

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 12, 2003

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 12, 2003, 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:** There were no objections to the minutes of the May 22, 2003 regular meeting; they were approved as written.

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

**4. CONSENT AGENDA:** Henry Schwaller IV moved, Sunell Koerner seconded that a Cereal Malt Beverage License for Kabredlo's-Cenex, 1601 Main Street, be approved:

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

**UNFINISHED BUSINESS**

**5. SALES TAX REVENUE REFUNDING BONDS, SERIES 2003:** Dave Arteberry, Financial Advisor from George K. Baum and Company, stated the City would save \$92,738.32 by refinancing the Bonds. The interest rate on the new

bond issues will be 2.51% compared to 4.97% on the existing issues. Additionally, next year's payment will dramatically decrease.

Henry Schwaller IV moved, Sunell Koerner seconded, that Ordinance No. 3606, being an ordinance authorizing and providing for the issuance of \$1,400,000 principal amount of Sales Tax Revenue Refunding Bonds, Series 2003, of the City of Hays, Kansas, for the purpose of providing funds to refund certain outstanding Sales Tax Revenue Refunding Bonds; and making certain covenants and agreements with respect thereto, be approved.

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

Henry Schwaller IV moved, Sunell Koerner seconded, that Resolution No. 430, being a resolution prescribing the form and details of and authorizing the delivery of \$1,400,000 principal amount of Sales Tax Revenue Refunding Bonds, Series 2003, of the City of Hays, Kansas, previously authorized by Ordinance No. 3606 of the City; providing for the collection, segregation and application of the sales tax revenues; and making certain covenants and agreements with respect thereto, be approved.

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

**6. WATER & SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2003:** Dave Arteberry, Financial Advisor from George K. Baum and Company, stated the City would save \$161,074.07 by refinancing the bonds. The interest rate on the new bond issue would be 2.51% compared to the rate of 4.97% on the existing issue.

Henry Schwaller IV moved, Sunell Koerner seconded, that Ordinance No. 3607, being an ordinance authorizing and providing for the issuance of \$1,930,000 principal amount of Water and Sewage System Revenue Refunding Bonds, Series 2003, of the City of Hays, Kansas, for the purpose of providing funds to refund certain outstanding Water and Sewer System Revenue Bonds; and making certain covenants and agreements with respect thereto, be approved.

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

Henry Schwaller IV moved, Sunell Koerner seconded, that Resolution No. 431, being a resolution prescribing the form and details of and authorizing the delivery of \$1,930,000 principal amount of Water and Sewer System Revenue Refunding Bonds, Series 2003, of the City of Hays, Kansas, previously authorized by Ordinance No. 3607 of the City; providing for the collection, segregation and application of the revenues of said Water and Sewer System for the purpose authorized by law; and making certain covenants and agreements with respect thereto, be approved.

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

### **NEW BUSINESS**

**7. 8<sup>TH</sup> STREET RECONSTRUCTION PRELIMINARY DESIGN:** This item was tabled for discussion until after a report is heard from the Downtown Hays Development Corporation to take place at the end of the meeting. The

Commission wanted to hear of future plans for the downtown area before approving the 8<sup>th</sup> Street Reconstruction preliminary design.

Henry Schwaller IV moved, Sunell Koerner seconded, that this agenda item be tabled until later in the meeting.

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

**8. URBAN AREA BOUNDARIES AND FUNCTIONAL CLASSIFICATION:**

Kansas Department of Transportation (KDOT) has initiated the review of the Federal Highway Administration Urban Area Boundaries (UAB) and the Functional Classification of roads within the Federal-Aid Highway system. The classification of roads is a determining factor for eligibility to receive Federal Aid Funds. Coordination with KDOT, City staff, Ellis County, and the Planning Commission has resulted in changes to the UAB and Functional Classification.

Kent Steward moved, Wayne Billinger seconded, that Resolution No. 432, being a resolution to approve Urban Functional Classification Systems, be approved; and further that Resolution No. 434, being a resolution to establish urban area boundary lines, be approved.

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

**9. SUNDAY LIQUOR SALES:**

As discussed in previous City Commission meetings, a Charter Ordinance will exempt the City of Hays from the provisions of K.S.A. 41-712, part of an enactment known as the Liquor Control Act. This law prohibits the retail sale of any alcoholic liquor on Sundays.

City Manager Randy Gustafson stated a petition has been received from citizens in the community opposed to Sunday sales.

Police Chief Jim Braun stated that enforcing Sunday liquor sales would not have a significant impact on the police department. There is ample opportunity for people to buy the liquor they need throughout the week. The Police Department would just have to enforce the law seven days instead of six.

Jim Steinert, owner of a local liquor store, stated there is very little interest on the part of Hays liquor storeowners to institute Sunday sales. He is not in favor of passing a Charter Ordinance to allow for Sunday sales.

Heather Winklepleck, project coordinator for Ellis County Community Partnerships at the Regional Prevention Center of Northwest Kansas, stated an ordinance allowing Sunday sales would send a mixed message to the youth of our community. Every time the availability of alcohol is increased consumption goes up. It is one more extra day that kids could get an older brother or sister or someone to buy alcohol for them.

Commissioner Schwaller stated the Kansas liquor laws are archaic. It is time to bring liquor laws to a time and place where they are consistent. This is not about collecting additional sales tax revenue or forcing the liquor stores to do something they don't want to do. He visited with several retailers who indicated they would open on Sundays. He wants to make it available to every working man and woman to have the opportunity on Sunday to purchase liquor.

Commissioner Steward commented that governments should not place restrictions on private business unless there is a compelling public interest to do so and passing a Charter Ordinance would make it more convenient to those who wish to purchase alcohol on Sunday and use it responsibly. However, there is very little demand to allow liquor sales on Sunday. Commissioner Steward stated that he does believe that Sunday liquor sales would increase consumption of alcohol. The increase may be small; whatever increase there is may be in the area that we would least like to see it. That is a concern for him. He will be voting against passing a Charter Ordinance.

Commissioner Schwaller stated that consumption would probably go up. The most aggressive estimate he has seen is 10%. However, over the last 20

years consumption of distilled spirits, wine and beer have been on the decline nationally.

Commissioner Billinger commented that this Charter Ordinance does not address beer sales through grocery and convenience stores. A different state law bans the sale of 3.2 % alcoholic content beer on Sundays by grocery and convenience stores. As an individual he would like to see Sunday sales, but since he does not see a big demand from the retailers he would be opposed to passing a Charter Ordinance.

Commissioner Koerner stated that no one could deny the social problems of excessive alcohol consumption. There are good reasons for liquor stores to be open on Sunday. Our liquor laws are archaic; maybe it is time to move into the 21<sup>st</sup> century.

Chairperson Hickman stated it would take four votes to pass a Charter Ordinance and it doesn't appear that there would be four votes.

Commissioner Schwaller stated he has asked the City Attorney to prepare a Charter Ordinance for the sale of cereal malt beverages on Sundays through grocery and convenience stores. This may be on a future agenda.

**10. SALES TAX AND REVENUE (STAR) BOND PROGRAM & TRANSPORTATION DEVELOPMENT DISTRICT FINANCING:** City Manager Gustafson stated that STAR and Transportation Development District Financing information would be incorporated into the City Development Policy. He requested the Commission approve a resolution supporting that policy.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 433, being a resolution expressing the willingness to consider participating in the issuance of Sales Tax and Revenue Bonds or Transportation Development District Financing as incentives for new development, be approved.

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

**11. REPORT OF THE CITY MANAGER:** City Manager Gustafson stated that the Police Chief has approved street closings for the Wild West Festival. Noise variances will be handled through the City Manager's office.

**7. THIS AGENDA ITEM WAS TABLED EARLIER IN THE MEETING:** Glen LeRoy, streetscape consultant with Gould, Evans, Goodman Associates completed three days of meeting and consulting with the Downtown Hays Development Corporation (DHDC) and merchants in the downtown area. He presented three preliminary alternatives for improving the look of downtown Hays.

Mr. LeRoy stated the basic goal is to revitalize the downtown area. Six goals were identified:

- Restore buildings, create new businesses, and make downtown Hays the heart of the community
- Establish a new look
- Incorporate Hays' history
- Make changes that are economically feasible
- Link Fort Hays State University to the downtown area
- Getting people to believe in downtown Hays

Curt Brungardt, DHDC representative, stated he hoped the consultants would be able to provide some assistance on the design and beautification aspects of the reconstruction design of 8<sup>th</sup> Street.

City Manager Gustafson stated a decision of the preliminary design could be delayed until the June 25<sup>th</sup> meeting. Additionally, the City will be issuing a Request for Proposals for a citywide traffic study that will tie in with this project.

By consensus the Commission decided to reconstruct 8<sup>th</sup> Street to three lanes from Milner to Elm in concrete with possibly incorporating concrete brick pavers for the section between Oak and Fort.

**12. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Schwaller requested staff check the new signal lights at 32/33<sup>rd</sup> Street. There aren't any left turn signals.

Commissioner Schwaller stated the Youth Advisory Council would be having their first meeting on June 16<sup>th</sup>. Twenty-eight young commissioners will be starting work on city oriented projects.

Commissioner Billinger commented that the 2<sup>nd</sup> stoplight at 32/33<sup>rd</sup> Street in confusing. This should be treated as one intersection.

City Manager Gustafson stated KDOT required the City to have two stoplights at that intersection. Staff is working with KDOT to resolve the problem.

Commissioner Steward stated that the memo he distributed to the Commission at the May 15<sup>th</sup> meeting regarding the stench emanating from the Kansas State University Agricultural Center has been a cause of concern among some of the citizens in the community. He read the memo that was distributed and urged anyone that has any concerns about any of the Commission's actions to not jump to conclusions but contact one of the Commissioners. Confusion and stress could be avoided. He is very open to hearing about concerns and complaints. He is willing to share any information he might have and is interested in getting their input.

Commissioner Steward suggested the June 26<sup>th</sup> regular Commission meeting be moved up one day due to a conference in Wichita on Friday, June 27<sup>th</sup> that the Commissioners will be attending. The other Commissioners agreed.

Commissioner Schwaller left the meeting at this point.

**13. EXECUTIVE SESSION:** Wayne Billinger moved, Sunell Koerner seconded, that the Governing Body recess to executive session at 8:25 p.m. for 25 minutes to discuss union negotiations, franchise agreement negotiations, and negotiations with the State of Kansas in regards to possible acquisition and disposition of assets for water purposes. The executive session will include the City Commission, the City Manager, the Assistant City Manager, the City Attorney, and the Human Resource Director.

Chairperson Hickman recognized that the Hays Daily News objects to the executive session.

Vote: Ayes: Troy Hickman  
Sunell Koerner

Kent Steward

Wayne Billinger

Chairperson Hickman called the meeting back to order at 8:50 p.m. He stated no action was taken during executive session.

Kent Steward moved, Sunell Koerner seconded, to recess the meeting until 7:30 p.m. June 25, 2003.

Vote: Ayes: Troy Hickman

Sunell Koerner

Kent Steward

Henry Schwaller IV

Thereupon the Governing Body adjourned.

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

Clerk of the Board