

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON DECEMBER 27, 2001

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 27, 2001, at 7:30 p.m.

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

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

**2. MINUTES:** Troy Hickman moved, Dick Bedard seconded, that the minutes of the reconvened session held on December 11, 2001 and the regular session held on December 13, 2001 be approved.

Vote: Ayes: Henry Schwaller IV  
Troy Hickman  
Dick Bedard

**3. FINANCIAL STATEMENT:** City Clerk Susie Berger noted that sales tax collections have dropped this October and November. She speculated that the September 11, 2001 terrorist attacks may have affected local sales.

Troy Hickman moved, Dick Bedard seconded, that the Financial Statement for the month of November 2001 be approved.

Vote: Ayes: Henry Schwaller IV  
Troy Hickman  
Dick Bedard

**4. CITIZEN COMMENTS:** John Pennington, co-chairman of the Martin Luther King, Jr. Celebration Planning Committee, requested the City of Hays contribute \$500 toward the Martin Luther King, Jr. celebration to be held on January 21,

2002 at the Fort Hays State Memorial Union Ballroom. These funds combined with donations received from other sponsors will be used towards speaker honorariums, advertising, and other planning expenditures.

Dick Bedard moved, Troy Hickman seconded, that the City of Hays contribute \$500 toward the Martin Luther King, Jr. celebration to be held on January 21, 2002.

Vote: Ayes: Henry Schwaller IV  
Troy Hickman  
Dick Bedard

**5. CONSENT ITEMS:** Dick Bedard moved, Troy Hickman seconded, that the 2002 Beer License renewals as attached hereto, be approved.

Vote: Ayes: Henry Schwaller IV  
Troy Hickman  
Dick Bedard

Mayor Schwaller opened a public hearing for the purpose of evaluating the performance of Grant Agreement No. 98-PF-011, which was for water distribution improvements consisting of the installation of 8" and 12" water lines, fire hydrants, gate valves, taps, and pavement removal and repair in an area generally bounded by 8<sup>th</sup> Street on the north, Hays city limits on the east, Riley Street and Highway 183 on the west and the area known as Countryside Estates on the south within the city limits of Hays.

City Clerk Susie Berger stated this is a formality that needs to be done to close out the grant.

There were no other comments.

Troy Hickman moved, Dick Bedard seconded, that the public hearing be closed.

Vote: Ayes: Henry Schwaller IV  
Troy Hickman  
Dick Bedard

## NEW BUSINESS

**6. 43<sup>RD</sup> & 45<sup>TH</sup> STREET – NO PARKING:** The Traffic Advisory Committee recommended that parking be eliminated on 43<sup>rd</sup> Street and 45<sup>th</sup> Street north of I-70. These are the two streets on either side of Wal-Mart. These streets were built and striped as three lane streets with no parking on either side. There are a large number of trucks that park on the street.

Kurt Hassler, Director of Engineering recommended that “No Parking” signs be placed along both sides of 43<sup>rd</sup> Street and 45<sup>th</sup> Street to restrict parking at all times. The Hays Police Department concurs with this recommendation.

Troy Hickman moved, Dick Bedard seconded, that “No Parking” signs be placed along both sides of 43<sup>rd</sup> Street and 45<sup>th</sup> Street as recommended by the Traffic Advisory Committee.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Dick Bedard

**7. HAZARDOUS MATERIAL EMERGENCY RESPONSE TEAM:** Roger Rife, Director of Fire and Inspection, was appointed to an Oversight Committee by the Fire Marshall for the State of Kansas to review a concept of providing regional response for hazardous material incidents for the State of Kansas. It has taken three years to develop a workable plan from the original concept idea.

Mr. Rife stated the City would receive some benefits by becoming a member of a Regional HazMat Response Team. Some of the benefits would include money for administrative costs that the City would incur, additional equipment for the Department, and training at no cost to the City.

The next step would require the City of Hays to sign a contract with the State stating our intent to serve as one of seven Regional Response Teams. Mr. Rife reviewed the contract with the City Commissioners. The City Attorney has prepared a resolution authorizing the Mayor to execute a Contract for Hazardous Materials Emergency Response Teams.

Mayor Schwaller stated he would like to see a list of what the expected annual costs of this program will be and what the reimbursements will be. Will the reimbursements be enough to recoup the City's costs?

Mr. Rife stated the City would receive a \$3500 reimbursement upon signing the contract for administrative costs to operate the program and then \$2000 annually. Each time the team is called out, the City will receive \$250 just for filling out the paper work. The City will be reimbursed for salaries and overtime costs of emergency response team personnel and the use of vehicles and equipment utilized in responding to an authorized hazmat incident. The State does not intend for Hays to have any out-of-pocket expense to run the program. The City may actually make some money with the reimbursements.

Commissioner Hickman asked how the Fire Station would be staffed if the Hazmat Response Team were to be called out for an extended period of time for a major hazmat incident.

Mr. Rife stated staff would be rotated. Currently the Fire Department has nine hazmat technicians and three more are part way through the required training. Response teams from other parts of the state may also be available for assistance. He also has checked with Insurance Planning about insurance coverage and Workmen Compensation insurance and there doesn't seem to be any problem with either of those.

Troy Hickman moved, Henry Schwaller IV seconded, that Resolution No. 387, being a resolution authorizing the Mayor to execute a contract for Hazardous Materials Emergency Response Teams, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Dick Bedard

Mr. Rife stated that after signing the contract, the state fire marshall will determine if Hays qualifies. He will keep the Commission informed of the progress on this issue.

**8. DEMOLITION OF MASSEY AND SUNRISE POOLS: A. & B.** The Park and Recreation Master Plan recommended that once the two pools were removed

that other water play features be put in their place, such as flat, concrete pads with squirt guns and starburst type activities.

The 2001 Pool Budget has \$22,000 designated for the removal of Massey and Sunrise Pools. Bids for asbestos removal at the two pools were received from the following:

Remediation Contractors	\$1,670
Wichita, Kansas	

Asbestos Removal & Maintenance, Inc.	\$2,060
Wichita, Kansas	

Bids for the demolition/removal were received from the following:

Western Sales Co.	\$17,000
Bunker Hill, Kansas	

CK Earthworks	\$18,900
Hays, Kansas	

M & D Dirt Construction	\$27,775
Hays, Kansas	

Bigge Truck Service	\$29,752
Stockton, Kansas	

APAC	\$32,000
Hays, Kansas	

J & M Earthmoving	\$48,000
Ellis, Kansas	

Jeff Boyle, Park Director, recommended that the bid from Remediation Contractors in the amount of \$1,670 for asbestos removal and the bid from Western Sales Co. in the amount of \$17,000, for demolition/removal for a total amount of \$18,670 be accepted.

Dick Bedard moved, Troy Hickman seconded, that the bid from Remediation Contractors in the amount of \$1,670 for asbestos removal and the bid from Western Sales Co. in the amount of \$17,000 for demolition/removal at Massey and Sunrise Pools, be accepted.

Mayor Schwaller stated he would be voting no. It is sad that due to earlier mismanagement that the City has to remove these pools. If these pools had had some tender loving care five or 10 years ago, the City wouldn't be demolishing them now.

Vote: Ayes: Troy Hickman

Dick Bedard

No: Henry Schwaller IV

City Attorney John Bird stated the motion failed because it takes three votes for any action to pass.

Mayor Schwaller requested a motion to go into executive session to discuss issues relating to attorney/client privileges and possible purchase of real estate.

Dick Bedard moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 8:35 p.m. for 30 minutes to discuss issues relating to attorney/client privileges and the possible purchase of real estate. The executive session will include the City Commissioners, the Interim City Manager, and the City Attorney.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Dick Bedard

Mayor Schwaller called the meeting back to order at 8:50 p.m. He stated no action was taken during executive session.

**9. COMMISSION INFORMATIONAL MEMORANDUM:** There were no comments.

**10. ADD-ON ITEMS:** City Attorney John Bird stated that each year it is necessary to approve a resolution if the city limit boundaries change. This year 32.223 acres have been added to the City through various annexations.

Troy Hickman moved, Dick Bedard seconded, that Resolution No. 388, being a resolution re-defining the boundaries or corporate limits of the City of Hays, Kansas, as required by Section 12-517 of Kansas Statutes Annotated, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Dick Bedard

Commissioner Hickman handed out a meeting update of the Public Wholesale Water Supply District #15.

Thereupon the Governing Body adjourned.

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

Clerk of the Board