

MINUTES OF MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 13, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, March 13, 2003, at 7:30 p.m.

Roll Call: Present: Troy Hickman
Sunell Koerner
Dick Bedard
Larry Schmidt
Henry Schwaller IV

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

2. MINUTES: Dick Bedard moved, Henry Schwaller IV seconded, that the minutes of the regular meeting held on February 27, 2003, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT ITEMS: A. PATROL CAR BIDS: The following bids were received for replacement patrol cars:

	<u>Outright</u>	<u>With Trade-In</u>
Clay Chevrolet	\$66,500	\$59,000
Hays Ford Toyota Lincoln Mercury	65,932	53,632
Lewis Chrysler	58,350	47,100

City Manager Gustafson recommended the Commission accept the Lewis Chrysler bid in the amount of \$58,350. He also recommended the City retain the

three used patrol cars for use in other departments. It is expected to cost approximately \$4,380 in changeover expenses. This would bring the total cost of the cars to \$62,730. The amount budgeted for replacement is \$60,000. The money saved by not buying a pickup in the Park Department could be used for the overage.

Dick Bedard moved, Sunell Koerner seconded, that the bid from Lewis Chrysler in the amount of \$58,350 for the purchase of three patrol cars be accepted.

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

B. BLUE BAG RECYCLING PROGRAM: The only bid received was from Stutzman Refuse in Hutchinson, Kansas:

Blue Bag Recyclables

Transportation cost for co-mingle bag - \$310.00 per trip
Processing, sorting, and marketing - \$ 50.00 per ton

Alternate (Paper and Cardboard Blue Bag)

Transportation, Processing & Marketing - \$325.00 first ton per container
\$ 32.50 per ton thereafter

Sunell Koerner moved, Dick Bedard seconded, that the City Manager be authorized to enter into a three-year contract with Stutzman's Refuse for Blue Bag Recyclables processing.

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

C. CEREAL MALT BEVERAGE LICENSE: This item is an add-on to the agenda.

Dick Bedard moved, Sunell Koerner seconded, that a Cereal Malt Beverage License for X-Tra Innings Concession Stand at Frank Stramel Sports Complex be approved.

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

NEW BUSINESS

5. HAYS AQUATIC PARK: The Waters Edge Aquatic Design report estimated a total of \$118,900 in repairs that need to be made to the Hays Aquatic Park. It is anticipated that staff could complete these repairs for much less than the estimated cost. These repairs should be completed before the 2003 swim season.

City Manager Gustafson requested permission to authorize spending up to \$118,900 in making these repairs to be paid out of leftover proceeds from the pool sales tax fund. Bond counsel has advised that this would be an appropriate use of those funds.

Commissioner Schwaller requested that in addition to making these repairs, a resolution be drafted that would prohibit the City from using the money for any general fund purpose, operating losses or land acquisition for parking purposes.

Commissioner Koerner stated parking is a related improvement issue that needs to be addressed.

Commissioner Bedard stated that part of the pool project had to do with parking. It was a piece of the puzzle. He agrees the money should not be spent on anything else other than the swimming pool project.

The City Attorney was instructed to prepare a resolution that will address how leftover pool sales tax funds would be spent. The Commission will review the resolution at its next work session.

Commissioner Schwaller requested that the motion include a statement that these repairs be made pursuant to pending negotiations or legal action against the architect if these errors or omissions were due to his actions. Any funds recovered should be placed back into the pool fund.

Dick Bedard moved, Sunell Koerner seconded, that the City Manager be authorized to spend up to \$118,900 for necessary repairs to the Hays Aquatic Park and that these repairs be made pursuant to pending negotiations or legal action against the architect, and any recovered funds deposited back into the pool fund.

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

6. INTEREST RATE ADJUSTMENT ORDINANCE – MULTI-FAMILY HOUSING

REVENUE BONDS, SERIES 1999 (CT RESIDENCES, L.C.): The owners of CT Residences (Centennial Towers) wish to re-issue the Bonds to obtain a better interest rate. These bonds are Industrial Revenue Bonds and are issued by local governments; therefore the local government must approve any changes to the Bond documents. The City is not liable for any of these Bonds.

Commissioner Schwaller stated he would be abstaining from the vote.

Sunell Koerner moved, Dick Bedard seconded, that Ordinance No. 3603, being an ordinance prescribing the form and authorizing execution of a first supplemental and amending trust indenture by and between the City and the Trust Company of Kansas, Wichita, Kansas, as trustee with respect to the City of Hays, Kansas, Multi-family Housing Revenue Bonds, Series 1999 (CT Residences, L.C.), be approved.

Vote: Ayes: Troy Hickman

Sunell Koerner
Dick Bedard
Larry Schmidt

Abstain: Henry Schwaller IV

7. HAYS MUNICIPAL CODE, UNIFORM PUBLIC OFFENSE CODE AND STANDARD TRAFFIC OFFENSE CODE:

The Police Department has completed a side by side comparison of the Hays Municipal Code, Uniform Public Offense Code and Standard Traffic Offense Code to eliminate some duplication and conflicts. City Attorney John Bird has reviewed the changes suggested by the Police Department. An ordinance has been prepared that either repeals an existing ordinance or states which code should be enforced to cover a particular situation.

Henry Schwaller IV moved, Dick Bedard seconded, that Ordinance No. 3604, being an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas, and amending Title Ten (10), Chapter 10.04 of the City of Hays, Kansas, Municipal Code by repealing certain provisions of the Standard Traffic Ordinance, be approved.

Vote: Ayes: Troy Hickman

Sunell Koerner
Dick Bedard
Larry Schmidt
Henry Schwaller IV

8. GENERAL HAYS ROAD EXTENSION – CODY TO 22ND STREET:

The General Hays Road Construction Project would allow General Hays Road to function as a reverse access road on the east side of Vine Street. The City of Hays has entered into two contracts with KDOT to pay for 2/3 of the cost of the right of way acquisition, not to exceed \$67,000, and construction costs, not to exceed \$173,000.

City Manager Gustafson recommended a contract in the amount of \$74,846 with BG Consultants for preliminary design and cost estimates be approved. The City has until March 2005 to begin the project.

Sunell Koerner moved, Dick Bedard seconded, that a contract with BG Consultants in the amount of \$74,846 for preliminary design and cost estimates be accepted.

Commissioner Schwaller stated he would be abstaining from the vote due to a conflict of interest.

Vote: Ayes: Troy Hickman
Sunell Koerner
Dick Bedard
Larry Schmidt

Abstain: Henry Schwaller IV

9. CVB LEASE AGREEMENT- OFFICE BUILDING: The new lease agreement includes a \$100 per month rent increase from \$700 to \$800 monthly. The CVB Advisory Board is researching relocation possibilities for a highly visible visitor information center that will encourage visitors to visit our local attractions and events. Until a better location is found, the CVB Office would like to stay at their current location, the Hays Area Chamber of Commerce Building at 13th & Pine.

Henry Schwaller IV moved, Sunell Koerner seconded, that a Lease Agreement with the Chamber of Commerce for office space for the Convention and Visitors Bureau be approved.

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

10. WERTH HANGAR PURCHASE: In order to comply with title insurance requirements, it is necessary to approve a resolution in reference to a Purchase Agreement with John Werth involving Hangar A-4 at the Hays Regional Airport.

Sunell Koerner moved, Dick Bedard seconded, that Resolution No. 425, being a resolution authorizing the Mayor to execute a contract for purchase of Hangar H-4 at the Hays Municipal Airport from John Werth be approved.

Vote: Ayes: Troy Hickman

Sunell Koerner
Dick Bedard
Larry Schmidt
Henry Schwaller IV

11. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

12. EXECUTIVE SESSION: There was not an executive session.

13. ADD-ON ITEMS: Commissioner Schwaller commended City staff for changing the irrigation system along Vine Street at a cost of \$2,000, half of which was reimbursed by Bucher, Willis and Ratliff.

Commissioner Schmidt suggested the City of Hays create an in-house office for various water projects. Currently the City pays \$50,000 to the Ellis County Coalition for Economic Development for rent and administrative expenses for Public Wholesale Water Supply District #15. Those funds could be used to pay for a part-time person to work on various water projects and would save the City money.

City Manager Gustafson recommended that the person hired be hired on a contract basis.

Larry Schmidt moved, Sunell Koerner seconded, that the City of Hays use the \$50,000 allocated to the Ellis County Coalition for Economic Development for rent and office expenses for Public Wholesale Water Supply District #15 (PWWSD#15) to create an in-house office to perform administrative water search duties.

City Manager Gustafson stated he would talk with the City of Russell representatives and see if this acceptable.

Mayor Hickman stated he would prefer the City Manager visit with Russell before a motion is passed tonight. He wanted to know how much Russell contributes for expenses for PWWSD#15.

Larry Schmidt amended his motion; Sunell Koerner amended her second to include pending the approval of Russell.

Commissioner Schwaller called for the vote.

Vote: Ayes: Sunell Koerner
Dick Bedard
Larry Schmidt
Henry Schwaller IV
No: Troy Hickman

Commissioner Koerner stated she would like some public input about a no smoking ordinance. She would like to formulate an ordinance for consideration at a later date.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

