

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JULY 10, 2003

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 10, 2002, at 7:30 p.m.

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

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

**2. MINUTES:** City Manager Gustafson stated that the minutes of the June 25, 2003 regular meeting need to be corrected. Agenda Item #8 should reflect \$335,000 as the correct amount of the estimated project cost for the water and sanitary sewer improvements between 45<sup>th</sup> and 48<sup>th</sup> Street.

Sunell Koerner moved, Wayne Billinger seconded, to approve the minutes of the June 25, 2003 regular meeting as corrected.

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

**3. KANSAS STATE DEPARTMENT OF REVENUE:** This agenda item was placed after Agenda Item No. 6

**4. CITIZEN COMMENTS:** There were none.

**5. CONSENT ITEMS:** Sunell Koerner moved, Kent Steward seconded, that the following mayoral appointments be approved:

Hays-Ellis County Board of Zoning Appeals

Robert Rook – 3-year term expiring May 1, 2006

Hays Public Library Board

Elizabeth Harris – unexpired term to expire April 30, 2004

Hays Recreation Commission Board

Nancy Jeter – 4-year term expiring August 1, 2007

Public Wholesale Water Supply District #15 Board

Joe Glassman – unexpired term to expire March 1, 2005

Curt Longpine – unexpired term to expire March 1, 2004

Vote: Ayes: Troy Hickman

Sunell Koerner

Kent Steward

Wayne Billinger

Henry Schwaller IV

### **NEW BUSINESS**

**6. HAYS PUBLIC LIBRARY ANNUAL REPORT:** Melanie Miller, Dr. David Goodlett, and Mary Hart-Detrixhe, presented the annual report of the Hays Public Library.

Ms. Miller updated the Commission on the expansion/renovation of the Hays Public Library in downtown Hays. It is expected that the project will be completed by December 2003 with a grand opening date set for February 2004.

Dr. Goodlett stated the Hays Public Library Trust, along with Friends of the Library has raised over \$500,000. The cost of the library expansion/renovation funded with sales tax dollars is \$2,632,975. The cost of the 1911 Carnegie Library replication façade is \$700,000. The Library Board has raised almost \$500,000 in private donations to pay for the facade. Additional fund raising events are still occurring and funding from the Library capital improvement fund will cover the remaining \$200,000. Dr. Goodlett stated that the Hays community

as a whole deserves enormous credit for their overwhelming commitment to this expansion and renovation.

Ms. Hart-Detrixhe reported on activities, program participation and use of the various library materials. Statistics available from the Kansas State Library Association indicate that the Hays Public Library ranked 16<sup>th</sup> according to population, 7<sup>th</sup> according to total circulation, and 1<sup>st</sup> according to per capita circulation.

**3. KANSAS STATE DEPARTMENT OF REVENUE:** Kansas State Representative Eber Phelps introduced Joan Wagon, Secretary of Revenue.

Ms. Wagon gave a presentation on House Bill No. 2005. This bill contains an item called the “streamlined sales tax” and one item called the Tax Amnesty Program. Both of these have the potential to impact local government.

The streamlined sales tax will change the origin where sales tax is determined. Previously sales tax was assessed at the location of its origin but will now be assessed at the tax rate of the location it is being shipped/mailed/delivered to.

The Tax Amnesty Program is an accelerated settlement program for cases in litigation or audit. Efforts are being made to resolve those cases to bring in an infusion of cash. A general amnesty program for almost all tax types is now effective whereby a person could pay all past tax due without penalty or interest. By waiving penalties and interest, the State of Kansas is hoping to realize a substantial amount of money. At least half of the taxes not collected are sales taxes. Cities will get a portion of those taxes once they are paid.

Ms. Wagon stated her department is working hard for the citizens of Kansas. She plans on treating partners in local government and customers who pay taxes with integrity and fairness. Her staff is trying to be more accurate at what they do and focus on collecting taxes.

**7. CITY OF HAYS PROPERTY AND CASUALTY INSURANCE:** Rich Kraemer, agent for Insurance Planning, reported on the cost for renewing insurance policies for City property, and auto and liability coverage for the 2003/2004 policy year.

Mr. Kraemer reported that the overall increase is 11.8% or less than half the size of last year's increases. The big increase in premium is in the general liability coverage. This is due in part because of more general liability claims and some of the existing claims have developed into more expensive claims than first expected. He stated that we might see a leveling off in perhaps a year or two depending on what the economy does.

Wayne Billinger moved, Sunell Koerner seconded, that the City Manager be authorized to enter into a contractual arrangement for insurance coverage for the City of Hays for the 2003-2004 coverage year with Insurance Planning.

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

**8. FORT HAYS MUNICIPAL GOLF COURSE WATER SYSTEM:** City Manager Gustafson requested this agenda item be tabled. He would like to do more research about resolving problems that may be associated with using effluent water for watering the Golf Course.

Wayne Billinger moved, Kent Steward seconded, that this agenda item be tabled until the August 28, 2003 Commission meeting.

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

**9. 8<sup>th</sup> STREET RECONSTRUCTION PRELIMINARY DESIGN:** Discussion was held about installing bulb outs at the intersections of Oak, Main, and Fort Streets.

Commissioner Schwaller expressed concern about the cost of maintaining plantings in bulb outs. He wants to see bulb outs along 8<sup>th</sup> Street at the Oak, Main, and Fort Street intersections and in downtown Hays, however, he wants to consider the fiscal cost.

City Manager Gustafson stated that if all the bulb outs that BG Consultants put in their preliminary design were installed, he estimated that it would take one full time employee to maintain plantings, maybe more depending on what is planted. Two seasonal employees probably would be hired in the spring, summer, and fall. That translates into \$25,000 to \$30,000 annually. This cost would be for all bulb outs in the downtown area, not just on 8<sup>th</sup> Street. If fewer bulb outs were installed, it would cost less for maintenance.

Henry Schwaller IV moved, Kent Steward seconded, that the design and reconstruction of 8<sup>th</sup> Street include bulb outs as designed by BG Consultants at Oak, Main, and Fort Street, the pavement be concrete throughout from Milner to Elm Street, with the exception of the blocks from Fort to Oak Streets concrete pavers should be installed. Trees shall be planted in the bulb outs at the intersections of Oak, Main, and Fort Street. The traffic signals in place shall be kept, painted to match the existing street lights, and use streets lights that are similar to those on Main Street from Oak to Fort Street and use wooden poles from Milner to Oak Street and look into the possibility of metal poles from Fort to Elm Street. Water line improvements should be done immediately.

Commissioner Billinger stated he is not in favor of installing any bulb outs mid-block. The BG Consultant plan included mid-block bulb outs. He favors eight bulb outs, two at the intersections of Oak and 8<sup>th</sup>, four at the intersection of Main and 8<sup>th</sup>, two at the intersection of Fort and 8<sup>th</sup>. They should be designed to allow for a wide turning radius.

Commissioner Schwaller amended his motion to install eight bulb outs only at the intersections specified by Commissioner Billinger. Commissioner Steward amended his second.

Commissioner Billinger stated there might be grant monies for replacing water lines in the downtown area. He feels the City may be able to obtain up to \$200,000 through grant funds.

Commissioner Koerner expressed concern about the bulb outs at the Main Street intersection. She feels it will be difficult to make right hand turns from any direction. Cities across the nation have taken out bulb outs because of the

problems they have created. She likes the idea of greening up downtown Hays, but the reality of it is that bulb outs will create traffic and pedestrian problems. It will be difficult for delivery trucks that need to make deliveries in the downtown area.

Commissioner Billinger stated he felt the bulb outs would be a calming device for slowing down traffic. The narrow streets give character to the Chestnut Street historical district and more trees planted in bulb outs will add to that character.

Mayor Hickman suggested a compromise that would install bulb outs at each intersection on the north side of 8<sup>th</sup> Street, angle parking on the north side of 8<sup>th</sup> Street, no bulb outs on the south side of 8<sup>th</sup> Street and have the three lanes on the south side of 8<sup>th</sup> Street.

Curt Brungardt, representing the Downtown Hays Development Corporation, stated the streetscape plan is to have a uniform plan for the 12 blocks in downtown Hays; 8<sup>th</sup> Street along the two blocks on either side of Main is part of downtown. 8<sup>th</sup> Street is one of the entry points for entering downtown Hays. It is important for visitors to realize they are entering into a historical and beautiful district. It is important to keep a uniform look.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV

No: Sunell Koerner

Henry Schwaller IV moved, Wayne Billinger seconded, that the City Manager be authorized to sign a contract with BG Consultants for the design and reconstruction of 8<sup>th</sup> Street.

Vote: Ayes: Troy Hickman  
Kent Steward  
Wayne Billinger  
Henry Schwaller IV

Abstain: Sunell Koerner

**10. SMOKY WELL FIELD EXPANSION:** The purpose of pursuing Phase II is to evaluate the yield of the Smoky Hill River Well Field and determine measures needed to enable the City to pump its full water rights. The water rights were reduced with the implementation of the Smoky Hill River Intensive Groundwater Use Control Area (IGUCA). With the expansion of the well field, the City should be able to obtain its full IGUCA water rights under different river conditions using several variations of well configuration and pumpage.

Commissioner Billinger asked about the expansion of the well field to the west. The plan as presented is to expand one mile to the east and ½ mile to the west. A property owner two miles from the western edge of the City well field is willing to negotiate an existing well that produces 500 gallons per minute. If the City didn't expand to the east, but instead expanded to the west, it may be possible to renegotiate the rights of that well.

City Manager Gustafson stated that Burns and McDonnell made their initial study based on the University of Texas-Dallas study that looked at the aquifer. This study did not go to the west. Burns and McDonnell indicated they would not have a problem in looking further west, but their Phase I was based on the University of Texas study.

City Attorney John Bird stated that unless that property owner's water rights are senior to City of Hays water rights, they are worthless to the City of Hays. The City has a right to our water first because the City was there first. The City doesn't have to pay for something that is already ours. If there is plenty of water there it doesn't make a difference. In times of drought, the City can ask the State of Kansas to notify junior water right holders to cease using water until the City water rights are fully enjoyable.

Kent Steward moved, Sunell Koerner seconded, that Burns and McDonnell be allowed to proceed with Project 30159 for Smoky Hill River Well field Expansion Phase II, with an estimated cost of \$99,000, as it pertains to Phase II only.

Commissioner Billinger noted that he is very much in favor of the project but he just wondered if it would be beneficial to look further west.

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

**11. STREET SWEEPING CONTRACT:** Bids were received from three companies for the contracting of city street sweeping. Staff recommends accepting the lowest bid submitted by Stripe and Seal for a five-year contract in the amount of \$48.00 per curb mile.

Sunell Koerner moved, Kent Steward seconded, that a five-year contract be awarded to Stripe and Seal for street sweeping services in the amount of \$48.00 per curb mile.

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

**12. 2004 BUDGET HEARING:** Henry Schwaller IV moved, Wayne Billinger seconded, that a public hearing for the 2004 Budget be held on July 31, 2003.

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

Commissioner Schwaller presented a resolution pertaining to the City Commission considering as part of the annual budget, a process involving future handling of outside agency requests. This would involve the current Social Services, Economic Development, and the newly formed Quality of Life Budgets. The resolution reiterates the City's intent to provide support and services to

citizens in need, foster economic development in the City of Hays, and nurture and enhance our quality of life. Annual funding would be in the amounts of \$151,750 for social services, \$220,000 for economic development, and \$27,900 for quality of life issues. Under the annual budget process, the City Commission at its discretion, may change the funding levels.

The resolution will be voted upon at the budget hearing set for July 31, 2003.

**13. REPORT OF THE CITY MANAGER:** City Manager Gustafson discussed with the Commission a recent incident that occurred as a result of having Department of Correction inmates performing clean-up operations in the City. One of the inmates broke away from his work crew and entered a residential home and was consequently charged with aggravated burglary.

The City Manager met with the warden of the Norton Correctional facility, the supervisor of the Stockton Correctional facility, and the Police Chief and other staff members. He recommended the program be continued with tighter security parameters from both entities. Everything will be done to assure that no further incidents occur.

Commissioner Schwaller commented that while the money this program has saved the City, it would never save enough money if someone were hurt. It is important that our Police Department and the Correctional facilities work together. If this happens a second time, this program should be discontinued.

City Manager Gustafson stated a company who has a product to eliminate feed lot odors has contacted him. There will be a field trip to Oklahoma next week to visit a site that is using the product and have invited staff/commissioners to attend.

Commissioner Schwaller stated that tentatively he would attend the field trip.

**14. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested that the Commission consider a new policy providing financial incentives for purchasing high efficiency washing machines. High efficiency

washing machines use half the water of a regular washing machine. Using one of the new machines would result in saving lots of water.

This will be further discussed at the August 7<sup>th</sup> work session.

Commissioner Billinger requested that all users of Lark's Park get together and review the policy regarding maintenance issues.

City Manager Gustafson stated he has discussed this with Fort Hays State University representatives. Before everyone gets together, he would like to present some ideas to the Commissioners.

**15. EXECUTIVE SESSION:** There was no executive session.

Thereupon the Governing Body adjourned.

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

Clerk of the Board