

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 22, 2002

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 22, 2002, at 7:30 p.m.

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

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

2. MINUTES: Dick Bedard moved, Troy Hickman seconded, that the minutes of the regular meeting held on August 8, 2002, be approved.

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

3. FINANCIAL STATEMENT: City Clerk Susie Berger stated sales tax revenue is \$1,204,627 for the first 7 months of 2002, compared to \$1,121,843 for the first 7 months of 2001. This amount is running very close to 2002 budget projections.

Troy Hickman moved, Sunell Koerner seconded, that the Financial Statement for the month of July 2002, be approved.

Vote: Ayes: Henry Schwaller, IV
Troy Hickman
Sunell Koerner
Dick Bedard

Larry Schmidt

4. CITIZEN COMMENTS: Charlie Staab, Jr., representing the American Legion, invited the Commission and the community to a program honoring the employees in the fire department, emergency services, law enforcement, and all the men and women who have been called up for active duty. The program will be held on September 11th, the one-year anniversary of the terrorist attacks.

5. CONSENT ITEMS: There were no consent items.

NEW BUSINESS

6. HANGAR LEASE AGREEMENT: City Manager Randy Gustafson recommended the approval of a lease with Carl Newman for Hangar A-8 for a period of five years in exchange for \$24,000 worth of improvements made to the hangar.

Dick Bedard moved, Sunell Koerner seconded, that the lease with Carl Newman for Hangar A-8 for a period of five years, be approved.

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

7. HAYS REGIONAL AIRPORT – SALE OF HANGAR AA2: City Manager Gustafson recommended approval of the sale of Hangar AA2 from Edmund Moore to Dr. John Pokorny in the amount of \$40,000. The City has first option to purchase the hangar and the City Manager recommended the City not exercise the option. The Airport Advisory Board has approved this sale.

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

8. GOLF COURSE BUILDING ADDITION: The Golf Course Advisory Board is recommending that the City Commission approve the high bid from Paul-Wertenberger in the amount of \$22,900 for the purchase and installation of an awning at the Fort Hays Municipal Golf Course. Paul-Wertenberger was chosen for the overall design and ability to make future improvements. Future improvements would include enclosing the addition to the existing building.

In the 2002 Budget is an amount of \$9,500.00 for the purchase and installation of an awning. A percentage of funding from each tournament is provided to the City for course improvements. The amount of available funds from this account is \$5,629.45.

The Cart Path Trail Fees are to be used for cart path related work and are contributed by each person using a golf cart on the course. However, the recent cart path project was fully funded by the City leaving \$8,095.25 in the Cart Path Trail Fee Fund.

To provide the necessary amount for the project, the group recommends utilizing the budgeted funds (\$9,500.00), the building projects fund (\$5,629.45), and the Cart Path Trail Fee fund (\$8,095.25), totaling \$23,224.70 available to be used for the awning.

City Manager Gustafson stated that in order for this awning to be enclosed in the future, it would be necessary to have a foundation installed at the time the awning is built. That is not included in this price.

Mayor Schwaller suggested sending this back to the Golf Course Advisory Board for further review.

Commissioner Schmidt said to send it back to the Board and leave the Cart Path Trail Fees alone. The paths are going to need work in the future. That leaves them \$15,129.45 to work with. If they want to spend more than that, they need to find the money on their own.

Commissioner Hickman stated the Advisory Board should reevaluate all the bids.

Larry Schmidt moved that this bid be sent back to the Golf Course Advisory Board with the stipulation that \$15,129.45 in funds is available for this project.

The motion died for lack of a second.

Dick Bedard moved, that the bid from Paul-Wertenberger in the amount of \$22,900.00 for the purchase and installation of an awning at the Fort Hays Municipal Golf Course, to be paid from budgeted funds, course improvement funds and Cart Path Trail Fee Funds, be accepted.

The motion died for lack of second.

Troy Hickman moved, Sunell Koerner seconded, that the bid be sent back to the Golf Course Advisory Board to reevaluate the cost and the necessity of a foundation.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

Dick Bedard

No: Larry Schmidt

9. ALLEY VACATION: The Mayor opened the public hearing to consider vacating a portion of an existing alley within the 500 block of West 6th Street.

Representatives of the Comeau Catholic Campus Center have petitioned to vacate a portion of the public alley adjacent to their facility at 506 West 6th Street. Because there are existing franchised utilities within this section of the alley, staff recommended that a public easement be retained within that portion of the alley being vacated.

Don Staab, attorney representing the Campus Center, stated the Catholic Diocese is willing to pay for the costs of moving the gas and electric utilities to property south of the Center at such time as future expansion takes place. The Catholic Diocese owns the property south of the Center.

John Bird, City Attorney, stated the Commission could act on this vacation contingent upon having the written agreement with Midwest Energy in place before the vacation is actually recorded.

Troy Hickman moved, Sunell Koerner seconded, that the public hearing be closed.

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

Troy Hickman moved, Sunell Koerner seconded, that the vacation of a portion of an existing alley within the 500 block of West 6th Street, Hays, Kansas, be approved, contingent upon a signed and satisfactory written agreement between the petitioner and Midwest Energy.

Dick Bedard abstained because he is an employee of Midwest Energy.

Vote: Ayes: Henry Schwaller IV
Troy Hickman
Sunell Koerner
Larry Schmidt

Abstain: Dick Bedard

10. NUISANCE ABATEMENTS: The retaining wall located on the property at 1601 Main is leaning and is likely to fall down. Proper notice has been given to the property owners; however, no action has been taken.

Troy Hickman moved, Dick Bedard seconded, that Resolution No. 409, being a resolution authorizing the City of Hays or its designated agent to abate dangerous structure located on the property at 1601 Main Street, Hays, Kansas, be approved.

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

11. FINANCE COMMITTEE – SALES TAX INITIATIVE: Mayor Schwaller stated he felt it was in the best interests of the City and Ellis County to try to work together on a sales tax initiative even though time is short.

Henry Schwaller IV moved, Sunell Koerner seconded, that further discussion on a sales tax initiative be tabled until the September 12, 2002 meeting, and that a meeting with the Ellis County Commission be held before the September 12th meeting to try to work out a compromise. If a compromise cannot be reached, the sales tax initiative would be placed on the November ballot.

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

12. DEVELOPMENTAL SERVICES OF NORTHWEST KANSAS (DSNWK)

AGREEMENT: City Manager Gustafson stated this agreement supercedes the agreement currently in existence. This agreement provides for the City of Hays to pay DSNWK \$45,000 to comply with and substitute for its duties under the terms of the original agreement dated February 24, 1994, and for calendar year 2002. A new agreement for 2003 will be presented at a later date.

Dick Bedard moved, Sunell Koerner seconded, that the Addendum to the Developmental Services of Northwest Kansas Agreement for 2002, be approved.

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

Abstain: Troy Hickman

13. STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES: Annually, the Standard Traffic Ordinance is prepared at the state level and then sent to cities. It updates changes in state law; cities need to adopt the new ordinance in order to comply with state law.

Troy Hickman moved, Sunell Koerner seconded, that Ordinance No. 3588, 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 2002, providing certain penalties and repealing Ordinance No. 3560 of the Code of Ordinances of the City of Hays, Kansas, as passed August 9, 2002, and as published on August 15, 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman
Sunell Koerner
Dick Bedard
Larry Schmidt

14. UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES: The Uniform Public Offense Code is updated annually to comply with state laws.

Sunell Koerner moved, Dick Bedard seconded, that Ordinance No. 3589, 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 of 2002, and repealing Ordinance No. 3559 of the Code of Ordinances of the City of Hays, Kansas, as passed on August 9, 2001, and as published on August 15, 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman
Sunell Koerner
Dick Bedard
Larry Schmidt

15. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Gustafson stated complaints have been received of concrete trucks cleaning out their drums in alleys. The Public Works Department has written the companies and requested them to discontinue this practice.

16. ADD-ON ITEMS: There were no add-on items.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board