

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 24, 2002

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 24, 2002, at 7:30 p.m.

Present: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner

Absent: Dick Bedard

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

2. MINUTES: Larry Schmidt moved, Troy Hickman seconded, that the minutes of the regular session held on January 10, 2002, be approved.

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

3. FINANCIAL STATEMENT: City Clerk Susie Berger stated that the December Financial Statement does not include the encumbrances or the depreciation entries. Those will be available at the next meeting.

Troy Hickman moved, Sunell Koerner seconded, that the Financial Statement for December 2001 be approved.

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

4. CITIZEN COMMENTS: Joe Deckman voiced his concern about the fence that is being placed on the north side of the 700 block of West 12th Street. Thomas

More Prep-Marian High School is constructing this fence, which is south of their baseball diamond. The City Commission approved the placement of the fence in the City right-of-way at the December 13, 2001 Commission meeting.

Mr. Deckman stated the fence is approximately 12 feet off the street, which he feels is too close and could be a hazard during nasty weather. His main concern is that if someone hits the fence, it could cause considerable damage. There is no recovery area allowed.

Interim Manager Dorothy Stites stated the reason TMP-Marian wanted to place the fence so close to the street was to avoid having people park on the side of the road or use that area as a short cut to drive on the dike area.

Mayor Schwaller stated staff would look into the matter.

5. CONSENT ITEMS: Troy Hickman moved, Larry Schmidt seconded, that the following consent items be approved:

- A.** That certain past due water accounts totaling \$1,808.19, as submitted by the City Clerk's Office, be declared as non-collectible
- B.** That certain municipal court fines and fees totaling \$2,900.50, as submitted by the Police Department, be declared as non-collectible
- C.** That the following mayoral appointments be approved:

Hays Housing Authority Board: Marion Dreher - 4-year term expiring 2-14-06
Gwen Houston - 4-year term expiring 2-14-06

Sister City Advisory Board: Marianna Beach - 3-year term expiring 1-1-05
Will Roth - 3-year term expiring 1-1-05
Ed Stehno – 3-year term expiring 1-1-05

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

6. PUBLIC WHOLESALE WATER SUPPLY DISTRICT #15: Commissioner Hickman updated the Commission on the activities of Public Wholesale Water Supply District #15. He reported that Bob Vincent and others have determined where they want to start drilling test holes. Mr. Vincent also believes that there might be another supplemental water source near current well site #8 that is worth investigating.

Commissioner Hickman stated that final documentation of the lease for the R-9 Ranch will be completed soon. This lease spells out the important basics of the lease between PWWSD#15 and the tenants of the Ranch.

Commissioner Hickman reported that the Kansas Water Office and the Corp of Engineers are conducting a study of the Smoky Hill/Saline Basin. The KWO is in the process of buying water in Kanapolis Lake from the Corp of Engineers to sell to wholesale water supply districts. The study is to develop and evaluate concepts for a water treatment and distribution system to supply wholesale treated water to users in the Eastern Smoky Hill – Saline Basin region. There are not any federal/state funding sources available to help with the infrastructure. They are looking for participation in their study from those that may be potential buyers. The study has a targeted completion date of October 15, 2002. Four members of PWWSD#15 expressed interest in participating in the study.

Commissioner Schmidt stated the City should also fill out the application/questionnaire and send it in. The more information they receive will be beneficial to the KWO.

NEW BUSINESS

7. CODE OF ORDINANCES REVISION: Tom Loker, Chief Building Official, requested on behalf of the Trades Board that Title Five (5), Chapter 5.08, Section 5.08.090 be amended in regards to the discipline of licensed contractors. Ordinance No. 3453, adopted on September 10, 1998, was approved to allow adoption of the 1997 Uniform Building Code. That ordinance gives the City

Manager the authority to determine if a contractor has performed to standards set by the codes and/or industry. The Trades Board is given the charge to qualify applicants for licensing and feels that it makes more sense for them to oversee the discipline of them. The Trades Board is comprised of representatives from each trade licensed and would be more knowledgeable to render a decision based on the technical aspects required for the trade. This change would return the language of subsection 5.08.090 back to the language that was in effect prior to the adoption of Ordinance No. 3453.

Mayor Schwaller suggested that the Trades Board make a recommendation to the City Manager, who would then render a final decision.

Commissioner Schmidt stated the ordinance should be written so that once a complaint is received against a contractor, the Chief Building Official should perform an investigation and hold a hearing before the Trades Board. The Trades Board would make the recommendation to the City Manager, which can be appealed to the City Commission. That type of ordinance would be fair to everyone.

The consensus of the Commission was to have the ordinance amended to state the procedure mentioned by Commissioner Schmidt. Mr. Loker was instructed to submit the changes to the City Attorney.

8. 2002 LEGISLATIVE STATEMENT: Mayor Schwaller requested that the City of Hays 2002 Legislative Statement include the City's opposition to the proposed redistricting of House District 111. Redistricting would divide the City of Hays into three separate Kansas House of Representative districts, which would dilute the voice of our community in the legislative process and serve as a barrier to addressing critical issues.

Mayor Schwaller stated another concern of our community is that funding for emergency mental health care has been drastically reduced under our present governor. It is costly for our local law enforcement to drive emergency mental health care patients to larger cities for treatment. Full funding for mental health care should be added to the Statement.

Discussion was held to change the language on various items in the Statement.

Interim Manager Stites was given permission to hire a lobbyist for the City of Hays. She will get recommendations from the League of Kansas Municipalities.

Troy Hickman moved, Larry Schmidt seconded, that the 2002 Legislative Statement with the revisions as discussed, be approved.

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

9. HALL STREET DESIGN CHANGE: USD#489 has devised a new plan to accommodate buses and passenger vehicles at O'Loughlin Elementary School. This plan would have the buses utilize the turn-out lane in front of the school and use a new configuration with the parking lot to exit on 13th Street then proceed east on 13th to access Hall Street. This proposal would eliminate the exit currently used on Hall at 14th Street.

Director of Engineering Kurt Hassler stated that this added traffic volume to the 13th & Hall intersection may meet the criteria for a signal light at the intersection. If this change is approved, he will contact KDOT to see if they support the construction of a signal light at this intersection.

Larry Schmidt moved, Sunell Koerner seconded, that Amendment No. 10 to Capital Improvement Project, Part A to Agreement for Engineering Services, in the amount of \$18,550, be approved.

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

10. REVIEW OF 13TH LANE STRIPING: As requested by Commissioner Koerner at the last Commission meeting, the Engineering Department restudied the proposal to re-stripe 13th Street from the current 2- lane configuration to a 3-

lane configuration in the 200 and 300 blocks of West 13th Street. Commissioner Koerner is concerned about the loss of parking stalls in those two blocks.

Director of Engineering Kurt Hassler recommended against striping 13th Street as a 2-lane in those two blocks. It would be confusing to drivers to go from a 3-lane to a 2-lane, then back to a 3-lane street.

Mayor Schwaller and Commissioners Schmidt and Hickman agreed with Mr. Hassler.

Commissioner Koerner stated she had heard from citizens who are concerned with the loss of the 18-22 parking spaces. Citizens going to church, to the Hays Recreation gym or the auditorium will have a difficult time to find parking.

Commissioner Schmidt stated the church has big parking lots that are seldom used. Parking for the gym or the auditorium is available at the southeast corner of 13th & Ash. Occasionally, it is necessary to park on 11th Street when there is a big event going on.

11. REVIEW OF TRAFFIC ADVISORY COMMITTEE (TAC): Mayor Schwaller stated this is being discussed at his request. Given the complaints the Commissioners hear on an individual basis, he would like to know if the other Commissioners feel there needs to be any changes made.

The Traffic Advisory Committee is made up of seven members appointed by the Mayor with consent of the City Commission. TAC is comprised of one Planning Commission member, one USD#489 member, and five City of Hays residents, with the Director of Engineering as an ad-hoc member providing staff support to TAC.

Commissioner Schmidt stated he thought TAC was working out well, however, TAC is looking at intersections where the City has not received complaints. TAC should be more of a complaint driven committee.

Kurt Hassler, Director of Engineering, stated he had been given direction from the previous City Manager to look at various intersections, but will stop if that is the Commission's desire. In the future, recommendations won't come

before the Commission unless there is an obvious accident problem or a citizen complaint.

12. PARK DEPARTMENT TRUCK-BID: Bids for a ¾ ton pick-up for the Park Department were received from the following:

Hays Ford-Toyota	\$18,523.35
Clay Chevrolet	18,613.57
James Motor Co.	18,739.00
Lewis Chrysler	23,367.65

Park Director Jeff Boyle stated that \$18,000 was budgeted to replace a ½ ton pickup, however, staff feels that all trucks within the department should be ¾ ton units due to the heavy workloads imposed upon them. He recommended the low bid from Hays Ford-Toyota in the amount of \$18,523.35 be accepted.

Commissioner Schmidt asked if the truck would have cost less if air-conditioning were not included in the specifications.

Mr. Boyle stated the air conditioning component of the bid is \$694.00. This truck will be used for ball field maintenance. It will be used for towing a tandem axle trailer with a bobcat.

Mayor Schwaller asked why the truck needs to have air conditioning.

Mr. Boyle stated the truck is also used to haul equipment to Wichita for faster repairs. Additionally, an air conditioner works along with the defroster in winter to de-fog the windshield.

Commissioner Schmidt stated that is true in high humidity areas, but not western Kansas. If trucks were purchased without air conditioning and automatic transmissions, approximately \$2000 per vehicle could be saved, along with 15% in fuel costs.

Interim Manager Dorothy Stites stated her investigation into the issue of having or not having air conditioning in vehicles revealed that not only are vehicles dirtier inside because the windows are always left down, but also that dirt gets into the ventilation system. In her opinion, it is not worth it for the amount of money saved.

Mayor Schwaller stated he would rather not have air conditioning in the next few trucks purchased; there are some trucks with automatics and air conditioning that can be taken on trips.

Commissioner Hickman stated that air conditioning and automatic transmissions should not be in all the trucks; it should depend on the use of the truck. On this particular truck, there wasn't any directive given to Mr. Boyle at the time this bid was taken, so his preference is approve this bid.

Mr. Boyle agreed that not all of the trucks should have air conditioning, but the ones used for travel should.

Troy Hickman moved, Sunell Koerner seconded, that the bid from Hays Ford-Toyota in the amount of \$18,523.35 be accepted.

Commissioner Schmidt stated that to be consistent with his no air conditioning, no automatic transmission policy, he would vote no.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

No: Larry Schmidt

13. ANNEXATION OF PROPERTY: This annexation is for 41st Street Plaza 4th Addition. The Planning Commission approved the final plat during their regular meeting held December 17, 2001.

Troy Hickman moved, Sunell Koerner seconded, that Ordinance No. 3576, being an ordinance annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

14. SET A PUBLIC HEARING DATE FOR SPECIAL ASSESSMENTS: Troy Hickman moved, Sunell Koerner seconded, that a public hearing be held on February 14, 2002 for the purpose of considering proposed special assessments

for improvements located in Roth Third Addition, Tallgrass Addition, and Eastborough Addition.

Vote: Ayes: Henry Schwaller IV
Troy Hickman
Sunell Koerner

Absent: Larry Schmidt

15. EXECUTIVE SESSION: Henry Schwaller IV moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 8:55 p.m. for 45 minutes to discuss property acquisition, attorney-client privileged information, and personnel matters. The executive session will include the City Commission, the Interim City Manager, the City Attorney, the Airport Manager, and the City Engineer.

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

Mayor Schwaller called the meeting back to order at 9:25 p.m. He declared that no action was taken during executive session.

16. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

17. ADD-ON ITEMS: City Attorney John Bird reported that an agreement has been reached with the property owners north of I-70 concerning the street projects going on in that area. In order to straighten out 43rd Street, it will be necessary to acquire property from L & L Enterprises at a cost of \$45,588.63. This is for a tract that is 270 feet by 30 feet.

Troy Hickman moved, Sunell Koerner seconded, that the Interim City Manager and the Mayor be authorized to sign the necessary documents to effectuate the purchase of a tract from L & L Enterprises at a cost of \$45,588.63.

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

Interim Manager Stites stated she would like to schedule a joint meeting with the Ellis County Commission and also schedule a meeting with Hays Recreation Commission, as was the Commission's desire to do after the first of the year. She is considering February 7th or February 21st as tentative meeting dates.

Commissioner Koerner requested a letter be drafted to Insurance Commissioner Kathleen Sebilus reiterating the City Commission's vote against the proposed merger of Blue Cross/Blue Shield with Anthem Insurance Company of Indiana.

Commissioner Hickman asked the City Engineer when the reconstruction on Vine Street is expected to be completed.

Kurt Hassler, Director of Engineering, stated that two major items still need to be completed. The signal lights need to be upgraded and the median landscaping installed. A meeting is planned next week to discuss the progress of the project and hopefully, most of the barrels will be removed soon allowing for 4-lane traffic.

Commissioner Hickman noted that our Fire Department, Police Department and the Hays Regional Airport do not have any automatic electronic defibrillators. These are inexpensive units and are a very important piece of equipment for saving lives. Many larger airports are required to have them. He requested that staff review the need for defibrillators and include them in next year's budget.

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Commissioner Schmidt stated he attended the informational meeting conducted by the Kansas Water Office and the Corp of Engineers at Ellsworth on January 23rd. He talked to a representative from the Corp of Engineers about cities taking water out of Wilson Lake. The representative told Commissioner Schmidt that it would cost the City about \$150,000 to complete a municipal study

about the feasibility of taking water out of Wilson. Commissioner Schmidt will have more information concerning this issue in a few weeks.

Mayor Schwaller stated he would like to review the ordinances that relate to the inspection of rental units. Some of the rental units in Hays are uninhabitable and do not meet state statutes and Hays housing codes.

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Mayor Schwaller requested that either the City or the County install some signage on West 48th Street at the point that West 48th Street meets Hall Street to indicate that the street ends at that point.

Mayor Schwaller stated he would like to have a parking sub-committee formed to look at the parking issue in downtown Hays. The committee should be comprised of citizens, representatives of the Planning Commission, and any others as needed.

Kent Laas, Community Development Coordinator, stated the Downtown Hays Development Corporation has parking problems listed as a primary element of their comprehensive plan and will be studying the parking in downtown Hays.

Mayor Schwaller asked that City staff stay informed on the issue.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board