

MINUTES OF A MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF HAYS, KANSAS  
HELD ON MARCH 12, 1998

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, March 12, 1998, at 7:30 p.m.

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

**2. MINUTES:** Howard Rome moved, Troy Hickman seconded, that the minutes of the regular session held on February 26, 1998, be approved.

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

**3. CITIZEN COMMENTS:** There were no comments.

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Rome reminded all lawn sprinkler installers that they are required to be licensed, and must obtain a building permit to install lawn sprinkler systems.

**5. CONSENT ITEMS:** Wayne Billinger moved, Sharon Leikam seconded, that the following Mayoral appointments, be approved:

**CARE COUNCIL - 2 year terms**

Tom Hesterman  
Mike Vitztum

**TRAFFIC ADVISORY COMMITTEE - 2 year terms**

Doug Huston  
Curt Brungardt

**6. HALL STREET STRIPING:** Mayor Clarke said this item was tabled at the last meeting. The Commission needs to consider

striping Hall Street for four lanes of traffic, and removing parking on both the east and west side from 27th Street north to 41st Street.

City Manager Zacharias reviewed various traffic counts conducted on Hall Street by the Kansas Department of Transportation. Traffic on Hall Street has more than doubled since 1978 to 1996. A one day traffic count conducted by City staff indicated very little change in traffic from 1996 to 1998.

City Manager Zacharias said to place a traffic signal at the 27th and Hall Street intersection is estimated to cost between \$75,000 and \$100,000 depending on the number of traffic lanes at the intersection.

Commissioner Rome said he firmly believed the street should be striped as four-lane as it is designated, and put the issue to rest.

Commissioner Billinger said he sympathizes with the residences along Hall Street in regard to the loss of parking, however, the need for parking is limited. He felt striping will organize the existing traffic, and not necessarily increase speed.

Commissioner Leikam disagreed with Commissioners Rome and Billinger. She said this is the fourth time this issue has come before the Commission since she has been a member of the Commission. The street is utilized by local people who are familiar with the area. She favors striping the street as two lane and leaving parking. She feels the speed of traffic will increase with four lanes of traffic. She is against installing a traffic light at the intersection of Hall and 27th Streets.

Commissioner Hickman said he thinks the speed of traffic is based on driving habits rather than whether the street is striped two or four-lane. He traveled the road several times in the past week, and noticed very few cars parked on the street. He is also against installing a traffic light at 27th and Hall.

Mayor Clarke favored striping the street as four-lane. She suggested making some minimal improvements to the alley which would allow the residents to park in back of their homes, if

necessary. Duane Weigel, 3107 Hall stated most residents do not have room to park in the back; their fences abut their property line.

Commissioner Leikam said the safety issue needs to be considered. If the street is striped four-lane, the cars will be very close to pedestrians walking along Hall Street.

Marlene Weigel, 3107 Hall, asked the Commission to consider the safety of the residences along Hall Street. She strongly feels parked cars along the street help to slow traffic.

Commissioner Billinger said now is the best time to remove parking from the street, since parking is minimal at this time.

Wayne Billinger moved, Howard Rome seconded, that Hall Street from 27th Street to 41st Street be striped four-lanes and parking be removed from both the east and west side of Hall Street from 27th to 41st Streets.

Vote: Ayes: Jayne Clarke  
Wayne Billinger  
Troy Hickman  
Howard Rome  
No: Sharon Leikam

City Manager Zacharias noted that an ordinance prohibiting parking on the east and west sides of Hall Street will be prepared for approval at the next City Commission meeting.

**7. TALLGRASS ADDITION IMPROVEMENTS:** Brent Wooten, of Baughman Company, updated the Commission on the proceedings relative to the bids for the water and sanitary sewer distribution system in Tallgrass Addition. Mr. Wooten said the bids for the Project were received on January 13, 1998, and were over the Engineer's estimate. Following procedures employed by other cities in the past, they offered the low bidder a chance to reduce his bid to match the Engineer's estimate. Ditch Diggers, the low bidder, agreed to lower their bid by \$1,766 to meet the Engineer's estimate of \$128,871.

At the February 26, 1998, City Commission meeting, the City Commission directed Baughman Company to offer all contractors who bid the chance to lower their bid to the Engineer's

estimate. On February 27, 1998, a letter was faxed to all bidders asking them if they wished to reduce their bid to match the Engineer's estimate. Only one contractor, Allied, Inc. resubmitted a reduced proposal. Allied's revised bid was \$125,798.90, which is under the original Engineer's estimate of \$128,871.00.

Based on the proceedings, Mr. Wooten recommended that Allied, Inc. be awarded the bid for the Tallgrass Addition sanitary sewer and water distribution system, and the contract be issued immediately so construction within the subdivision can proceed.

Mr. Wooten said Allied was able to reduce their bid based on a better understanding of the contractor's responsibility in regard to grading, construction staking, compaction testing and additional dirt fill.

Commissioner Rome said Ditch Diggers evidently understood the specifications. Is it correct to assume that the other bidders didn't understand the rules?

Mayor Clarke said her investigation indicated that the bid specifications did not agree with the engineer's drawings, this caused confusion. Then, a bidding practice was used that the City was not familiar with, whereby the low bidder was asked to meet the engineer's estimate. She did not think anyone intentionally did anything wrong, but the process was not as "clean" as it should have been.

City Manager Zacharias pointed out that the specifications were reviewed by Bucher, Willis and Ratliff, so the City did all they could to make sure the specifications were clear. He assumed if there was confusion between the specifications and the drawings, the contractor would contact the engineer for clarification. He asked if Allied contacted the engineers. Alan Moore, representing Allied, said he did visit with Mr. Wooten prior to bidding. This is one of the few projects engineered by an outside firm. Allied is comfortable working under the parameters of the City's consulting engineers, Bucher, Willis and Ratliff, so there was somewhat of a "gray area".

There was confusion over the grading, staking and compaction testing. Verbal interpretations of specifications are not binding, so Allied bid on the conservative side. We now understand Allied is not responsible for certain costs, thus were able to lower our bid.

Mayor Clarke said the specifications were actually copied from Bucher, Willis and Ratliff. However, Baughman Company's procedures are different than Bucher, Willis and Ratliff procedures, and that is probably how the confusion occurred.

Commissioner Leikam's concern is in the future, the City may not receive any competitive bids due to this confusion. This problem needs to be corrected before it happens again, the City is open to competition.

Mayor Clarke feels this problem will be corrected when the City develops their own written specifications. Right now, we are in a transition period.

Howard Rome moved, Wayne Billinger seconded, that the bid from Allied, Inc. totaling \$125,798.90, to install water and sewer lines in Tallgrass Addition, be accepted.

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

**8. TRANSIENT MERCHANTS ORDINANCE:** Assistant City Manager Penny Postoak addressed the Commission regarding changes to the transient merchant ordinance. At the request of Commissioner Billinger, Ms. Postoak provided a definition to be added to the ordinance clarifying the term "shopping center" and providing an exemption for the Sidewalk Bazaar.

Commissioner Hickman stated that by adding too many exemptions the ordinance would not be equitable.

Bill Kuhn, owner of the Downtowner, 104 East 7th St., asked the Commission whether he would be able to sponsor a community garage sale on property he owns adjacent to the Downtowner without having to get a Transient Merchant License?

Ms. Postoak stated there is an exemption for an established business. The owner could set up a booth without having to get a license.

City Attorney John Bird stated the way this ordinance is written, a person having a contractual agreement with a property owner that is of a regular and permanent nature would not be required to get a license. However, any property owner in town who would allow a transient merchant to do business on his property is exposing himself to liability.

Ms. Postoak explained that State Statute mandates that a transient merchant first get a license or exemption statement from the County before coming to City Hall to obtain a Transient Merchant License. Our current Ordinance does not state that, however, it is addressed in the new revision.

City Manager Zacharias stated this new Ordinance would not require pinball machines and the like to be licensed, but would improve the area of door to door sales. The 48 hour waiting limit will be restrictive in many instances.

Wayne Billinger moved, Sharon Leikam seconded, that Ordinance No. 3426, being an ordinance amending Chapter 18 of the Code of Ordinances of the City of Hays, Kansas, and repealing Chapter 18 of the Code of Ordinances in its entirety, with the inclusion of a definition for shopping centers and the exemption for the annual Sidewalk Bazaar Event sponsored by a set of permanent merchants, be approved.

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

No: Troy Hickman

**9. COMPUTER/NETWORKING CONTRACT:** Troy Hickman moved, Sharon Leikam seconded, that the Mayor be authorized to sign a contract with Technology Consulting Inc. to network city offices and install recommended computer equipment in an amount not to exceed \$198,622.00, pending review of the sub-contractor agreements by the City Attorney.

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

**10. GOLF COURSE RESTROOMS:** Doug Huston, representing the Golf Course Advisory Committee, addressed the City Commission regarding the construction of a restroom on the front nine of the Municipal Golf Course. Mr. Huston stated he has recruited volunteers to do all of the labor except for the laying of the concrete blocks.

City Manager Zacharias stated the total cost for the project is \$9,423. There is \$8,000 in the 1998 Golf Course Budget that was to be transferred to the Special Park Budget that could be used, with the additional cost taken either from general supplies and materials or from the building repairs budget. The transfer of the \$8,000 would then be made in 1999 to be used along with other funds for the construction of the handicapped accessible restroom in Frontier Park. It was not possible to build the restroom this year because the bids came in too high.

Howard Rome moved, Sharon Leikam seconded, that the construction of a restroom on the front nine of the Municipal Golf Course, in the amount of \$9,423, be approved.

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

**11. REPLAT OF ROTH ADDITION:** This replat divides a tract of ground which was created when Roth First Addition was split into two tracts. Two businesses wish to develop on this tract, therefore, it is necessary to replat a portion of the original addition.

Community Development Coordinator Kent Laas stated the issue of stormwater management is being explored by the

developer's engineer. Adjacent properties are being explored as possible potential retention areas. Currently, the City does not have any regulations/requirements to address this issue.

Commissioner Rome asked how the north part of the property would be accessed? Mr. Laas stated a paved alley, along with the peninsula of land leading to the property would be the main access.

Commissioner Rome stated he did not like the idea of not having any dedicated streets adjoining the property either on the north/south or on the east/west property lines. Mr. Laas stated the City is not in a position to decide how the City will be best served until the property owners come forth and want to develop the property.

Howard Rome moved, Troy Hickman seconded, that the Replat of a portion of the Roth Addition, be accepted.

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

**12. WATER PLANT STAIRWAY BIDS:** Bids for the interior stairs addition at the Water Plant were received from the following:

Alan Pfeifer Construction	\$29,895.00
Paul-Wertenberger Construction	\$27,500.00

John Youll, representing Bucher, Willis and Ratliff, stated the bids received on February 24, 1998, were over the Engineer's Estimate of \$20,500.00. Mr. Youll stated the Engineer's Estimate did not adequately predict the current construction market in Hays. BWR does not feel rebidding the project would result in a lower bid, but would result in time delays and possibly an increase in the construction costs. BWR feels the contractor's bids are reasonable and that BWR erred in calculating the estimated probable construction cost. Second class cities have the option of deciding if the bids should be

rejected and rebid, or if the contract be awarded to the low bidder. BWR recommends the Commission accept the bid from Paul-Wertenberger in the amount of \$27,500.

City Manager Zacharias pointed out that \$25,000 was budgeted for this project. Other projects have come in under budget, thereby allowing those excess funds to be used for this project.

Sharon Leikam moved, Troy Hickman seconded, that the bid from Paul-Wertenberger, in the amount of \$27,500, for the construction of new interior stairs at the Water Treatment Plant, be accepted.

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

**13. WILSON POOL BIDS:** Bids for the Wilson Pool Bath House Addition were received from the following:

Paul-Wertenberger Construction	\$39,900
Commercial Builders	\$58,200

City Manager Zacharias stated the Engineer's Estimate was \$50,000. This project is included in the 1998 Swimming Pool Budget (\$45,000).

Howard Rome moved, Wayne Billinger seconded, that the bid from Paul-Wertenberger, in the amount of \$39,900, for the construction of the Wilson Pool Bath House Addition, be accepted.

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

**14. VEHICLE BID:** Bids for a replacement vehicle for the Building Inspector were received from the following:

Kobler-Jeep	\$14,800
1996 Ford Ranger	plus 995.00
with trade	for 3-yr. warranty
Paul McDonald Chevrolet	\$16,785
1998 Chevrolet S-10	
with trade	

Director of Fire and Inspection Services Wayne Schwartz recommended the bid from Paul McDonald Chevrolet, be accepted. Kobler-Jeep did not meet the specifications.

Howard Rome moved, Sharon Leikam seconded, that the bid from Paul McDonald Chevrolet, in the amount of \$16,675, be accepted.

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

**15. ENGINEERING AGREEMENT:** Wayne Billinger moved, Sharon Leikam seconded, that the bid from Bucher, Willis and Ratliff, in the amount of \$5,700, to provide engineering services for the replacement of the road in East Frontier Park, be accepted.

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

**16. CORRIDOR MANAGEMENT AGREEMENT:** Community Development Director Kent Laas stated this document is the final agreement regarding the Corridor Management Project. The Corridor Management agreement affects the stretch of road on US-183 from Spring Hill Road north to Feedlot Road and also encompasses US-183 Alternate Bypass. Its purpose is to define corridor management parameters, identify retrofit and improvement phases.

Wayne Billinger moved, Troy Hickman seconded, that the Mayor be authorized to sign an agreement between Kansas Department of Transportation, Ellis County, and the City of Hays to manage the US Highway 183 Corridor.

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

**17. ADD-ON ITEMS:** City Manager Zacharias reported on his recent trip to Washington D. C. for the National League of Cities conference. Discussions were held with our legislators concerning air transportation and instrument landing systems.

Commissioner Leikam urged the Commission to consider looking into bicycle and jogging lanes along north Hall Street and other areas in the city.

Commissioner Rome asked the Police Department to monitor traffic on Hall Street as a means of persuading people to slow down.

Commissioner Rome said he has a request from a citizen to explore the possibility of placing a stop light in the Applebee's/Carlos O'Kelly area on north Vine Street. City Manager Zacharias stated the roadway in front of those restaurants has not been annexed, therefore, it is under state jurisdiction. Some of these issues may be addressed through the Corridor Management Agreement.

Commissioner Hickman reported the trip to Washington D. C. was very beneficial. Many other cities across the nation are fighting the same battles as we are. Commissioner Hickman stated he is particularly interested in the Internet sales tax exempt issue. If this were to pass, cities across the nation would see a loss of revenue, and this would create an unlevel playing field for local businesses. Commissioner Hickman urged local citizens to contact their representatives to let them know how they felt on this issue.

Commissioner Billinger reported funding for ISTEAs has

been extended for six months. ISTEAs has a program that may benefit the City along the US-183 Corridor. The President's staff and the National League of Cities support bringing back the ISTEAs program, however, Senator Brownback has proposed legislation to abolish it. After visiting with Senator Brownback's staff, Commissioner Billinger feels they may revisit the issue and change their stand.

Thereupon the Governing Body adjourned.

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

Clerk of the Board