

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 11, 2012

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 11, 2012 at 6:30 p.m.

Roll Call: Present: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Barbara Wasinger

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

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on September 27, 2012; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Barbara Wasinger moved, Henry Schwaller IV seconded, that the following mayoral appointments be approved:

Sister Cities Advisory Board

Max Maximov – three-year term to expire January 1, 2016

Hays Convention & Visitors Bureau Advisory Committee

Connie Schmidt – unexpired term to expire December 1, 2013

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Barbara Wasinger

NEW BUSINESS

5. ADDITIONAL FUNDING FOR LARKS PARK TURF: At the June 28, 2012 Commission meeting, the Commissioners authorized a not-to-exceed cost of \$150,000 to cost-share with Fort Hays State University for the replacement of turf at Larks Park. Received bids exceeded the estimates. FHSU is requesting the City Commission authorize an additional \$20,325 to split the cost of the overage.

Director of Parks Jeff Boyle and Fort Hays State University Athletic Director Curtis Hammeke presented information regarding the selected turf for Larks Park.

Ron Mellick moved, Barbara Wasinger moved, that additional funds in the amount of \$20,325 be authorized to pay for the additional cost of the turf replacement at Larks Park to be paid from the City Commission Financial Policy Projects fund.

Commissioner Steward commented that it makes sense for the City to cost-share in this project because the City owns the facility even though FHSU manages it.

Commissioner Schwaller stated that a concern he has had for a long time is the fact that every time there is a project at Larks Park, the City is asked to pay for part of the improvements. The City owns the property, but the City does not use it. It is shared between two other organizations. Because of that, he thinks the City should consider a long-term lease of the property to FHSU. This is a facility that the City cannot afford to maintain over a period of time. It has been very expensive. This is the third time the City has been asked to cost-share the improvements and he cannot vote to do that.

Vote: Ayes: Troy Hickman

Kent Steward

Ron Mellick

Barbara Wasinger

No: Henry Schwaller IV

6. DOWNTOWN HAYS DEVELOPMENT CORPORATION PAVILION

FUNDING: The Downtown Hays Development Corporation presented a request for financial support of the proposed pavilion project at the September 20, 2012 work session. The project is estimated to cost \$576,534, which includes facility construction and site improvements. Specifically, their request from the City is not to exceed \$276,534. Broken down, this request equates to a \$100,000 cash contribution and \$176,534 in match non-cash site improvements. DHDC will raise the remaining funds necessary for the project. They have also requested the City provide project oversight.

The expected ongoing cost incurred by the City for operations would be \$6,000 annually, and the maintenance fund for future improvements would be \$3,000 to \$5,000. It is requested that, if approved, the total capital cost of \$276,534 be funded with City Commission Financial Policy Project fund.

Michelle Flax, board member of the DHDC, and Traci Conrade, executive director, addressed the Commissioners regarding the project funding and on-going maintenance costs.

Commissioner Wasinger stated she felt there needs to be a written agreement that DHDC will commit a percentage of their future fund raising dollars towards the annual maintenance costs of the pavilion.

Ms. Conrade stated this has not been discussed with the board; however she feels that is something that can be discussed at the next board meeting.

Commissioner Schwaller stated he supports the project but the cash contribution concerns him. The City did not have any oversight of the project, does not control what it will look like, and the facility will not belong to the City. He proposed the city contribute \$176,534 to site preparation and up to \$75,000 for the cost of a restroom which will be located on the property.

Ms. Conrade stated that a donor has agreed to pay for ½ of the cost of the project contingent upon City support, not only in-kind, but also with a cash donation. There is a great possibility that if the City does not support the project with a cash contribution, the donor will not contribute to this project.

Commissioner Steward commented that he feels that even though the City has relinquished some control of the project, he feels that the taxpayer is getting a great deal, basically \$2 for every \$1 of City funds, by having the donor covering ½ of the cost of the project. This facility would be a great asset for the community at half the price.

Henry Schwaller IV moved, Kent Steward seconded, that the City provide site preparation services for the proposed structure not to exceed \$176,534, the City provide a restroom not to exceed the estimated cost of \$75,000, subject to the approval of the railroad to put the structure on the property, subject to an agreement between the Downtown Hays Development Corporation and the City of Hays regarding on-going annual maintenance costs of the structure, funding to be taken out of the City Commission Financial Policy Projects fund.

Commissioner Mellick stated that since he has been on the Commission the idea has been floated around that the DHDC is looking for an open-air structure to host a farmers' market, concerts, etc. in the summer time. That concept was put into the Comprehensive Plan. Three weeks after the Comprehensive Plan was approved, the pavilion concept was presented. He finds it quite puzzling to discover that the DHDC has been working on this concept for some time but no one mentioned it during the Comprehensive Plan process. He is appalled at how much money the DHDC wants from the City. He does not feel that the City should be providing an enclosed building for weddings, family reunions, business meetings and other indoor events. The pitfalls of this are the same as the City operating/owning a convention center. The building will need tables and chairs and someplace to store them. He is afraid the project will snowball. It will cost the City to take care of this building and those costs are only going to grow. The City should not be getting into a business that competes with private enterprise. He is not against an outdoor open structure similar to what has been presented to him the last six years.

Commissioner Schwaller stated the Comprehensive Plan is a road map, it is a guess, and it is not precise. The City provides park shelters for weddings,

family reunion, etc. Just because this structure has four walls does not make it a competitor to other venues.

Ms. Conrade stated that it evolved from a farmers' market into a pavilion during the Comprehensive Plan. DHDC supports this multi-use pavilion whereas a farmers' market would only have one use.

Robert Wickham, representing the farmers' market which is held on the Orschelen parking lot each summer, stated that most of the farmers will not go to the downtown pavilion because it is too close to the railroad tracks, noise from the trains, safety hazards, parking, and elderly walking to the market.

Vote: Ayes: Troy Hickman

Kent Steward

Henry Schwaller IV

Barbara Wasinger

No: Ron Mellick

7. GOLDEN BELT 8TH ADDITION REPLAT (LOT 2, BLOCK 9): The owner of Lot 2, Block 9 of the Golden Belt 8th Addition has submitted a replat of the property for consideration. This property was originally platted in 1983 as one lot (440' X 450') and is now being split into 24 residential lots.

Ron Mellick moved, Henry Schwaller IV seconded, that Resolution No. 2012-013, being a resolution accepting the Replat of Lot 2, Block 9, Golden Belt Estates 8th Addition, be approved, with the contingency that the alley be paved with concrete from the east end to the west end.

Vote: Ayes: Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

Barbara Wasinger

8. PRE-ANNEXATION AGREEMENT FOR SANITARY SEWER SERVICE FOR 2807 HIGHWAY 183 ALTERNATE:

The owner of 2807 Hwy 183 Alternate has requested a sanitary sewer connection for an existing commercial structure on the property. The Development Policy allows connection to utilities when the

subject property lies outside the city limits as long as the parties involved first agree to a pre-annexation agreement. If approved, the owner will have the well located on the property metered for the purpose of paying sewer fees.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the Pre-Annexation Agreement, which would allow the owners of 2807 Highway 183 Alternate to connect one commercial structure to the City sanitary sewer system, be approved.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Barbara Wasinger

9. VACATE OF ALLEY IN RESERVATION ADDITION: The Reservation Addition was platted in 1976. Within this plat, there is a platted alley dedication identified, however, it was never improved in any manner. A request has been made by the property owner to vacate a portion of the platted 20 foot alley within the Reservation Addition located between Lots 21 and 22 of Block 1. There are no utilities within the 20 foot alley dedication, and no future plan for utilities within the area. This request has been reviewed by City staff and has gone before the Utility Advisory Committee and the Hays Area Planning Commission for review and comments. All those involved have determined that the alley is not necessary, do not anticipate any future development requiring the alley, and agree with the vacate request.

Barbara Wasinger moved, Henry Schwaller IV seconded, that Ordinance No. 3857, being an ordinance vacating a portion of a public platted alley located between Lots 21 and 22, Block 1 of Reservation Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Troy Hickman
Kent Steward
Henry Schwaller IV
Ron Mellick
Barbara Wasinger

10. REPORT OF THE CITY MANAGER: Assistant City Manager reported that the annual alley clean-up will be completed by next week.

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller requested the Park Director check on some trees that need trimming in the park area near Highway 40 Bypass and the bridge.

Commissioner Schwaller would like the Commissioners to discuss the possibility of a signal traffic light at 27th Street and Indian Trail.

Commissioner Schwaller thanked everyone that responded to the fire at a local restaurant/bar. The work the crews did was amazing in containing the fire and keeping it from spreading to other businesses in the shopping center.

Commissioner Steward stated that he would like to see the accident history of the 27th Street and Indian Trail intersection.

The meeting adjourned at 7:22 p.m.

Submitted by: _____

Doris Wing – City Clerk

