

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON NOVEMBER 21, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Tuesday, November 21, 2000 at 7:30 p.m.

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

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

2. MINUTES: Commissioner Schmidt stated that the November 9, 2000 minutes indicate that the vote for the City Manager's raise was a 5-0 vote for approval, when in fact two of the commissioners did not vote. His vote was an absentee vote, not a vote for the raise. Commissioner Schwaller stated he abstained as well.

Commissioner Billinger joined the meeting at this time.

Larry Schmidt moved, Henry Schwaller IV seconded, that the minutes, as corrected, of the November 9, 2000, regular session, be approved.

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

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias stated sales tax revenue is approximately \$35,000 higher this year than for the same time period last year.

Henry Schwaller IV moved, Larry Schmidt moved, that the Financial Statement for the month of October 2000, be approved.

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

4. CITIZEN COMMENTS: Glen Teel, 1208 Motz Avenue, addressed the Commission regarding his high water usage at a trailer court he owns. He would like to see a more efficient method of notifying water customers of leaks.

City Manager Zacharias stated that customers are notified as soon as it becomes apparent to either the meter readers or office staff that a property has a leak. Cities are not required by ordinance to call people but we do as a matter of courtesy. This meter feeds a water system inside a trailer park; the individual himself has some responsibility for checking the volume that goes through the meters.

Commissioner Schwaller stated the City needs to have some measures in place to easily identify leaks.

City Manager Zacharias stated he would investigate how our electronic meter reading system handles leaks and report back at the next meeting.

5. CONSENT ITEMS: There were no consent items.

Commissioner Billinger stated he just came into the meeting when the Commission was voting on approval of the minutes. He was not entirely clear on what Commissioner Schmidt's change in the minutes were and asked him to clarify what he was correcting

Commissioner Schmidt stated the vote for the City Manager's raise was recorded in the minutes as a 5-0 vote. It should have been 3-0 with 2 abstentions.

Commissioner Billinger stated that when the Mayor announced the vote, it was called as a 5-0 vote. If that announcement was in error, Commissioner Schmidt should have spoken up at that time.

OLD BUSINESS

6. RESTROOMS AT AUBEL-BICKLE PARK: Kurt Hassler, Director of Engineering, displayed a layout of Aubel-Bickle Park and the proposed placement of the restrooms.

City Manager Zacharias stated the foundation and plumbing has been installed for the restrooms. The walls have been put in place but the work has been stopped at this point. The restroom could be moved if that is the Commission's desire.

Robert and Evelyn Engleman, 2900 Grant, voiced concern about the restrooms being so close to the street. Mrs. Engleman stated that she tried to contact someone when the work first started. The City Manager and the Park Director visited with her, however neither she or her neighbors are happy with the idea of placing full-grown evergreen trees in front of the restrooms as a buffer. She would like the restrooms placed in another location.

City Manager Zacharias stated the City's intent was to make it accessible to the disabled. Placing the restroom near the parking lot would make it more accessible. One alternative would be to stop construction and let the Park Master Plan process take place and decide where the amenities should be.

Mr. Engleman stated he would like to see the restroom moved 150 feet further west.

Commissioner Rome joined the meeting at this time.

Commissioner Billinger stated he didn't think it was that much of an eyesore; it is set back fairly well from the road. The restrooms should be placed where there is a lot of activity. He is in favor of placing a tree buffer around the restroom or putting the project on hold until the Park Master Plan is completed.

Commissioner Schwaller stated he felt it should be moved because it was put there without concern or care of the neighbors. The neighbors are not happy with the placement of the restroom. The City should involve neighbors in matters that concern them. He asked the City Manager to stop this project.

City Manager Zacharias stated he does try to accommodate a commissioner's request, however one commissioner alone cannot stop a project. The Commission approved the project by a 5-0 vote. He did meet with the

Englemans and got the impression they would be happy with the planting of mature Austrian pine trees in front of the restroom as well as trees along the front of the street.

Commissioner Schmidt stated it should be put on hold until the Park Master Plan architect decides where a good location would be. The whole Park may look different after the Master Plan is designed.

Troy Hickman moved, Wayne Billinger seconded, that the placement of the restrooms at Aubel-Bickle Park be placed on hold until completion of the Park Master Plan.

Commissioner Rome stated he did not find the placement of the restroom unsightly. It is placed where it needs to be. Placing trees around the building would help buffer the building from the street.

Commissioner Billinger stated he did not have any trouble waiting for the Park Master Plan. He also does not think that the present location of the restroom is unsightly; it serves many users at that site.

Park Director Jeff Boyle stated that he was present when the City Manager discussed the placement of Austrian pines around the restrooms with the Englemans. He too understood that the Englemans were happy with the placement of the trees. There was a lot of careful thought that went into this project. The restrooms would be within 10-15 feet of the parking lot, making it very accessible. No trees would have to be removed, no electric lines or water lines would need to be moved; it is a perfect location between the shelter house, the skate board park, and the playground area.

Commissioner Schwaller stated that if the City needs to spend a little more money to make this park accessible and acceptable to the neighborhood, then lets spend whatever it takes. From a logistical standpoint, that is the best location, but that doesn't mean it's the best for the park or the people.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome

Wayne Billinger

7. ORDINANCE PROHIBITING “JAKE BRAKES”: “Jake Braking” is the use of any mechanical exhaust device designed to aid in the braking or de-acceleration of any vehicle. This is sometimes believed to result in excessive, loud, unusual or explosive noises from such a vehicle.

Mayor Hickman stated that many cities have an ordinance in place prohibiting this practice and feels that it is important that the Commission pass this ordinance.

Commissioner Schmidt stated there is no reason for a truck driver to use “jake braking” inside the city limits of Hays and agrees the ordinance should be passed.

Commissioner Rome stated he would vote against the ordinance. There isn’t enough enforcement to take care of what is already on the books, much less another one.

Commissioner Schwaller stated that approximately ¼ of all ordinances were eliminated with the recodification of the Code of Ordinances. He has received complaints from people that live near Vine Street. Late at night they are awakened by truckers that use “jake braking”. It is also hard on city streets.

Larry Schmidt moved, Henry Schwaller IV seconded, that Ordinance No. 3542, being an ordinance dealing with noise prevention and prohibiting the practice known as “jake braking” and providing for penalties for such, be approved.

Glen Unrein, 2207 Downing, owner of a trucking business in Hays, urged the Commission to not pass this ordinance. “Jake brakes” are used for safety, not to make noise. They are used to slow a truck down. His firm travels through 38 states and very few cities adopt this regulation. It is not “jake brakes” that cause the noise, it’s the illegal exhaust system. He urged them to reconsider prior to voting.

Commissioner Schmidt stated “jake brakes” were originally designed for mountain driving, not for flat prairies. It is not necessary to use them to slow down in Hays.

The Mayor called for the vote.

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

No: Howard Rome

8. PROPANE TANK ORDINANCE: A-1 Plank Scaffolding has requested a variance from current city codes or an amendment to the codes for the placement of a 500-gallon propane tank at their facility.

Roger Rife, Director of Fire and Inspection Services, recommended the ordinance be amended to allow the placement of one 500-gallon propane tank at the Airport Industrial Park, with the written approval of the Director of Fire and Inspection Services, provided that the appropriate plans are submitted, prior to approval.

Howard Rome moved, Larry Schmidt seconded, that Ordinance No. 3543, being an ordinance amending Title 8, Chapter 8.08 of the City of Hays, Kansas, Municipal Code, by modifying Section 8.08.100, Subsection 8204.2 regarding storage of liquefied petroleum gas, be approved.

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

9. DOWNTOWN NEIGHBORHOOD REVITALIZATION ACT RESOLUTION: Kent Laas, Community Development Coordinator, reviewed a draft of the Neighborhood Revitalization Plan.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 352, being a resolution setting the date for a public hearing for December 14,

2000, to review and possibly adopt the Downtown Neighborhood Revitalization Plan, be approved.

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

NEW BUSINESS

10. SOUTH RUSSELL COUNTY WATER PROJECT AGREEMENTS: Mayor Hickman read a statement supporting the signing of these agreements.

A. Howard Rome moved, Wayne Billinger seconded, that Ordinance No. 3544, being an ordinance authorizing the execution of a water supply contract between Public Wholesale Water Supply District No. 15 and the City of Hays, Kansas, be approved.

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

B. Howard Rome moved, Wayne Billinger seconded, that the Mayor be authorized to sign a three-way operating agreement between Public Wholesale Water Supply District #15, the City of Russell, Kansas, and the City of Hays, Kansas, and that Ordinance No. 3545, being an ordinance authorizing the execution of an operating agreement among Public Wholesale Water District #15, the City of Russell, Kansas, and the City of Hays, Kansas, be approved.

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

Wayne Billinger

Commissioner Schwaller asked when this water is brought on-line, what does it mean for the City of Hays? Will we need to redo our method of billing and our surcharge structure? The current rate plan penalizes our water customers; we might want to encourage customers to use more water. We need to establish priorities and know what kind of impact this additional water will have on our infrastructure.

Mayor Hickman stated that for years we have had a very aggressive water conservation program. He suggested that to really evaluate our water needs, the allocation system should be removed. The water will be coming on-line in 2003, which is the same time the City is projecting a water rate increase. Those two items are not connected in any way. It is time to remove our penalties for customers that go over their water allotment. Removing this penalty will have a positive impact on our water fund and our consumers. It is time to give our customers a break and to allow the community to use water reasonably.

Commissioner Schwaller stated that if we do remove the penalties, the City might be able to avoid a rate hike later on. We should move from this harsh conservation mode to a more lenient and moderate conservation mode.

Commissioner Schmidt stated the water isn't here yet; maybe we should raise the allocations at this point, rather than dropping the allocation program completely.

Commissioner Rome stated he didn't think we should move too hastily. He agreed with Commissioner Schmidt about raising allocations a bit.

Staff will study the issue and report back at a future meeting.

11. YUASA INDUSTRIAL REVENUE BOND AND TAX ABATEMENT: Jerry Heiniger, Plant Manager of Yuasa, Inc., addressed the Commission. Yuasa Inc. will become EnerSys on January 1, 2001. Mr. Heiniger requested that the City of Hays issue Industrial Revenue Bonds for the purpose of financing the proposed expansion and renovation of Yuasa's Hays facility. The expansion is necessary to refit the plant and install the new C and G battery lines. The bonds are not to

exceed \$35,000,000 in the aggregate with the first issuance in an amount not to exceed \$15,000,000 to be issued on December 28, 2000.

Mr. Heiniger reported on the economic impact that Yuasa Inc. makes on this community. The total yearly economic impact is \$24,529,100; the economic impact per employee is \$57,716. Total tax revenues attributable to Yuasa is approximately \$1,022,250.

City Manager Zacharias explained that once a city issues an Industrial Revenue Bond, the items that are purchased by those revenue bonds are 100% tax abated. If we want to provide some way those taxes are not abated, the City would enter into a payment in lieu of taxes agreement. To obtain a 100% tax rebate, certain employment criteria must be met, plus a certain dollar of investment. Yuasa has always met and exceeded past criteria.

Mr. Heiniger stated Yuasa is not asking for any tax abatement on existing assets. These IRB would be for the remodeling and expansion necessary to bring the new product on-line. Yuasa Inc. requested the Commission set a public hearing for December 14, 2000.

Henry Schwaller IV moved, Wayne Billinger seconded, that a public hearing be set for December 14, 2000, regarding the issuance of \$35,000,000 in Industrial Revenue Bonds, with accompanying property tax abatement, and approval of a payment in lieu of taxes agreement between Yuasa, Inc. and the City of Hays.

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

12. HRC POOL SERVICE AGREEMENT: City Manager Zacharias reviewed the Pool Agreement contract highlighting changes agreed upon by both the City of Hays and the Hays Recreation Commission at their recent joint meeting.

Howard Rome moved, Wayne Billinger seconded, that the Mayor be authorized to sign a three-year Pool Service Agreement with the Hays Recreation Commission.

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

13. AIRPORT APRON EXPANSION PROJECT: The area immediately in front of the existing terminal does not have sufficient apron for aircraft to effectively use the terminal. The Airport Advisory Board has requested that a grant request be submitted to FAA to construct an expansion of the airport apron directly in front of the terminal. The total expected cost is \$193,210. Should FAA funds be received for this project, the City's share would be \$19,321, with construction to take place in 2003.

Even though this project has not been incorporated into the Airport Layout Plan, the Airport Advisory Board is recommending that the City Commission authorize the City Manager to submit this project for possible funding from FAA. Following City Commission approval, the Airport Advisory Board will consider amending the Airport Layout Plan.

Howard Rome moved, Henry Schwaller IV seconded, that the City Manager be authorized to seek funds from FAA to construct an apron expansion at the Hays Regional Airport.

Commissioner Schwaller requested that in the future, recommendations from the Airport Advisory Board be attached to the memo as proof.

The Mayor called for the vote.

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

14. HEALTH INSURANCE CONTRACT: The City Employee Health Insurance Committee recommended that a proposal submitted by Blue Cross and Blue Shield for the City's Health Insurance Program for 2001 be accepted. The proposed plan is identical to the plan in place in 2000 with identical deductibles and maximum out-of-pocket co-payments. However, it involves a 2.3% increase in the maximum annual liability in 2001 as compared to the amount quoted for 2000.

The Committee is recommending that any amount of the \$656,000 budgeted for health insurance in 2000 not spent be transferred to the Employee Health Insurance Reserve Fund.

Henry Schwaller IV moved, Larry Schmidt seconded, that the City Manager be authorized to sign a contract with Blue Cross and Blue Shield for health insurance for City employees for 2001.

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

Howard Rome moved, Wayne Billinger seconded, that any funds not spent in 2000 for health insurance be transferred to the Employee Health Insurance Reserve Fund.

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

15. LEGISLATIVE SERVICES AGREEMENT: Several years ago the City entered into a contract with Logan, Riley, Carson, & Kaup, L.C. for legislative services to protect the City's interest regarding legislative matters, particularly dealing with environmental and water concerns. City Manager Zacharias recommended the City of Hays continue this agreement with the firm. The

services have been useful in the past. As the City embarks on the South Russell Water Field Project, it may be advantageous to have the firm advocate in the City's behalf in Topeka should the City require it.

Mr. Kaup drafted a legislative policy statement for the City of Hays. Should the Commission chose to continue the contract with Logan, Riley, Carson, & Kaup, the Commission should then review the proposed policy statement and forward any changes to the City Manager to be incorporated into a final document to be approved at a future Commission meeting.

Commissioner Schwaller stated he would be voting against accepting this agreement. His feeling is that city personnel who go to Topeka to meet with their legislators have more of an impact than lobbyists do. Furthermore, the issues addressed in the policy statement are so generic; there really isn't any reason to hire this firm.

City Manager Zacharias agreed the policy statement is too generic and the City needs to focus on issues important to the City and include those in the policy statement. The services provided by the firm have been beneficial in the past.

Mayor Hickman stated he is in favor of signing a contract with the firm. They are our watchdogs on issues that concern the City.

Wayne Billinger moved, Howard Rome seconded, that the Mayor be authorized to sign an agreement with Logan, Riley, Carson, & Kaup for legislative services for 2001.

Commissioner Schmidt stated he would vote no. He sees no advantage of having the City of Hays spend money on legislative services provided through a lobbyist, especially since there is not a cap on the amount spent.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

The City Manager requested the Commissioners review the policy statement and advise him of any changes they desire.

16. DONATION OF BRICKS TO FHSU: Fort Hays State University made a request to acquire used street pavers from the City to use in landscaping around FHSU. The value of a new paver is approximately \$.25 per brick. These would be taken from the stockpile of pavers removed from City streets over the years. These have never been given out to any organization in the past because we may need to use them on future street projects.

Wayne Billinger stated he was in favor of honoring this request. The City received bricks from Salina when the railroad corridor project was being constructed. Those bricks were never used because of a decision to use new bricks, so there is abundance of old bricks.

Wayne Billinger moved, Henry Schwaller IV seconded, that the donation of 9,500 street paver bricks to Fort Hays State University be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

17. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated that bids for the Vine Street Reconstruction Project have come in about \$1.4 million lower than estimated, which is approximately \$800,000 less for the City's share.

City Manager Zacharias stated that the concern expressed by Commissioner Schwaller at the last meeting about pedestrian safety has been addressed. The Police Department has provided several ways to improve safety. Two areas that may make a difference are increased street lighting and an increased public education campaign. Statistical reports indicate that Hays is comparably low in fatal accidents. The City Manager plans to provide more information at a future date.

Commissioner Schwaller stated he appreciated all the work the Assistant City Manager put into studying this issue. His concern is whether there is an increase of the average vehicle speed on arterial and corridor routes. The City needs to be more aggressive in pursuing and prosecuting speeders.

18. ADD-ON ITEMS: City Manager Zacharias stated he has consulted with a tax attorney and individuals can contribute monies to the City of Hays for the Downtown Development Corporation. Funds have to be delivered to a government entity in order to be tax deductible.

Commissioner Schmidt stated he would like to have information on projects upon which he is expected to make decisions in a more timely fashion.

Mayor Hickman stated that in the future if a Commissioner is going to abstain from a vote, he would appreciate it if he would announce it prior to the vote.

Mayor Hickman requested that the Traffic Advisory Committee study whether a 4-way stop sign would need to be installed at the intersection of 41st Street and Hall Street sometime in the future due to the increased traffic in that area as a result of the property development north of Interstate 70.

Mayor Hickman suggested City staff visit with KDOT officials to see if the City can start doing some improvements now that will be included in the Enhancement Project and credit the City for its portion.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board