

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 9, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, September 9, 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 August 26, 1999, regular session, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: Airport Manager Terry Urban spoke of the annual Hays Fly-In scheduled for September 11, 1999.

5. CONSENT ITEMS: A. & B. Troy Hickman moved, Larry Schmidt seconded, that the Mayor be authorized to sign a lease with the Ellis County Oktoberfest Committee for East Frontier Park from September 29 through October 4, 1999, and further, that a retail Cereal Malt Beverage License be issued to the Volga German Society for Oktoberfest.

Vote: Ayes: Wayne Billinger
Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

C. There was no mayoral appointments.

6. ELLIS COUNTY COMMUNITY PARTNERSHIP: Brian Dawson and Gary Herman, representing the Ellis County Community Partnership, presented information on activities within their organization. The mission of the ECCP is to join together in a common effort to build a healthy and safe community, reducing the risks of alcohol, tobacco and other drugs, while promoting healthy attitudes and behaviors in Ellis County.

7. POOL ISSUES: **A.** Troy Hickman moved, Henry Schwaller IV seconded, that a change order with Eldridge Fencing to add additional foul ball netting at Larks Park, in the amount of \$3,940.00, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

B. Troy Hickman moved, Howard Rome seconded, that a change order with Commercial Builders to install irrigation sleeves within the pool interior, in the amount of \$3,027.16, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

C. Mark Hantla, chairman of the Pool Task Force, discussed possible choices for the renaming of the Hays Municipal Pool. Mayor Billinger suggested several names. It was the consensus of the Commission to receive suggestions from the public via the monthly newsletter sent out with the utility bills.

8. AIRPORT ISSUES: A. Larry Schmidt moved, Howard Rome seconded, that Ordinance No. 3473, being an ordinance amending Chapter 13 of the Code of Ordinances of the City of Hays, Kansas, by modifying the permitted placement of Class I, Class II, and Class III liquids, be approved.

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

B. The following bids were received for the Glide Slope Project at the Hays Airport:

Kayton Electric	\$153,715.95
Shears Construction	168,973.19
DEG Enterprises	239,772.59

This project is funded by the AIP-10 grant, which consists of 90% FAA funds and 10% airport funds. The city share of \$15,371.60 will be paid out of the Airport Improvement Fund. Acceptance of the low bid is contingent upon FAA approval and the city licensing of the contractor.

Troy Hickman moved, Howard Rome seconded, that the bid from Kayton Electric, in the amount of \$153,715.95, for the Glide Slope Project, be accepted, contingent on FAA approval and the city licensing of the contractor.

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

City Manager Hannes Zacharias stated that without the involvement of Senator Jerry Moran, funding for this project would not have been available.

C. City Manager Zacharias stated that Eagle Aviation would not be able to meet the 180-day deadline for completion of the construction of their hangar, which is September 11, 1999. City Attorney John Bird reviewed the issue and advised

the Commission not to terminate the lease. He suggested the Commission hear the reasons why the hangar will not be completed.

Brad Lovelady, owner of Eagle Aviation, stated there was a three to four week delay due to weather conditions. He requested an additional 30 days to finish the building. He said well over \$100,000 has already been invested in this project and Eagle Aviation is anxious to finish the building and remove the temporary trailer from the premises.

Commissioner Schmidt stated we need to give Eagle Aviation a definite date for completion, the City cannot keep it open-ended.

City Attorney Bird stated the Commission could follow the Fixed Base Operator contract. He suggested the Commission direct the City Manager to give notice under Section 17-D of existence of a default condition, which is the non-completion of the building, and the continued maintenance of the trailer, and that they have 30 days to correct the problem. If something occurs beyond their control, and they can't complete the construction within 30 days, they need to inform the Commission.

Henry Schwaller IV moved, Troy Hickman seconded, that the City Manager be authorized to notify Eagle Aviation of their failure to complete the contract and provide them with a 30 day notice to complete, as directed under Section 17-D of the Fixed Base Operator contract.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

D. Airport Manager Terry Urban said he contacted the FAA concerning changing the name of the Hays Municipal Airport to the Hays Regional Airport. FAA requires a letter from the Mayor or City Manager and an official copy of the minutes or resolution that changes the name of the airport. Mr. Urban recommended a three to four month notification to all entities prior to the actual changing of the name and a logo is developed along with the new name.

Troy Hickman moved, Howard Rome seconded, that the process of renaming the Hays Municipal Airport to the Hays Regional Airport to be effective January 1, 2000, be implemented.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

E. Mr. Urban stated the first step to update the Airport Master Plan would be to request a grant from FAA. If a grant were received, once the project is started, the total timeframe for the project would be approximately 240 days.

Commissioner Hickman stated there is a more immediate need to have an Airport Layout Plan. That should be taken care of now and the Airport Master Plan could follow if we receive a grant.

Discussion was held concerning updating the Airport Layout Plan prior to updating the Airport Master Plan. Mr. Urban will contact the FAA and ask if they recommend doing that. He will report back at the next Commission meeting.

At this point in the meeting, Larry Schmidt moved, Henry Schwaller IV seconded, that the Governing Body adjourn to executive session at 9:05 p.m. for 15 minutes to discuss a personnel issue. The executive session is to include the City Commissioners, the City Manager, and the City Attorney.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

The Governing Body reconvened at 9:20 p.m. Mayor Billinger declared that no action was taken during executive session.

9. BOND ISSUANCE: Bids for the sale of \$580,000 of General Obligation Improvement Bonds were received from the following:

	<u>True Interest Cost</u>
Country Club Bank Kansas City, MO	5.236748%
George K. Baum & Co. Kansas City, MO	5.4692%
Midwest Capital Mng. Kansas City, MO	5.27782%
Ed Jones & Company St. Louis, MO	5.2931%

Dave Arteberry, representing George K. Baum & Co., stated the proceeds from this issue would be used to pay off a temporary note that provided initial financing for improvements to the Tallgrass Addition and engineering work on the 27th Street project.

Troy Hickman moved, Henry Schwaller IV seconded, that the bid from Country Club Bank, Kansas City, MO, with a true interest cost of 5.236748% be accepted and further that the Mayor and City Clerk be authorized and directed to execute the bid form selling Series 1999-C bonds.

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

Henry Schwaller IV moved, Howard Rome seconded, that Ordinance No. 3474, being an ordinance authorizing the issuance and delivery of \$580,000 principal amount of General Obligation Internal Improvement Bonds, Series 1999-C, of the City of Hays, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal and interest on said bonds as

they become due; and making certain covenants with respect thereto, be approved.

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

Troy Hickman moved, Larry Schmidt seconded, that Resolution No. 312, being a resolution prescribing the form and details of and authorizing the delivery of \$580,000 principal amount of General Obligation Internal Improvement Bonds, Series 1999-C, of the City of Hays, Kansas, previously authorized by Ordinance No. 3474 of the City; and making certain covenants with respect thereto, be approved.

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

10. STANDARD TRAFFIC ORDINANCE: Throughout the year the Kansas legislature changes state statutes dealing with traffic activities. The Kansas League of Municipalities puts those changes in a standard document, which the City of Hays adopts. This action helps the City maintain uniform standards with the state and other communities within the state of Kansas.

Troy Hickman moved, Howard Rome seconded, that Ordinance No. 3475, being an ordinance regulating traffic within the corporate limits of the City of Hays, Kansas, incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," Edition of 1999, providing certain penalties and repealing Ordinance No. 3449 of the Code of Ordinances of the City of Hays, Kansas, be approved.

Vote: Ayes: Wayne Billinger
Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

11. UNIFORM PUBLIC OFFENSE CODE: Howard Rome moved, Troy Hickman seconded, that Ordinance No. 3476, being an ordinance regulating public offenses within the corporate limits of the City of Hays, Kansas, incorporating by reference "The Uniform Public Offense Code for Kansas Cities," Edition 1999, and repealing Ordinance No. 3448 of the Code of Ordinances of the City of Hays, Kansas, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

12. VINE STREET DESIGN PLAN REVIEW: John Youll, engineer with Bucher, Willis and Ratliff, reviewed the plans for improvements on Vine Street north of 27th Street to I-70. This project is in the final design stage and plans will be mailed to KDOT for approval; the project is scheduled to be bid in the spring of 2000.

Commissioner Schmidt suggested the intersection at 32nd Street be closed. Traffic would then be directed north on the frontage road to an intersection that would be constructed at 33rd Street. The frontage road north of the new intersection would be blocked off from traffic. If 33rd Street were realigned to the west in the future, this would avoid having to tear up that section of the street again. The Commission agreed with Commissioner Schmidt.

Mr. Youll stated that any change in the plans would have to be approved by KDOT.

Larry Schmidt moved, Howard Rome seconded, that the roadway improvement plan on Vine Street north of 27th Street to I-70, with one change, be approved. The change would consist of closing off the intersection at 32nd & Vine

Street and blocking off southbound traffic on the frontage road located north of the 33rd & Vine Street intersection.

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

Asst. City Manager Penny Postoak stated the total project cost for the Vine Street reconstruction and Vine Street beautification would be \$5,467,000, which does not include temporary financing costs. The City's share will be \$2,710,000; KDOT's share will be \$2,757,000. To finance this project for 20 years will raise the mill levy by 2.49 mills, which would cost the average homeowner approximately \$2.15 per month. If additional revenue were raised from motor vehicle taxes, this amount would decrease.

City Manager Zacharias stated that knowing this improvement would raise the mill levy, if the Commission wants to stop this, now would be the time to indicate that.

Commissioner Rome stated the overlay on Vine Street was only intended to last a few years. Vine Street is deteriorating; the City really doesn't have the option of stopping this project now.

The consensus of the Commission was to proceed with the project knowing the fiscal impact.

13. CITY COMMISSION 2010: Commissioner Schwaller stated he would like citizens to join with the Commission to develop strategic plans for the City through the year 2010. One of the main goals of this plan would be to study the governance of the City and ways to streamline it in the future. The whole community should be involved in developing a vision of where we want the City of Hays to go. This would be a strategic plan for the City of Hays, not the community. Points to be covered should include how people access City government, how the City looks visually, basically the City's role in making Hays a better place to live.

Commissioner Schwaller will meet with City staff and design a platform for the process of initiating a strategic plan.

14. ADD-ON ITEMS: Henry Schwaller moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 10:30 p.m. for 10 minutes to discuss the acquisition of property. The executive session will include the City Commissioners, the City Manager, the Assistant City Manager and the City Attorney.

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

Mayor Billinger called the meeting back to order at 10:40 p.m. He stated no action was taken during executive session.

City Manager Zacharias stated it would be necessary to pass an ordinance and a resolution prior to issuance of Temporary Notes to fund the Sidewalk Ramp Project. The ordinance designates various streets as main trafficways and the resolution authorizes improvements to these streets.

Henry Schwaller IV moved, Howard Rome moved, that Ordinance No. 3477, being an ordinance designating various streets in the City of Hays, Kansas, as main trafficways, be approved.

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

Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 313, being a resolution initiating proceedings by the Governing Body for improvements of sidewalks along various streets in the City of Hays, Kansas, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Commissioner Schmidt stated he would like to have placed on the next agenda another discussion about changing the quorum of the Governing Body. Many people who support changing the quorum from three to four has contacted him. He also requested that discussion be held regarding the hiring of a drug detective; he would like to hire a patrolman rather than a detective.

Mayor Billinger stated he has a problem with revisiting issues that have been acted upon. Commissioner Rome stated this issue has been dealt with, it should be put to rest.

Commissioner Hickman stated he didn't have any problem discussing the quorum issue again, however, the detective position has already been passed with the budget approval.

Commissioner Schmidt stated he would make his points come out about the hiring of a patrolman versus a detective one way or another. We can do it at the next meeting or he will bring it up as an add-on item until he has his say.

It was the consensus of the Commission to discuss the quorum issue at a future meeting.

Commissioner Rome requested the chairman of the Public Wholesale Water Supply District update the Commission on the search for water at the next meeting.

Commissioner Schwaller requested City staff give a presentation at the next meeting on the process for purchasing gasoline for city vehicles.

Mayor Billinger stated he will not be able to attend the next meeting and requested the quorum issue be placed on the October 14th meeting.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

