

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON DECEMBER 12, 2002

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 12, 2002 at 7:30 p.m.

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

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

**2. MINUTES:** Sunell Koerner moved, Dick Bedard seconded, that the minutes from the regular session held on November 26, 2002, be approved.

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

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

**4. CONSENT ITEMS:** Henry Schwaller IV moved, Sunell Koerner seconded, that 2003 Cereal Malt Beverage Licenses be approved for various businesses in the City of Hays with the exception of the Golden Ox Truck Stop. Mr. Schwaller stated that there have been some allegations of illegal sales of cereal malt beverages by the Golden Ox Truck Stop. City Attorney Bird recommended that the license be approved, and the Police Chief verify the validity of the application. Commissioner Schwaller amended his motion to include the approval of the

license for the Golden Ox Truck Stop and Commissioner Koerner amended her second.

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

### **OLD BUSINESS**

**5. FIRE DEPARTMENT EQUIPMENT PURCHASE:** This item was tabled from the November 26<sup>th</sup> Commission meeting due to the recent cut in demand transfer funds from the state of Kansas.

City Manager Randy Gustafson recommended approval of the purchase of 15 replacement breathing air cylinders, 24 replacement personal alert safety devices, 19 fire helmets, 20 sets of fire fighting protective clothing and 5 pairs of fire fighting boots. The 2002 Budget authorized the purchase of replacement breathing air cylinders and personal alert safety devices however the funding was reduced in the midyear budget adjustment. The Fire Department attempted to replace protective clothing through an unsuccessful grant request.

City Manager Gustafson stated that approximately 10 percent of the 2002 General Fund revenue would not be spent and it is projected the demand transfer cuts only affect about three percent of the General Fund, therefore he recommends the approval of this equipment.

Commissioner Bedard stated it is important the firemen have all the equipment necessary to do their job safely.

Dick Bedard moved, Sunell Koerner seconded, that the purchase of safety equipment and protective clothing in the amount of \$46,725.00, be approved.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Dick Bedard

Larry Schmidt  
Henry Schwaller IV

**NEW BUSINESS**

**6. SEIU & FIRE UNION CONTRACTS:** City staff has negotiated three-year agreements with the Service Employees Union and the Firefighters Local 2119. Major issues have been health insurance and the adoption of a new pay plan.

Dick Bedard moved, Sunell Koerner seconded, that three-year Memorandums of Agreement between the City of Hays and the Service Employees Local 513 AFL-CIO, and between the City of Hays and the Firefighters Local 2119, be approved.

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

**7. CONTRACT AGREEMENTS FOR FORT HAYS MUNICIPAL GOLF COURSE:** The Golf Course Advisory Board and City staff recommended that the Commission approve additional three-year contracts for Richard Guffey and Neil DeWerff for the operation of the Pro-Shop and course maintenance.

Henry Schwaller IV moved, Dick Bedard seconded, that the contracts with Richard Guffey and Neil DeWerff for the operation of the Pro-Shop and course maintenance be approved for an additional three years.

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

**8. ACCEPTANCE OF THE KDOT CORRIDOR MANAGEMENT GRANT IN REFERENCE TO THE EXTENSION OF GENERAL HAYS ROAD FROM CODY**

**AVENUE TO 22<sup>ND</sup> STREET:** The City has received a grant from KDOT Corridor Management to extend General Hays Road from Cody Avenue to 22<sup>nd</sup> Street. This street would function as a reverse access road between 22<sup>nd</sup> Street and 27<sup>th</sup> Street.

Public Works Director Elden Hammerschmidt stated there are two grants. The first grant is for 2/3 of the right-of-way acquisition for an amount not to exceed \$67,000. The second contract is for 2/3 of the design, construction and inspection of the project, not to exceed \$173,000. The City has three years to begin this project.

Commissioner Schwaller stated he would abstain from the vote because he has a conflict of interest.

Dick Bedard moved, Sunell Koerner seconded, that the Mayor be authorized to sign a contract with KDOT to accept the Corridor Management Grant for the extension of General Hays Road between Cody Avenue and 22<sup>nd</sup> Street.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Dick Bedard  
Larry Schmidt

Abstain: Henry Schwaller IV

**9. KDOT CORRIDOR MANAGEMENT GRANT IN REFERENCE TO THE WATER SOFTENING PLANT PARKING LOT:**

The City needs to make improvements to the south entrance to the Water Softening Plant parking lot to comply with ADA regulations. The proposed improvement qualifies for Corridor Management funding. The grant is for 2/3 of the project, not to exceed \$26,800; the City share would be \$13,400. The City can claim credit for in-kind services and reduce the City's cash share.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Mayor be authorized to sign the contract with KDOT to accept the Corridor Management Grant for the Water Softening Plant parking lot improvements.

Vote: Ayes: Troy Hickman

Sunell Koerner  
Dick Bedard  
Larry Schmidt  
Henry Schwaller IV

**10. DEVELOPMENTAL SERVICES OF NORTHWEST KANSAS (DSNWK)**

**ACCESS TRANSPORTATION CONTRACT:** ACCESS Transportation has been providing transportation services to citizens in Hays and surrounding Ellis County for approximately 13 years. Effective January 1, 2003, Developmental Services of Northwest Kansas (DSNWK) will be hired on a contractual basis to continue providing transportation services within the City of Hays. This Contract will establish this arrangement and include forfeiting ownership of the ACCESS vans over to DSNWK for maintenance and future replacement. Other areas of change include an understanding of this relationship continuing on a contractual basis where DSNWK provides transportation services to the City of Hays at an agreed upon cost. In 2003, this agreed upon cost to be paid by the City of Hays amounts to \$45,000. This contractual agreement is continuous from year to year with the option of either party canceling this agreement after forwarding a 60-day written notice.

City Manager Gustafson stated this contract does not prohibit DSNWK from raising fares. It is his understanding that because of the Governor's cutbacks, DSNWK will be announcing that fares will be raised effective January 1, 2003.

Mayor Hickman stated he would be abstaining from the vote because he is an employee of DSNWK.

Henry Schwaller IV moved, Dick Bedard seconded, that the Mayor be authorized to sign a contract with Developmental Services of Northwest Kansas to provide transportation services for the City of Hays.

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

Abstain: Troy Hickman

**11. GOLF COURSE AWNING:** The Golf Course Advisory Board is requesting the construction of an awning on the Pro-Shop at the Fort Hays Municipal Golf Course. The costs of the materials are \$5,879.87 and labor costs are \$10,000.00. Kent Ficken, owner of Expert Services and Supplies will provide labor and the City will act as it's own contractor. In order to do the project for this price, the Parks Department would be required to provide a backhoe and operator and make all concrete cuts using City equipment.

There is \$9,500.00 in the 2002 Budget for the construction of an awning. The Building Fund contains an additional \$6,354.45, bringing the total funds available for this project to \$15,854.45 or \$25.42 less than required. There is the possibility that some of the materials for this project could be donated by a local business bringing down the costs even further.

Commissioner Schmidt expressed concern that the construction of the awning wasn't put out to bid.

Parks Director Jeff Boyle stated that there wasn't anybody interested in working with the City and Golf Course volunteers to construct the awning other than Mr. Ficken.

City Attorney John Bird stated it is not required of the City to seek bids for anything. The City has an internal policy and this would deviate from that policy, however, it would not violate any laws.

Commissioner Schwaller stated the Park Director did contact contractors and some bid and some declined to bid so he would not have a problem approving this project.

Henry Schwaller IV moved, Dick Bedard seconded, that the construction of an awning at the Fort Hays Municipal Golf Course costing \$15,879.87 be approved.

Commissioner Schmidt stated he would be voting no because he feels that some small contractors may not have known about the project because it wasn't published. This is not a good trend to start.

Vote: Ayes: Troy Hickman

Sunell Koerner

Dick Bedard

Henry Schwaller IV

No: Larry Schmidt

**12. LAND/PROPERTY EXCHANGE WITH THE U.S.ARMY CORPS OF ENGINEERS AND THE ARMY RESERVES:**

Recent efforts to accommodate the US Army Corps of Engineers and Army Reserve regarding land/property exchange requires the approval of a contract which would result in the following activities occurring: The Heart of America Development Corp. will endow the City with 15 acres of property located in the Commerce Parkway area. The City will, in turn, exchange to the Army this property for their building located at its current location on Main Street. Escrow arrangements/contractual provisions may need to be arranged due to the Army needing the property on Commerce Parkway to begin construction prior to their ability to vacate the downtown property.

City Manager Gustafson stated the current Army Reserve building is located on land owned by the City of Hays. The City would receive this building as part of the exchange. Part of the contract contains a requirement that the City pay to the Corps of Engineers \$46,350.00 in order to do the various legal and due diligence processes necessary. After this has occurred, an exchange agreement will be put forth which would be necessary for the Commission to approve. Construction of the new facility is scheduled to begin in 2005 with completion in 2007. The City would not receive title to the building until construction of the new facility is complete. The City Manager stated he is working to have the \$46,350.00 reimbursed to the City. The City will have to reimburse Heart of America for the land and any differential on the appraisal of the two pieces of property.

Dick Bedard moved, Henry Schwaller IV seconded, that the Mayor be authorized to sign a Letter of Agreement involving the exchange of real property and all associated activities required between the U.S. Army and the City of Hays.

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

**13. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Koerner expressed concern about the low number of enplanements at the Hays Municipal Airport. She encouraged citizens to check their ticket prices when making travel arrangements.

**14. ADD-ON ITEMS:** City Manager Gustafson announced that City Engineer Kurt Hassler would be leaving employment with the City of Hays. He has accepted the position of Town Manager of Springerville, Arizona.

Commissioner Schwaller requested the City Manager confer with the Park Director and the Police Chief concerning vandalism at Union Pacific Park.

City Manager Gustafson requested an executive session for attorney/client privilege for 15 minutes.

Dick Bedard moved, Sunell Koerner seconded, that the Governing Body adjourn to executive session at 8:25 p.m. for 15 minutes to discuss attorney/client privileges. The executive session is to include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 8:40 p.m. He stated no action was taken during executive session.

Thereupon the Governing Body adjourned.

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

Clerk of the Board