

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JANUARY 21, 2003

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in reconvened session on Tuesday, January 21, 2003 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 of the recessed session held on January 9, 2003, be approved.

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

**3. FINANCIAL STATEMENT:** City Clerk Susie Berger pointed out that the General Fund budget balance is prior to encumbrances. The auditors are in the process of compiling the depreciation entries and the encumbrances will be applied at that time, reducing the General Fund balance by approximately \$300,000 to \$400,000.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Financial Statement for December 2002 be approved.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Dick Bedard

Larry Schmidt  
Henry Schwaller IV

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

**5. CONSENT ITEMS: A. NON-COLLECTIBLE WATER ACCOUNTS:** Every year certain accounts are deemed non-collectible. Every effort has been made to try to collect these bad debts. Should a customer return and want water service, the charged off water bill would have to be paid before water service is furnished.

Henry Schwaller IV moved, Sunell Koerner seconded, that certain past-due water accounts be declared “non-collectible”.

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

**B. NEW BUSINESS RESOLUTION:** Henry Schwaller IV moved, Dick Bedard seconded, that Resolution AR-01, Series 2003, being a resolution expressing appreciation to Connie Haselhorst, owner of Prairie Papers Scrapbooking and Rubber Stamping Store, be approved.

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

### **NEW BUSINESS**

**6. HOMELESS PREVENTION GRANT:** In past years, First Call for Help has applied, through the City of Hays, for an Emergency Grant from the Kansas Department of Commerce and Housing. In 2002, the City of Hays/First Call for Help program was awarded \$21,600. Last year, the \$18,000 allocation assisted

49 households in Ellis County. In 2003, \$25,000 is being requested to continue this program, which is used to assist with utility bills, relocation expenditures, incidents of loss of income, and homeless prevention. As in the past, this grant must be applied for by the local government entity and can be administered by a non-profit agency. First Call for Help will administer the grant.

Dick Bedard moved, Sunell Koerner seconded, that the Kansas Department of Commerce and Housing Homeless Prevention Grant application for First Call for Help in the amount of \$25,000 be approved.

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

**7. STOCKTON CORRECTIONAL FACILITY CONTRACT:** The Stockton Correctional Facility is offering inmate labor in the Hays area for a wide variety of tasks. This work will be done at no cost to the City. The City will be required to provide the necessary equipment to complete the jobs. The City will not be responsible for liability, workers compensation, or transportation.

Sunell Koerner moved, Dick Bedard seconded, that a Memorandum of Understanding between the City of Hays and the Stockton Correctional Facility for inmate labor be approved.

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

Mayor Hickman requested staff prepare a letter of support to the State of Kansas for their efforts in keeping the Stockton Correctional Facility open during the present budget crisis.

Sunell Koerner moved, Dick Bedard seconded, that a letter of support to the State of Kansas for their efforts in keeping the Stockton Correctional Facility open be approved.

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

**8. 2003 SIDEWALK RAMP IMPROVEMENT PROJECT:** This project is the last in a series of projects to make City street and alley intersections ADA compliant. The project would involve constructing 158 sidewalk ramps throughout the City, and the removal of the south Water Plant entrance under the KDOT Corridor Management Grant. Bids for the project were received from the following:

APAC-Kansas, Inc.	\$138,738.68
Bryant & Bryant	148,943.35
J-Corp.	203,993.25

The engineer's estimate was \$168,096.10.

Director of Public Works Elden Hammerschmidt stated that ramps on 8<sup>th</sup> Street and Hall Street would be installed at the time of reconstruction of those streets.

Henry Schwaller IV moved, Sunell Koerner seconded, that the bid from APAC-Kansas, Inc. in the amount of \$138,738.68 for the sidewalk ramp project, and the removal of the south Water Plant entrance be approved.

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

**9. MIDWEST ENERGY, INC. FRANCHISE AGREEMENT:** This ordinance represents the City of Hays entering into an agreement with Midwest Energy for

a natural gas and electric franchise for a term of twenty (20) years, expiring January, 2023.

Henry Schwaller IV moved, Sunell Koerner seconded, that Ordinance No. 3601, being an ordinance granting to Midwest Energy, Inc., a Kansas Corporation, its successors and assigns, a natural gas and electric franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms thereof, be approved.

Commissioner Bedard stated he would abstain from the vote because he is an employee of Midwest Energy.

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

Abstain: Dick Bedard

**10. 2003 FRATERNAL ORDER OF POLICE (FOP) CONTRACT:** City staff has negotiated a three-year agreement with the Fraternal Order of Police (FOP). Major issues have been health insurance and the adoption of a new pay plan. Both issues have been previously addressed and approved by the City Commission with other bargaining units. At the FOP's request, the two parties have also agreed to increase the number of items that can be reopened on an annual basis by each party from one to two, and that the FOP members be paid their wages in accordance with the new 2003 pay plan retroactively.

Sunell Koerner moved, Dick Bedard seconded, that the 2003 Fraternal Order of Police Contract with the City of Hays be approved.

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

**11. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Randy Gustafson stated that he has approved the purchase of 250 Invensys meters for a total cost of \$19,820. The City is in the ninth year of the meter change out program and the purchase of these 250 meters should allow the City to complete the program by the end of July 2003.

**12. EXECUTIVE SESSION:** An executive session was not held.

**13. ADD-ON ITEMS:** City Manager Gustafson presented a schedule for distribution of funds to the various City funded social service and community organizations. Most agencies will receive funding on a semi-annual basis.

City Manager Gustafson stated that Park Director Jeff Boyle checked on the broken bricks in Union Pacific Park. Mr. Boyle believes the bricks are deteriorating due to a combination of the weather, skateboarders, and the process used to stamp names on the bricks.

Park Director Jeff Boyle stated he would like to do some research on how much it would cost to replace the damaged bricks.

Commissioner Schmidt requested a date be set for a work session to discuss water exploration options. The correct information needs to be given out to the public.

City Manager Gustafson stated he would put together a list of possible dates for discussion at the next work session.

Mayor Hickman requested the Commission consider adopting an addendum to the employment agreement with City Manager Gustafson.

City Attorney John Bird stated this addendum amends Section 9 as follows: vacation and sick leave of the aforesaid Employment Agreement of the parties is amended and modified to provide that if Employee voluntarily buys service time (or credit) with KPERS, the Commission agrees that the Employee shall receive employee benefits including longevity pay, vacation, and sick leave that accrue to other employees with the same tenure based upon the KPERS approved vested time. The Commission agrees that the vacation and sick leave for Employee will accrue without limitation.

Commissioner Schwaller stated the Commission has evaluated the City Manager's performance. Overall, he received high marks and the Commission is pleased with the job he is doing. The Commission felt it appropriate to give the City Manager a 4.5% raise along with amending his employment contract.

Sunell Koerner moved, Henry Schwaller IV seconded, that the addendum to the City Manager's employment agreement be approved.

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

Sunell Koerner moved, Troy Hickman seconded, that the City Manager's salary be adjusted by 4.5%.

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

Thereupon the Governing Body adjourned.

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

Clerk of the Board