

MINUTES OF A MEETING OF
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 8, 1998

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, October 8, 1998, at 7:30 p.m.

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

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

2. MINUTES: Sharon Leikam moved, Troy Hickman seconded, that the minutes of the regular session held on September 24, 1998, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias noted that fourteen members of City Staff attended a conference regarding the year 2000 issue. Staff members gained a better insight into severity of the issue. He assured the Commission that the problems are being addressed, particularly the critical areas of water treatment, wastewater treatment and public service activities relating to 911 services.

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

6. REZONING OF STERNBERG ADDITION: Community Development Coordinator Kent Laas said the rezoning from “A-L” Agriculture to “R-1” Single-Family Dwelling is the final step for development of this Addition. The Planning Commission has unanimously approved the rezoning.

Howard Rome moved, Troy Hickman seconded, that Ordinance No. 3455, being an ordinance rezoning a tract of land situated on Lots Two (2), Three (3), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block One (1), Sternberg Second Addition and a Replat of a Portion of Sternberg First Addition, City of Hays, Ellis County, Kansas, from “A-L” Agricultural to “R-1” Single-Family Dwelling District, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

7. REZONING OF STERNBERG ADDITION: Community Development Coordinator Laas reviewed the Site Plan for Lot 13, Block 1, Sternberg First Addition. A Site Plan is required under “R-4” Multi-Family Dwelling District zoning regulations.

Troy Hickman moved, Sharon Leikam seconded, that Ordinance No. 3456, being an Ordinance rezoning a tract of land situated on Lot Thirteen (13), Block One (1), Sternberg First Addition and a Replat of a Portion of Sternberg First Addition, City of Hays, Ellis County, Kansas, from “A-L” Agricultural to “R-4” Multi-family Dwelling District., and the Site Plan for Lot 13, Block 1, Sternberg First Addition and a Replat of a Portion of Sternberg First Addition, be approved.

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

8. ZONING AND SUBDIVISION REGULATION MODIFICATIONS,

OPEN PORCHES: Community Development Coordinator Laas said at the September 21, 1998 Hays-Ellis County Planning Commission meeting, a public hearing was held to consider a modification to the existing setback regulations for “small” open porches. Over the years, there has been no consistency regarding enforcement of minimum setbacks for porches. In an attempt to address this matter and hopefully avoid future variance requests, the Planning Commission was asked by City Staff to consider the following modification:

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT

9. The building setback lines shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the existing or proposed yard structure. Open porches shall be allowed to be constructed within the required front setback under the following conditions:
 - a. The width of the open porch does not exceed twenty-five percent (25%) of the width of the structure which it is attached.
 - b. The porch shall extend no further than five (5) feet into the front yard setback.
 - c. The porch shall remain open, excluding required railing (36 inches maximum height.)
 - d. Columns or posts shall only support the porch roof covering. The roof overhang shall not extend more than

two (2) feet beyond the porch floor on the side adjacent to the front yard.

Troy Hickman moved, Howard Rome seconded, that City staff be authorized to proceed with the development of an ordinance to modify existing Zoning and Subdivision Regulations regarding open porches.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

9. SPECIAL ASSESSMENT DISTRICT, 41ST PLAZA THIRD ADDITION:

Community Development Coordinator Lass presented a petition for special assessment of the installation of water lines, sewer lines, storm sewer and grading, paving, curbing and guttering of 43rd Street and a portion of Smoky Hill Drive, all in 41st Street Plaza Third Addition to the City of Hays. The estimated cost of such improvements is \$396,000. The proposed method of assessment is equally on an individual per lot basis being computed without regard to lot size.

The share of the total cost of the improvements to be assessed shall be one hundred percent (100%) with the exception of additional required pavement width, additional required pavement thickness and intersections, and with the exception of required oversized water, sewer, and storm sewer lines which will be paid one hundred percent by the city-at-large, as provided within the City's development policy.

Howard Rome moved, Sharon Leikam seconded, that Resolution No. 296, 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 (Street, Water, Sewer, Storm Sewer improvements, 41st Street Plaza Third Addition), be approved.

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

10. VINE STREET ENGINEERING SERVICES AMENDMENT: Public Works Director Elden Hammerschmidt presented an amendment to the Vine Street Improvement Engineering Contract from 27th Street north to Interstate 70. The scope of services includes design and engineering services for curb, gutter, storm sewers, sidewalk, turn lanes, frontage road improvements and signalization. The cost for the additional engineering design services will be \$106,100 bringing the total not-to-exceed cost to \$247,600.

City Manager Zacharias pointed out that the intersections of 32nd and 33rd Streets are not part of this project; improving those intersections will have to be addressed beyond the year 2000.

It was noted that the City's portion of the Vine Street Project would be funded through General Obligation Bonds. The Kansas Department of Transportation will fund approximately \$2,200,000 toward the Project cost.

Mr. Hammerschmidt noted that this agreement covers design services only. KDOT must approve the design prior to soliciting bids for construction, and inspection.

Sharon Leikam moved, Troy Hickman seconded, that an Amendment to the Vine Street Engineering Agreement between the City of Hays and Bucher, Willis and Ratliff, in the amount of \$106,100, be approved.

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

11. ENGINEERING AGREEMENT: Mr. Hammerschmidt said the proposed engineering agreement with Bucher, Willis & Ratliff is to extend

a sewer main from 13th Street and Harvest south, then west to connect with Canterbury. The purpose of this sewer line extension is to serve the Hays Medical Center expansion, allow Tallgrass Addition development and other growth in that area of town, as well as relieve the sewer flow capacity on an existing sewer line along 13th Street. This project will also eliminate the lift station at 13th and Harvest. This sewer line extension was approved in the 1999 CIP, and the reason for getting the engineering contract underway now is so the project can be bid in early 1999.

Troy Hickman moved, Howard Rome seconded, that an Engineering Agreement with Bucher, Willis and Ratliff for the placement of a sewer line from 13th Street and Harvest Road, south and west to Canterbury Road for a not-to-exceed amount of \$84,800, be approved, pending review and approval of the City Attorney.

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

12. NUISANCE VIOLATIONS: There were no nuisance violations for consideration.

13. EXECUTIVE SESSION: Sharon Leikam moved, Howard Rome seconded, that the City Commission recess to executive session to discuss the purchase of real property for a period of fifteen minutes., returning at 8:43 p.m. Included in the executive session will be John Bird, John Youll, Kent Laas, Elden Hammerschmidt, Penny Postoak, and Hannes Zacharias.

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

Mayor Billinger called the meeting back to order at 8:43 p.m. He stated that the purchase of real property was discussed in executive session. No action is necessary.

14. ADD-ON ITEMS: Commissioner Leikam voiced a concern about a recent fire in the shelter house in west Frontier Park. She suggested bricking the fireplace shut to prevent future vandalism. City Manager Zacharias said Park Director John Shaver feels vandals will start fires regardless of whether there is a fireplace. Part of the problem is poor lighting and lack of manpower to patrol the area. Consideration has been given to placing a gate that could be locked across the road leading to the park; this may make it more difficult, but not impossible to reach the shelter houses. Further research will be done on the issue.

Mayor Billinger read a Proclamation declaring October 17 and 18th, 1998, as Disability Pride Weekend.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board