

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 23, 1998

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, April 23, 1998, at 7:30 p.m. Vice Mayor Wayne Billinger called the meeting to order in the absence of Mayor Jayne Clarke.

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

**2. MINUTES:** Sharon Leikam moved, Troy Hickman seconded, that the minutes of the April 9, 1998, regular session, be approved.

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

**3. FINANCIAL STATEMENT:** Troy Hickman moved, Sharon Leikam seconded, that the Financial Statement for March, 1998, be approved.

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

Mayor Jayne Clarke joined the meeting at this time.

**5. CITIZEN COMMENTS:** Harlan Murphy, Chairman of the Hays Housing Authority, presented the Housing Authority's Annual Report for 1997. Mr. Murphy said the Renovation Project for 1997 funded by grants is approximately 50 percent complete. The Project included replacement of air compressor units, painting the interior of the apartments, new appliances and replacement of a large portion of the playground equipment.

**6. REORGANIZATION OF THE GOVERNING BODY:** Vice Mayor Billinger explained that the resignation of Eber Phelps from the City Commission in January of 1997, vacated Mr. Phelps' position to become Mayor the following April, Mayor Clarke was elected to fill that position. He proposed that Mayor Clarke's term as mayor be extended for four more months, and the two mayoral positions succeeding Mayor Clarke be extended to 16 months each. This would put the mayoral position back on the normal rotation schedule.

Wayne Billinger moved, Sharon Leikam seconded, that Jayne Clarke be nominated as Mayor of the City of Hays for a term of four months.

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

Troy Hickman moved, Howard Rome seconded, that Wayne Billinger be nominated as Vice Mayor of the City of Hays.

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

**6. COMMISSION INFORMATIONAL MEMORANDUM:** It was decided to hold the Strategic Planning Session scheduled for May 21, 1998, on May 20, 1998 instead.

**7. CONSENT ITEMS:** Wayne Billinger moved, Troy Hickman seconded, that the following consent items be approved:

**Mayor's Recommended Appointments:**

**Trades Board**

Ron Johnson to serve an unexpired term ending 8-27-99

**Wellhead Protection Committee**

Ann Millhollen - 1 year term expiring 5-1-99

**Pool Committee**

Paula McElwee  
Rick Kuehl  
Kathy Spicer  
Mark Hantla  
Dick Bedard  
Marilyn Marshall  
Stan Unruh  
Mike Hess

**Cereal Malt Beverage Licenses**

Grant Cereal Malt Beverage Licenses to the following:  
Knights of Columbus Beer Garden, Frontier Park  
Between Innings Concessions, Frank Stramel Softball  
Complex  
Vista Store, 2707 Vine  
Vista Store, 501 West 27th  
Vista Store, 1601 Main

**8. STREET IMPROVEMENTS:** City Manager Zacharias asked for direction regarding the 27th Street Improvement Project and the Vine Street Improvement Project. He noted that timing is crucial for these projects, if the projects are to be done in 1999 and 2000.

The first step for 27th Street would involve acquiring property and rights-of-way. Once that step is complete, the next step would be to enter into an engineering contract.

Bucher, Willis and Ratliff Engineer Harvey Ruder reviewed the recommended Option for improving 27th Street from Plaza Avenue west to Fort Street. This project consists of widening 27th Street from General Hays to Fort Street. The east and west legs of the intersection of Vine Street and 27th Street is proposed to be widened to five lanes. This would be accomplished by transition from four lanes to five lanes between General Hays and Vine and between Oak and Vine. Most of the widening would take place on the north side of the existing street. West of Oak Street, a four lane section would be

continued to the end of the improvements. Main Street is proposed to be realigned to tie into 27th Street at Woodrow Court. Oak Street would also be modified to eliminate the "Y" intersection and form a tee intersection. Storm sewer improvements are also included at the intersection.

Robert White 2700 Fort asked what the cost of this Project will be, and how it will be funded. City Manager Zacharias said the total project cost is estimated to be \$1.6 million, and it will be funded with General Obligation Bonds.

Mr. White asked how much right-of-way will the City need to widen the street. City Manager Zacharias said it will vary from seven feet near Fort Street to fourteen feet near Vine Street.

Virgil Gross, 2700 Woodrow Court, said connecting Main Street to Woodrow Court will have an adverse effect on his property, and will definitely lower the value of his property. He wanted assurance that he and other property owners will be fairly compensated. City Attorney John Bird assured Mr. Gross that a nonbiased appraiser would give a fair appraisal, and Mr. Gross will have the opportunity to present his concerns at that time.

Howard Rome moved, Wayne Billinger seconded, that City staff be authorized to proceed with recommended improvements to 27th Street from Plaza Avenue west to Fort Street.

Commissioner Leikam asked for clarification on the proceeding if Mr. Gross and Mr. White do not feel they have been fairly compensated for the loss of their land. City Manager Zacharias said if an agreement cannot be reached between the City and the property owner in regard to compensation, the City Commission would have to make a decision as to whether they wanted to proceed with condemnation.

City Attorney Bird said the condemnation process is not a unilateral process whereby the City determines an amount that they are willing to pay. There is an appraisal process built into the condemnation itself. Three representatives will be appointed by the court to set a value on the land that is being

taken. If that value is not satisfactory to the landowner, the landowner has the right to appeal. Ultimately, a jury can be appointed to make a decision, and attorney fees can be collected from the City if the City has been unreasonable. The City has every incentive to offer better than fair market value for the land. No one is happy to have their property taken for public works projects, but the compensation the City has to pay makes up for the inconvenience and loss of property. Condemnation will be a last resort, and it will be brought before the Commission before it happens.

Commissioner Leikam said she thinks \$1.6 million dollars is a ridiculous amount of money for improving 27th Street. She said this is the fourth time this issue has come before the Commission since she has been a Commissioner, and each time the price of construction has increased. If the Project is not done now, and is considered in the future, the price will increase. For that reason she will vote in favor of the project.

Commissioner Hickman wanted to clarify that tonight's action is directing staff to begin discussions, and is not the final decision. City Manager Zacharias said the final decision will be made when the contract is awarded, but tonight's action certainly sets the policy direction to begin acquiring property.

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

Engineer Ruder described the Vine Street Project. He said the base project includes removing the asphalt pavement and replacing the driving lane with concrete, over a stabilized base. Option A includes curb and gutter along the entire length of the project which would eliminate the shoulders and ditches between Vine and the frontage roads, install storm sewers, and replace street lighting. Option B includes a sidewalk along the east side of Vine Street. Option C includes increasing the length of the left turn lane for southbound Vine Street traffic

turning left onto 27th Street. This would be accomplished by eliminating the left turn lane for northbound Vine Street traffic turning left to the west frontage road at the Alco/Northridge Plaza entrance and the reconstruction of the Vine Street median between 27th Street and this entrance. This would allow room for seven additional cars, but would eliminate an existing left turn movement from Vine Street to the West Frontage Road. Option D consists of replacing the existing asphalt pavement with concrete pavement on a portion of the east Frontage Road between 32nd and 33rd Street. Option E consists of combining the intersections of 32nd and 33rd Street. This option is not recommended at this time. Option F consists of eliminating the east frontage road between 29th Street and 33rd Street. Option G involves the combining of the 32nd and Vine intersection with the 33rd and Vine intersection into a single intersection by extending 33rd Street from Vine Street west to the intersection of 33rd and Skyline Drive. This option is not recommended at this time.

Commissioner Hickman pointed out that the 27th Street and Vine Street Projects will be extremely costly, however, very little has been spent on capital projects in the last two years. City Manager Zacharias said traditionally, the City budgets approximately one million dollars per year on capital improvement projects. Very little was spent on capital projects in 1997 and the 1998 Budget does not contain any major projects. The plan is to do the 27th Street Project in 1999 and Vine in the year 2000. Over a five year period, the capital projects will average slightly over a million dollars per year.

Commissioner Rome said he is in favor of the recommended Vine Street option, but he is against extending 32nd Street through the Mall parking lot in front of the Golden Corral Restaurant. The Mall is vital to the City's sales tax base, and they may choose to expand in the future.

Howard Rome moved, Sharon Leikam seconded, that City staff be authorize to proceed with improvements to Vine Street from 27th Street north to Interstate 70 to include the recommended

Base Project, Options A, B, C, D, and F.

Don Simons and Richard Wright, representing the Northridge Plaza Shopping Center, presented a petition protesting the elimination of the left turn lane as set out in Option C. Eliminating the turn lane will route all traffic through the shopping center.

A lengthy discussion took place regarding the elimination of the left turn lane accessing Northridge Plaza for northbound traffic on Vine Street. Mayor Clarke said she is in favor of eliminating the left turn lane, asked for clarification as to whether the motion includes the elimination of the left turn lane accessing Northridge Plaza. City Manager Zacharias said Option C, eliminates the left turn lane and Option C is included in the motion. However, nothing is final until the City enters into contracts; adjustments could be made.

Denise Riedel, 202 East 28th, pointed out that moving the intersection accessing Northridge Plaza further north of Northridge Plaza would bring the traffic into their neighborhood and the homeowners were opposed to more traffic through their neighborhood.

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

Discussion took place regarding realigning the 32nd and 33rd Street intersections. Several representatives from the Mall were present and were opposed to the street extending through the Mall parking lot. This option will be explored further should the City receive grant funds to help pay for the project.

It was decided all parties affected by realigning 32nd and 33rd Street will meet for further discussions and suggestions.

Jim Warmack, new owner of the Mall, said his firm has made a significant investment in Hays, and they would like to have the opportunity to expand the Mall at sometime, and do not wish

to loose any ground that is part of the Mall.

**9. FIRST CALL FOR HELP:** Lisa Staab and Dave Herl, representing First Call for Help, updated the Commission on their activities this past year. First Call for Help was organized to provide a clearing house of services for people in need of assistance. Information referral, transient aid, and commodity distribution is provided by First Call for Help.

Housing, utility, and medical assistance is given to many residents in Hays when they are in a crisis situation. First Call for Help has applied for grants which will help the agency expand their level of assistance and fill the gaps existing in social services.

**10. AUTOMATIC FIRE SUPPRESSION CODES:** Director of Fire and Inspection Services Wayne Schwartz addressed the Commission regarding the issue of fire suppression systems. The 1988 Edition of the Uniform Fire Code adopted by the City of Hays specifically requires the installation of an approved automatic sprinkler system in all basements in excess of 1,500 square feet that do not meet certain conditions when the property is sold and the use of the building changes.

There are several available buildings in downtown Hays that could have been sold, however, the sprinkler system requirement for basements has prevented the sale. The owners of those buildings feel this requirement is placing an undue hardship on them. The City has enforced this requirement on other recent building use changes. Currently, there are 40 commercial buildings in Hays that are equipped with automatic sprinkler systems. Nearly 30 percent were installed in existing buildings. Seven cities in Kansas have been surveyed on this issue. Six of the seven cities enforce this requirement.

City Manager Zacharias stated he felt there is a need for more dialogue between City staff, property owners, and the Chamber of Commerce to explore what is required, the hardships and the benefits. Mr. Zacharias is willing to facilitate discussion with the property owners that brought forth this concern.

Bob Templeton, Chamber of Commerce director, stated this is not only a downtown problem, it is a city wide problem that needs to be addressed.

Karen Dreiling, owner of The Furniture Look, stated the expense of installing sprinkler systems is a burden to the small business owner. Ms. Dreiling stated she feels this "blanket" policy should not apply to all buildings and an appeals board should be put in place to deal with this issue.

Mayor Clarke stated she would not want to make any decisions tonight about changing code or instituting an appeals process, but would be willing to facilitate dialogue.

Tom Wasinger stated he does not feel the Trades Board, which would handle an appeal of this nature, would be an effective way to seek resolution. He feels the whole code needs to be more flexible, a blanket policy cannot apply to every building.

The consensus of the Commission was to further research this issue to try to seek a solution.

**11. EASEMENT VACATION, 41ST PLAZA FIRST ADDITION:** Dr. Lee Hodny, 1305 Washington Circle, requested the City to vacate a 2 1/2 foot wide portion of an existing utility easement which lies on his property and extends north and south on Lots 8,9,10,11, and 12, in Block 2 of 41st St. Plaza First Addition. The current easement is 20 feet wide (centered between adjoining lots). The easement contains electric, natural gas, cable TV, and telephone utilities but does not contain public sanitary sewer lines. The easement could be 15 feet and still comply with the Development Policy. Midwest Energy and Southwestern Bell Telephone have no objection to releasing this easement. Community Development Director Kent Laas recommends the Commission accept Dr. Hodny's request.

City Attorney John Bird stated the public needs to be given notice of the vacation. After the publication of notice, the Commission will be able to take action by way of an ordinance.

Howard Rome moved, Sharon Leikam seconded, that a Notice of

Intent to vacate a utility easement on property owned by Dr. Lee Hodny, 1305 Washington Circle, be published in the Hays Daily News.

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

**12. SCHEDULE SPECIAL ASSESSMENT HEARING:** Wayne Billinger moved, Troy Hickman seconded, that Resolution No. 277, being a resolution providing notice of a public hearing to be conducted by the Governing Body of the City of Hays on the 14th day of May, 1998 at 7:30 p.m. at City Hall, to consider proposed assessments for public improvements for 41st Street 2nd Addition, 33rd Street, Centennial Estates, and Westridge Addition, be approved.

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

**13. AIRPORT HANGAR LEASE:** Sharon Leikam moved, Howard Rome seconded, that the Mayor be authorized to sign a five year lease on Lot AA-4 in the Hays Municipal Airport to Ed Moore.

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

**14. STERNBERG MAINTENANCE AGREEMENT:** Troy Hickman moved, Wayne Billinger seconded, that the Mayor be authorized to sign an agreement with Fort Hays State University regarding the maintenance of Sternberg Drive.

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

**15. LEAGUE PLANNING SESSIONS:** City Manager Zacharias requested Commissioners complete surveys supplied by Bernie Hayen of the Kansas League of Municipalities and return them to the City Manager's Office by May 1st.

**16. ADD-ON ITEMS:** City Manager Zacharias reminded Commissioners of upcoming dates for budget work sessions.

Commissioner Leikam again encouraged the City to have a newsletter published to inform citizens of various city activities.

Commissioner Billinger reminded citizens there will be a "last fill" ceremony held on May 18th at the Municipal Pool. Mr. Billinger encouraged any people who may have helped construct the pool to contact City Hall.

Thereupon the Governing Body adjourned.

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

Clerk of the Board