

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON OCTOBER 28, 1999

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, October 28, 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 session held on October 14, 1999, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias reported that sales tax revenue is approximately \$38,000 ahead of last year's collections. Water sales revenue is down by approximately \$22,000 due to decreased water usage.

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

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

**4. HAYS EMPLOYEE SERVICE RECOGNITION:** Mayor Billinger recognized the following employees for their length of service:

**25 YEARS OF SERVICE:** Leon J. Herrman

Arthur Leiker  
Richard Shubert  
Zearl Zeigler

**10 YEARS OF SERVICE:** Tim A. Dreiling

Firma J. Helget  
Thomas A. Loker  
Keith Power

**5. CITIZEN COMMENTS:** There were no comments.

**6. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias requested one City Commissioner serve on the Parks and Recreation Master Plan Steering Committee.

Troy Hickman moved, Henry Schwaller IV seconded, that Larry Schmidt be appointed to serve on the Parks and Recreation Master Plan Steering Committee.

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

Abstain: Larry Schmidt

Commissioner Schmidt asked about the purchase of an ACCESS van from Developmental Services of Northwest Kansas to be used by the Convention and Visitors Bureau.

City Manager Zacharias stated it was purchased for the price of tires. CVB often has a demand for activities that could use a van of that size, and it is also handicap accessible. A CDL is not required to drive this van, therefore CVB personnel can drive this van and save the cost of hiring a driver.

**7. CONSENT ITEMS:** There were no consent items.

**8. POOL CHANGE ORDERS:** Jim Sullivan, pool architect, stated that some of these change orders were bid as alternates, however, the Pool Task Force chose not to included them with the original bid in order to keep the cost within the project cost. The Pool Task Force decided to implement some of these alternates later on after more data on sales tax revenue was available. A number of these items could be dovetailed into the project now, rather than later. It would be more costly to add them after the project has been completed.

Commissioner Schmidt asked why a deduct isn't shown to relocate the main disconnect to an exterior location. When there is a change of work, there should be a deduct and an add-on.

Mr. Sullivan stated this additional cost is to provide an enclosure around the disconnect, not for the disconnect itself.

Troy Hickman moved, Howard Rome seconded, that the change order for electrical items in the amount of \$4,207 with Commercial Builders, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Howard Rome

No: Larry Schmidt

**9. AIRPORT LEASE:** The City Manager was directed at the last meeting to meet with Eagle Aviation to discuss terminating their lease or renegotiate the lease to establish a time line for completion of their hangar. Eagle Aviation was not able to meet their completion deadline of October 15, 1999.

City Manager Zacharias stated one goal of our City is to encourage investment at the airport and to make sure that property is used effectively for the betterment of the flying public and the community in general. However, we must

also make sure our leases are good and that people don't violate them. Eagle Aviation has invested \$80,000 to date and are trying to make good their commitment to place a facility on that property. They have a contract to complete the office portion of the building and expect to finish out the project within 60-90 days. They are also seeking outside investors and are negotiating with BP Air to install a water line to extend to the outside storage of their fuel tanks. Eagle Aviation fuel sales are also 30% higher when compared to the same time last year.

The original agreement gave them 180 days and the Commission granted an additional 30 days extension. The architect, W. D. Woods, stated that to expect the project to be completed in that amount of time is unreasonable. Usually 180 days is sufficient for hangar construction, not hangars with office buildings in them. City staff feels Eagle Aviation is diligently working toward completion of the hangar and are not stalling.

City Manager Zacharias stated he felt the City should allow them an additional 90 days. If they have not obtained a certificate of occupancy by that time, then the lease could be terminated.

City Attorney John Bird stated the language in the lease agreement is not completely clear. There is a requirement for completion of the hangar; it does not state completion of the office. Because of that ambiguity, Mr. Bird advised an additional 90 days be allowed.

The consensus of the Commission was to allow the 90-day extension.

**10. ZONING ORDINANCE:** The Ellis County Commission has approved changing the percentage of lot coverage buildings may have in commercially zoning districts from 25% to 50%.

Commissioner Schmidt stated he would vote against this change because he is against plugging in a percent. If a property owner satisfies all other requirements, he should be able to do whatever he wants with the rest of the property. Setbacks, beautification and parking are the three requirements our community puts on the landowner, except for these percentages. It's not fair to the person doing the investing.

Commissioner Hickman stated he would be voting for the change. By voting against the change, no progress will be made.

Commissioner Schwaller stated he agreed with Commissioner Schmidt's comments and would like to see a rewrite of this ordinance in 60 days. This change would facilitate construction presently going on, however, we should clean up the ordinance; percentages are a terrible way to legislate how we build.

Henry Schwaller IV moved, Howard Rome seconded, that Ordinance No. 3480, being an ordinance amending the percentage of lot coverage from the "C-S" Highway Service District from 25% to 50%, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Howard Rome

No: Larry Schmidt

Larry Schmidt moved, Henry Schwaller IV seconded, that Ordinance No. 3480 be sent back to the Hays-Ellis County Planning Commission and the percentage be removed to allow more flexibility for the original developer.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

No: Wayne Billinger

**11. GAS PURCHASES:** The use of fleet cards issued by major credit card companies for the purchase of gasoline fuel for City vehicles was discussed. Presently, the Police Department purchases its fuel at Coastal Mart and other city vehicles refill at Home Oil. Fleet cards can be used almost anywhere and with proper authorization, can be used to charge rooms, meals, or other items. It would cost approximately \$300 more per year for the Police Department to change to fleet cards, and only selected gas stations in Hays have the equipment to provide the breakdown required by the Police Department.

Commissioner Schwaller recommended the Police Department initiate a fleet card program. This would provide some equity among the gas stations and would increase the visibility of the Police Department throughout the city. Every officer would be able to choose where he fills gas as long as that station has the equipment to handle the fleet card and provide the breakdown the Police Department requires.

Commissioner Rome stated he was against the proposal because it would cost the City more money. This should be an administrative matter; the Commission is a policy setting board.

Commissioner Schwaller stated it would increase the visibility and potentially increase the safety. Now we are buying gas at one store; if we go to five other stores we would have officers at different locations on any given night. This would increase the sense of security in the community. That is not that big of a cost for what we gain in return.

Police Chief Lawrence Younger stated the gasoline budget is approximately \$50,000. The \$300 extra for fleet cards would probably fill the detectives' cars for one year. The Police Department has always watched costs and goes where they get the best prices on all items. Tow-ins, tire repair, tire purchases, and other like items are spread around at other businesses in Hays. Whoever provides the best service at the lowest cost gets the Police Department's business.

Commissioner Schwaller stated fleet cards would allow the City to take advantage of technology that will allow the City to be more flexible. Ten people have asked him to take a look at this matter. This is something we should try; if it doesn't work, we can go back to the old way.

Mayor Billinger stated he was in favor of opening this to a bid process. This would open it up for those who feel they are out of the loop.

Commissioner Schwaller stated he felt that if we opened it to bid, we would get very few bids. The use of fleet cards would allow the Police Department to choose where they purchase gas and this process would spread the business around.

Larry Schmidt moved, Henry Schwaller IV seconded, that the Police Department try the fleet card program for one year for the purchase of gasoline fuel for City vehicles.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
No: Wayne Billinger  
Howard Rome

**12. WAGE INCENTIVES:** Discussion was held on a proposal submitted by Commissioner Hickman regarding an incentive for higher wages in our community. This proposal would be a tool that existing businesses in our community could use to pay higher wages and be eligible for property tax credits within the scope of the plan.

Commissioner Schmidt stated this proposal would put small business employers at a disadvantage of having non-skilled job salaries being artificially manipulated. A small business would not get any benefit from this proposal.

Commissioner Schwaller commended Commissioner Hickman for this original idea. Wages in Ellis County have deteriorated over the last nine years significantly compared to the rest of the state. Kansas wages have declined compared to the United States as a whole. We do need to value our existing and expanding businesses. This proposal should be looked at further in a study session held with the Ellis County Coalition.

The consensus of the Commission was to refer this proposal to the Ellis County Coalition for review and plan a study session in the future.

**13. INSPECTION REPORT:** Wayne Schwartz, Fire and Inspection Services, and Dave Rupp, chairman of the Trades Board, reviewed the recommendations of the Ordinances and Policies Study Group. Topics covered were architectural seals, permit requirements, and licensing of contractors.

Commissioner Hickman, a member of the study group, stated many hours were spent studying these issues; the group couldn't make recommendations on the three issues at that time and suggested they be voted on separately.

Commissioner Hickman moved to accept the recommendation by the Study Group and Trades Board that if the proposed work does not meet the requirements of Section 6-20(a), then a scaled drawing will be acceptable, provided it complies with Section 6-20(a), in lieu of architectural seals. The motion died for lack of a second.

Commissioner Schwaller stated that due to this item being placed so late on the meeting's agenda, some people did not come to the meeting that would like to comment on these changes. The language in the building code needs to be more definitive.

City Attorney John Bird agreed that the language needs to be clearer. A large amount of discretion is left to the Building Inspection officials. From a policy point of view, you don't want to leave that much discretion to the officials.

It was the consensus of the Commission to discuss these issues one at a time over the next three meetings, starting with the permitting process.

**14. SNOW ROUTES: A.** Don Larson, Service Division Superintendent of the Public Works Department, gave a Powerpoint presentation showing the emergency snow routes in Hays. The Police Department and Public Works Department have collaborated to identify needed changes to the existing routes.

Henry Schwaller IV moved, Troy Hickman seconded, that Ordinance No. 3479, being an ordinance amending Section 25-87.1 of the Code of Ordinances of the City of Hays, Kansas, relating to emergency snow routes, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

**B.** A "Snow Brochure" was reviewed with the Commission. This brochure will be distributed by the City of Hays to inform citizens of general procedures and guidelines used when responding to winter storms. The brochures will be mailed to citizens in the near future.

**15. EXECUTIVE SESSION:** Troy Hickman moved, Wayne Billinger seconded that the Governing Body adjourn to executive session at 9:40 p.m. for 30 minutes to discuss the purchase of real property and personnel. The executive session is to include the Commissioners, the City Manager, the Assistant City Manager, the City Attorney, and the PWWD#15 president

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

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

**ADD-ON ITEMS:** City Manager Zacharias reported the City of Russell is willing to discuss the sharing of their water rights from Cedar Bluff Reservoir. Use of their water rights would recharge the City's Schoenchen well fields.

Troy Hickman moved, Howard Rome seconded, that the City Manager be authorized to commence discussions with the City of Russell regarding water releases from Cedar Bluff Reservoir.

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

Commissioner Rome expressed concern about micro management by the Commission, especially the new pool issues. Because the City doesn't have a general manager for the pool project and there are nine different contracts, Commissioner Rome suggested a \$10,000 cap be put on change orders for the pool. The firms selected to build the pool have the knowledge to make appropriate changes that would improve the overall quality of the project. Presently, the City Manager can approve any change orders under \$5,000.

Commissioner Schwaller stated he felt that since the pool project is a lot of money, the public wants, needs, and deserves to know what is happening.

Commissioner Schmidt stated that any funds spent above the 4.2 million dollars needs to be discussed in public. We owe it the public to watch their money for them. On other projects, the Commission could discuss raising the cap, however, on this project, funds should be discussed since the City will be spending more than the originally stated amount.

The consensus of the Commission was to study the possibility of raising the cap on what the City Manager could approve on other projects outside of the pool project.

Commissioner Schwaller encouraged the citizens of Hays to support the United Way campaign.

Thereupon the Governing Body adjourned.

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

Clerk of the Board