

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 10, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, April 10, 1997, at 7:30 p.m.

Roll Call: Present: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

2. SWEARING IN CEREMONY: City Clerk Susie Grabbe administered the Oath of Office to newly elected Commissioners Wayne Billinger, Troy Hickman, and Howard Rome.

3. COMMISSION VACANCY: Wayne Billinger moved, Troy Hickman seconded, that Sharon Leikam be appointed to fill the unexpired term of Dr. Robert Albers, who resigned April 9, 1997.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome

City Clerk Susie Grabbe administered the Oath of Office to Commissioner Leikam.

4. REORGANIZATION OF THE GOVERNING BODY: Commissioner Clarke called for a motion to elect a Mayor and Chairman of the Board of Commissioners.

Thereupon Sharon Leikam moved, Wayne Billinger seconded, that Jayne Clarke be elected Mayor and Chairman of the Board of Commissioners for the ensuing year.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Mayor Clarke called for a motion to elect an Acting Mayor and Vice Chairman of the Board of Commissioners.

Thereupon Troy Hickman moved, Sharon Leikam seconded, that Wayne Billinger be elected Acting Mayor and Vice Chairman of the Board of Commissioners for the ensuing year.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Commissioner Rome suggested that for purposes of continuity, Jayne Clarke serve as Mayor for two years, followed by Wayne Billinger and Troy Hickman. Mayor Clarke said she appreciated the thoughts and concerns regarding continuity of the mayor's term. However, she did not feel it is necessary to address the Mayor's term at the present time; it can be addressed a year from now.

Mayor Clarke said this Commission will be faced with some tough decisions regarding community needs. Since funding is limited, it is important to prioritize those needs. She is proposing that the Commission hold work sessions three Thursdays in May to study the various community needs and receive citizen input. Her goal is to focus on no more than five priority issues.

5. MINUTES: Sharon Leikam moved, Howard Rome seconded, that the minutes of the March 27, 1997, regular session, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

6. CITIZEN PARTICIPATION PROGRAM: There were no citizens present.

7. CITIZENS COMMENTS: Paul Montoia, City of Hays Wellfield Planner, was present, and invited the Commission to attend a satellite video conference entitled "Community Water Education

for Youth" to be held on May 1, 1997 at Fort Hays State University. This conference will be for youth leaders and natural resource managers.

8. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Rome noted that the use of air service out of Hays is still on the increase. He complimented the citizens of Hays for using the local air service. Due to this increase of enplanements, dual hub air service will be available within the next year.

Public Works Director Elden Hammerschmidt announced that the Commerce Parkway Improvement Project will be delayed until the middle of June, 1997. The Army Corps of Engineers is requiring a wet land study be conducted along Commerce Parkway. This study will be funded by the City and County. Bucher, Willis and Ratliff engineer Harvey Ruder is soliciting prospective bidders to conduct the wet land study.

9. CONSENT ITEMS: There were no consent items for approval.

10. CITY COMMITTEE REPORTS: City Manager Zacharias said the City has approximately fourteen committees. City staff has invited a representative from each committee to give a report on the activities of the committee. These reports will be a means of educating the City Commission as well as citizens. There were no committee representatives present at tonight's meeting.

11. VINE STREET ENGINEERING: A contract was presented from Bucher, Willis and Ratliff to provide engineering design study and construction services for temporary improvements to Vine Street from 27th Street north to Interstate-70. The contract totals a not-to-exceed amount of \$34,000.

At the direction of the City Commission, Public Works Director Elden Hammerschmidt has researched the possibility of negotiating with local contractors to do the work rather than go through the bid process. Mr. Hammerschmidt was informed by the Kansas Department of Transportation that the Project will need to go through the bid process. The City has been awarded a 50-50 cost share KLINK Grant with a maximum of \$150,000 from the Kansas Department of Transportation. He noted that it is not necessary to bid the engineering services.

Mr. Hammerschmidt recommended the study portion of the engineering contract totaling \$2,250 be approved tonight. After the study, a recommendation can be made as to what method will be used as a temporary improvement to Vine Street. The engineering contract will be based on that recommendation.

Howard Rome moved, Wayne Billinger seconded, that the study phase of the contract with Bucher, Willis and Ratliff totaling \$2,250.00, for temporary improvements to Vine Street, be approved.

Mayor Clarke asked City staff to investigate the feasibility of the City having an engineer on-staff. Public Works Director Elden Hammerschmidt said City staff has been collecting data regarding an on-staff engineer, and hope to have a report at budget time. It would be beneficial to have our own engineer to do conceptual design, inspection services and daily consultation. The actual design and construction phase will require an engineering firm.

Commissioner Leikam said the feasibility of an on-staff engineer has been studied and considered in the past. Creating an engineering position would be very costly, and there is no available office space for an engineering department. She suggested approaching the County about cost sharing an engineering department. City Manager Zacharias said the issue of cost sharing an engineer could be discussed at a joint City-County meeting.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

12. VINE STREET AND 12TH STREET FINANCING: City Manager Zacharias presented a resolution initiating proceedings for the Vine Street Improvement Project from 27th Street north to Interstate-70 estimated to cost \$1,678,000, and a resolution initiating proceedings for the 12th Street Improvement Project from Elm Street to the west city limits estimated to cost

\$313,000. Both resolutions state the City's intent to finance the Projects by the issuance of General Obligation Bonds.

Howard Rome moved, Sharon Leikam seconded, that Resolution No. 243, being a resolution initiating proceedings by the Governing Body for improvement of a portion of Vine Street in the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Sharon Leikam moved, Howard Rome seconded, that Resolution No. 242, being a resolution initiating proceedings by the Governing Body for improvement of a portion of 12th Street in the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

13. WILD WEST FEST LEASE: Tom Meiers, Dee Schmidt, and Jerry Haley, representing the Wild West Fest Committee presented a Lease Agreement for the use of the Frontier and Municipal Park during the July 4, 1997 weekend.

Ms. Schmidt reviewed the schedule of events for the Wild West Fest. A variety of well known entertainers have been booked. The response from food vendors has been excellent.

Mr. Haley said due to the growth of the Wild West Fest, temporary electrical power to supply the vendors is becoming a problem, and raising a safety concern. A solution would be a permanent electrical source. He estimated a power source to cost approximately \$10,000. He asked the City Commission to explore the possibility of the City funding this \$10,000 request.

Mr. Haley said the Wild West Fest is a non-profit event. Board members are volunteers, and they are limited to a three

year term. Terms of three Board members will expire this year. The Board is looking for three new Board members, and also volunteers to help run the Festival. Anyone interested can contact Dee Schmidt at the Wild West Fest Office located in the Hays Chamber of Commerce Building.

Mr. Meiers said this years' Festival will be dedicated to Ann Werhan who passed away recently. Ms. Werhan has donated countless hours to previous festivals.

Howard Rome moved, Troy Hickman seconded, that a Lease Agreement for the use of Frontier and the Municipal Park for the Wild West Festival to be held July 4th weekend, be approved.

14. SPECIAL ASSESSMENT DISTRICT: Howard Rome moved, Troy Hickman seconded, that Resolution No. 240, being a Resolution providing notice of a public hearing to be conducted by the Governing Body of the City of Hays on the 24th day of April, 1997, at 7:30 p.m. to consider proposed assessment as to the public improvements consisting of the installation of paving, curbing, and guttering of a portion of Columbine Drive and West 30th Street located in Country Club Estates Sixth Addition; and the installation of water lines along Madison Drive and 41st Street in the 41st Street Plaza First Addition, and the paving, curbing and guttering of Sykes Boulevard, and the installation of a water line along Commerce Parkway in the Hays Airport Industrial Park, and the installation of water lines, sanitary sewer lines, and the grading paving, curbing and guttering of Smoky Hill Drive, Truman Circle, and a portion of Washington Circle all to be located in the 41st Street Plaza First Addition to the City of Hays, Kansas; and the installation of water lines, sanitary sewer lines, and the grading, paving, curbing and guttering of a portion of Washington Circle, all to be located in the 41st Street Plaza First Addition. Total costs of which have been determined and further directing the City Clerk to cause notice of this intended meeting to be published and written notification to be mailed to the owners of property subject to proposed assessments. All as provided and authorized by K.S.A. 12-6a09, and all acts amendatory thereof, or

supplemental thereto, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

15. STREET DEVELOPMENT: Bids for water, sewer and street improvements in 41st Street Plaza Second Addition were opened on April 9, 1997. The results of the bid opening are as follows:

| | Allied, Inc. | Wes-Kan Construction |
|-------------|--------------|----------------------|
| Base Bid | \$299,500.00 | \$314,282.83 |
| Alternate 1 | -8,396.85 | -4,974.50 |
| Alternate 2 | 767.00 | 2,120.00 |

| | Engineer's Estimate |
|-------------|---------------------|
| Base Bid | \$384,342.78 |
| Alternate 1 | -5,648.88 |
| Alternate 2 | 4,210.00 |

Bucher Willis and Ratliff engineer Harvey Ruder stated Alternate No. 1 calls for seven inches of asphalt with no base rock, instead of six inches of asphalt and rock base. Alternate No. 2 is a contingency relating to the storm sewer providing for erosion control. Alternate No. 2 is contingent upon whether or not construction easements can be obtained. He recommended that the base bid and Alternate No. 1 be accepted at this time. Alternate No. 2 can be added, if necessary.

Howard Rome moved, Wayne Billinger seconded, that the base bid and Alternate No. 1 totaling \$291,103.15, from Allied, Inc., be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

At this point, the Mayor welcomed Boy Scout Troop No. 133.

16. COMMERCE PARKWAY ANNEXATION: City Manager Zacharias said the right-of-way along Commerce Parkway must be annexed into the City limits to allow financing of the Commerce Parkway Improvement Project. He explained the process for annexation of an island into the City limits according to state statute. The first step was for the City to approve and file a "Petition and Consent for Annexation" which was approved at the last meeting. The next step is to pass a Resolution for presentation to the Ellis County Commission. The Resolution requests the County Commission to make a finding that the annexation of such land will not hinder or prevent the proper growth and development of the area, or that of any other incorporated city located within Ellis County. Once this finding is made by the Ellis County Commission, an annexation ordinance can be approved.

Sharon Leikam moved, Wayne Billinger seconded, that Resolution No. 245, being an Resolution annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

17. WESTRIDGE ADDITION: City Manager Zacharias said Resolution No. 239 regarding annexation of a portion of Westridge Addition to the City of Hays was accepted by the County Commission at their March 31, 1997 meeting. He presented an Ordinance annexing the area.

Community Development Coordinator Kent Laas noted that the owners of the property have agreed to pay for attachment of the sanitary sewer, as required by the City's development policy.

Sharon Leikam moved, Wayne Billinger seconded, that Ordinance No. 3400, being an Ordinance annexing a portion of Westridge Addition in the City of Hays, be approved contingent upon modification regarding special assessments, and the Mayor be authorized to sign the final Plat.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

18. DE-ANNEXATION OF PORTIONS OF I-70: City Manager Zacharias said the proposed de-annexation Ordinance would eliminate sections of 41st Street and Mopar Drive from the current city limits. This action is being taken to accommodate the Ellis County Commission who had some reservations about using County resources to maintain roadways annexed into the city limits. An ordinance authorizing the de-annexation was passed in February of this year. Following a more complete review of state statutes, it was discovered that the ordinance can only be passed following a formal public hearing. Thus, a new ordinance must be passed and published by the City Commission to de-annex this area following a public hearing.

Mayor Clarke opened a public hearing to receive comments regarding the de-annexation of land near Interstate 70.

There being no comments, Troy Hickman moved, Sharon Leikam seconded, that the public hearing be closed.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Sharon Leikam moved, Wayne Billinger seconded, that Ordinance No. 3401, being an ordinance de-annexing a portion of 41st Street and Mopar Drive located near Interstate-70, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

19. TALLGRASS ADDITION: Community Development Coordinator Laas said on February 24, 1997, the Planning Commission considered the final plat of Tallgrass Addition. The issue of stormwater drainage and sanitary sewer were the major items of discussion. The developer provided a stormwater drainage report. A written report was received from the City's consulting engineer stating what had previously been discussed concerning stormwater drainage and design. A question was raised concerning the number of times that a street would cross the open drainage canal in the west portion of the Plat. It was suggested that if 20th Street were not to cross the drainage canal, that a bridge could be avoided. This could be a cost savings to the City of \$40,000 to \$50,000. The developer was agreeable to modifying the Plat to reflect the engineer's suggestions. The Planning Commission considered the issue of turning 20th Street into a cul-de-sac instead of connecting it to Wheatland Avenue. The Planning Commission approved the amended plat.

Sharon Leikam moved, Wayne Billinger seconded, that Plat and Dedication papers accepting the rights-of-way and easements for Tallgrass Prairie Addition, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

20. STORM SEWER INSTALLATION: City Manager Zacharias said discussion took place at the last meeting regarding the expense the City is bearing in relation to storm sewer laterals. Currently the City's policy states that the City-at-large pays for all but five percent of storm sewer laterals. A survey was conducted of several Kansas cities as to what degree other cities finance storm sewer laterals. The basic policies of the cities contacted was the cost was split between the developer and the City with the City picking up the cost of the trunk lines and drainage flumes and bridges, and the developer bearing the cost of the laterals within the subdivision.

Mr. Laas pointed out that by the City-at-large paying for most of the cost associated with storm sewers, the City had total control and assurance that the storm sewer laterals are installed correctly.

The Commission asked City staff to provide more information.

Mayor Clarke suggested developing a policy by gathering information and providing some checks and balances. After reviewing the information, the Commission may choose to continue with present policy. City staff was directed to prepare draft language concerning a change in the storm water financing policy, and present it for Commission review as soon as possible.

21. CAPITAL IMPROVEMENT PLAN: Assistant City Manager Penny Postoak reviewed the Five Year Capital Improvement Plan for the benefit of the new Commissioners.

Howard Rome moved, Sharon seconded, that the Five Year Capital Improvement Plan, as attached hereto, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

22. COMMISSION GOALS AND OBJECTIVES: Mayor Clarke asked the Commission to consider setting three Thursdays in May to study and discuss development issues including the Strategic Plan, the Central Development Plan, the Comprehensive Land Use Plan, and the Street Task Force report. The goal is to identify five priority issues, and focus on those five issues. The Commission supported Mayor Clarke's proposal for three additional meeting in May to study the many development issues. Mayor Clarke designated May 1, 15, and 29, 1997 as Commission study sessions.

23. ADD-ON ITEMS: Commissioner Leikam asked for clarification as to who actually owns the Hays Public Library building. City Manager Zacharias said this item has been thoroughly researched by the City Attorney, Tom Wasinger, abstractor, and Gene

Anderson, Attorney for the Library Board. Records clearly indicate the building is owned by the City of Hays. Commissioner Leikam asked that a clarification of who owns the Public Library be presented at the next City-County meeting.

Commissioner Rome asked City staff to investigate the feasibility of annexing the right-on-way along Highway 183, north of Interstate 70.

The Commission asked City staff to consider reinstating the Annual Spring Clean Up.

Commissioner Hickman stated there is confusion among the public as to who's responsibility it is to maintain sidewalks. He asked City staff to present information regarding sidewalk maintenance at a future meeting. City Manager Zacharias said by Ordinance, the responsibility of maintaining sidewalks lies with the adjacent property owner. The enforcement of that provision is difficult due to limited staff time. The sidewalk enforcement issue can be revisited at a future meeting.

Commissioner Billinger proposed that the City Commission host a call-in session following Commission meetings to answer various questions from the citizens of Hays. City Manager said City staff will research the viability of a call-in session following Commission meetings.

Mayor Clarke gave recognition to three former Commissioners Rupp, Albers, and Wuertz for their dedicated service.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

