

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 13, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, April 13, 2000, at 7:30 p.m.

Roll Call: Present: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome
Wayne Billinger

Mayor Hickman declared that a quorum was present and called the meeting to order.

2. MINUTES: Wayne Billinger moved, Howard Rome seconded, that the minutes of the regular session held on Thursday, March 23, 2000, be approved.

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

3. AWARDS: Acting Fire Chief Roger Rife announced that the Hays Fire Department received a special 20-year award from the National Fire Safety Council for the "Fire Pup Program".

Assistant Public Works Director Brenda Cary gave recognition to Steve Leiker who was the recipient of the "Wastewater Treatment Plant Operator of the Year" Award from the Kansas Rural Water Association.

4. CITIZEN COMMENT: There were no comments.

5. REORGANIZATION OF THE GOVERNING BODY: Wayne Billinger moved, Howard Rome seconded, that Troy Hickman be nominated to continue as Mayor of the City of Hays.

Mayor Hickman noted that since the resignation of former Commissioner Eber Phelps, the last three mayoral terms have been extended for an additional four months in order to resume the yearly rotation schedule for the position of mayor.

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

Howard Rome moved, Troy Hickman seconded, that Henry Schwaller IV be nominated to continue as Vice Mayor of the City of Hays.

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

6. CONSENT ITEMS: Wayne Billinger moved, Howard Rome seconded, that the following appointments to various committees, as recommended by the Mayor, be approved.

Airport Advisory Board

Rob Benedict – 3-year term expiring April 30, 2003
Weeden Nichols – 3-year term expiring April 30, 2003
Randall Braden – 3-year term expiring April 30, 2003
Maurice Witten – Unexpired term expiring on April 30, 2001

Library Board

Cathy Drabkin – 4-year term expiring April 30, 2004
John Ratzlaff – 4-year term expiring April 30, 2004

ADA Committee

Larry Surmeier – 3-year term expiring May 1, 2003
Amy Finch – 3-year term expiring May 1, 2003

Board of Zoning Appeals

Eileen Deges Curl – 3-year term expiring May 1, 2003

Commissioner Schwaller said he was concerned about the direction given to the Airport Advisory Board by the City Commission and the current composition of the Board. He feels all the individuals are qualified, but he will be voting no on the Mayor's recommended appointees.

Commissioner Schmidt said he would also be voting no. One of the best board members chose not to be reappointed because of some of the adversity going on. Tom Griffith was one of the most experienced members and he will be missed.

Vote: Ayes: Troy Hickman
Howard Rome
Wayne Billinger

No: Henry Schwaller IV
Larry Schmidt

Commissioner Schwaller said City staff provided the Commission with a copy of committee member attendance for all committees except the ADA Advisory Committee. He would like to have a list of members on that committee and their attendance record.

OLD BUSINESS

7. 43rd STREET SPECIAL ASSESSMENT DISTRICT RESOLUTION: Community Development Director Kent Laas presented a Resolution setting out findings and determinations of the Governing Body of the City as to the advisability of and authorizing the grading, paving, and storm drainage improvement for a portion of 43rd Street. The Resolution provides that the creation of a special assessment district will fail if within 20 days after publication of this Resolution, written protests signed by both 51% of owners of record of property within the improvement district and the owners of record of more than half of the total area of said district are filed with the City Clerk.

Commissioner Schwaller said it is assumed that the City will receive a Corridor Management Grant for this project. This Grant will reduce the special assessment for lots owned by Verlin Pfannenstiel and Ken Wolf from approximately \$45,000 to \$17,000. He feels Mr. Pfannenstiel and Mr. Wolf need some assurance that if the Grant is not

received, they are not obligated to pay the larger assessment. City Attorney Bird suggested that issue be addressed by a separate motion.

Henry Schwaller IV moved, Wayne Billinger, seconded, that in the event the Commission approves the Resolution regarding the advisability and authorization of improvements on 43rd Street, the Commission retain the right to rescind its approval in the event of failure to follow through or comply with the agreement between the City and property owners regarding the distribution of special assessments.

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

Henry Schwaller moved, Howard Rome seconded, that Resolution No. 332, being a resolution setting out findings and determinations of the Governing Body of the City of Hays, Kansas, as to the advisability of and authorizing the grading, paving and otherwise improving of a portion of 43rd Street, including storm drainage improvements, in the City of Hays, Kansas, be approved.

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

8. RESIDENCY POLICY REVIEW: City Manager Hannes Zacharias presented a draft residency requirement policy for consideration. The policy requires that persons holding certain administrative positions live within the city limits. Employees holding positions of an emergency nature are required to live within a ten-mile radius of City Hall. All other employees are required to live within Ellis County. The Policy contains a “grandfather clause” for those who are currently employed, but do not comply with the policy.

City Manager Zacharias asked for clarification as to the intent of the policy change. If the intent is for employees to pay property taxes, part of the requirements could be proof of property tax payment by key employees. If the intent is to assure

adequate response time to emergencies, a minute response time may be more appropriate than a geographical time frame. He noted that the ten-mile radius dissects the City of Victoria.

Commissioner Billinger said he liked the policy, but suggested deleting the second item No. 9 that states “When reviewing applications for employment and qualifications are equal in nature, applicants living within the city limits shall be given preference.”

Commissioner Hickman said he felt it was important to pick the most qualified candidate regardless of where they live. He reminded the Commission that a few meetings ago discussion took place regarding engineering contracts, and the idea of giving extra points based on the location of the engineering firm was not a consideration. The thought was to give the contract to the most qualified firm regardless of where they are located. The same concept should apply to employment.

Commissioner Schmidt said he felt if a person was going to work for the City of Hays, they should have a vested interest in the City and be willing to live in the City and pay property taxes.

Wayne Billinger moved, Larry Schmidt seconded, that the Residency Policy be approved as presented, with the stipulation that the 2nd No. 9 regarding applicants living in the city limits be given preference be deleted from the policy, and the requirement cited in No. 11 which gives an employee 60 days to relocate be changed to 180 days to relocate.

Commissioner Schwaller said he would vote no; he feels the spirit of the policy is good, but the policy physically divides the City of Victoria in half.

Commissioner Billinger amended his motion to include all of the City of Victoria within the 10-mile radius, Commissioner Schmidt seconded the amendment.

Vote: Ayes: Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

Henry Schwaller IV

9. HAZARDOUS MATERIALS TRUCK ROUTE INFORMATION: Police Chief Lawrence Younger said eight cities were surveyed, and none have an established Hazmat Truck Route. He is in favor of establishing such a route.

Henry Schwaller moved, Larry Schmidt seconded, that City staff draft an ordinance establishing a hazardous material truck route, specifically the 183 by-pass, unless the truck driver has a specific destination within the City.

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

NEW BUSINESS

10. SERVICE DIVISION PICKUP BIDS: Wayne Billinger moved, Larry Schmidt seconded, that the bid from James Motor Company for a 4X4 pickup totaling \$22,151.74, to be used by the Service Department, be accepted.

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

11. POOL ISSUES:

A. Consider adopting the Hays Aquatic Park logo.

Interim Assistant City Manager Terry Urban presented a sun design logo recommended by the Pool Task Force.

Commissioner Billinger said he liked the logo, but thought the font of all the lettering should be the same size instead of Hays being larger.

Acceptance of the logo was tabled until the Commission can see a drawing of equal sized lettering.

B. Consider a change order placing the words “Hays Aquatic Park” on the refurbished bathhouse.

Mr. Urban said the Pool Task Force discussed the old “Hays Municipal Pool” lettering on the front of the bathhouse. Commercial Builders is to refurbish and reinstall the existing lettering per their contract. The Task Force discussed reinstalling the old lettering versus installing new lettering reading “Hays Aquatic Park”. The Task Force recommends the lettering read “Hays Aquatic Park” and that Jim Sullivan work up suggestions and prices for this change order. Mr. Urban did not have a firm price for a change order, but asked the Commission to approve placing lettering on the bathhouse to read “Hays Aquatic Park” for an amount not to exceed \$1,600.

Commissioner Schmidt favored leaving the original name “Hays Municipal Pool”, on the bathhouse. The bathhouse was kept for historic reasons, and the name tells what the building use to be.

Commissioner Schwaller had the same sentiments as Commissioner Schmidt. He said the building was built by Works Progress Administration during the depression. It is a testament of the people of Ellis County who worked hard for their government in times of crisis.

Commission Billinger and Rome felt leaving the previous name may be sending two messages. Commissioner Rome said leaving the original building was a tribute to those who built it, not the name on the building.

Larry Schmidt moved, Henry Schwaller IV seconded, that the original lettering on the bathhouse be retained.

Commissioner Schwaller said it appears that at times we are ashamed of our heritage; it is always out with the old and in with the new.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

Wayne Billinger

Troy Hickman moved, Howard Rome seconded, that a Change Order not-to-exceed \$1,600 for placing “Hays Aquatic Park” lettering on the refurbished bathhouse at the new pool, be accepted.

Commissioner Billinger said he would vote no; he preferred to have a free standing sign in front of the bathhouse, and use the money for another cause. Commissioner Schwaller said he agreed with Commissioner Billinger.

Commissioner Schmidt said he is opposed to this motion. Filling in the old lettering holes is not going to work. Once a hole is drilled in stone, it is impossible to completely cover up the old holes.

Vote: Ayes: Troy Hickman

No: Henry Schwaller

Larry Schmidt

Howard Rome

Wayne Billinger

The consensus of the Commission was to patch the holes on the building, and not place any new lettering on the pool at this time.

C. Consider closing Main Street from 4th Street south to Elm, from 4:00 p.m. to midnight.

Denise Riedel, Pool Task Force member, reported on the grand opening of the new pool scheduled for June 17, 2000. The activities include a dedication ceremony, tours, diving and swimming exhibitions, free swimming, and a street dance.

Wayne Billinger moved, Howard Rome seconded, that Main Street from 4th Street south to Elm be closed from 4:00 p.m. to midnight on Saturday, June 17, 2000, for the dedication and grand opening activities at the new pool.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

City Manager Zacharias asked for suggestions of what to put on a plaque on the Pool Building. The plaque will be placed above or below the existing WPA plaque.

12. TALLGRASS ADDITION SPECIAL ASSESSMENTS: Community Development Director Kent Laas presented a Resolution that has been prepared in response to Lusk Land Company Inc. filing petitions to initiate a special assessment district to provide street, water and sewer improvements for lots 29 through 44, Block A, Tallgrass Addition to the City of Hays. As provided under K.S.A. 12-6a04(2)f, the petitioner has requested that the Resolution be adopted without hearing.

Mr. Laas noted that this is the second phase for Tallgrass Addition. This area does not require a storm sewer because the street drainage will flow to the north and west into catch basins that were included in Phase I.

Henry Schwaller moved, Troy Hickman seconded, that Resolution No. 333 determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Water, Sewer, Street Improvements/Tallgrass Addition), additionally, as provided under K.S.A. 12-6a04(2)f, the petitioner has requested that the Resolution be adopted without hearing.

Mr. Laas said, as per our development policy, the developer would need to make a request to the City Commission if he intends to install 31-foot streets.

Commissioner Schmidt said he is strongly opposed to 31-foot streets. He lives on a narrow street and they are nothing but problems. He was not involved at the time, but the Commission should have never allowed 31-foot streets.

Commissioner Billinger said he was on the Commission when a decision to allow 31-foot streets was made. The issue was thoroughly debated and he does not feel a bad decision was made. According to the development policy, 31-foot streets are limited to residential only, and approval of a 31-foot street must be given by the City Commission on a case by case basis.

Mayor Hickman said there is merely speculation as to what size streets the developer intends to install. If the developer wants to install 31-foot streets, he will have to make a request to the City Commission.

Vote: Ayes: Troy Hickman
Howard Rome
Wayne Billinger

No: Henry Schwaller IV
Larry Schmidt

13. FINAL PLAT, WALGREENS SUBDIVISION: City Attorney Bird said this item will need to be tabled, because as of tonight the potential purchaser does not have title to the property involved.

Henry Schwaller moved, Howard Rome seconded, that this item be tabled until a future meeting.

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

14. TRAFFIC ADVISORY COMMITTEE MEMBERSHIP CHANGE: City Manager Zacharias said the recommended change to the Traffic Advisory Committee would eliminate representatives from the City Manager's Office and the Inspection Department as being members of the Committee. In place of these two positions, a representative from the Engineering Department and the Community Development Department would be appointed.

Commissioner Schwaller asked for clarification regarding representation from the Planning Commission and general public. City Manager Zacharias stated that there would be one representative from the Planning Commission and two representatives from the general public.

Wayne Billinger moved, Howard Rome seconded, that suggested changes to the Traffic Advisory Policy, be accepted.

Commissioner Schwaller moved, that the motion be amended to strike Section F which states "The City Manager shall approve or disapprove all recommendations of the Traffic Advisory Committee unless, in his/her judgement, a particular item should be considered by the City Commission."

Commissioner Billinger and Commissioner Rome did not accept the suggested amendment to their motion and second. Mayor Hickman said the motion stands as stated.

Commissioner Schwaller said he will be voting against this motion because this is probably the only committee that reports to the City Manager and then at his/her discretion reports to the City Commission.

City Manager Zacharias said that previous to the establishment of the Traffic Advisory Committee, the City Managers made those decisions by themselves. Then the Traffic Advisory Committee was established to get staff input on these issues. When he became City Manager, he expanded the committee to include one member from the Planning Commission, and two members of the general public.

The City Manager said many of the Traffic Advisory issues are very mundane. He questioned whether the Commission wanted to bog down the agenda with mundane items. Commissioner Schwaller said many add-on items deal with traffic. These issues are very important to the public and perhaps the City Commission should be part of the consent process.

Vote: Ayes: Wayne Billinger

No: Troy Hickman
Henry Schwaller
Larry Schmidt
Howard Rome

Larry Schmidt moved, Henry Schwaller seconded that the Traffic Advisory Policy be accepted as presented, with the exception that Section 1 of the procedure be reworded to clarify the number of representative from the Planning Commission and the general public, and Paragraph F regarding approval of the City Manager or City Commission, be deleted.

Vote: Ayes: Troy Hickman

Henry Schwaller IV
Larry Schmidt
No: Howard Rome
Wayne Billinger

The City Manager said he would reword the policy to clarify that the City Commission wants to be involved in all decisions of the Traffic Advisory Committee.

15. EXECUTIVE SESSION: Troy Hickman moved, Wayne Billinger seconded, that the City Commission enter into executive session at 9:25 p.m. for 25 minutes to discuss union negotiations. Included in the executive session will be the City Commission, the City Manager, the Interim Assistant City Manager and the City Attorney.

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

No: Larry Schmidt

Mayor Hickman called the meeting back to order at 9:45 p.m. He stated that union negotiations were discussed and no action was taken during the executive session.

16. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias said Hays has been selected by the Kansas Department of Commerce as one of five communities in Kansas to receive the Community Achievement Award. The award will be presented on Tuesday, April 26, 2000, at 10:30 a.m. at the Hays Regional Airport.

17. ADD-ON ITEMS: It was decided to have a 2001 Goal Setting Session on May 18, 2000, at 6:30 p.m. for the Commission and City Staff.

City Manager Zacharias presented a "Request for Release of Funds" form for the Mayor to sign. The request activates the CDBG funds account so the City can make draws to pay project costs for the water line on south Vine.

Wayne Billinger moved, Troy Hickman seconded, that the Mayor be authorized to sign a "Request for Release of Funds" in connection with a CDBG Grant for water line improvements on south Vine Street.

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

Commissioner Schmidt stated he felt the Big Creek/Prairie Acres Sewer Districts pending lawsuit should be settled out of court. The lawsuit isn't going to settle anything; it just establishes the amount owed at the time of the lawsuit. It doesn't give the City a contract with the districts or resolve any of the issues still pending. Any attorney will tell you not to sue someone who can't pay. The City will be lucky to get its legal fees out of this if the City wins.

Commissioner Schmidt stated he hasn't seen a contract with these two districts that covers the rate structure being used; he doesn't believe the City has a valid contract with either of them. Big Creek is currently paying \$1.88 per 100 cubic feet, which is approximately 55% more than citizens in the City of Hays pay for the same service. A proposal by the districts in 1997 offered to pay the commercial inside city limit rate of \$1.88. Commissioner Schmidt feels this a fair amount and the City should accept that.

City Attorney John Bird stated it is difficult to respond to Commissioner Schmidt statements because he didn't know who he is representing, the City or the districts. The City has made an offer to the districts. Their attorney has never made an offer on behalf of his clients. The City does have a rate that is stated in the contract. The rate that is being paid by the districts is less than what the citizens of Hays pay.

Commissioner Schwaller questioned how complaints about sidewalks in need of repair are handled.

City Manager Zacharias stated the city sends a letter to the property owner only if there is a complaint; there are only three or four complaints a year.

Commissioner Schwaller questioned the bidding of computers for various City offices and why 24-hour/7 days a week support was required. Where are these computers being installed that 24/7 service is required? This requirement prohibits three or four local vendors from bidding on City computers. We need to support local vendors.

City Manager Zacharias stated that there are some local vendors that do provide 24/7 service. If the Commission wanted to make a policy change that would give preference to local vendors, the Commission should indicate that and an appropriate policy will be developed.

The consensus of the Commission was to review the bidding and purchasing policy.

Commissioner Schwaller requested that a discussion be placed on the next agenda about the Airport Advisory's recommendation to relocate the Werth hangar.

Airport Manager Terry Urban stated a public hearing is scheduled for Wednesday, April 26, 2000, to review the Airport Layout Plan. The ALP involves the area that the Werth hangar is located on. Mr. Urban will report to the City Commission at the next regular meeting of April 27th.

Mayor Hickman requested the Commissioners review a draft resolution regarding demand transfers be fully funded by the State of Kansas.

Commissioner Schwaller suggested our senators and representatives names be added to the list of people receiving a copy of this resolution.

Henry Schwaller moved, Larry Schmidt seconded, that Resolution No. 334, being a resolution urging the Kansas Legislature and Governor Graves to fully fund its commitments to the demand transfer in the State's FY 2001 Budget, and the cities bear only their reasonable share of the State General Fund budget problem and no more than their reasonable share, with the stipulation that our own representatives be given a copy of the Resolution, be approved.

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

City Manager Zacharias stated the City stands to lose \$25,000 in 2001 if the State does not fully fund demand transfers.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board