

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 27, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, January 27, 2000, at 7:30 p.m.

Roll Call: Present: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Wayne Billinger

Absent: Howard Rome

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

2. MINUTES: Wayne Billinger moved, Larry Schmidt seconded, that the minutes of the regular session held on January 13, 2000, be approved.

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

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias stated sales tax figures for 1999 are approximately 4.7% higher than last year. Eighty-nine percent of the General Fund has been spent and revenue is approximately two percent higher than anticipated.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Financial Statement for December, 1999 be approved.

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

4. CITIZEN COMMENTS: Tom Meiers, past president of the Wild West Fest, introduced Kent Laas and Bob Swift as co-chairmen of the WWF. Mr. Meiers spoke on the plans for the upcoming festival to be held July 1st through July 4th, 2000.

Dr. Robert Albers, 1106 Pinehurst, addressed the Commissioners in regard to changing the number of members necessary to have a quorum from three to four. Dr. Albers supports changing the quorum so that Commissioners could talk to each other on a one-on-one basis, get to know each other a little better and have better communication.

5. CONSENT ITEMS: Henry Schwaller IV moved, Wayne Billinger seconded, that the following be approved:

A. Ed Brungardt be appointed to a four-year term to expire February 14, 2004.

B. Past due water, sewer, and sanitation accounts in the amount of \$1,983.48 be declared non-collectible.

C. Certain City Court fines and fees in the amount of \$452.00 be declared as non-collectible.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Wayne Billinger

OLD BUSINESS

6. PARK AND RECREATION MASTER PLAN SURVEY: Randy Clinkscales, a member of the Park and Recreation Master Plan Steering Committee, reported that at the last committee meeting, the group discussed and recommended the City enter into a contract for a statistically valid survey. The Docking Institute has agreed to perform the survey for a reduced fee of \$4,500. Mr. Clinkscales requested the City pay 60% of the survey, or \$2,700, and the Hays Recreation

Commission pay 40%, or \$1,800. Using a statistically valid survey would insure the master plan is tailored to community needs and desires.

Wayne Billinger moved, Larry Schmidt seconded, that the City of Hays enter into a contract with the Docking Institute to perform a citizen survey, with the City paying 60% of the cost, or \$2700, in conjunction with the Park and Recreation Master Plan Study.

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

7. A-1 PLANK TAX ABATEMENT: City Manager Zacharias explained that a revised ordinance needed to be passed as a requirement for A-1 Plank to obtain a tax abatement. The revised ordinance states the property will be used exclusively for manufacturing purposes.

Henry Schwaller IV moved, Wayne Billinger seconded, that Ordinance No. 3490, being an ordinance exempting certain property from ad valorem taxation for economic development purposes, be approved.

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

8. NUISANCE ABATEMENT: Assistant City Manager Penny Post oak stated the City has worked with Ray Kobler since August, 1999, regarding the clean-up of his property in the 600 block of East 7th Street. Mr. Kobler was given a two-week extension to complete the clean up. As of today, the property has not been cleaned up to the satisfaction of City staff. Ms. Post oak recommended a resolution be passed authorizing City staff to clean up the property and assess the costs to the property owner, if the property is not cleaned up within ten days from today.

Larry Schmidt moved, Wayne Billinger seconded, that Resolution No. 323, being a resolution authorizing the City of Hays or its designated agent to abate

nuisances located in the 600 block of East 7th Street, Hays, Kansas, be approved.

Vote: Ayes: Troy Hickman

Larry Schmidt

Wayne Billinger

No: Henry Schwaller IV

NEW BUSINESS

9. SALE OF LOT 3, AIRPORT INDUSTRIAL PARK: D. G. Bickle, President of Heartland Development Corporation, and Joe Glassman, owner of Glassman Corporation, addressed the Commission regarding the purchase of Lot 3 of the Hays Airport Industrial Park. Glassman Corporation is planning an expansion of their business, which produces sheet metal goods, piping materials, and contracting services. Plans include the construction of an office building and a production building on 3.752 acres. Heartland Development has reviewed the matter and requests the City of Hays pass title to Heartland Development per the terms of the agreement (\$500/acre) and Heartland Development will then pass the title to Glassman Corporation.

Larry Schmidt moved, Troy Hickman seconded, that the City of Hays authorize the sale of Lot 3, Airport Industrial Park to the Heartland Development Corporation for subsequent sale to Glassman Corporation for a total of \$1,876.00.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Wayne Billinger

10. GOLF COURSE CLUBHOUSE CONTRACT: Proposals for a Pro-Shop manager were received from the following:

Richard and Deborah Guffey	\$1,500 monthly
Duane Fisher	\$1,400 monthly
Bart E. Kenton	\$7,500 monthly

The proposals were evaluated using the points system, which was clearly outlined in the request for proposal. The Golf Course Advisory Board evaluated the proposals and requested the City of Hays enter into a contract with Richard Guffey for a monthly fee of \$1500 for three years, with an annual review.

Wayne Billinger moved, Larry Schmidt seconded, that the City Manager be authorized to enter into a three-year contract with Richard and Deborah Guffey for golf course clubhouse management services at the Fort Hays Municipal Golf Course.

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

11. ANNEXATION OF PROPERTY: Presently, only that portion of Hays Medical Center’s property occupied by the main hospital facility is in the city limits of Hays. HMC desires to have all of their surrounding property brought into the city limits and have the zoning changed to accommodate potential expansion.

Wayne Billinger moved, Henry Schwaller IV seconded, that staff be directed to prepare an ordinance annexing the remainder of the Hays Medical Center, St. Anthony campus, located at 2220 Canterbury Drive, into the corporate limits of Hays.

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

12. ROTH THIRD ADDITION PLAT APPROVAL: Community Development Coordinator Kent Laas said there are eight changes/modifications that have come about due to site evaluations as well as a significant change with respect to access and traffic circulation. Replating is the best way to make the proposed

changes because all of the changes will be reflected on the plat document instead of written agreement and deeds.

Mr. Laas requested a resolution be adopted accepting the rights and ways and easements associated with the plat of Roth Third Addition (combining a replat of Roth Second Addition, a portion of Block 1, Lot 1, Juenemann First Addition and unplatted land) including the rededication of a 50' X 200' frontage road right-of-way east of Block 1, Lot 1, Juenemann First Addition, back to Ken Wolf.

Commissioners Schwaller and Schmidt stated they would not support the creation of a special assessment district to pay for 43rd Street improvements.

Henry Schwaller moved, Larry Schmidt seconded, that Resolution No. 324, being a resolution accepting the rights and ways and easements associated with the plat of Roth Third Addition (combining a replat of Roth Second Addition, a portion of Block 1, Lot 1, Juenemann First Addition and unplatted land) including the rededication of a 50' X 200' frontage road right-of-way east of Block 1, Lot 1, Juenemann First Addition, back to Ken Wolf, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Wayne Billinger

13. ALCOHOL IDENTIFICATION REQUIREMENTS: Commissioner Schwaller expressed concern about the current requirements regarding valid identification in Class B Drinking Establishments. Currently two forms of matching identification are required, one of which shall be a current and valid driver's license with a picture or a State of Kansas validated identification with a picture. The second form of identification is not clearly identified in the ordinance. Commissioner Schwaller and his constituents feel the second form of identification should be identified and also a valid out of state identification should be allowed for people that do not drive.

Police Chief Lawrence Younger stated the Police Department has always used a credit card or some official document as a second form of identification.

This was never put into writing, but it is a good idea to identify what would be acceptable. A major credit card, vehicle registration, hunting or fishing license, or a birth certificate are examples of what would be acceptable.

Henry Schwaller IV moved, Larry Schmidt seconded, that staff be directed to prepare an ordinance stating the acceptable forms of identification in Class B drinking establishments.

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

14. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias spoke on Governor Graves' recommendation to cut Demand Transfer payments to cities in 2001. This would result in a loss of approximately \$22,000; this is a concern for the City. City Manager Zacharias also stated a resolution urging federal legislation authorizing state and local governments to collect legally due sales tax on goods and services sold over the Internet will be presented during the National League of Cities conference.

15. EXECUTIVE SESSION: Henry Schwaller IV moved, Wayne Billinger seconded that the Governing Body adjourn to executive session to discuss the purchase of real property at 9:01 p.m. for 25 minutes. The executive session shall include the Commissioners, the City Manager, the Assistant City Manager, the Director of Public Works, the Assistant Director of Public Works, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 9:26 p.m. He stated no action was taken during executive session.

Wayne Billinger moved, Troy Hickman seconded, that the City Manager be authorized to exceed the \$10,000 spending limit, as per the City's Purchasing Policy, for one week.

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

16. ADD-ON ITEMS: The City Manager said due to scheduling conflicts, the team building study session has been delayed until April.

Commissioner Schmidt requested the Airport Advisory Committee study the request made by John Werth to install a turn around area near his hangar.

Commissioner Schmidt stated the Airport Master Plan should have citizen input. As he understands it, the Airport Manager has drawn up a Master Plan; he is not following the correct procedures.

Commissioner Schmidt stated he has requested a meeting with the Ellis County Commission regarding 41st and 48th Street and this still has not happened. He has spoken with two County Commissioners and they are anxious to get this resolved; we need to approach them.

City Manager Zacharias stated that concerning the John Werth issue, he doesn't feel the City has much discretion since a federal judge has approved the order regarding this issue.

In regard to the Airport Master Plan, City Attorney John Bird stated the agreement states that any improvement will be submitted to the Airport Advisory Committee, and the City Commission and consent cannot be unreasonably withheld.

City Manager Zacharias stated the Airport Master Plan that Commissioner Schmidt referred to is actually the Airport Layout Plan that the Airport Manager is putting together. He is merely putting ideas together; there will be a public process involved.

City Manager Zacharias stated he has met with two of the County Commissioners regarding 41st and 48th Streets. They would prefer not to meet

with the City until they have had a chance to review the 10-year plan with County employees. After that meeting, they would be willing to meet with City Commissioners.

Commissioner Schwaller stated it is his intent to have a ballot vote to return to the community excess sales tax that is collected from the half-cent sales tax that is designated for the swimming pool project. The money could be targeted for infrastructure improvement projects that benefit the entire community. He wanted to have this item on the agenda for discussion at the next meeting. No objections were raised by the other Commissioners.

Commissioner Schwaller requested the ordinances updating the changes to the building codes be prepared and readied for Commission approval. Mr. Zacharias noted that the City Attorney had just completed the ordinances today; it will be an agenda item at the next meeting. Commissioner Schwaller said he would also like to revisit the fleet card issue for the fueling of police cars.

Commissioner Schwaller stated he would no longer meet with the City Manager prior to Commission meetings to discuss agenda and non-agenda items. He does not have the ability to talk to the other Commissioners about City issues and until the quorum is changed, he will no longer meet with the City Manager.

Mayor Hickman and Commissioner Billinger stated they would like to try the bidding process for fuel purchases for one year, rather than revisit the issue. Commissioner Schmidt and Commissioner Schwaller would like to have the issue discussed again. The City Manager was asked to contact Commissioner Rome to break the tie.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board