

City of Hays  
City Commission  
Work Session Notes  
May 3, 2012

Present: Troy Hickman, Kent Steward, Henry Schwaller IV, Ron Mellick, John Bird, Toby Dougherty

Absent: Barbara Wasinger

**King's Gate 2<sup>nd</sup> Addition – Final Plat**

This item has been removed from the work session agenda at the developer's request.

**Singers Roof**

In 2011, the downtown business venue known as Singers, a live music venue, opened to the public at 116 East 12<sup>th</sup> St. In order to provide more space for the business, the owners have purchased the vacant building immediately east of the Singers building with the thought of removing the roof and creating an outdoor area for patrons. Since this property is a part of the Chestnut Street Historic District, the State Historic Preservation Office (SHPO) had to approve the planned renovations. After review, the SHPO determined that removing the roof will alter the historic character of the building. State law allows the local governing body to determine otherwise and approve the proposal, if, based on a consideration of all relevant factors, there is no feasible and prudent alternative to the proposal and that the project includes all possible planning to minimize harm to the historic property.

The owner of the property has asked the Commission to rule against the SHPO. Prior to receiving the determination from the SHPO, the owner hired a contractor to remove the roof covering from the building. The roof covering was in a state of disrepair and needed to be replaced one way or another, even if the

roof structure was not going to be removed. However, while removing the roof covering, the roof's trusses allegedly collapsed since they too were in disrepair and were apparently being held in place by the roof covering. If the Commission agrees with the SHPO determination, the owner will be required to restore the roof to its original condition.

Adam Comeau, representing the owner, Dave Gray, addressed the Commission about the plans for the property.

Staff recommended approval of the request and feels that the proposed use will not be detrimental to the historical nature of the area. The Commissioners will be requested to consider approval of the request at the May 10, 2012 Commission meeting.

### **Hays Shooting Range Remediation Project**

The old Hays Shooting Range, located at 1116 Vineyard Road, has been inactive since 1998. In 2005, the site was referred to KDHE and a site investigation was completed, which determined that lead contamination above acceptable levels exists and remediation is required. In 2010, the City, County, and KDHE entered into an agreement detailing a plan of action to clean up the site. In September 2011, the City entered into an agreement with Geotechnical Services, Ind. (GSI) for professional services related to the mediation of lead on the site.

GSI has completed the Remediation Action Plan and KDHE has approved it. Staff requested authorization for GSI to proceed with the actual remediation in the amount of \$74,839.60. Ellis County is participating in the clean-up by hiring the excavation and transport of contaminated soils along with the site restoration.

The Commissioners will be requested to give formal authorization for the actual remediation at the May 10, 2012 Commission meeting.

### **Levee Inspection Agreement**

The City's levee was built by the City of Hays and Fort Hays State University in response to severe flooding in 1951. Records indicate that the

original intention of the levee was temporary protection, with a better designed levee to be built once plans and funding became available. Funds were never allocated for this purpose; the temporary levee still stands today as constructed in the early 1950's.

City staff believes that before any improvements are made to the levee, an investigation of the levee's safety and the identification of any obvious deficiencies should be made. Wilson and Co. has extensive experience with levees in Kansas, having performed safety inspection and engineering services for eight levees in the state in recent years, totaling over 46 miles in length. Staff recommended entering into an agreement with Wilson & Co. to perform an initial safety inspection of the levee, at a cost of \$19,874 to be paid from the Stormwater Utility Fund.

Stormwater Superintendent Nick Willis has discussed this safety inspection with Jim Schreiber of Fort Hays State University. Additionally, Public Works Director I. D. Creech has discussed this topic at the biannual meeting between FHSU and the City.

Mr. Creech stated that from the study, the City should have the background and data necessary to try to form some type of coalition to address all of the concerns for the various parties that will be affected by the levee.

After discussion, it was decided to solicit bids from other firms that may be interested in submitting a bid.

### **Other Items for Discussion**

State law required the State of Kansas and cities to make certain findings about the water and sewer systems of a municipality in order for the municipality to exercise the powers granted in the Kansas Water Pollution Act. The KDHE has, over the years, asserted the need for Hays to implement various changes and improvements to its infrastructure. In order to formalize those findings and to make sure that there can be no question of technical compliance with State law, the Commissioners will be requested to approve a joint resolution at the May 10, 2012 Commission meeting. KDHE has already approved the resolution.

Commissioner Mellick requested City staff look into ordinances regarding demolition of property, especially in the Chestnut Street District.

The work session adjourned at 7:28 p.m.

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

Doris Wing – City Clerk