director, addressed the Commission regarding the future sewer line expansion that will allow for development on the east end of town. This project is to be bid this fall.

18. ADD-ON ITEMS: Commissioner Schwaller proposed the Commissioners develop a strategic plan for the City of Hays to the year 2010. This would show the community how the government will look and work in Hays.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board