

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON
JULY 24, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 24, 2003, at 7:30 p.m.

Roll Call: Present: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV
Absent: Kent Steward

Chairperson Hickman stated that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections to the minutes of the July 10, 2003 regular meeting; they were approved as written.

3. FINANCIAL STATEMENT: City Clerk Susie Berger reported that sales tax collections are 2% lower than for the same time period last year. This is representative of the entire state. Franchise fee revenue is above the projected budget amount due to a one-percent increase in gas and electric franchise tax. Golf course revenues are also above the projected amount.

General Fund revenues year-to-date are approximately 50% of the budgeted amount, while General Fund expenditures are below 50%, with the exception of the City Attorney's expenditures being at the 73% mark and Economic Development at the 64% mark respectively. The City Attorney's expenditures are high due to his work on water issues. These expenses will be reimbursed from the ½ cent water sales tax before year's end. The Economic Development expenditures are high because of the payment to the U.S. Army Reserve for the Army Reserve building.

Wayne Billinger moved, Sunell Koerner seconded, that the Financial Statement for June 2003 be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

4. CITIZEN COMMENTS: Dan Dragoo, 1309 Lawrence Drive, appeared before the Commission to express his concern about a skunk problem in his neighborhood. He has tried in vain to get some assistance from the Humane Society of the High Plains and the Police Department. He is concerned about damage to property and the potential for harm to little children. As a taxpayer, he feels this is a problem the City needs to address.

Commissioner Schwaller agreed with Mr. Dragoo. The City needs to figure out what to do with stray animals; particularly ones that are dangerous and can spread a disease like rabies.

City Manager Randy Gustafson stated the Humane Society is bound by contract to provide this service through the remainder of the year. Humane Society personnel will be contacted and some assistance should be forthcoming.

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

A. Mayoral Appointment to the Hays Beautification Committee

Marianna Beach – 3-year term expiring August 1, 2006

JoAnn Fleharty – 3-year term expiring August 1, 2006

Marilyn Marshall – 3-year term expiring August 1, 2006

B. Cereal Malt Beverage License

A Cereal Malt Beverage License for Southside Convenience, 703 Vine St.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

NEW BUSINESS

6. SPECIAL ASSESSMENT NOTICE OF HEARING: City Manager Gustafson stated it would be necessary to hold a special meeting on August 7th in order to conduct a public hearing to consider proposed special assessments for the 41st Street Plaza Fourth Addition, the Lewis Addition, and the Marvin F. Braun Addition.

Wayne Billinger moved, Sunell Koerner seconded, that Resolution No. 439, being a resolution providing notice of a public hearing to be held on August 7, 2003, to consider proposed special assessments for the 41st Street Plaza Fourth Addition, the Lewis Addition, and the Marvin F. Braun Addition be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

City Attorney John Bird stated proper procedures would be followed to call a special meeting on August 7th.

7. 2002 AUDIT PRESENTATION: Ken Beran and Melissa Romme, representing Adams, Brown, Beran and Ball, presented the annual Audit Report for fiscal year 2002 to the Commission.

Mr. Beran made several recommendations in regards to reimbursed expenditures and the processing of encumbrances.

City Manager Gustafson stated that the MUNIS software would automatically encumber all purchase orders and contracts. The new software will not allow purchases to be made if there is a budget or cash problem.

A cash and budget violation was noted in the Special Highway Fund. The budget violation was due to 2002 contracts entered into by the City Commission for which no purchase order was issued, and the funds were not encumbered

until the audit was performed. The cash violation of \$8,000 was due to not receiving a Kansas Department of Transportation reimbursement until 2003.

City Clerk Susie Berger noted that the Special Highway cash is being depleted. The new software provides for a complete encumbrance system, which should alleviate this problem in the future.

Mrs. Romme explained the process for implementing GASB #34, which is a reporting requirement the City will need to comply with effective with the December 31, 2003 financial statements. In order to comply with the first phase, the City needs to establish the fixed assets for the City of Hays, which involves having these assets identified and a cost assigned. The City will report the depreciated assets in the 2003 financial statement.

Henry Schwaller IV moved, Sunell Koerner seconded, that the 2002 Audit Report be accepted and adopted.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

8. CENTENNIAL TOWERS ALLEY IMPROVEMENT: The alley dedicated on the replat of a portion of Centennial Estates Sixth Addition does not connect to Sherman Avenue, thus leaving a dead end alley with a turn around easement. The developer has asked the City's assistance in acquiring the right to extend the alley west to Sherman Avenue and subsequently rock the entire alley from Schwaller Avenue to Sherman Avenue.

The City holds title to the tract of land required to extend the alley, however, the land is leased to CT Residences, L. C. under the conditions related to the Multi-Family Housing Revenue Bonds, Series 1999. City staff is proposing entering into an agreement with CT Residences which would subordinate their leaseholders interest in the portion of land required for the alley improvements.

Wayne Billinger moved, Sunell Koerner seconded, that the City of Hays enter into an agreement with CT Residences to improve the alley south of Centennial Towers.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

9. ANNEXATION AGREEMENT AND ASSOCIATED ISSUES: The proposed annexation agreement is in response to a sewer connection made several years ago at 1498 West 27th Street. This property has been connected to the sanitary sewer lines for several years via a private easement with Meadow Acres Trailer Park without acquiring any rights from the City to do so. This property is in the process of being sold and the owner would like to resolve this issue before the property is sold. He will reimburse the City \$1299.60 for three years of back charges for use of the sewer system.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Agreement for Annexation and Provision of Sanitary Services be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

10. METER READING ROUTES, WATER BILL CYCLES AND DUE DATES: The City Clerk's Office and the Public Works Department have joined efforts to streamline meter reading/utility billing operations. Currently the town is divided into two cycles for meter reading/billing purposes. Effective with the implementation of the MUNIS software, it is planned to go to a four-cycle system. The proposed ordinance deletes the "A" and "B" designation and more generally addresses billing cycles and due dates and adds an after hours fee for reconnection of water services that were disconnected due to non-payment.

Sunell Koerner moved, Henry Schwaller IV seconded, that Ordinance No. 3608, being an ordinance amending Title Thirteen (13), Chapter 13.12 of the City of Hays, Kansas, Municipal Code, by modifying Section 13.12.70, be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner

Wayne Billinger
Henry Schwaller IV

11. “INSUFFICIENT FUNDS” FEE FOR RETURNED CHECKS: Sunell Koerner moved, Wayne Billinger seconded, that Ordinance No. 3610, being an ordinance establishing a \$25.00 service charge for returned checks be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

12. SERVICE ORDER HOURS/AFTER HOURS FEE: In order to streamline the operations of the Public Works Department and to make for a more efficient use of personnel, it has been determined that service orders will only be done during specified times of the day. An “after hours” fee for same day water connections requested after 4:00 p.m. is proposed.

Wayne Billinger moved, Henry Schwaller IV seconded, that Ordinance No. 3609, being an ordinance amending Title Thirteen (13), Chapter 13.12 of the City of Hays, Kansas Municipal Code, by adding Section 13.12.019 regarding requests to connect to City services, be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Wayne Billinger
Henry Schwaller IV

13. REPORT OF THE CITY MANAGER: City Manager Gustafson reported that there will be some rate changes for boardings leaving the Hays Municipal Airport for Kansas City and there will be air fare specials during the Thanksgiving and Christmas season.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller commented on the art on display in the Commission Chambers. It is from the Sternberg collection of wildlife. He thanked the Hays Arts Council and the Sternberg Museum for donating the artwork for display.

Commissioner Billinger asked about the removal of the high dive at the Hays Aquatic Park. He wondered if the dive could be lowered in order to meet federal standards.

City Manager Gustafson stated the problem is that the dive is too close to the side of the pool. Staff is researching ways to resolve the problem.

15. EXECUTIVE SESSION: There was no executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board