

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 25, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, September 25, 1997, at 7:30 p.m.

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

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

2. MINUTES: Wayne Billinger moved, Howard Rome seconded, that the minutes of the September 11, 1997, regular session, be approved.

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

3. FINANCIAL STATEMENT: Howard Rome moved, Sharon Leikam seconded, that the Financial Statement for August, 1997, be approved.

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

4. CITIZEN COMMENTS: Ray Winters, 2780 East 8th Street, said he thought to change the time of the City Commission meeting to 6:30 p.m. instead of 7:30 p.m. would be a bad idea; it would not allow citizens enough time between getting off work and attending the meeting.

Mr. Winters expressed opposition to the proposed County-wide sales tax. He said granting Yuasa Exide Corporation a tax

exemption is the reason the City is short of tax dollars. He presented a video illustrating a method of repairing the existing municipal pool rather than impose a sales tax to fund a new pool.

Mayor Clarke clarified that granting Yuasa Exide a tax exemption actually resulted in an increase in tax revenue to the City of Hays. They have been annexed into the City limits and the taxes they do pay now go to the City of Hays.

5. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Billinger made reference to the Trades Board minutes of July 14, 1997, in regard to the ordinance requiring lawn sprinkler installers to be certified, and currently, none are certified. Wellhead Protection Coordinator Paul Montoia said lawn sprinkler systems are being connected to wells and creating a cross connection. Steps are being taken to enforce the ordinance requiring lawn sprinkler installers to be certified.

City Manager Zacharias reported that dual hub air service will be implemented this fall. The air service from Hays to Denver is being subsidized at the rate of \$1,025,000 annually, which is a substantial increase over the amount received two years ago. He applauded the Department of Transportation for the reinstatement of air service from Hays to Denver, and also the increased allocation.

The City Manager noted that a policy has been established providing for up to \$30.00 per month, per Commissioner for Internet access and Email service while they are in office. In exchange, Commissioners must agree to have their Email address publicized.

City Manager Zacharias said the County has signed a contract for the construction of Commerce Parkway. Construction should begin this fall. The City's portion is approximately \$430,000, which is about \$20,000 below recent estimates.

6. CONSENT ITEMS: There were no consent items for consideration.

7. LIGHTING CONTRACT: This item was tabled at a previous meeting when the question arose as to whether or not street

lights for the Downtown Railroad Corridor Project were included in the application for ISTEA funding. City Manager Zacharias reported that street lights were included in the funding application, and approved. However, the City requested that the railroad corridor lighting match the downtown lighting. The Department of Transportation said that type of lighting would not be fundable due to its "sole source" nature, and the City would have to pay for the lighting. Midwest Energy has agreed to provide the lighting at a cost to the City of \$120.26 per month.

Wayne Billinger moved, Sharon Leikam seconded, that the City Manager be authorized to sign a Street Lighting Contract with Midwest Energy to provide lighting for the Downtown Railroad Corridor Project.

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

8. LOAN FOR LARKS PARK IMPROVEMENTS: City Manager Zacharias said several years ago, the City of Hays and Fort Hays State University embarked in a partnership to improve Larks Park. Through the combined efforts of the City, FHSU, and the Hays Recreation Commission, a Five Year Capital Improvement Plan was created to renovate a badly deteriorated facility.

Athletic Director Tom Spicer was present and reviewed the Capital Improvement Plan. Mr. Spicer said the Capital Improvement Plan contains nineteen improvements, all but about three improvements have been completed. The completed projects include replacement of the fence, remodeling of restrooms and locker room, installation of irrigation system with the use of effluent water, replacement of the scoreboard and public address system, rebuilding of the infield and outfield playing areas, and remodel dugouts.

Mr. Spicer said last spring, through a cooperative effort of the City and the University, a major problem of seepage of underground water into the cavity was taken care of.

Engineer's estimates indicated that it would cost \$70,000 to \$80,000 to create a dry cavity so the undercarriage could be refurbished. He said a decision was made to not spend that amount of money and to try and work around it. By simply removing some old concrete, re-shooting the grade and doing an apron, the cavity is now dry. The ceiling of the cavity can now be resealed and the area can be converted into a locker room/storage room.

The City Manager presented Resolution No. 257, being a Resolution stating that the City will fund the refinanced capital improvement loan of \$66,500 for the infield turf (\$50,000), including an increase of \$16,500 for the replacement of the foul line fencing and to refurbish the undercarriage of the stadium, subject to annual appropriations. The monthly payments of \$1,350 will begin on November 5, 1997 and continue through September 5, 2002 with a final payment on October 5, 2002 of \$3,200. This can be accomplished if the City continues to allocate the same level of funding (\$16,500) annually for capital improvement loan payments through 2002.

Sharon Leikam moved, Howard Rome seconded, that Resolution No. 257, being a resolution setting out the term of repayment of a capital improvement loan for Larks Park, be approved.

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

9. 31 FOOT STREETS FOR WESTRIDGE ADDITION: The City Commission recently adopted a policy to allow the option of building 31 foot streets in residential developments, to be approved on a case-by-case basis by the Commission. City Manager Zacharias said Rick and Christine Chambers have made a formal request that Post and Butterfield Roads located in the Second Replat of a Portion of Westridge Addition to Ellis County, Kansas, be built to the 31 foot standard.

Community Development Coordinator Kent Laas said Butterfield Road is a cul-de-sac, and Post Road connects 37th

Street to 41st Street. He noted that 37th Street is not constructed at this time. Post Road is not intended to ever be a collector street. Columbine Drive which is located to the east of Post Road is designated to be a collector street.

Sharon Leikam moved, Wayne Billinger seconded that a request from Richard and Christine Chambers to pave Butterfield Road and Post Road in Westridge Addition at 31 feet versus 40 feet, be approved.

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

10. SPECIAL ASSESSMENT DISTRICT: Community Development Coordinator Laas presented a Resolution to initiate/create a "Special Assessment District" for the installation of a public sanitary sewer to serve eight residential lots along Indian Trail and Schwaller Avenue. The area was originally developed as a Planned Unit Development and as such all utilities including a private sewer system was installed by the current owner to serve the several residential structures which were planned for the site. The fact that only two such structures were completed, coupled with the fact that a considerable amount of the property adjacent to Chetolah Creek was subsequently included within the one hundred year flood plain in 1986, has prompted the owner to replat his remaining property to accommodate traditional residential development along Indian Trail.

The developer will not be able to use any of the existing utilities, including the private sewer system as it does not meet City standards. They have contracted with Midwest Energy to relocate the electric and gas utilities into the alley which has been dedicated in the recently approved replat of the area.

Commissioner Billinger expressed a concern regarding ground water contamination from the existing sewer. Mr. Laas said the existing sewer will be plugged to avoid any contamination.

Mr. Laas said the current Development Policy states that

special assessments will only be available to developments that have more than ten lots. However, since the developer has already paid for the street by special assessment and installed his own infrastructure and that the property involved includes the entire block makes this a unique situation. City staff foresees no problems with allowing only eight lots to be specially assessed.

Howard Rome moved, Wayne Billinger seconded, that Resolution No. 258, being a resolution determining the advisability of the making of certain internal improvements in the City of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (Sanitary Sewer Improvements/Replat of a Portion, Centennial Estates Sixth Addition), be approved.

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

11. DEVELOPMENT POLICY (SEWER/WATER LINE PAYBACK): The City has historically installed and extended infrastructure to encourage and provide for development. Particular examples include both water and sewer main extensions to Yuasa Exide and water and sewer main extensions to serve the Hays Airport Industrial Park. These extensions, because of their relationship to existing development make it possible for those persons to attach to these lines. The current policy makes a distinction between properties with improvements (buildings) and unimproved properties. This has raised the question of fairness.

Under the proposed changes to the Development Policy, the distinction would be made on whether the property was properly platted or a legal lot of record prior to the extension of trunk sewer/water mains into the area that might benefit from such a line, instead of whether or not improvements exist on the property. The Policy change would allow an individual to

request that the City Commission allow attachment to such a trunk line without repayment of one-half the eight inch cost. It includes specific provisions for annexation in those instances where the property lies outside of the City limits. It provides for inclusion of subject property into special assessment districts for paving and/or water and sewer extensions, and it includes a provision to collect a nonrefundable fee to cover administrating a request. No repayment fee would be assessed or collected for the connection to the trunk line. A developer would still be required to participate in the payment of a trunk line if he intended to use such an extension for individual connection of water/sewer.

Howard Rome moved, Sharon Leikam seconded, that staff's recommended changes to the Development Policy regarding paybacks required for connection to water and sewer major transmission/collection lines, be approved.

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

12. SEWER CONNECTION AGREEMENT: Community Development Coordinator Laas presented a request from Leroy Herrman and Carl Myers to connect their respective properties located at the southwest corner of Canterbury Drive and Old Highway 40 to the City's sanitary sewer main. Both of these properties are currently outside of the City limits, and will require that an annexation agreement be signed.

City Manager Zacharias noted that a key provision of the agreement is the City can require the property to be annexed at any appropriate time. Also, the property owners will not be allowed to protest any special assessments

Sharon Leikam moved, Wayne Billinger seconded, that the Mayor be authorized to sign agreements with Carl Myers and Leroy L. Herrman for annexation and provision for sanitary sewers, with the stipulation that both parties submit a \$200.00 application fee.

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

13. LANDSCAPE ORDINANCE: Community Development Coordinator Laas presented a Landscape Ordinance which provides requirements and provisions for landscaping for all structures other than one and two family dwellings. This ordinance is a companion element of the site plan requirements, but is more specific than the site plan requirements. The Ordinance was created with input from the Beautification Committee, the Hays-Ellis County Planning Commission, and was reviewed by Eric Strauss, one of the consultants who prepared the current Comprehensive Plan.

Howard Rome moved, Sharon Leikam seconded, that Ordinance No. 3417, being an ordinance approving amendments to the Zoning Ordinance for the City of Hays, Kansas, creating and enforcing landscaping regulations as a part of a site plan approval process for lands located in certain zoning district, be approved.

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

14. DAKOTA WELLFIELD RESEARCH: In 1992, the City of Hays petitioned the State of Kansas Division of Water Resources to allow the City to put in the Dakota wells with 1/2 mile spacing. DWR allowed the City to put the wellfield in without going through all the requirements of proving the field could yield all the water the City was applying for. DWR required the City to provide the data that indicates whether that amount of water could be safely yielded. The Dakota Safe Yield Study is a jointly funded venture between the Kansas Geological Survey and the City, and will be completed by the end of 1998. The cost of the study to the City is \$24,549 and the total cost is \$81,519.

Paul Montoia, Wellfield Manager, updated the Commission on the Study. During this past year the Survey has researched past

drilling in the area of the Dakota wells and completed their initial modeling of the aquifer. The initial investigation suggest the Dakota wells are located in a channel of sand which generally trends from west to east. The initial reports suggest that D6, located to the western end of the field, has the poorest aquifer transmissivity and porosity and D4, located to the eastern end of the field, has the best transmissivity and porosity.

Reports also suggest that the aquifer branches from near D3 toward the northwest. This branch of the aquifer has a thickness to up to 200 feet. To investigate what effect this branch has on the recharge to the Dakota wellfield, Mr. Montoia proposed that the City drill two test holes to the northwest of D3. Each of the test holes would be drilled to a depth of approximately 400 feet and be evaluated. After completing the evaluation process, the holes would be plugged. The project would not set pipe or require a long term commitment. The estimated cost will be between \$11,500 and \$12,000.

Wayne Billinger moved, Sharon Leikam seconded, that up to \$12,000 be authorized for additional test holes in conjunction with the Dakota Safe Yield Study.

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

15. ENGINEERING CONTRACT (27th STREET): City Manager Zacharias and Elden Hammerschmidt, Public Works Director, displayed an overhead showing the area on 27th Street between Main Street and Vine Street. Widening and reconstruction of 27th Street is included in the 1998 Capital Improvement Plan. Bucher, Willis and Ratliff will provide Planning Phase engineering services for \$14,500. The planning phase will include evaluating options and reviewing who and what will be affected by the widening. The planning phase will also identify the scope of services needed to design and construct the project depending upon what options are selected. The preliminary estimate to complete the project

is \$880,000.

Commissioner Billinger asked if there is any documentation from previous studies that could be used and questioned whether a new study needed to be done.

Mr. Hammerschmidt stated conditions are different from when previous studies have been done and he felt a new study is needed. Part of this study would include a physical survey which will determine exactly how much right of way is needed. That has never been done in previous studies.

City Manager Zacharias stated this study will also address other concerns including storm drainage and actual cost figures. Previous studies have never gotten past the concept stage.

Commissioner Leikam stated she is receiving negative comments regarding this project. Even though the traffic during rush hour causes several minutes inconvenience for drivers, this is a lot of money to spend. There are other things that should take priority over widening 27th Street.

Commissioner Rome stated he felt it is important we take a look at this matter. The drainage problem needs to be looked at and this would be money well spent.

Commissioner Billinger asked if there are any accident statistics available for the area due to the congestion?

Mr. Hammerschmidt stated he did not have any accident data for that area available this evening, however, most of the accidents at the intersection are turning accidents. These type of accidents would be avoided with the planned improvements.

Commissioner Billinger stated he would like to have more information before making a decision and wondered if this issue could be delayed until that time. Bucher, Willis and Ratliff engineer John Youll said delaying action for month would not be a problem.

The matter was tabled until the next Commission meeting.

16. NOISE ORDINANCE EXEMPTION: A.J. Boleski, Program Coordinator, Wiest Hall, FHSU, was present to request a noise variance. An outdoor concert is tentatively planned to run immediately after the football game on October 18, 1997 from the

hours of 5:00 p.m. to 11:00 p.m. The location of the concert will be between the halls of McGrath and Wiest on the southeast part of the campus. Three bands are scheduled for the event. The stage will face west so most of the music will stay on campus.

Mr. Boleski said he plans to distribute flyers alerting the neighboring residences of the event. He is aware that if there are complaints from the neighborhood, the volume would have to be turned down.

Commissioner Leikam asked if they would consider ending the concert at 10:00 p.m., instead of 11.00 p.m. Mr. Boleski said they would consider ending the concert at 10:00 p.m.

The consensus of the Commission was that the concert planned go on without a noise variance.

17. AIRPORT TEMPORARY NOTES: Under the provisions of Charter Ordinance No. 13, the City has the authority to issue \$100,000 each year for airport improvements. The money will not be spent this year, but combined with another \$100,000 in 1998 and be the City's match to a FAA grant for the next phase of capital improvements.

Sharon Leikam moved, Wayne Billinger seconded, that Resolution No. 259, being a resolution initiating proceedings by the Governing Body of the City of Hays, Kansas, for improvements at the City's Municipal Airport, be approved.

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

18. MOVE COMMISSION MEETING DATE: The Hays Area Chamber of Commerce is requesting the City Commission meeting scheduled for Thursday, January 22, 1998, be moved to Tuesday, January 20, 1998. This would allow the Commissioners and their spouses to attend the annual Chamber Banquet.

Wayne Billinger moved, Sharon Leikam seconded, that the January 22, 1998, City Commission meeting be moved to January 20, 1998.

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

19. COMMISSION MEETING TIME: At the September 11th meeting, Commissioner Rome suggested Commission meetings start at either 6:30 p.m. or 7:00 p.m., instead of 7:30 p.m., due to the length of some of the meetings.

Commissioner Leikam stated it would very difficult for her to be here by 6:30 p.m. Starting the meeting that early would not make it convenient for either the viewing public or the City Manager. She would prefer 7:00 p.m.

Mayor Clarke stated she would prefer either 7:00 p.m. or 7:30 p.m.

Commissioner Billinger stated that some people he talked to said that they would prefer 7:00 p.m. That would give them time to get to the meeting and also maybe get out a little earlier.

Wayne Billinger moved, Howard Rome seconded, that staff be directed to prepare an ordinance changing the starting time for City Commission meetings to 7:00 p.m. starting with November meetings.

Vote: Ayes: Wayne Billinger
Howard Rome
Sharon Rome

No: Jayne Clarke

20. ADD-ON ITEMS: City Manager Zacharias stated a resolution needed to be passed this evening in order to initiate proceedings for improvements to Commerce Parkway in the estimated amount of \$423,400.

Sharon Leikam moved, Howard Rome seconded, that Resolution No. 260, being a resolution initiating proceedings by the Governing Body for improvement of a portion of Commerce Parkway in the City of Hays, Kansas, in the estimated amount of \$423,400, be approved.

Vote: Ayes: Jayne Clarke

Wayne Billinger

Howard Rome

Sharon Leikam

City Manager Zacharias stated he has made contact with Senator Roberts' staff concerning the ILS system. Indications are that the ILS System request will be put into the Conference Committee Report and should pass both houses.

The City Manager mentioned that United Way contributions made by City employees have increased by 18% this year.

The Commission acknowledged Hays Daily News reporter Mary Clarkin, who is moving to Hutchinson. Ms. Clarkin has been covering City Commission meetings for several years.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board