

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 25, 2002

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 25, 2002 at 7:30 p.m.

Roll Call: Present: Henry Schwaller IV  
Sunell Koerner  
Dick Bedard  
Larry Schmidt  
Absent: Troy Hickman

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

**2. MINUTES:** Sunell Koerner moved, Dick Bedard seconded, that the minutes of the regular session held on April 11, 2002 be approved.

Vote: Ayes: Henry Schwaller IV  
Sunell Koerner  
Dick Bedard  
Larry Schmidt

**3. FINANCIAL STATEMENT:** Dick Bedard moved, Sunell Koerner seconded, that the Financial Statement for March 2002 be approved.

Vote: Ayes: Henry Schwaller IV  
Sunell Koerner  
Dick Bedard  
Larry Schmidt

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

**5. CONSENT ITEMS: A. Park Lease Agreement:** Sunell Koerner moved, Dick Bedard seconded, that a Park Lease Agreement with FHSU/Communication Club be approved for a Pig Roast to be held on May 2-4, 2002.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner  
Dick Bedard  
Larry Schmidt

**B. Airport Vehicle Bids:** Bids for a replacement vehicle for the 1992 Jeep were received from the following:

World of Wheels	1999 Jeep	\$13,200
Hays Ford	1999 Explorer	16,000
Clay Chevrolet	1999 Jeep	16,495
Clay Chevrolet	1999 Explorer	15,495
RAG Motors	2001 Bravada	19,189

A 1984 Chevrolet S-10 from Public Works will be traded in and the Engineering Department will receive the 1992 Jeep.

Mayor Schwaller stated he would be voting no. He doesn't think a Jeep would be the proper vehicle for the City to purchase. In his opinion, Jeep Cherokees don't have a good service record.

Dick Bedard moved, Sunell Koerner seconded, that the bid from World of Wheels in the amount of \$13,200 for a 1999 Jeep, be accepted.

Vote: Ayes: Sunell Koerner

Dick Bedard

Larry Schmidt

No: Henry Schwaller IV

**C. Nuisance Abatement:** Jesse Rohr, Code Enforcement Officer/Building Inspector, stated the property owner of 335 West 8<sup>th</sup> Street had been notified February 13, 2002 of the nuisance complaint, with a follow-up certified letter sent on February 21, 2002. The owner has failed to remedy the problems associated with that property.

Sunell Koerner moved, Dick Bedard seconded, that Resolution No. 403, being a resolution authorizing the City of Hays or its designated agent to abate the nuisances located on the property at 335 West 8<sup>th</sup> Street, Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner  
Dick Bedard  
Larry Schmidt

### **OLD BUSINESS**

**6. PARADIGM 2000 ORGANIZATIONAL ASSESSMENT:** City Manager Randy Gustafson was directed at the last Commission meeting to get more information from Organizational Development Services concerning the proposed Paradigm 2000 organizational assessment of the Police and Fire Departments to be conducted in 2002.

City Manager Gustafson stated that sometimes these types of studies are done because there is a perceived problem. However, organizations routinely go through these types of assessments in order to improve and expand. This is the purpose for the assessment in the Police and Fire Departments. A number of management assessments will be done in-house.

Commissioner Schmidt stated that he doesn't feel the City should spend \$35,000 at this time. Nothing will be gained; there will not be a solid reward from the assessment. The economy is slowing down; the money could be better spent on other things. He will vote no on this issue.

Mayor Schwaller expressed his concern that this assessment hasn't been opened up for bid or for a Request for Proposal. He does want to do the assessment, but he would rather take bids on the project.

City Manager Gustafson requested that if bids are taken, they be taken in the fall. Staff will be busy with the 2003 Budget and other projects. Fall would be a better time.

The consensus of the Commission was to submit Requests for Proposals in the fall for the organizational assessment.

### **NEW BUSINESS**

**7. HOMELESS PREVENTION GRANT:** Pam Blau, Executive Director of First Call for Help, requested that a grant application be submitted through the City of Hays to the Kansas Department of Commerce and Housing for a Homeless Prevention Grant in the amount of \$25,000. The City would then contract with the Ellis County Ministerial Alliance to administer the funds to needy individuals. First Call for Help would be the initial contact for clients and will determine if a client qualifies for funds. A city and/or county government may only apply for this grant. The City will not be required to provide any monetary match.

Dick Bedard moved, Sunell Koerner seconded, that a grant application be submitted through the City of Hays to the Kansas Department of Commerce and Housing for a Homeless Prevention Grant in the amount of \$25,000.

Vote: Ayes: Henry Schwaller IV  
Sunell Koerner  
Dick Bedard  
Larry Schmidt

**8. AIRPORT CONTRACT:** The Transportation Security Administration (TSA) is in the process of phasing out the National Guard presence at airports throughout the country starting May 10, 2002. The TSA is responsible for maintaining a law enforcement presence at the airport screening checkpoints; however, TSA will not have its own federal officers in place until December 1, 2003. Staffing of these checkpoints during this transition period will fall onto the local airport/municipality.

City Manager Gustafson stated that in order to keep our airport open, it is a requirement that the City provide security during enplanement and departure. The Hays Police Department will provide this security.

Airport Manager Terry Urban stated there are 25 flights departing Hays per week. It will be required that an officer report one hour before a flight departs and to remain at the airport for a minimum of two hours before leaving. In order for the Police Department to provide this service and maintain sufficient staffing levels to provide law enforcement protection to the City of Hays, it will be required that officers working at the airport be allowed to work overtime and be

paid at their overtime rate. It is estimated to cost \$110,816.12 for training and security.

City Manager Gustafson stated the federal government would reimburse the City. He requested authorization to enter into an agreement with TSA.

Sunell Koerner moved, Dick Bedard seconded, that the City Manager be authorized to sign an agreement with the Transportation Security Administration for security at the Hays Regional Airport at a cost not- to-exceed \$110,618.12.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner

Dick Bedard

Larry Schmidt

**9. NOISE PERMIT:** City Attorney John Bird stated this ordinance is being amended slightly to allow the City Manager to issue a Noise Permit for any duration of time deemed appropriate. Primarily, this is intended to cover the situation at the Hays Aquatic Park where seasonal noise variances occur during the spring/summer months.

Dick Bedard moved, Sunell Koerner seconded, that Ordinance No. 3584, being an ordinance amending Title Eight (8), Chapter 8.20 of the City of Hays, Kansas, Municipal Code, by modifying Section 8.20.020, Subsection B, regarding application for permit, be approved.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner

Dick Bedard

Larry Schmidt

**10. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Gustafson stated he included a copy of the application for federal funding of the Small Community Air Service Development Pilot Program with the Commission Informational Memorandum. This is for a federally funded grant to help advertise and encourage people to utilize the Hays Regional Airport. The total project cost of the 30-month campaign is \$505,375, with federal dollars paying for \$460,625. The City will contribute \$37,500 towards the program's cost, and the Ellis County

Coalition for Economic Development anticipates contributing \$7,250 for in-kind services. The \$37,500 from the City is what is budgeted for the Fly Hays promotion.

Discussion was held about the planting of various types of grasses in the City Parks. Aubel-Bickle will be planted in fescue because of the sport activities to be held in that park. Each park will be looked at individually and the appropriate grass planted in that park.

**11. ADD-ON ITEMS:** City Manager Gustafson announced that the Hays Fire Department became the first regional hazardous material response unit in the state.

Fire Chief Roger Rife stated the Hays Fire Department was the first in the state of Kansas to apply and meet the program standards of a regional hazardous response team. Eventually the State Fire Marshall's Office hopes to have 16 response teams placed around the state.

City Manager Gustafson announced that Jim Braun, the interim Police Chief, has been appointed to the permanent position of Police Chief. City Manager Gustafson gave the oath of office to Mr. Braun and his wife presented him with his police badge.

Police Chief Braun thanked the City Manager for placing his confidence in him, the officers in the Police Department during the transition period, and the citizens of Hays. He stated he looked forward to the challenges associated with being the Police Chief.

Commissioner Schmidt stated the Park and Recreation Master Plan Steering Committee would be making a presentation before the Sales Tax Advisory Committee on May 1<sup>st</sup>. They will present their plans for a multi-purpose athletic complex.

Commissioner Schmidt questioned the legality of the work sessions that are being held on off Thursday evenings from regular Commission meeting evenings. He questioned the Mayor about excluding public input at these meetings. If the Commission wants to hold these special meetings and exclude

public input, the Code of Ordinances must be followed. There is a procedure for calling special meetings. He will not be a party to these special meetings.

Mayor Schwaller stated these are not special meetings; they are work sessions that are no different than any Commissioner Schmidt has participated in the last three years. They are open to the public. At the first work session, Mayor Schwaller requested public participation be kept to a minimum because there were some contentious issues. At the second meeting, two citizens addressed the Commission. The press is in attendance; there is nothing done behind closed doors.

City Attorney John Bird stated there is no requirement in the law that audience participation must be allowed. The meetings are not illegal. The meetings must be open; any gathering of the majority of a quorum must be open. The rules of conduct during these meetings are up to the Commission. You do not attempt to take official action at a work session; you can't take official action unless you call them as a special meeting.

City Manager Gustafson stated the purpose of the work sessions is to acquaint the Commission with items that would be coming up in future agendas. He feels this would be beneficial to the Commission and to the staff. With the complex issues that are on the horizon, he thinks the work sessions would supply the Commission with more information than they previously received.

Commissioner Koerner stated that because there is so much information to absorb, the work sessions give the Commissioners more time to study the issues.

Thereupon the Governing Body adjourned.

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

Clerk of the Board

