

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 25, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session on Thursday, September 25, 2003 at 7:30 p.m.

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

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

2. MINUTES: There were no corrections to the September 11, 2003 minutes; they were approved as written.

3. FINANCIAL STATEMENT: City Clerk Susie Berger noted that the September 2003 sales tax collections are \$18,652 higher than for the same time period last year. Year to date, the City has received 5.74% more than last year.

Sunell Koerner moved, Kent Steward seconded, that the Financial Statement for the month of August 2003, be approved.

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

4. CITIZEN COMMENTS: Mark Evans, 1100 Downing Avenue, addressed the Commission regarding funding for the Humane Society of the High Plains. Mr. Evans encouraged the Commissioners to continue working with the Humane Society for animal control and shelter services.

Mary Wiesner, 2202 Drum Avenue, voiced concern about recreational vehicles being parked in the front yard in residential property. She feels there should be an ordinance banning that practice.

Commissioner Schwaller stated the Planning Commission has discussed the issue and decided not to take any action. If an ordinance were to be drafted banning the parking of recreational vehicles in front yards, there would probably be over 600 homes that would have a violation. It would be very hard to enforce. One ordinance to help one person would harm a whole lot of other people.

City Attorney John Bird stated Mrs. Wiesner could pursue this issue at the court level if she chose to.

Commissioner Steward requested that staff check city ordinances forbidding the parking of vehicles on grass or dirt. There are a number of those types of violations going on in the community.

5. CONSENT AGENDA: There were no items on the consent agenda.

UNFINISHED BUSINESS

6. ANIMAL CONTROL/ANIMAL SHELTER SERVICES: The City of Hays has a three-year contract with the Humane Society of the High Plains. Upon 90 days notice, the City or the Humane Society can notify the other party that they wish to renegotiate the contract for the ensuing year. In June, the Humane Society notified the City that they did want to renegotiate the contract. They requested various stipulations and funding in the amount of \$112,176. The City has budgeted \$92,000 for animal control services in 2004. Following their request, the Commission requested staff to research the issue and provide other alternatives.

City Manager Gustafson stated the City could approve their request for additional funding or do a request for proposals for 2004 for animal control and shelter services.

Commissioner Schwaller stated he is comfortable with having City staff work with the Humane Society to negotiate a contract for 2004 with stipulations.

He would rather do that than request proposals for shelter services or have the police department take over animal control. He has no desire to take back a City function that has been privatized.

Commissioner Steward wondered if there is sufficient time to renegotiate. If renegotiations are not successful, where does that leave the City and the Humane Society?

Chairperson Hickman stated that the Humane Society does a good job, but he feels that it is good practice to do a RFP every few years to guarantee that the City gets the best product and the best service for the best price.

Commissioner Schwaller stated that he doesn't think there is enough time to do an RFP. If the City were to follow that route and choose some other entity, the Humane Society would have no other source of revenue. He thinks the best option would be to negotiate with the Humane Society.

Karen Hickman, president of the Board of Directors of the Humane Society of the High Plains, requested the Humane Society be retained as the contractor for animal control and shelter services. They are committed to the care of all animals and protecting animal and public safety through animal control. The Humane Society proposed to continue animal control and shelter services as in the past, provided that the City reimburses them for the full cost of those services as determined by a qualified accountant.

Commissioner Schwaller stated he would like to see an audit of the Humane Society for the year 2002 and an organizational assessment with an accounting firm approved by both parties. He would like to see shelter costs separated from animal control costs. Additionally, he would like the Commission to pick four board members to serve on the Humane Society for the term of the agreement.

Chairperson Hickman stated that the City does not have board member representation with other entities the City has contracts with, therefore, he doesn't agree with Commissioner Schwaller on that one item.

Commissioner Schwaller said this would be to supplement the good people already on the board, not to take over, but to help them with people who would be professional and get this organization on the right path.

City Manager Gustafson suggested the negotiation process start immediately and also begin the RFP process for 2005 services.

Commissioner Billinger stated he didn't feel the City needed to appoint any board members to the Humane Society. He agrees with having an audit performed. He favors renegotiations to protect the Humane Society for the next year, with the understanding that in the future, the City does an RFP.

Commissioner Steward proposed that the difference between what the City budgeted and what the Humane Society requested be split. Additionally, set a deadline of July 1, 2004 to accomplish negotiations for 2005. This would give the City time to pursue a RFP if needed.

City Manager Gustafson suggested an April 1, 2004 deadline for 2005 negotiations, so that if an RFP were to be required, there would be ample time before the budget process was completed.

Henry Schwaller IV moved, Wayne Billinger seconded, that the City of Hays renew the Humane Society contract for 2004 given negotiations on the price of the contract based on the current level that is budgeted to be funded and the requested level, and that negotiations continue with the Humane Society through April 1, 2004 regarding the specific terms and conditions as brought forth by the Humane Society and the Hays City Commission.

City Manager Gustafson clarified that the money issue would be the difference split between what is budgeted and what the Humane Society requested.

Commissioner Schwaller stated that is correct. Additionally, the negotiations should cover what services are to be provided by the Humane Society. All of these issues should be pending an audit.

Chairperson Hickman stated that he is not comfortable with getting negotiations under way after renewing the contract.

The Chairperson called for the vote.

Vote: Ayes: Sunell Koerner
Kent Steward
Wayne Billinger
Henry Schwaller IV
No: Troy Hickman

7. HISTORIC RESOURCE SURVEY GRANT APPLICATION: The Downtown Hays Development Corporation (DHDC) approached the City Commission previously requesting they consider applying to declare downtown Hays as a Historic District. Further research and communication with the State Historical Society Office unveiled an opportunity to apply for a grant to have a historic resource survey completed within the City of Hays.

Sabrina William, DHDC Coordinator, stated that should the City or the DHDC decide to pursue the grant, a 40% match would be required. The match requirement based on the consultant's fee would be \$2,400 to \$4,000. She proposed that the City of Hays agree to provide a \$3,000 cash match for the FY2004 Historic Preservation Fund Grant Application. If the grant writer is city staff or herself, his or her salary could be considered in-kind match. Therefore, the City of Hays or DHDC could apply for the grant in excess of \$10,000.

Henry Schwaller IV moved, Wayne Billinger seconded, that approval be given to the Downtown Hays Development Corporation to apply for a Kansas State Historical Society Grant to conduct a historic resource survey within the City of Hays and provide a \$3,000 cash match.

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

8. GOLDEN BELT ESTATES FIRST ADDITION ANNEXATION: Western Plains Service Corporation has petitioned the City to annex Golden Belt Estates First Addition into the City of Hays.

Henry Schwaller IV moved, Kent Steward seconded, that Ordinance No. 3618, being an ordinance annexing land to the City of Hays, Kansas be approved.

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

9. GOLDEN BELT ESTATES FIRST ADDITION CHANGE OF ZONING

CLASSIFICATION: Western Plains Service Corporation has requested a zoning change for the Golden Belt Estates First Addition for Agricultural to R-1 Single Family Dwelling District.

Henry Schwaller IV moved, Kent Steward seconded, that Ordinance No. 3619, being an ordinance rezoning a tract of land situated in the southeast quarter (SE/4) of Section Twenty (20), Township Thirteen (13) South, Range Eighteen (18) West of the Sixth Principal Meridian in Ellis County, Kansas, from “A-L” Agricultural District to “R-1” Single-Family Dwelling District, be approved.

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

10. GOLDEN BELT ESTATES FIRST ADDITION FINAL PLAT APPROVAL:

Western Plains Service Corporation has submitted the Final Plat of Golden Belt Estates First Addition for approval.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 448, being a resolution approving the final plat of Golden Belt Estates First Addition as presented, be approved.

Vote: Ayes: Troy Hickman
Sunell Koerner
Kent Steward

Wayne Billinger
Henry Schwaller IV

11. RESOLUTION AUTHORIZING BOND SALE: As part of the process to sell bonds to fund various infrastructure improvements, a resolution must be approved authorizing the bond sale.

City Clerk Susie Berger stated the funds will be used to finance the 2003 Sidewalk Ramps, 8th Street Reconstruction Engineering, Hall Street Engineering, Vine Street Resurfacing, Vine Street Signals, Airport Runway Improvements, the 43rd Street Construction and special assessed projects for 41st Street Plaza 4th Addition, and the 43rd Street Water and Sewer Improvements.

Wayne Billinger moved, Sunell Koerner seconded that Resolution No. 446, being a resolution authorizing the offer for sale of approximately \$1,825,000 of General Obligation Internal Improvement Bonds, Series 2003-A, of the City of Hays, Kansas, be approved.

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

12. HEALTH FACILITY REVENUE BONDS: Hays Medical Center (HMC) is desiring to issue Health Facility Revenue Bonds to refinance previously issued bonds used to (a) finance or reimburse Hays Medical Center for the costs of acquiring, constructing and installing certain health care facilities, (b) finance the construction of certain health care facilities of HMC, including without limitation construction of an addition to the Michael E. Debakey Heart Institutue of Kansas at HMC and an expansion of inpatient rehabilitation services; (c) fund a debt service for the Bonds and (d) pay certain costs related to the issuance of bonds.

No action is necessary unless the City Commission wishes to disapprove of Hays Medical Center issuing bonds. There are no ramifications for the City; therefore no action was taken.

13. AMENDED SPECIAL ASSESMENT ORDINANCE: Lots 1 and 2, Block 1, Marvin F. Braun Addition were calculated as one assessment. Even though the owner of both lots is the same, Bond Counsel believed the assessment should be apportioned amongst the two lots based on front footage. Ordinance No. 3617 corrects that.

Henry Schwaller IV moved, Sunell Koerner seconded, that Ordinance No. 3617, being an ordinance amending Section One (1) of Ordinance No. 3611, passed by the Governing Body of the 14th day of August, 2003, regarding the levying of special assessments, be approved.

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

14. RESOLUTION AUTHORIZING RUNWAY 16-34 PROJECT: Under Charter Ordinance 13, the City is authorized to bond \$100,000 each year for capital improvements to the Airport. These funds are used for local match (10%) to FAA Grants. This particular \$100,000 will be used to fund the local match for the rehabilitation of Runway 16/34. Resolution No. 445 authorizes the project and allows the City to reimburse itself for engineering costs associated with the project prior to the issuance of bonds.

Kent Steward moved, Sunell Koerner seconded, that Resolution No. 445, being a resolution initiating proceedings by the Governing Body of the City of Hays, Kansas, for improvements at the City's Municipal Airport.

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

15. REPORT OF THE CITY MANAGER: Commissioner Schwaller expressed his concern that the Ellis County Coalition for Economic Development Board of Directors has had difficulty having enough members at meetings to constitute a quorum.

Commissioner Schwaller requested the rough draft of the City of Hays Economic Development document be shared with the Ellis County Coalition in order to solicit their comments. He would be in favor of a joint meeting with the Coalition.

City Manager Gustafson stated it his intent, if the Commission approves, to support applications regarding Essential Air Services submissions submitted by both airlines operating out of Hays with a letter from the City and from other leaders in the community. The Commissioners approved of the City Manager's intent to create and distribute a letter of support.

16. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller stated he is hopeful that the proposed traffic study could be done in thirds or other logical breaking points. This would be fiscally prudent given the current economic situation.

Commissioner Schwaller stated that 18-wheelers and trucks are parking on West 43rd Street. The Police Department needs to enforce the "no parking" in that area. He also wants to extend the "no parking" to East 43rd Street. Trucks that are not delivering should also be banned. They are doing substantial damage to the concrete and curb work.

Commissioner Schwaller requested the green fees policy at the Hays Municipal Golf Course be reviewed for individuals and groups.

Commissioner Billinger stated he thinks it is important to let the citizens know that as the City reconstructs Vine Street, water may be diverted to Chetolah Creek. This may help the flooding that occurs in the Lincoln Draw area. The City is concerned about stormwater and is taking some measures to try to alleviate the situation.

Commissioner Steward commented that when the City enters into negotiations with the Humane Society, serious consideration is given to the

patrolling part of the contract, whether the City does it or the Humane Society does it.

17. EXECUTIVE SESSION: Kent Steward moved, Wayne Billinger seconded, that the Governing Body recess to executive session at 9:10 p.m. for five minutes to discuss the possible acquisition of real property, with the justification that it would be unfair to the taxpayers to reveal our negotiating position. The executive session will include the Commissioners, the City Manager, the Assistant City Manager, the City Attorney, and the Public Works Director.

Commissioner Schwaller stated he would not participate in the executive session due to a conflict of interest.

Chairperson Hickman noted that the Hays Daily News objects to executive sessions. He called for the vote.

Vote: Ayes: Troy Hickman
Sunell Koerner
Kent Steward
Wayne Billinger

Non-voting: Henry Schwaller IV

Chairperson Hickman called the meeting back to order at 9:15 p.m. He stated no action was taken during executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

