

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 26, 2004

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 26, 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 regular meeting held on August 12, 2004; they stand approved as written.

**3. FINANCIAL STATEMENT:** Troy Hickman moved, Wayne Billinger seconded, that the Financial Statement for the month of July 2004 be approved.

City Manager Randy Gustafson noted that sales tax collections are 5.51% higher than last year for the same time period.

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

**4. CITIZEN COMMENTS:** Gina Schonthaler, appeared before the Commission to find out the status of wireless communication for the hearing impaired in the Hays area. She is concerned about communication for the hearing impaired during an emergency.

City Manager Gustafson stated that Westlink, a local wireless provider, offers a device that allows text messaging and has a keyboard integrated into it.

All other cellular companies offer text messaging but do not have the keyboard feature.

Commissioner Schwaller stated that he thought the issue of coverage throughout the state probably rests with one of the regulatory agencies in Topeka. He did not think the City has the power to establish boundaries for utilities that the City does not have authority over. Commissioner Schwaller offered to write a letter to our state representatives and senator to support expanded coverage for hearing impaired citizens.

City Attorney John Bird commented that the Kansas Corporation Commission may have some authority on this issue. He recommended that the local group of hearing impaired citizens start locally with LINK or SKIL for advice on how to approach this matter.

**5. CONSENT AGENDA:** There were no items on the Consent Agenda.

### **NEW BUSINESS**

**6. HAYS REGIONAL AIRPORT MILL AND OVERLAY BID:** Bids were received and opened for the mill and overlay of Runway 16-34 at the Hays Regional Airport. The only bid received was from APAC-Kansas, Inc. Shears Division in the amount of \$1,188,706.80. The project is an FAA Airport Improvement Project meaning that the Federal Government will cover 90% of the cost leaving the City of Hays to pay 10% of the project (\$118,870.68), which will be paid out of the Airport Improvement Fund. City staff and the Airport Board recommended approval of the bid.

Henry Schwaller IV moved, Troy Hickman seconded, that the bid from APAC-Kansas, Inc. Shears Division in the amount of \$1,188,706.80 be accepted.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**7. HAMM ADDITION FINAL PLAT:** The owner of a tract of land at 27<sup>th</sup> and Vine Street has brought forth a new plat called the Hamm Addition that has been approved by the Hays-Ellis County Planning Commission. This plat is in conjunction with the purchase of the property for the new Convention and Visitors Bureau. Staff requested approval of a resolution approving the plat.

Wayne Billinger moved, Troy Hickman seconded, that Resolution No. 482, being a resolution approving the Hamm Addition Final Plat to the City of Hays, Kansas, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**8. 2005 ADDENDUMS OF AGREEMENT:** Following the negotiation process, City staff has arrived at tentative agreements with Hays Firefighter Local 2119 (IAFF), Hays Service Employees Local 513 (SEIU), and the Fraternal Order of Police Lodge 48 (FOP) regarding salaries and health insurance. Two additional items relative to jury duty and court appearances were addressed with the FOP. The primary issues addressed in the addendums include a 2% pay plan adjustment, continuation of the current pay plan, and budgeting \$6,000 per employee for health insurance.

Wayne Billinger moved, Troy Hickman seconded, that the 2005 Addendums of Agreement with IAFF Local 2119, SEIU Local 513, and FOP Lodge 48, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**9. ECONOMIC DEVELOPMENT POLICY:** In June of 2003, the Commission began discussing the revision of the City's Economic Development Policy. Since that time, the Policy has been through numerous revisions.

Henry Schwaller IV moved, Kent Steward seconded, that the Economic Development Policy be approved.

The Commissioners reviewed and discussed the Policy. Several changes were made to the document.

Henry Schwaller IV amended his motion to approve the Economic Development Policy to include the changes made to the document. Commissioner Steward amended his second to the motion.

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

**10. RESOLUTION:** Resolution No. 456 was passed on January 22, 2004 authorizing the construction of the Vine Street access roads. Included in this Resolution was authorization for construction of General Hays Road from 22<sup>nd</sup> to Cody Avenue as well as access roads north of I-70. These projects are all part of the Vine Street Corridor Management Project; however, General Hays Road from 22<sup>nd</sup> to Cody was bid separately. For clarification purposes, the City's Bond Attorney recommended a separate resolution be passed for General Hays Road Improvements from 22<sup>nd</sup> to Cody.

Troy Hickman moved, Wayne Billinger seconded, that Resolution No. 481, being a resolution initiating proceedings by the Governing Body for improvement of a portion of General Hays Road, be approved.

Commissioner Schwaller stated he would not vote because he formerly had a conflict of interest.

Vote: Ayes: Sunell Koerner  
Kent Steward  
Wayne Billinger

Troy Hickman

Not Voting: Henry Schwaller IV

**11. RESOLUTION:** Resolution No. 456 was passed on January 22, 2004 authorizing construction of the Vine Street access roads. The Resolution was to authorize construction of General Hays Road from 22<sup>nd</sup> to Cody Avenue and a portion of Roth Avenue, General Hays Road, 48<sup>th</sup> Street, and an access road north of 48<sup>th</sup> Street leading from General Hays Road to the Vine Street Frontage Road. The General Hays Road from 22<sup>nd</sup> to Cody Project was bid separately, therefore, for clarification purposes, the City's Bond Attorney recommended separate resolutions be passed for the two different Projects. Resolutions No. 480 and 481, as approved in Agenda Item #10, separate the two Projects as recommended. Resolution No. 456 will be voided.

Henry Schwaller moved, Wayne Billinger seconded, that Resolution No. 480, being a resolution initiating proceedings by the Governing Body for improvement of a portion of Roth Avenue, General Hays Road, 48<sup>th</sup> Street, and an access road north of 48<sup>th</sup> Street leading from General Hays Road to the Vine Street Frontage Road, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

Troy Hickman

**12. SALES TAX ORDINANCE:** It is necessary to approve an ordinance implementing the three-quarter (3/4) percent sales tax that will take effect January 1, 2005.

Wayne Billinger moved, Kent Steward seconded, that Ordinance No. 3649, being an ordinance authorizing the City of Hays, Kansas to proceed with the implementation of a three-quarters percent retailers' sales tax commencing January 1, 2005, for the purpose of funding the City's General Fund, be approved.

Vote: Ayes: Sunell Koerner

Kent Steward  
Wayne Billinger  
Henry Schwaller IV  
Troy Hickman

**13. PUBLIC HEARING:** City Manager Gustafson stated that two weeks ago the Commission approved a resolution setting the date of September 9, 2004 for the public hearing in regard to levying a Transportation Development District (TDD) sales tax. At that time, the City did not know that the petition had not been received. The petition has now been received and amended to .75% or whatever portion is adjudged to be appropriate which will be discussed before the September 23<sup>rd</sup> hearing. Resolution No. 483 resets the date of the public hearing to September 23, 2004.

Troy Hickman moved, Wayne Billinger seconded, that Resolution No. 483, being a resolution calling and providing for the giving of notice of a public hearing on the advisability of creating a Transportation Development District in the City of Hays, Kansas and making certain transportation project improvements therein and declaring an intent to impose a Transportation District Sales Tax within a Transportation Development District; and providing for the giving of notice of said hearing, be approved.

Commissioner Steward questioned why the petition was amended to .75% when it had been .50% sales tax.

City Manager Gustafson stated a TDD is allowed to impose an excise tax for sales within the District in any increment of .10% or .25% not to exceed 1%. The TDD decides what percentage of excise tax to charge. The D. J. Christie people feel it may be necessary to charge .75% in order to pay for the construction of the roads and infrastructure.

Commissioner Steward stated he hoped that this would be voted down and reduced back to .50%. A .75% sales tax was just passed city-wide.

City Manager Gustafson stated a higher sales tax would pay off Phase I of the project sooner. The resolution was prepared according to their request.

Vote: Ayes: Sunell Koerner

Wayne Billinger

Henry Schwaller IV

Troy Hickman

No: Kent Steward

**14. REPORT OF THE CITY MANAGER:** The City Manager did not have any additional items or issues to report.

**15. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller stated that at the 2005 Budget work session the Commission decided to eliminate the Convention and Visitors Bureau (CVB) kiosk location at The Mall and terminate the four part-time people who work there. In retrospect, he thinks the savings by not paying the rent are small compared to the loss of not having representation at another location. If it is an issue of cost perhaps the kiosk could be located someplace else, like possibly Wal-Mart. He is also concerned about the termination of the four part-time employees who do an excellent job.

City Manager Gustafson stated that during the 2005 Budget work session, the Commission made the decision not to fund the part-time positions but instead put those funds into a contingency fund for the new CVB building. He understands Commissioner Schwaller's concerns about the part-time employees.

Commissioner Schwaller stated the savings are quite small. Additionally, the new building won't be completed for some time. It is important for the Commission to consider having some representation at some location. The Commissioners need to re-think our tourism strategy until the CVB building is completed.

City Manager Gustafson stated he will provide a report on this issue for further discussion at a work session.

Commissioner Steward stated he would like to see some kind of public art placed in the new space that is being created at the intersection of 12<sup>th</sup>, 13<sup>th</sup>, Hall, and Elm Streets.

Thereupon the Governing Body adjourned.

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

Clerk of the Board