

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 14, 1998

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, May 14, 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

Absent: Jayne Clarke

2. MINUTES: Howard Rome moved, Sharon Leikam seconded, that the minutes of the April 23, 1998, regular session, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

3. CITIZEN COMMENTS: Ray Winters spoke against the half-cent sales tax to fund a new outdoor swimming pool complex. Marilyn Marshall, Monte Smith, Sue Pallister, Ed Brungardt, Gary Wentling and John Pyle spoke in favor of the tax, which has a sunset clause and will expire in three years.

4. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Hannes Zacharias reminded the Commissioners of the May 20, 1998, meeting to continue discussions regarding a mission statement and planning for 1998 and beyond.

5. CONSENT ITEMS: Howard Rome moved, Troy Hickman seconded, that the following Mayoral appointments be approved:

ADA Committee

Tom Robinson - second term expiring May 1, 2001

Dennis Ford - second term expiring May 1, 2001

Airport Committee

Bill Davis - second term expiring April 30, 2001

Bob Templeton- second term expiring April 30, 2001

Board of Zoning Appeals

Roger Staab - second term expiring May 1, 2001

Jolene Niernberger - first term expiring May 1, 2001

Planning Commission

Curt Brungardt- second term expiring April 30, 2001

Mike Engel - first term expiring April 30, 2001

6. HARLEY DAVIDSON CELEBRATION: Deanna Doerfler, owner of Doerfler's Harley Davidson, asked the Commission to consider waiving the licensing fees for vendors during the Harley Davidson Celebration to be held on Saturday, June 6, 1998. The \$75 vendor license requirement by the City is a detriment to their efforts to recruit vendors to this special event.

City Manager Zacharias stated if the City would sponsor this event, vendor licensing would not be required.

Commissioner Leikam asked what the liability would be if the City sponsored the event. City Attorney John Bird said if the City sponsored the event, the City would be assuming potential liability.

Commissioner Rome stated he was concerned about setting a precedent.

Commissioner Hickman stated he felt better about sponsorship rather than waiving the fees.

Ms. Doerfler noted that the co-sponsor of the event is the Fort Hays Harley Davidson Association, which is a non-profit organization. Mr. Bird stated this fact would allow the event to be exempt from the City ordinance, and Mrs. Doerfler could apply for the exemption.

7. EASEMENT VACATION, 41ST PLAZA FIRST ADDITION: Community Development Coordinator Kent Laas stated this is a carry-over item from the April 23, 1998, meeting. Dr. Lee Hodny, 1305 Washington Circle has requested that the City vacate a 2 1/2 feet wide portion of an existing utility easement which lies within his property. As directed by the City Attorney, a Notice of Intent to vacate an easement has been published in the Hays Daily News twice prior to Commission consideration.

City Manager Zacharias stated Dr. Lee Hodny has agreed to pay for the filing of these changes, and also to pay for concrete markers on these lots.

Howard Rome moved, Sharon Leikam seconded, that Ordinance No. 3433, being an ordinance vacating a portion of a public utility easement located on Lots 8,9,10,11, and 12, Block 2, 41st Street Plaza First Addition to the City of Hays, Kansas, be approved.

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

8. SPECIAL ASSESSMENT HEARING: Vice Mayor Wayne Billinger opened a public hearing regarding the spreading of special assessments for 41st Street Plaza 2nd Addition, 33rd Street, Centennial Estates, and Westridge Addition.

Elaine Harrison, 2503 Indian Trail, addressed the Commission regarding the assessment she received for property she owns at that address. Ms. Harrison was led to believe by the seller of the property that there would be no assessments against the property.

City Manager Zacharias stated a special assessment district was created, and the assessment is against the property. How the property was presented to potential buyers by the seller does not involve the City.

City Attorney Bird stated there may be a contractual obligation by the seller. He will research the matter.

Troy Hickman moved, Howard Rome seconded, that the public

hearing be closed.

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

9. SPECIAL ASSESSMENT ORDINANCE: City Manager Zacharias stated the 41st Street Plaza 2nd Addition assessments are for 15 years and special assessments for Westridge Addition, East 33rd Street and Centennial Estates 6th Addition will be spread over ten years. The assessments can be paid within 30 days or placed on the tax roll and payment will be made along with the property tax. The assessment for The First Assembly of God property located at 1301 East 33rd Street, in the amount of \$ 31,002 will be deferred for 10 years. This deferment is allowed until the 10th year at which time they will pay the entire amount in one lump sum along with the interest. That option was authorized by the Commission when the special assessment district was formed about 18 months ago.

Troy Hickman moved, Sharon Leikam seconded, that Ordinance No. 3432, being an ordinance levying assessments on lots, pieces and parcels of land in the City of Hays, Kansas, for the purpose of paying all of the costs for improvements consisting of the installation of water lines, sanitary sewer lines, storm sewer, and the grading, paving, curbing and guttering of 42nd Street and a portion of Smoky Hill Drive, located in the 41st Street Plaza 2nd Addition to the City of Hays, Kansas; and the installation of a storm sewer, paving, curbing and guttering of a portion of East 33rd Street, located within the corporate limits of the City of Hays, Kansas; and the installation of sewer lines along Indian Trail between Schwaller Avenue and East 26th Street and Lot 9, Replat of Lots 2-4, Block 5, Centennial Estates 6th Addition to the City of Hays, Kansas; and the curbing, guttering and paving of Post Road and Butterfield Road, all to be located within the 2nd Replat of a portion of Westridge Addition to the City of Hays, Kansas; and further providing for the payment of said assessments and for the

certification of unpaid assessments to the County Clerk of Ellis County, Kansas, be approved.

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

10. LEADERSHIP STUDIES GROUP PRESENTATION: John Deliesel, representing Harnessing Opportunities for Ongoing Public Satisfaction (HOOPS) and the Fort Hays State University Leadership Studies class, presented plans to construct a lighted basketball court on the site of the old tennis courts on south Main Street. The total cost of the project is \$14,413 and HOOPS is soliciting funds from area civic groups. To date, approximately three-fourths of the cost has been raised, and the remaining funding could be obtained from the Special Park and Recreation Budget funded by taxes on alcohol.

City Manager Zacharias stated this project would need to be bided out, and the Commission should direct staff to proceed with its development within limitations of the Special Park and Recreation Budget.

Mr. Deliesel stated bids had already been taken to arrive at the cost estimate. City Manager Zacharias stated City staff would review the bids to make sure all bidders had a fair chance to bid.

Troy Hickman moved, Sharon Leikam seconded, that staff proceed with the development of the HOOPS project.

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

11. GUSTAD BRIDGE APPLICATION: Dana Cunningham, FHSU Facility Planning Director, requested the City consider making an application for KDOT funds to replace Gustad Bridge on behalf of FHSU.

City Manager Zacharias stated the City would apply for funds through KDOT in the bridge category. There is a slim

possibility that if funds were allocated for this bridge, it may be difficult to receive funding from KDOT for other projects. This bridge would serve the University as well as the community's needs for an alternate means of access to events at Gross Coliseum and Cunningham Hall.

Mr. Cunningham stated the bridge would be constructed one foot above the "hundred year" flood plain and would always be open. In recent years, the bridge has been closed numerous times due to high water.

Commissioner Rome stated the City annexed FHSU, and the City should help them pursue the funding.

Commissioner Leikam stated it is important to note this project would not cost the City anything. It is an 20-80 split, FHSU picking up the 20% and the State of Kansas the 80%.

City Manager Zacharias stated the City would have to place Gustad Bridge on the City inventory list, thus making the City responsible for its maintenance, which FHSU has agreed to maintain. The City would basically be acting as a conduit for State funds.

Howard Rome moved, Troy Hickman seconded, that City staff be directed to make an application for KDOT funds to construct Gustad Bridge on behalf of FHSU.

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

12. 41ST STREET PLAZA 3RD ADDITION PLAT: Kent Laas, Community Development Coordinator, presented the proposed plat of 41st Street Plaza 3rd Addition. The plat does conform with the previously adopted preliminary plat, however, it does not address the issue of Madison Drive. One option is to retain Madison Drive as originally platted and make paving improvements as development takes place, which would eventually connect 41st and 45th Streets. Ellis County does not endorse the formation of special assessment district outside the City for the paving of Madison Drive, thus it would be necessary for the City

Commission to endorse Madison Drive being paved as a half street.

The other option would be to identify Madison Drive as an alley from 41st Street to its intersection with 45th Street and require the developer to bring it to proper grade with the understanding the City would rock and maintain it as development takes place.

City Manager Zacharias stated Western Plains is very concerned about Madison Drive being turned into an alley and having all the traffic access Smoky Hill Drive.

Mr. Laas said there is 30 feet of right-of-way, which is enough for a half street or alley. If the street were to be paved later on, it would not be wide enough to make Madison a full street.

Commissioner Hickman stated that before the Commission takes final action to declare Madison Drive as an alley, he would like to have the Planning Commission give a formal recommendation.

Commissioner Leikam stated she did not like the idea of approving another plat when the the adjoining plat has not been completed. The Commission needs to be more diligent before moving onto the adjoining plat.

Mr. Laas stated that all three property owners next to the 41st Street Plaza 1st Addition were contacted, and they all indicated they were not willing to help facilitate the development by granting rights-of-way on the west side of Madison Drive.

City Manager Zacharias stated the Commission could approve the plat and engineering services, however, not sign a contract for construction until all issues have been addressed.

Mr. Laas stated Western Plains Service Corporation has requested that 43rd Street be designated as a 31 foot street. The Planning Commission has approved this request.

The consensus of the Commission was to have the Planning Commission give a formal recommendation on whether to designate Madison Drive as a half street versus an alley.

Troy Hickman moved, Sharon Leikam seconded, that the plat of 41st Street Plaza 3rd Addition be approved.

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

13. ENGINEERING SERVICES FOR 41ST STREET PLAZA 3RD ADDITION:

City Manager Zacharias stated Western Plains Service is disputing the bill for the 46th Street Plaza 1st Addition engineering services. Due to the fact that the 46th Street project was dropped by the developers, the special assessment district for the area was not created, however, engineering charges were incurred and paid by the City.

City Attorney John Bird stated that in the future it be required that any developer commit in advance to reimbursement of expenses.

City Manager Zacharias recommended that if the Commission chooses to approve this contract, it do so following receipt of a letter from Western Plains saying they will reimburse the City for full expenses if a special assessment district is not created.

Howard Rome moved, Troy Hickman seconded, that the City consider entering into an agreement with Bucher, Willis and Ratliff, and Western Plains Service Corporation to design improvements to 41st Street Plaza 3rd Addition, subject to receipt of a letter from Western Plains stating they will pay all expenses for these services if a special assessment district is not created.

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

14. COMPREHENSIVE PLAN UPDATE: The Hays-Ellis County Planning Commission held a public hearing, as required by law, for the purpose of reviewing/updating the Comprehensive Plan. The meeting held on April 20, 1998, did not draw any comments or

recommendations other than those offered by Kent Laas, Community Development Coordinator and the Planning Commission. Recommendations are as follows:

Remove Thunderbird Drive between 27th Street and 41st Street as a collector street and identify Columbine Drive as a collector street.

Remove 37th Street between Hall Street and Willow Street as a collector street. 33rd Street is identified as a collector street.

Remove 37th Street between Vine Street and Broadway Avenue as a collector street. 33rd Street is identified as a collector street.

Remove Broadway Street between 27th Street and 37th Street as a collector street. Vine Street and Indian Trail now connects 27th Street to 33rd Street.

Remove Donald Drive between 22nd Street and 27th Street as a collector street. Indian Trail serves as an appropriate collector street south of 27th Street and connects to Centennial Boulevard.

Remove 25th Street between Donald Drive and Canterbury Drive as a collector street. Both 22nd Street and 27th Street serve as collector streets.

Remove 25th Street (projected) east of Canterbury Drive as
a collector street. 22nd Street will serve as a collector street for eventual connection between Commerce Parkway and Canterbury Drive.

Re-designate Allen Street from Vine Street to 8th Street as a collector street. Allen Street does not meet the criteria for an arterial street classification nor is there enough right-of-way to allow for four lanes of traffic.

Remove 20th Street from Vine Street to 27th Street as a collector street. 17th Street has a much better chance of actually functioning as a collector street and 17th Street also provides the only straight connection between Hall Street and Vine Street. 17th Street also has the necessary right-of-way to be improved as a collector street.

Identify all section line roads or potential section line roads within the three mile area as arterial streets.

The Planning Commission also identified two areas near or adjacent to Vine Street that have the potential for commercial development. The area north of the Northridge Shopping Center and south of the Federal Lank Bank building on the west side of Vine Street and the area west of Hampton Inn Motel, south of 41st Street and east of Fort Street could possibly be developed commercially. Recognizing these areas for potential commercial development does not change the zoning of any property. Rezoning and replating would be necessary to actually make such a change possible.

Vice-Mayor Billinger stated it was very commendable and positive that area residents and business owners affected by changes, such as along 27th Street, be included in discussion from the onset. He ask if it were appropriate in formulating

the comprehensive plan to include the property owners now. City Manager Zacharias stated he thought it would be appropriate for the property owners of the homes north of the Northridge Shopping Center, however, it would not be necessary for all changes. In this particular case, before making a change in our future land use development plan, the Commission may direct that the City have a conversation with the property owners.

Troy Hickman moved, Sharon Leikam seconded, that the recommended changes to the City's Comprehensive Plan, as proposed by the Hays-Ellis County Planning Commission, be accepted, except for the area on Vine Street south of the Federal Land Bank building and north of the Northridge Shopping Center, until such time as a meeting can be held with the property owners.

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

15. FRONTIER PARK ROAD BIDS: City Manager Zacharias noted Allied, Inc. was the only bidder for this project. Their bid was \$48,940. The engineer's estimate for this project is \$47,760. Allied, Inc. has agreed to lower their bid to the engineer's estimated cost.

Sharon Leikam moved, Howard Rome seconded, that the bid from Allied, Inc. to reconstruct roads in East Frontier Park, in the amount of \$47,760, be approved.

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

16. WELLHEAD PROTECTION COMMITTEE MEMORANDUM OF UNDERSTANDING: Paul Montoia, Water Planner/Wellfield Manager, recapped activities of the Wellhead Committee since it's inception.

Troy Hickman moved, Howard Rome seconded, that the Mayor be authorized to sign a Memorandum of Understanding regarding Wellhead Protection efforts in Ellis County.

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

17. NUISANCE COMPLAINTS: There were no complaints at this time.

18. ADD-ON ITEMS: City Manager Zacharias invited the Commissioners to the DARE Graduations scheduled for next week.

Commissioner Leikam thanked the Pool Task Force for their efforts in getting the facts out to the public and the tremendous job they have done.

Commissioner Rome stated he has heard from several people regarding the 27th Street widening project and the opening of Sternberg Museum next spring. City Manager Zacharias stated plans are being made to have the eastern portion done in the first phase.

Commissioner Hickman stated the City should pursue having lights installed at the Skateboard Park on Grant Avenue. City Manager Zacharias stated he is willing to visit with the neighbors concerning this issue and pursue discussion at a further Commission meeting.

Vice-Mayor Billinger invited the public to the "Last Fill" ceremony of the Hays Municipal Pool to be held May 18, 1998.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board