

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JANUARY 25, 2001

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, January 25, 2001, 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 meeting held on January 11, 2001, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias stated sales tax revenue is approximately \$106,000 more than for the same time period last year. Cash carry-over into 2001 will also be approximately \$237,000 higher than estimated.

Howard Rome moved, Wayne Billinger seconded, that the Financial Statement for December 2000 be approved.

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

**4. CITIZEN COMMENTS:** Mark Hantla, chairman of the Pool Task Force, stated there are several projects the Pool Task Force is still working on and requested an extension of the February 2, 2001 deadline for the group to disband.

Commissioner Schwaller stated the Pool Task Force has done a great job, but feels that City staff can do many of the items that still need to be addressed.

Wayne Billinger moved, Howard Rome seconded, that the deadline for disbanding the Pool Task Force be extended until the first day of the 2001 swim season.

Vote: Ayes: Troy Hickman  
Larry Schmidt  
Howard Rome  
Wayne Billinger  
No: Henry Schwaller IV

**5. AMERICAN RED CROSS PRESENTATION:** This agenda item has been rescheduled for a later time.

**6. CONSENT ITEMS:** **A.** Wayne Billinger moved, Larry Schmidt seconded, that various water accounts in the amount of \$7,408.05, be deemed non-collectible.

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

**B.1.** Henry Schwaller IV moved, Howard Rome seconded, that the installation of stop signs on Hall Street at 41<sup>st</sup> Street be authorized.

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

**B.2.** Henry Schwaller IV moved, Howard Rome seconded, that the installation of speed humps on Cottonwood Lane and Country Lane be installed at the property owners' expense.

Commissioner Schmidt stated the City should pay for the installation. The reason there is a speeding problem is because the street was opened up for city use. The property owners should be responsible for maintenance.

Kurt Hassler, Director of Engineering, stated the cost would be about \$16,000.

City Manager Zacharias stated these two streets are not built to meet City standards. Previous commissions have stated that unless streets are built to City standards, the City will not accept the maintenance for them.

Bill Aubel, 2906 Country Lane, stated the right-of-way belongs to the City even though it is a private road. There is a lot of foot traffic along those two streets and it is very dangerous. The City has the responsibility to install the speed humps.

Henry Schwaller IV withdrew his motion; Howard Rome withdrew his second.

Henry Schwaller IV moved, Larry Schmidt seconded, that speed humps on Cottonwood Lane and Country Lane be installed at the City's expense, with the continued maintenance at the property owners' expense.

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

**B.3.** Larry Schmidt moved, Henry Schwaller IV seconded, that staff be directed to prepare an ordinance to reduce the speed limit to 20 mph on Cottonwood Lane and Country Lane.

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

**B.4.** Wayne Billinger moved, Howard Rome seconded, that staff be directed to prepare an ordinance to reduce the speed limit to 20 mph on the curve at 32<sup>nd</sup> and 33<sup>rd</sup> Street by Oak Street.

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

**B.5.** Wayne Billinger moved, Henry Schwaller IV seconded, that the placement of a lane use sign and an island marking sign on 43<sup>rd</sup> Street west of Vine Street be authorized.

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

**OLD BUSINESS**

**NEW BUSINESS**

**7. SALES TAX RESOLUTION:** Wayne Billinger moved, Howard Rome seconded, that Resolution No. 358, being a resolution authorizing and providing

for the calling of a special election in the City of Hays, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one-half percent (1/2%) city retailers' sales tax for the purpose of renovating, expanding, furnishing and equipping the existing library, be approved.

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

**8. SISTER CITY PRESENTATION AND RESOLUTION:** Josephine Squires, representing the Sister Cities Advisory Board, stated that at one time the City of Hays had Sister City relationships with two cities, Santa Maria, Paraguay and Neustadt An Der Waldnaab, Germany. While there is still a relationship with Santa Maria, Paraguay, the relationship with Neustadt is obsolete. There has been a change in leadership in this city, and consequently, they did not wish to continue this relationship.

Commissioner Schwaller suggested the Mayor be added to the Advisory Board as an ex-officio member.

Larry Schmidt moved, Henry Schwaller IV seconded, that Resolution No. 359, being a resolution providing for the establishment of a Sister Cities Advisory Board; and prescribing the functions, powers, and duties of such board, be approved, as amended.

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

Henry Schwaller IV moved, Larry Schmidt seconded, that the following citizens be appointed board members:

One-year term: Marianna Beach  
Will Roth  
Ed Stehno  
Paul Phillips

Two-year term: Tom Thomas  
Cathy Van Doren  
Cathy Wilcox

Three-year term: Francis Schippers  
Josephine Squires  
John Ross

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

**9. HOUSING TAX CREDIT RESOLUTION:** Commissioner Schwaller stated that in his opinion there are too many two-bedroom units included in the family unit part of this proposal. Two-bedroom units cannot be classified as family, because generally speaking, families receiving HUD or Section 8 vouchers are single families with more than one child. It would be difficult to get a three person household into these two-bedroom units. Hays is over built in two-bedroom units and there are a lot of vacancies. What Hays needs are three-bedroom units.

Don Cooper, representing Commercial Group, the developers of this project, stated this is not a HUD or Section 8 assisted living project. Mr. Cooper agreed with Commissioner Schwaller and stated the plans are subject to change. There is a greater demand for three-bedroom units.

**A.** Howard Rome moved, Wayne Billinger seconded, that Resolution No. 357, being a resolution whereas the City of Hays, Kansas has been informed by Commercial Group, Inc. that a housing tax credit application will be filed with the Kansas Department of Commerce and Housing for the development of affordable

rental housing targeted for senior citizens to be located in Hays, Kansas, be approved. This resolution is effective until September 25, 2001.

Commissioner Schwaller stated he would be voting no on both resolutions. Tax credits are competitive and the pool is very limited. He would like to see this project succeed, but until a more appropriate development for the City is proposed, he can't vote for a complex with two-bedroom units.

Mr. Cooper stated the architect put two units on the drawings. This is a proposed site plan. It is not the intent to do all two-bedroom units.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Larry Schmidt

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

**B.** Wayne Billinger moved, Howard Rome seconded, that Resolution No. 356, whereas the City of Hays, Kansas has been informed by Commercial Group, Inc. that a housing credit application will be filed with the Kansas Department of Commerce & Housing for the development of affordable rental housing targeted to general occupancy/families to be located in Hays, Kansas, be approved. This resolution will be effective until September 25, 2001.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**10. WATER NEED REVIEW:** Lavern Squier, president of Public Wholesale Water Supply District #15, addressed the Commission regarding water needs for the next 40 years. Future needs need to be known for preparation of water right applications and system engineering and construction estimates. Projections for future growth, both residentially and commercially, system operation needs, line loss and other factors need to be calculated.

Mayor Hickman stated in his opinion the City of Hays should adopt a philosophy that give water users in Hays the same opportunities for water as anyone else in our area, region or peer cities.

City Manager Zacharias presented information concerning past water usage, past population trends, and historic water production. The City currently has a total of 4,727 acre feet of water rights. The safe and sustainable yield that can be drawn given a five-year drought is 2,630 acre feet. The City uses about 2,200 acre feet annually.

Elden Hammerschmidt, Director of Public Works, presented information from a 1998 study about projected needs for the next 50 years and per capita consumption usage in our community compared to peer cities.

Commissioner Schwaller stated the 1998 study information was not included in his agenda packet and he would need to have more time to study the information before he could make a decision on something so important.

Mayor Hickman stated that this item was put on the agenda at his request. As a representative of PWWSD #15, he felt it was important to bring this forward, not wait until some undated work session.

Larry Schmidt moved, Henry Schwaller IV seconded, that this agenda item be tabled to a work session on Thursday, February 1, 2001.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

**11. COMPUTER BIDS:** Bids were received from nine vendors for the purchase of 24 personal computers. The low bid in the amount of \$34,147.04 was received from Dell Computers.

Commissioner Schwaller stated Dell isn't responsible for collecting sales tax. Does the City want to buy from a company that would not pay the City sales tax if someone bought a computer from them? The City should adopt a policy that states the City will only buy from companies that pay sales tax.

Henry Schwaller IV moved, Larry Schmidt seconded, that the bid from Dell Computers in the amount of \$32,147.04 for 24 personal computers be accepted.

Commissioner Rome stated he would be voting no due to the conflict of companies that sell over the Internet not collecting sales tax.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

No: Howard Rome

Wayne Billinger

**12. PARK DEPARTMENT PICKUP BIDS:** Bids for a ½ ton pickup truck were received from the following vendors:

Hays Ford, Hays	\$21,551.00
Unruh Chevrolet, Quinter	21,942.23
Lewis Chrysler, Hays	22,076.00
Clay Chevrolet, Hays	22,116.58
Conklin Cars, Salina	22,267.13
James Motor Co., Hays	22,795.00
Doonan Truck, Great Bend	23,481.81

None of the bidders met all the specifications, including the low bidder, Hays Ford. The low bidder, Hays Ford, was recommended as their deviations from the specifications were minor and could be accepted by the department.

Commissioner Schmidt stated Clay Chevrolet met all the specifications except for the bumper. A mounting kit could be attached to the bumper to assist in operating a city-owned winch.

Larry Schmidt moved, Henry Schwaller IV seconded, to accept the bid from Clay Chevrolet in the amount of \$22,116.58 for a ½ ton pickup.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

**13. CHARTER ORDINANCE FOR SIDEWALK CURB CUTS:** Funds are not available in the Special Highway Fund in the 2001 Budget for curb cut improvements. The money is to come from issuance of General Obligation Bonds. State statutes allow for the issuance of GO Bonds to maintain and improve major trafficways within the City without such debt being subject to a vote of the public. The curb cuts proposed for 2001 are located on residential streets. As a result, such debt can only be issued through a "charter ordinance", which must pass by a 2/3 vote. Following passage and publication in the local newspaper, the issue is subject to a 60-day protest period. If during the 60-day protest period, the City receives a sufficient number of signatures, the ordinance may not take effect until the issue has received a positive vote from a majority of the voters in the community.

Troy Hickman moved, Howard Rome seconded, that Charter Ordinance No. 21, being a charter ordinance exempting the City of Hays, Kansas from the provisions of K.S.A. 12-1801, inclusive, relating to the improvement of sidewalks in the City and the payment of the costs thereof; and providing substitute and additional provisions relating thereto, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**14. NEIL DEWERFF MAINTENANCE CONTRACT:** The 1998 Agreement between the City and Neil DeWerff is a five year contract that provides for a modification in the fee at the end of the third year (February 11, 2001). Mr. DeWerff is proposing a fee increase for the last two years of this contract

equaling the amount of the annual cost of living increase awarded to City employees. City employees do not receive a cost of living increase but are allowed to move along the pay plan on an annual basis equal to approximately 2.5% of their salary following a satisfactory evaluation. Thus, Mr. DeWerff is proposing a 2.5% increase for 2001 and an additional 2.5% increase for 2002, barring any major improvements made to the golf course. The Golf Course Advisory Board has reviewed this correspondence and recommends the City accept the increases as proposed by Mr. DeWerff. This past year Mr. DeWerff was paid approximately \$111,000. A 2.5% increase would add approximately \$3,000 to that amount for 2001, and another \$3,000 for 2002.

Henry Schwaller IV moved, Howard Rome seconded, that the proposal from Mr. DeWerff to increase his compensation by 2.5% in 2001 and by an additional 2.5% in 2002 be accepted.

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

**15. CAPITAL IMPROVEMENT PLAN:** Kurt Hassler, Director of Engineering, reviewed the 5-Year Capital Improvement Plan. Future expansion of Vine Street north of Interstate 70, replacement of Vine Street traffic signals, Hall Street land acquisition, airport improvements, and slurry seal improvements are the dominant projects scheduled for 2001. Water and sewer line replacement or expansion in various parts of the City is also scheduled for 2001.

Commissioner Schwaller suggested that water and sewer line expansion along Commerce Parkway be deleted from the Capital Improvement Plan until more development is seen in that area.

**16. LANDSCAPE ARCHITECT CONTRACT:** Wayne Billinger moved, Larry Schmidt seconded, that the Mayor be authorized to sign a contract with Wilson Darnall Mann for landscaping services to the Master Plan for Aubel-Bickle,

Seven Hill, Sunrise, and Massey Parks, in the amount of \$21,270, subject to recommended changes by the City Attorney.

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

**17. INFRASTRUCTURE ADVISORY COMMITTEE:** It is the City Commission's desire to establish an infrastructure finance advisory committee to research and develop recommendations for the City Commission on how various major infrastructure projects for the City should be financed.

If a new sales tax is advocated, the Advisory Committee should indicate what projects should be financed by such sales tax revenue, the duration of a sales tax, the percent of the sales tax to be levied within the community, and the division of sales tax proceeds among all various projects.

Commissioner Rome suggested the Committee be comprised of 15 people. It would be difficult to get a larger committee together for meetings.

The committee will be known as the Community Development Finance Advisory Committee and will report to the Commission quarterly.

Henry Schwaller IV moved, Wayne Billinger seconded, that a Community Development Finance Advisory Committee be established comprised of 15 members to be named at a later date.

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

**18. EXECUTIVE SESSION:** Wayne Billinger moved, Howard Rome seconded, that the Governing Body adjourn to executive session at 10:40 p.m. for 10 minutes to discuss the purchase of real property within the City of Hays. The

executive session will include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 10:50 p.m. He reported no action was taken during executive session.

**19. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias stated staff has talked to KDOT about the signal lights to be located on the off ramps of I-70. It may be possible to install video-activated signalization for less than previously estimated and keep that signalization for four years. Those signal lights would most likely have to be replaced when the System Enhancement Project takes place, in 2005 at the earliest. Firm cost figures will be presented at a later meeting.

**20. ADD-ON ITEMS:** Wayne Billinger moved, Howard Rome seconded, that a change order deduct in the amount of \$41,902.40 for the 13<sup>th</sup> Street and Harvest Road Sanitary Sewer Project, be approved.

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

Commissioner Rome recently attended a League of Kansas Municipalities conference with the City Manager. He reviewed with the Commission several items discussed at the conference including sales tax, energy, housing, lottery, and 911 issues.

Commissioner Rome requested staff determine cost estimates to reseal and patch the cart paths on the back nine holes at the Municipal Golf Course if J-Corp does not do the work this spring as negotiated earlier.

Commissioner Schwaller requested that staff research how many streets there are inside the city limits that are not built to City standards and consequently are not maintained by the City.

Commissioner Schwaller requested an update on the parking situation at the Post Office and the ongoing negotiations with the property owners to the south.

Thereupon the Governing Body adjourned.

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

Clerk of the Board