

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 24, 1999

**1. CALL TO ORDER:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, June 24, 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 June 10, 1999, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias reported sales tax revenues are approximately \$20,000 higher than for the same time period last year.

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

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

**4. HAYS BEAUTIFICATION AWARDS:** Virgil Howe, representing the Hays Beautification Committee, and Mayor Billinger presented the 1999 Hays Beautification Improvement Awards to Linweld, Inc. Tea Rose Inn, and Holiday Inn for their various landscaping improvements.

**5. CITIZEN COMMENTS:** Bill Davis spoke on a plan for group home regulations. The plan was included in the Commissioner's Informational Memorandum packet and has been presented to the Planning Commission. Mr. Davis urged the Commission to look at the plan and take steps toward implementation.

**6. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Schmidt asked if the bid for the fencing at the airport in the amount of \$6,848, needed to be approved by the Commission. City Manager Zacharias stated that policy allows for purchases of up to \$10,000 to be approved by the City Manager; the Manager then informs the Commission of his actions. Commissioner Schmidt stated he felt the fencing should be delayed until the Commission decides what to do about relocating John Werth's hangar. Commissioner Rome stated that placement of the fence is a safety issue and felt the Commission should approve the manager's actions.

Henry Schwaller IV moved, Larry Schmidt seconded, that the City Commission vote on the bid for fencing at the next regular business meeting as an agenda item.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

No: Wayne Billinger

Troy Hickman

Howard Rome

**7. CONSENT ITEMS:** Troy Hickman moved, Howard Rome seconded, that the following items be approved:

- A. East Frontier Park be leased to Regal Audio Video for July 18, 1999.
- B. Cereal malt beverage licenses be issued to the Wild West Fest Beer Garden and S.S. of Kansas Inc. (Montana Mikes).
- C. Ed Lee be appointed to a three year term to the Airport Advisory Board

expiring April 30, 2002.

Robert Hoke and Tom Winkleblack be appointed to three year terms to the Golf Course Advisory Board expiring July 1, 2002.

Dave Goodlett be appointed to an unexpired term on the Library Board expiring April 30, 2001.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

**8. ORGANIZATIONAL BUDGET REQUESTS:** Earl Carlson and Laverne Squier, representing the Ellis County Coalition for Economic Development, made a request for \$60,000 to assist with economic development activities. The Coalition also requested continued funding of the Fly Hays marketing effort in the amount of \$15,000.

Joseph Glassman, 4106 Smoky Hill Drive, addressed the Commission regarding concerns about the service at the Hays Municipal Airport. Several times Mr. Glassman has been stranded and treated rudely by the airlines serving Hays. Mr. Glassman said we pay taxes to support the federal subsidy and should get better service. He is opposed to funding the Fly Hays marketing effort in the amount of \$15,000.

Mr. Squier stated that he would handle Mr. Glassman's complaint and try to resolve the issue. Mr. Squier stated that the \$15,000 for the Fly Hays program does not go to the airlines. It is spent for promotional purposes to encourage the airlines to maintain local service.

Brenda Meder and Becky Kiser, representing the Hays Arts Council, made a request of \$4,500 for assistance in the support of their programs in the year 2000.

Fort Hays State University President Edward Hammond requested \$100,000 be allocated for fiscal year 2000 to be used for the Hays City Silver Scholarship Program.

Jerome Waltner, Executive Director of the Ellis County Historical Society, made a request for \$6,500 for operational expenses in the year 2000.

Gary Howard and Tom Robinson, representing Western Kansas Association on Concerns of the Disabled, requested \$13,500 to be used for operating expenses for the year 2000.

**9. POLICE DEPARTMENT SURVEY:** This item was postponed until the next Commission meeting.

**10. SUNDANCE APARTMENTS EXPANSION RESOLUTION:** Ed Bratton, representing Cohen-Esrey Housing Partners, requested the City Commission pass a resolution stating its approval and support for a proposed development using housing tax credits. The project will add 16 additional units at the Hays Sundance Apartments.

Howard Rome moved, Troy Hickman seconded, that a resolution be adopted approving and supporting sixteen additional apartments at the Hays Sundance Apartment Complex in the City of Hays, Kansas, in order to receive Kansas housing tax credits.

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

**11. SET SPECIAL ASSESSMENT PUBLIC HEARING:** Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 309 being a resolution providing notice of public hearing to be conducted by the Governing Body of the City of Hays, Kansas on the 8<sup>th</sup> day of July, 1999, at 7:30 p.m. at the USD #489 Board Room, 323 West 12<sup>th</sup> Street, to consider proposed assessment as to the grading, paving, curbing and guttering improvements and the installation of water lines, sewer lines and storm sewer lines to serve Lots 1 through 13, Block E; Lots 22 through 34, Block D; and Lot 45, Block A, Tallgrass Addition to Hays, Ellis County, Kansas, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome

**12. SERVICE DEPARTMENT BIDS:** Elden Hammerschmidt, Director of Public Works, recommended the Commission accept the low bid from Commercial Builders, Inc. of Hays, totaling \$375,900 for the expansion of the Service Department building, construction of a new sign shed, construction of a new sludge/truck shed, and construction of a generator shed at the Water Treatment Plant. Mr. Hammerschmidt also recommended the bid from Central Detroit Diesel Allison for a new 500 KW generator totaling \$105,131, be accepted.

Commissioner Schmidt stated he felt construction of four buildings was excessive. He would approve the sludge/truck building and the Service Department expansion. The sign shed is not necessary at this time. The money should be saved for the construction of other buildings such as a recycling building. The bid of \$49,600 to build a generator shed is excessive; a shed could be built for less.

Commissioner Schwaller stated he would like to consider the Water Treatment Plant generator during the budget process. The \$100,000 cost of the proposed sign shed is excessive, but he would support the expansion of the Service Department and the sludge/truck shed.

Commissioner Schmidt stated the Water Treatment Plant generator and shed could be rebid. Commissioner Rome felt the generator should be in place before the end of the year.

H. D. Woods, Jr., Woods & Starr Associates, stated the bids submitted were on four buildings. There is an alternate to delete the generator building. The proposal from the contractor is not for two buildings. All the buildings would need to be rebid, unless the contractor would want to renegotiate the bid. There is a 30-day acceptance clause in the contract; this would give staff time to research other options.

Mr. Hammerschmidt was instructed to research other options for a less expensive enclosure for the generator.

Larry Schmidt moved, Henry Schwaller IV seconded, that the bids for the Service Department expansion in the amount of \$152,200 and the sludge/truck shed in the amount of \$89,900, as listed in the administrative break down, be accepted if Commercial Builders agrees to our acceptance of those two bids instead of the four bids, delay a final decision on the generator for thirty days and reject the sign shed building and generator building.

Vote: Ayes: Wayne Billinger

Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

**13. GENERAL INSURANCE RENEWALS:** Rich Kraemer, agent with Insurance Planning Incorporated, reported on the City's renewal of liability, auto, property, and workman's compensation insurance. Total premiums will increase by approximately \$11,000 due to changes in the workman's compensation modification factor, increased payroll, audit charges, and a builder risk policy for the municipal pool project.

Troy Hickman moved, Larry Schmidt seconded, that the insurance premium bid of \$150,962, from Insurance Planning Incorporated, for 1999/2000, be accepted.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

**14. BUILDING INSPECTION STUDY GROUP:** Commissioner Schwaller spoke on creating a study group to examine the policies as set forth in the Code of Ordinances and the Builders Code adopted by the City. The study group would be composed of one member of the Building Trades Commission, two City

Commissioners, two private citizens, one independent local contractor, and one City staff person. If this composition is not acceptable to the Commission, Commissioner Schwaller asked that the study group be composed of all five Commissioners.

Mayor Billinger suggested that before a study group is formed, the Commission presents its concerns to the Trades Board first, listen to their recommendations, and then restudy the issue. Commissioner Schwaller stated there are issues of personnel and the reorganization of the Fire and Inspection Department. The Trade Board is for appeals and licensing issues, not rewriting codes and ordinance. He does not feel comfortable having the Trades Board make decisions that the Commission should be making.

Commissioner Hickman suggested the Trades Board be given the task of reviewing some specific areas of the Codes and have the Commission and the City Manager study the issues of enforcement. Personnel issues would be handled in executive session. Commissioner Schwaller stated he did not feel the Trades Board would make recommendations that could affect their livelihood; this group should not be policing themselves.

Henry Schwaller IV moved, Larry Schmidt seconded, that a study group be established to investigate City building inspection issues, related to interpretation of specific building codes. Members of this group would be composed of two City commissioners, one member of the Trades Board, two private citizens, a local independent contractor, and one City staff person.

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

**15. ADD-ON ITEMS:** Troy Hickman moved, Larry Schmidt seconded, that the Commission recess to executive session at 10:05 p.m. to discuss future property acquisition for 30 minutes, returning at 10:35 p.m. The executive session will

include the City Commissioners, the City Manager, Assistant City Manager, City Attorney, Ellis County Coalition Director, and the Public Works Director.

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

Mayor Billinger called the meeting back to order at 10:35 p.m.

Troy Hickman moved, Larry Schmidt seconded, that the Commission enter into another 30 minutes executive session to continue discussing future property acquisition. This session will include the same people as were in the first session.

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

Mayor Billinger called the meeting back to order at 11:10 p.m. He stated that no action was taken.

Commissioner Schmidt requested the Commission discuss, as an agenda item at the next Commission meeting, the litigation with Big Creek Sewer District and Prairie Acres. He feels the Commission can resolve this issue with both districts.

Mayor Billinger stated that because of the litigation with the two sewer districts, this item should be discussed in executive session. Todd Stramel, Assistant City Attorney, stated it would need to be discussed in executive session.

Commissioner Schwaller stated he would like to hear both sides of the issue and would like to invite representatives from the districts into executive session. Commissioner Hickman stated he would not vote in favor of an executive session that would include members of the two districts. He does not

have a problem with the five Commissioners meeting in executive session to discuss future actions, but does not favor inviting others in to become part of the decision making process.

Henry Schwaller IV moved, Larry Schmidt seconded, that an executive session be held at the next meeting to discuss issues with Big Creek Sewer District and Prairie Acres Sewer District. City Commissioners and City staff will meet first followed by representatives of Big Creek Sewer District and Prairie Acres Sewer District meeting with City Commissioners.

Vote: Ayes: Wayne Billinger

Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

Thereupon the Governing Body adjourned.

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

Clerk of the Board