

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MARCH 23, 2000

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, March 23, 2000, at 7:30 p.m.

Roll Call: Present: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

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

**2. MINUTES:** Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular session held on March 9, 2000, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**3. FINANCIAL STATEMENT:** Howard Rome moved, Wayne Billinger seconded, that the Financial Statement for the month of February 2000, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**4. CITIZEN COMMENTS:** Grace Murphy, manager of Epworth Towers and Hays Plaza Apartments, presented a petition requesting that the crosswalk located at 28<sup>th</sup> and Hall Street not be removed. The elderly living in the two complexes

would have a difficult time if they were required to go down to 27<sup>th</sup> and Hall Street to cross.

City Manager Hannes Zacharias stated there are not any plans to eliminate the crosswalk at this time. There are plans for signal lights to be installed at 27<sup>th</sup> and Hall Streets sometime in the future.

Commissioner Schwaller suggested the crosswalk be repainted for better visibility.

**5. CONSENT ITEMS:** There were no consent items.

### **OLD BUSINESS**

**6. 43<sup>rd</sup> STREET SPECIAL ASSESSMENT DISTRICT HEARING:** City Manager Zacharias stated that later on in the meeting the Commission would be asked to approve a replat for a portion of this area.

Mayor Hickman opened a public hearing to hear comments on establishing a special assessment district for 43<sup>rd</sup> Street. There were no comments from the audience.

Commissioner Schwaller stated that receiving Corridor Management funding is not a certainty at this time, therefore the lots closest to 43<sup>rd</sup> Street and Vine will be assessed over \$45,000. This is a concern to the property owners. If Corridor Management funding comes through, their assessed amount would be approximately \$17,000. The property owners did not protest the special assessment hoping they would owe the smaller amount. The Commission should guarantee Mr. Wolf and Mr. Pfannenstiel that their assessments will not exceed the smaller amount. That is what they were promised in discussions and negotiations.

Mayor Hickman stated that could not be guaranteed tonight.

Wayne Billinger moved, Howard Rome seconded, that the public hearing for receipt of testimony on the 43<sup>rd</sup> Street special assessment district be closed, and adjourn the hearing until April 13<sup>th</sup>, 2000, at which time a resolution on the advisability of and authority for the project shall be considered.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**7. 48<sup>th</sup> STREET/41<sup>ST</sup> STREET AGREEMENT WITH ELLIS COUNTY:** City Manager Zacharias reviewed a draft copy of the Memorandum of Understanding with Ellis County regarding the paving of 48<sup>th</sup> Street and the maintenance of 41<sup>st</sup> Street. The new draft strikes language in Section 5 regarding special assessment waiver requirements for property owners on 48<sup>th</sup> Street.

Henry Schwaller IV moved, Larry Schmidt seconded, that Section 5 of the Memorandum be deleted and the revised Memorandum of Understanding with Ellis County be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**8. AIRPORT ISSUES:** City Attorney John Bird recommended this item along with the Big Creek/Prairie Acres litigation review be discussed in executive session.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Governing Body adjourn to executive session at 7:57 p.m. for 30 minutes to discuss airport issues and the Big Creek/Prairie Acres litigation. The executive session is to include the Commission, the City Manager, the interim Assistant City Manager/Airport Manager, and the City Attorney.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

Mayor Hickman called the meeting back to order at 8:27 p.m. He stated no action was taken during executive session.

Wayne Billinger moved, Howard Rome seconded, that a lease for Lot H-6 be granted to John Werth and a lease for Lot F-10 be granted to Keane Wurm at the Hays Regional Airport, as long as they conform to the terms of the settlement set forth in recent legal documents and FAA regulations.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Howard Rome  
Wayne Billinger  
No: Larry Schmidt

### **NEW BUSINESS**

#### **9. REPLAT OF THE WESTERN PORTION OF ROTH FIRST ADDITION: A.**

Henry Schwaller IV moved, Wayne Billinger seconded, that the City of Hays accept the right-of-way and easements not previously dedicated for a replat of the west portion of Roth First Addition.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**B.** Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 331, being a resolution accepting a certain replat and dedication of the western portion of Roth First Addition to the City of Hays, Ellis County, Kansas, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome

Wayne Billinger

**10. POOL ISSUES:** **A.** Howard Rome moved, Wayne Billinger seconded, that the bid from The Sod Shop, Wichita, Kansas, for sod at the new pool, in the amount of \$6,438.34, be accepted.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**B.** Howard Rome moved, Wayne Billinger seconded, that the purchase of flagpoles associated with the Hays Municipal Pool, in the amount of \$2,446.52, be approved.

Vote: Ayes: Troy Hickman  
Larry Schmidt  
Howard Rome  
Wayne Billinger

No: Henry Schwaller IV

**C.** Rick Claiborn, Hays Recreation Commission Director, stated that of the bids HRC received for the operation of a concession stand, none met the specifications to operate all parts of the concession stand. The concession stand will be operated internally by HRC. Bids were taken for various pieces of concession stand equipment totaling \$19,353.74. Mr. Claiborn requested this amount be paid out of funds generated by the sales tax.

Commissioner Schwaller stated he would be voting no because he did not feel the City should be operating a concession stand. This should be handled by the private sector. Two individuals who offered a bid were denied.

Mayor Hickman stated that the private sector might do a better job, however, that will not be known until after the first year. There will probably be more people interested in running the concession stand next year, once the equipment is purchased.

Wayne Billinger moved, Howard Rome seconded, that the purchase of concession stand equipment for the Hays Municipal Pool, in the amount of \$19,353.74, to be paid out of sales tax revenue, be approved.

Vote: Ayes: Troy Hickman  
Larry Schmidt  
Howard Rome  
Wayne Billinger

No: Henry Schwaller IV

**D.** Interim Assistant City Manager Terry Urban stated the Pool Task Force recommends the City Commission consider changing the name of the pool to the Hays Aquatic Park.

Several citizens spoke on the issue, urging the Commission to choose a name that would be reflective of the fact that it will be more than just a City pool.

Commissioner Schmidt stated he didn't think a different name would make any difference. It is how the pool is advertised and promoted.

Howard Rome moved, Wayne Billinger seconded, that the name of the pool be changed from the Hays Municipal Pool to the Hays Aquatic Park.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Howard Rome  
Wayne Billinger

No: Larry Schmidt

**11. WASTEWATER TREATMENT PLANT BELT PRESS BIDS:** Three bids for a belt press were received. Two of the bids met the specifications. They are:

Fluid Equipment	\$175,713.00
Aero-Mod Systems	118,950.00

Wayne Billinger moved, Howard Rome seconded, that the bid from Aero-Mod Systems, in the amount of \$118,950.00, be accepted.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Howard Rome

Wayne Billinger

No: Larry Schmidt

**12. POLICE VEHICLE BIDS:** The Police Department requested bids for a used or program 1999 4-door full sized, passenger car having less than 20,000 miles. The following bids were received:

Hays Ford-Toyota	\$ 19,990.00
2000 Ford Crown Victoria	new
James Motor Company	16,200.00
1999 Buick LeSaber	16,480 miles
World of Wheels	16,975.00
1999 Grand Marquis	19,512 miles
RAG Motors	14,000.00
1999 Oldsmobile	20,651 miles
Ottley Autoplex	12,337.87
1999 Mercury Sable	23,722 miles

Police Chief Lawrence Younger recommended the 2000 Ford Crown Victoria be purchased. This car exceeds the bid specifications but is within budget. This car would not have to be replaced as early as one of the 1999 models, there would be full warranty on it, and all service needs will be the same as that of present police vehicles. Lights, alternator, break shoes, air and oil filters are parts that are stocked now at the City's Service Department.

Commissioner Schmidt stated he would be voting against this purchase. This car would be for a new detective position, which he doesn't feel is needed.

Howard Rome moved, Wayne Billinger seconded, that the bid from Hays Ford-Toyota for a 2000 Ford Crown Victoria for the Hays Police Department, in the amount of \$19,990.00, be accepted.

Vote: Ayes: Troy Hickman  
Howard Rome  
Wayne Billinger  
No: Henry Schwaller IV  
Larry Schmidt

**13. CORRIDOR MANAGEMENT REVIEW:** Henry Schwaller IV moved, Larry Schmidt seconded, that this review be tabled for a study session to be held April 4, 2000, and include the Planning Commission and KDOT representatives.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**14. STRATEGIC MANAGEMENT PLAN:** Commissioner Schwaller stated the purpose of a strategic management plan is to examine all areas of the city, talk with employees, find out what is going well and what can be improved. A process could then be designed to get employees involved in helping to run the city, and planning the budget.

The consensus of the Commission was to discuss this issue during a study session.

**15. AIRPORT BOARD REVIEW:** City Manager Zacharias reviewed attendance records of members of the Airport Advisory Board and other City appointed boards. Discussion was held concerning absenteeism and the role of the Airport Advisory Board. The Mayor stated he could write a letter to the various board members encouraging better attendance.

The Commissioner directed the Airport Manager to review the role of Airport Advisory Boards in other cities and report back to the Commission.

**16. RESIDENCY POLICY REVIEW:** City Manager Zacharias reviewed the residency policy requirements for City employees. The current policy allows employees to reside anywhere within Ellis County. Twenty-four of our current employees (8%) reside outside the city limits of Hays. Employees assigned the

use of City vehicle to take home are required to live in the city limits or within a three-mile radius of the city.

Commissioner Schmidt recommended employees classified at step 24 or above be required to live in the city limits. These employees are classified at a supervisory level. Existing personnel would be grandfathered in.

Humane Resource Director Susie Billinger stated that some employees classified at step 24 are not supervisors. Supervisors would need to be defined, are foremen considered supervisors?

Commissioners Schwaller and Rome felt the policy should be left as it is presently written. They didn't feel this was something that needed to be changed at this time.

Mayor Hickman stated he felt changing our policy would hinder our hiring process. By following such a policy the City may not be able to bring the best-qualified candidate to a position.

Larry Schmidt moved, Wayne Billinger seconded, that employees classified at step 24 or above be required to live in the city limits.

Vote: Ayes: Larry Schmidt

No: Troy Hickman

Henry Schwaller IV

Howard Rome

Wayne Billinger

Wayne Billinger moved, Larry Schmidt seconded, that a policy be drafted requiring the City Manager, the Assistant City Manager, the Police Chief, the Police Captain, the Fire Chief, the Deputy Fire Chief, the Public Works Director, and the Assistant Public Works Director to reside within the City of Hays beginning with new hires and grandfathering in the existing employees. All emergency personnel would be required to live within 10 miles of City Hall and all other employees reside within Ellis County.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

**17. TRUCK POLICY REVIEW:** City Manager Zacharias stated that presently there is not an ordinance in place that deals with through truck traffic within the City of Hays.

Commissioner Schmidt stated he is concerned about trucks carrying hazardous waste that drive through our city.

The Commission directed City staff to research what other cities do regarding this issue.

**18. BIG CREEK/PRAIRIE ACRES LITIGATION REVIEW:** This issue was discussed in executive session, however Commissioner Schwaller felt it is an important issue and needed to be discussed during open session. Commissioner Schwaller stated the City should make a counter offer to the sewer districts. Collectively, the sewer districts owe the City of Hays \$567,000. The Commission should determine what the bottom dollar is the City will settle for.

Mayor Hickman and Commissioner Billinger felt this should be left in the City Attorney's hands and he should proceed with the appropriate legal procedures. Mayor Hickman stated he felt the City is right in this matter.

Commissioner Schmidt stated he wasn't so sure the City is right, there is no guarantee the City will win. Lawsuits cost a lot of money.

Commissioner Schwaller stated he felt the City was right, however, the City will not get \$567,000 out of the districts. Either we can continue having attorneys work on this or we can settle for a set percent.

City Attorney John Bird stated the sewer districts owe this bill just the same as any other customer owes their sewer bill. Big Creek and Prairie Acres contracted with the City of Hays to provide sewer services. The City has tried to negotiate a settlement with both of the districts through their attorneys. Their attorneys lead the City to believe the districts were close to signing a settlement several times, however, the board members never signed the agreement. The City of Hays is planning on filing a motion for summary judgement and will ask

the court to determine, as a matter of law, if they owe the money. If the courts find in the City's favor, Mr. Bird believes the districts will come to the City and ask to settle.

City Manager Zacharias agreed that we should get the issue resolved, however, he doesn't think that will happen unless we go to court and prove our case.

Commissioner Schwaller stated he had no problem with directing the city attorney to prosecute to the full extent, but another option would be to offer some sort of settlement.

**19. NUISANCE ABATEMENT:** The nuisance complaint has been resolved.

**20. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias stated he has not yet signed the letter to the Kansas Department of Transportation refusing the \$800,000 Geometric Improvement Grant for improvements to the 32<sup>nd</sup>/33<sup>rd</sup> Street intersection with Vine Street. KDOT has extended the date for acceptance or rejection of the grant until May 31, 2000.

Commissioner Billinger and Schwaller suggested staff discuss this issue with the residents in the area as soon as possible and see if a solution can be reached prior to May 31<sup>st</sup>.

Commissioner Rome stated residents from other areas of the city should be included in the discussions, as this will affect more than just the property owners in that area.

City Manager Zacharias stated it will probably be difficult to resolve all the issues by May 31<sup>st</sup>, but staff will try to get the dialogue started.

Commissioner Schwaller stated that when Corridor Management is discussed in a study session, he would like to review the policies regarding "No Left Turn" signage in various parts of the city.

**21. ADD-ON ITEMS:** Commissioner Schmidt requested staff look into the costs and possible federal or state funding of providing an alternate means for traffic flow at the railroad crossing on Vine Street. The City will have a major traffic problem once 40 trains a day cross through Hays.

Commissioner Schwaller directed staff to determine what a push-button signalized traffic light would cost to be installed at 28<sup>th</sup> Street and Hall Street. He feels there is an abundance of pedestrians crossing at that location.

Thereupon the Governing Body adjourned.

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

Carol Sue Berger