

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MAY 13, 2004

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 13, 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 April 22, 2004 meeting; they stand approved as written.

**3. CITIZEN COMMENTS:** Barbara King, representing the Hays Beautification Committee, expressed appreciation to all of the agencies participating in the "Adopt a Mile Program".

Sam Zwenger voiced concern about environmental problems that may arise as the result of building a Home Depot and urged the Commissioners to consider potential environmental issues involving this development.

**4. SALES TAX DISCUSSION:** Henry Schwaller IV moved, Wayne Billinger seconded, that a citizens committee be established, through the guidance and appointment of the Mayor, to educate and promote the sales tax initiative. The committee should be made up of seven people. Names of possible committee members should be submitted to the Mayor.

Commissioner Steward stated he has no problem with appointing a committee; however, he feels the Commissioners should bear the primary responsibility to show the people that this is the best direction for the City to go.

Commissioner Hickman stated the Commissioners can support the sales tax; however, advertising and educating the public should be done by a committee. Public funds should not be used for this purpose.

The Chairperson called for the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

Discussion took place about holding a town meeting outside of the Commission chambers. A location to hold this meeting will be researched and decided upon.

**5. CONSENT AGENDA:** Henry Schwaller IV moved, Wayne Billinger seconded, that a resolution expressing appreciation to Peter Ratcliffe for establishing a new business (Petra Restoration) in the City of Hays be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

### **UNFINISHED BUSINESS**

**6. CITY COMMISSION RULES OF PROCEDURE:** Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 467, being a resolution adopting by reference the City of Hays City Commission Rules of Procedure and repealing all previous resolutions, motions or actions in conflict therewith, be approved.

Commissioner Steward stated he would like to have a time for public comment at both the work sessions and Commission meetings. He also wants to go on record that when an issue is generated out of a citizen committee or board, he would like them to come forward and speak to the Commission.

Commissioner Schwaller stated that the Kansas statutes and the Commission Rules of Procedure say that the Commission is to conduct a business meeting or work session. Those don't necessarily allow for citizen input. Furthermore, if someone came forward to address the Commission on an issue, they have never been turned down. Additionally, there are many other ways to contact the Commission.

Commissioner Steward felt the Commission was not inviting to the public to appear before the Commission to speak. He wants it to be clear that people are welcome to appear before the Commission to speak.

The Chairperson called for the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

### **NEW BUSINESS**

**7. HAYS HOUSING AUTHORITY 2003 ANNUAL REPORT:** Harlan Murphy, chairman of the Hays Housing Authority, presented the Hays Housing Authority 2003 Annual Report. Public housing is limited to low-income families and individuals. Eligibility is based on annual gross income using income limits developed by the U.S. Department of Housing and Urban Development. During the past year, the combined Public Housing and Section 8 Voucher waiting list had increased to more than 90 families. Approximately 70 families remain on the list at year-end.

**8. HAYS MEDICAL CENTER (HMC) BOARD OF DIRECTORS' REPORT:** Dr. John Jeter, CEO of Hays Medical Center (HMC), Ken Beran and Dan Schippers, representing the Board of Directors of the Hays Medical Center, appeared before the Commission to share their goal of attracting more patients to use HMC facilities.

The majority of HMC patients are from Ellis County and other nearby counties. However, patients from counties further out go to either Kearney, Nebraska or Wichita when, in fact, Hays is closer. Often these places are preferred over Hays because there are more shopping, dining and entertainment opportunities.

Dr. Jeter requested the Commission think of HMC when considering the retail business climate. Decisions made by the Commission have an effect on how well HMC can attract patients from western Kansas.

**9. RURAL HOUSING AND ECONOMIC DEVELOPMENT GRANT – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD):** The Downtown Hays Development Corporation (DHDC) is requesting to reapply for a Rural Housing and Economic Development Grant through the Department of Housing and Rural Development. The current grant ends in November 2004 ending a three-year agreement. This grant funds the full-time Coordinator position.

Henry Schwaller IV moved, Troy Hickman seconded, that the Commission approve a grant application to be submitted by the Downtown Hays Development Corporation in reference to the Downtown Coordinator position and other DHDC initiatives in the amount of \$150,000.

Sabrina William, Coordinator of DHDC, stated that with the active downtown revitalization project that is currently going on, a coordinator position is greatly needed. If the grant is received, a match of \$25,000 from the City of Hays will serve as the City's three year commitment to the DHDC's full-time coordinator position. The operating budget excluding funding for the façade loan program, design assistance program, streetscape enhancements, and other improvements will be included in this funding. Similar requests are being made to the Hays Area Chamber of Commerce and the Ellis County Coalition for Economic Development.

The Chairperson called for the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**10. SUPPLEMENTAL AGREEMENT WITH BUCHER, WILLIS AND RATLIFF**

**FOR VINE STREET (27<sup>TH</sup> TO I-70):** During the construction of improvements to Vine Street from 27<sup>th</sup> to I-70, delays and additional work occurred which resulted in KDOT authorizing 125 additional working days to the contract with APAC of Hays. Due to the additional time spend on the project, a supplement to the existing contract for construction engineering services between KDOT, BWR and the City is required. The supplement provides for an additional amount of \$41,076.76 over the previous amount of \$387,133.55. This brings the total amount of Construction Engineering Services to \$428,210.31.

Commissioner Schwaller was not present in the room during the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not voting: Henry Schwaller IV

**11. KANSAS DEPARTMENT OF TRANSPORTATION (KDOT) 5-YEAR PLAN**

**PROJECT APPLICATION:** KDOT is asking cities to update their 5-year plans for State Fiscal Year 2005-2009. Staff is proposing the addition of three projects which may be eligible for 80/20 cost share with KDOT. The first is the extension of 22<sup>nd</sup> Street from Canterbury to Commerce Parkway, the second is reconstruction of 13<sup>th</sup> Street from Anthony Drive to Commerce Parkway, and the third is the extension of Willow from 38<sup>th</sup> to 41<sup>st</sup> Street.

Troy Hickman moved, Kent Steward seconded, that an application for projects to be included in the KDOT 5-year Program Plan, be approved.

Commissioner Steward was not present in the room for the vote.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

Troy Hickman

Not voting: Kent Steward

**12. 2004 CORRIDOR MANAGEMENT GRANT APPLICATION:** KDOT is inviting cities to apply for Corridor Management Grants for fiscal year 2004. Staff is proposing two projects which may be eligible for one-third/two-thirds cost share with KDOT. The first is the improvement of 55<sup>th</sup> Street from US 183 (Vine Street) east to the future intersection with General Hays Road. The second is concrete pavement repairs to General Hays Road from Centennial to Cody.

Wayne Billinger moved, Troy Hickman seconded, that Corridor Management Grant applications to the Kansas Department of Transportation for fiscal year 2004 be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**13. 8<sup>th</sup> STREET WATERLINE UPGRADE – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION:**

In conjunction with the proposed reconstruction of 8<sup>th</sup> Street, City staff would like to apply for a CDBG grant to replace the waterline from Elm to Fort on 8<sup>th</sup> Street. Preliminary study and survey of the target area has been accomplished and the area meets the threshold requirements set by the Department of Commerce. The grant won't be applied for until later on this year. The matching grant would save the City approximately \$95,000.

Troy Hickman moved, Kent Steward seconded, that an application for a CDBG grant for the reconstruction of the 8<sup>th</sup> Street waterline from Elm to Fort Street be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**14. PROPERTY SWAP WITH ELLIS COUNTY FOR GENERAL HAYS**

**PROJECT (AT 22<sup>ND</sup> STREET):** A correction to the existing right of way, and a small amount of additional right of way is necessary for the construction of the proposed General Hays Road between Cody and 22<sup>nd</sup> Street. City staff recommends a swap with Ellis County which would correct the alignment and acquire the necessary right of way to construct General Hays Road. The swap would include the City deeding 2600 square feet to the County and the County deeding 3200 square feet to the City. The City would purchase the additional 600 square feet of right of way for \$1,722.

Wayne Billinger moved, Kent Steward seconded, that Resolution No. 468, being a resolution authorizing the Mayor and/or City Manager to execute documents to transfer certain real estate to Ellis County, Kansas, be approved.

Commissioner Schwaller stated he has a conflict of interest and will not vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**15. AWARD OF BID FOR 2004 CURB REPAIR PROJECT:**

City staff submitted a request for bids to conduct curb and storm sewer inlet repairs along Vine Street in advance of the proposed KLINK Mill and Overlay project from 13<sup>th</sup> to 27<sup>th</sup> Street. The low bid from J-Corp was for a base bid of \$26,714.80. The 2004 Budget included \$50,000 from the Special Highway Fund for curb and gutter repairs. Using the bid prices established in J-Corp's proposal, City staff proposes to have alternate work done by the contractor to make up the difference between the budgeted amount of \$50,000 and the base bid of \$26,714.80.

Wayne Billinger moved, Troy Hickman seconded, that the contract with J-Corp in the amount of \$26,714.80 to conduct curb and storm sewer inlet repairs along Vine Street be approved.

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

**16. VINE STREET SYSTEM ENHANCEMENT (I-70 TO 55<sup>TH</sup> STREET)**

**SIDEWALK INFORMATION:** KDOT has agreed to participate in the cost of constructing a limited amount of sidewalk north of I-70 as part of the System Enhancement Project. Additional sidewalk on the west side of US183 (Vine Street) in the amount of \$53,420 is being proposed. KDOT will not share in the cost of the additional sidewalk.

Henry Schwaller IV moved, Kent Steward seconded, that the construction of additional sidewalk north of I-70 during the System Enhancement Project at a cost of \$53,420, be approved.

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

**17. O'LOUGHLIN SCHOOL PARKING LOT IMPROVEMENTS:** The City agreed to construct improvements to the O'Loughlin School parking lot in return for the donation of right of way by USD 489 necessary for the reconstruction of Hall Street. Paver's Inc. has submitted a proposal in the amount of \$45,981.90 for the construction of those improvements, which would be performed in conjunction with the Hall Street project, but under separate contract.

Wayne Billinger moved, Troy Hickman seconded, that a contract with Paver's Inc. in the amount of \$45,981.90 for improvements to the O'Loughlin School parking lot be approved.

Commissioner Schwaller stated he has a conflict of interest and will not be voting.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**18. TRAVEL POLICY REVISIONS:** The changes to the policy are minor and are mainly to clarify the policy. Meal allowances are being changed to include tax and tips.

Troy Hickman moved, Wayne Billinger seconded, that the revised City of Hays Travel Policy be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**19. FUNDING AGREEMENT: A.** The City received and executed a Funding Agreement from D. J. Christie with a check for \$10,000 on Friday, May 7, 2004. However, that Funding Agreement differs in the original City-proposed agreement in that it adds a paragraph which would require the City to reimburse the developer if the project is not carried forward.

City Manager Gustafson stated that he visited with D. J. Christie today and that he is amenable to modifying his request. The City Manager recommended the Commission table the Funding Agreement until such time that a Cost Benefit/Economic Impact Analysis study is complete or allow the City Manager to discuss with the developer alternate language to his proposal, which he will then present to the Commission. The Commission could approve the original agreement submitted to D. J. Christie.

Henry Schwaller IV moved, Wayne Billinger seconded, that the original Funding Agreement submitted to D. J. Christie, Inc. for the Home Depot project be approved.

Commissioner Schwaller stated this project has been considered for one year and four months. It is important to start the legal process and he is confident that if the City moves ahead, any concerns the developer might have could be worked out.

Commissioner Steward stated the Commission is operating in good faith to protect the City's financial interest but does reserve the right to modify the City's position based on the results of the Cost Benefit/Economic Impact Analysis and on the results of the public hearings.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**B.** Wayne Billinger moved, Henry Schwaller IV seconded, that the Commission consider a proposal to provide a Cost Benefit Analysis on the Home Depot project for the City of Hays.

Commissioner Steward stated he has been contacted by quite a few citizens who are opposed to spending money on this study. However, if the City were to build a library a preliminary engineering study would be performed prior to construction. That is similar to what is being proposed with the Cost Benefit study. He would like to see the study itemize the benefits received and itemized costs. Additionally, he would like some guarantees that those benefits are actually going to be delivered. The City should also document the process with some type of narrative that lists the key points. This would give future developers something to look at. It will also help the Commission determine if these types of investments are indeed worth doing.

Chairperson Koerner stated it is important to have an impact study done. This helps the Commission know the long term results of how a project of this magnitude will affect the community.

City Manager Gustafson stated a Request for Proposal will be prepared.

Wayne Billinger amended his motion to include the Request for Proposal process. Henry Schwaller IV seconded the amended motion.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**20. REPORT OF THE CITY MANAGER:** City Manager Gustafson requested approval of a resolution authorizing him to sign the exchange agreement with the United States of America, Department of the Army, for the construction of a new Army Reserve Center on Commerce Parkway. In exchange, the City will receive the property that is located at 101 Main Street.

Kent Steward moved, Troy Hickman seconded, that Resolution No. 469, being a resolution authorizing the City Manager to execute an exchange agreement to transfer certain real estate to the United States of America, Department of the Army, be approved.

Commissioner Schwaller was out of the room during the vote.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**21. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Hickman pointed out several things that have occurred during his seven years as a City Commissioner. Seven years ago, there was not a call-in radio talk show, the City did not have a newsletter, did not have a media meeting, did not have a website, did not have email, did not have publication of contact information, did not have

television coverage, and did not have weekly meetings. These things came about as a way to provide information and get feedback from the public.

Commissioner Billinger stated that if a public meeting to get information out about the sale tax issue were to be held at Hays High School, the junior class media students could provide services.

Commissioner Billinger asked that plans for stormwater diversion for the area north of I-70 include the 41<sup>st</sup> Street diversion.

John Braun, Assistant Public Works Director, stated the design right now is for diversion at 43<sup>rd</sup> Street. Taking into consideration potential development along 41<sup>st</sup> Street, the City may be able to divert some of the stormwater along 41<sup>st</sup> Street back toward the east. He does not think there is any consideration in design to bring west 41<sup>st</sup> Street water across/underneath US183. The intent is to capture everything north of 43<sup>rd</sup> Street and divert it at 43<sup>rd</sup> Street east to Chetolah Creek. With other development that may occur with Home Depot, stormwater could be captured from East 41<sup>st</sup> Street and diverted east as well.

Commissioner Steward stated that one of the members of the Care Council contacted him about the Access Van being included in social services funding. The vast majority of the money is consumed by the Access Van. Even though the Access Van is a subsidized service to low income people, Commissioner Steward felt she raised an interesting point and as the budget process is about to begin he wanted to bring this to the Commissioners' attention early on.

Chairperson Koerner requested City staff direct the Police Department to search for grants or some source of funding for a Designated Driver Program. This would be a great service to our community.

Thereupon the Governing Body adjourned.

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

Clerk of the Board