

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 13, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, May 13, 1999, at 7:30 p.m.

Roll Call: Present: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

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

2. MINUTES: Troy Hickman moved, Howard Rome seconded, that the minutes of the regular meeting held on April 22, 1999, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

3. CITIZEN COMMENTS: Errol Wuertz gave the Commissioners a pamphlet provided by the Airport Owners and Pilots Association regarding airport information and airport minimum standards.

Dr. Villarande, representing the Northwest Kansas Fibromyalgia Group distributed information about fibromyalgia. Mayor Billinger read a proclamation proclaiming May 12, 1999, as Fibromyalgia Awareness Day in the City of Hays.

Chris Copeland addressed the Commission about the need for architectural drawings in order to obtain a building permit to remodel a building downtown. Mr. Copeland is adding ADA bathrooms and several outlets. Certified electricians and plumbers will be doing the work. There will be no

structural changes to the building. The cost of architectural drawings will cost more than the work being done. City Manager Hannes Zacharias stated he needed to know more about the situation and suggested they meet at a later date, along with the Fire & Inspection Department, to discuss the matter.

Mayor Billinger summarized the House of Hope project. The House of Hope provides living facilities for men recently released from prison who have turned their life over to the Lord. The proposed location of the home is 116 West 6th Street. The founders are applying for a grant and have asked the City Manager to sign the grant application. The City Manager signed the application and attached a letter stating the project does not conflict with existing ordinances or zoning. The City Commission has not formally taken a position in support or opposition to the project.

Bill Davis, Jim Unruh, Joel Bannister, and Tammy Schumacher spoke in opposition of the project. They are concerned with placing such a facility in an area near the college. This area has many single students and families living nearby. Also, an elementary school and municipal pool are located within a three-block area. A public meeting sponsored by the House of Hope to discuss this issue will be held on Tuesday, May 25th, at 7:00 p.m. at the Hays High Lecture Hall.

Henry Herrman presented plaques and pictures honoring Bob Layher, who was a Flying Tiger during World War II, to be displayed at the Hays Municipal Airport.

4. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

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

Airport Advisory Committee: Dean Rohleder – term expiring April 30, 2002

Planning Commission: Larry Gould – term expiring April 30, 2002

Galen Romme – term expiring April 30, 2002

Wellhead Protection: John Heinrichs – term expiring April 30, 2002

Vote: Ayes: Wayne Billinger
Troy Hickman
Larry Schmidt
Howard Rome

Commissioner Schwaller stepped out of the meeting and did not vote.

6. DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT: Mark Bannister, representing the Ad Hoc Downtown Group, presented information regarding the Kansas Neighborhood Revitalization Act. The Act was created by the Kansas Legislature to provide communities a tool to encourage private investment and improvements in aging or deteriorating commercial and residential neighborhoods. The Act provides a property tax rebate on substantial investments made to renovate or improve real property in a designated revitalization area. It does not require expenditures from the city, county, or school district, nor require involvement of state or federal agencies.

The first step is a factual finding by the city, county, and school district that the proposed area meets the statutory definition of a “neighborhood revitalization area”. The governing bodies then need to adopt a revitalization plan. The plan includes such information as the legal description of the designated area, the assessed valuation, zoning classifications, proposals for improving or expanding municipal uses, a statement specifying which property is eligible, contents of an application and the process for a tax rebate, maximum amount and years of eligibility. The third step is for the governing bodies to hold a public hearing on the proposal. The fourth step is the establishment of a revitalization fund (generally administered by counties) to handle the rebate process. The fifth step is adoption of ordinances or resolutions by the city, county, and school district that adopt the first four steps. The final step is implementation of the rebate.

Discussion was held defining the boundaries of the area to be included in the revitalization district.

Henry Schwaller IV moved, Troy Hickman seconded, that the area include 13th Street, both sides, Hall Street, both sides, to Vine Street, inset 200' from

Vine on the east, plus the boundaries established by the Business Improvement District and known as the 1988 Downtown Development Plan.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

City Manager Zacharias stated legal descriptions describing the area will need to be completed prior to presenting a plan for the City Commissioner's review. The plan will also need to be reviewed and passed by Ellis County and USD #489.

7. STORMWATER MANAGEMENT REGULATIONS: Kent Laas, Community Development Coordinator, reported that a public hearing was conducted by the Hays-Ellis County Planning Commission to consider the proposed Stormwater Management Regulations. The Planning Commission recommended that two sections be amended and adopted as part of the Zoning & Subdivision Regulations.

Under Management Controls, it was suggested that other methods be incorporated when evaluating existing facilities/businesses regarding proposed improvements that might add to existing stormwater runoff. The consensus of the group was to retain the section as originally presented.

Under Performance Bonds, the requirement for a perpetual maintenance bond was thought to be unreasonable. Based on research, it does appear that a perpetual bond is unavailable. Staff recommends that this section be rewritten to request a performance bond for the amount of detention construction cost along with a maintenance agreement assuring perpetual maintenance of stormwater management improvements. Maintenance agreements will not be required for individual, one or two family lots.

Dodge City has supplied a copy of their maintenance agreement, which they use to insure maintenance of storm drainage improvements made necessary by the adoption of storm drainage regulations. If the City adopts the

regulations, City/County staff can establish an agreement tailored to our own needs.

Commissioner Schmidt stated the expense of having an engineer inspect a detention basin every year is an unnecessary burden. The sample agreement supplied by Dodge City covers that same issue without adding an extra expense. Mr. Laas stated the intent of the Planning Commission is to adopt some form of maintenance agreement.

Commissioner Schmidt suggested that in Section 2.04-C, the figure of 5 percent of impervious surface be replaced with 10,000 square feet instead. John Youll, Bucher, Willis and Ratliff engineer, stated there isn't a standard number or percentage adopted by other cities. This number is usually based on average rainfall in each respective city.

Commissioner Schwaller recommended this section of the document be researched further by the engineers and staff and discussed at the next meeting.

8. CAPITAL IMPROVEMENT PLAN: Assistant City Manager Penny Postoak reviewed the Five Year Capital Improvement Plan. The 1999 Projects include reconstruction of 27th Street from General Hays to Fort Street and the realignment of the intersections at 27th and Main, and 27th and Oak; miscellaneous slurry seal projects, curb cuts of various arterial and collector streets, and the construction of the municipal pool.

Troy Hickman moved, Howard Rome seconded, that the Five Year Capital Improvement Plan, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller

9. HALL STREET ENGINEERING: Director of Public Works Elden Hammerschmidt addressed the Commission regarding Hall and Elm Street improvements. Federal grant dollars have been approved for this project, which includes the area from 8th Street north on Elm to 13th Street, incorporating the

12th, Elm and Hall intersection, and Hall Street north from 12th to 27th Streets. The grant dollars allow the City to consider widening this corridor to four lanes, upgrade traffic control at the intersection of arterials, improve drainage, etc., or only remove and replace the pavement.

The City will be responsible for design engineering, right of way acquisition, utility relocation, as well as 20% of the construction costs. Widening the complete corridor to four lanes is estimated to cost \$3,983,030, with the City's share being \$1,453,755. The City's share for removing and replacing the pavement would be \$313,485.

To allow reasonable time for a consultant to develop the preliminary design so it may be submitted to KDOT by April 1, 2000, Mr. Hammerschmidt recommended Bucher, Willis and Ratliff be retained to perform a preliminary study, at a cost of \$21,500. This project would be completed by September 1, 1999. At that time, the Commission could decide what option to pursue.

Commissioner Schmidt asked why the project study was given to BWR, rather than solicit bids. Mr. Hammerschmidt stated the City has interviewed several consulting firms in the past and typically has the same consultants do the work for three years. Commissioner Schmidt stated the policy manual states bids should be taken. City Manager Zacharias stated the policy choice made by the Commission three years ago was to select a consulting firm to be our resident engineer for large projects. This would be more efficient than soliciting bids each time. Three firms were interviewed and BWR was approved to be our resident engineer.

Howard Rome moved, Troy Hickman seconded, that the Mayor be authorized to sign a contract with Bucher, Willis and Ratliff for \$21,500 to perform preliminary engineering work regarding design options on the Hall Street corridor project from 27th Street to 8th Street.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

No: Henry Schwaller IV

Larry Schmidt

10. KDOT 5-YEAR PLAN APPROVAL: Elden Hammerschmidt spoke on updating the KDOT 5-Year Plan, which identifies the extension of 33rd Street west to Skyline Drive. The funding the City is applying for is through the Surface Transportation Program at an 80%-20% split. The total cost of the project is estimated to be \$1,950,000. The City's 20% of construction costs would be \$390,000 plus design engineering, land acquisition costs and any utility relocation costs associated with the project.

Henry Schwaller moved, Larry Schmidt seconded, that the 5-Year Plan for KDOT funded projects including a specific request to improve 33rd Street west of Vine Street, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

11. 8TH STREET OVERLAY: Brenda Cary, Assistant Director of Public Works, recapped the various options available for 8th Street repair.

Commissioner Schmidt suggested using some of the funds available for Hall Street improvements for 8th Street, combining the two projects into one. He suggested using brick from Oak to Fort, and the other six blocks, Oak to Milner, and Elm to Fort, would be done in concrete. Public Works Director Elden Hammerschmidt stated this might be possible because both are arterial streets, however, if we pursued this, it would need to be submitted in a more formal manner. The funds would be allocated for arterial improvements; it is up to the City to decide on which streets to use them.

Commissioner Rome asked what this would do to the Hall Street project. Commissioner Schmidt stated he felt widening Hall Street is unnecessary. Except for two hours a day, Hall Street is not very busy. Commissioner Rome disagreed stating he felt there would be a lot of growth from the north and felt it is important we make Hall Street four lanes from 27th Street south. Commissioner

Schmidt stated that even so, the railroad crossing would continue to tie up traffic. The bypass would better serve commuters getting to the college and the downtown area.

Mayor Billinger stated he agreed with Commissioner Rome. Funding is available now; 8th Street could be reconstructed in the year 2004, as listed in the Capital Improvement Plan. Potholes in 8th Street could be repaired this year for under \$20,000.

Commissioner Rome stated people are not driving Hall Street now because the street is so rough, but will after the street is widened and repaired.

Commissioner Hickman questioned whether it would be wise to wait another three years before something is done on 8th Street. Mayor Billinger stated if the rough spots are addressed now on 8th Street, the rest of the street would be bearable until the whole street is repaired.

Commissioner Schwaller stated he felt it is important to place an asphalt overlay from Milner to Oak Streets, do minimal repair of the brick from Oak to Fort Streets, and leave the brick from Fort to Elm Street alone. There are deep and damaging ruts from water collecting in the Milner to Oak Street stretch. An asphalt overlay would last approximately 20 years. From a historical point of view, there are few, if any, buildings built prior to World War II along that section of 8th Street. It is more important to have a good overlay on that section, than try to preserve the historical value. In three years the City could address the issue of brick streets leading to the university.

Commissioner Rome stated he is against the overlay, he would rather save that money, temporarily repair the street, and when the time is right, repair the street completely.

Henry Schwaller IV moved, Troy Hickman seconded, that staff be authorized to bid two projects: place a 1 ½" to 2" asphalt overlay over existing brick from Oak to Milner Streets, and remove and repair brick at the 8th & Oak, 8th and Main, and 8th & Fort Street intersections with funds for this project taken from the slurry seal repair budget for 1999.

Vote: Ayes: Henry Schwaller IV

Troy Hickman
No: Wayne Billinger
Larry Schmidt
Howard Rome

Henry Schwaller IV moved, Troy Hickman seconded, that staff be authorized to bid minimal repair of brick at 8th & Main, 8th & Fort, and 8th and Oak Streets intersections and City staff repair the potholes from Milner to Oak Streets, with asphalt, with funds to be taken from the slurry seal repair budget for 1999.

Vote: Ayes: Henry Schwaller IV
Troy Hickman
No: Wayne Billinger
Larry Schmidt
Howard Rome

Larry Schmidt moved, Henry Schwaller IV seconded, that bids be taken for minimal repair be done to the intersections of 8th & Main, and 8th & Fort.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

The Commission instructed the Public Works Department to rebid the project. Mr. Hammerschmidt stated there would be additional engineering costs associated with rebidding.

12. APPRAISAL BIDS: Commissioner Schwaller questioned whether the City should have an appraisal done on land that staff recommends not be sold in the near future.

Commissioner Schmidt stated he felt it was important to give the City an idea of what the property is worth for possible future negotiation.

Commissioner Schwaller stated the value of recently sold property in the area could give us an idea of the value of this property.

Larry Schmidt moved, Howard Rome seconded, that the bid from J. D. Williams in the amount of \$300, be accepted to do an appraisal of Lots 2 through 9, Block 2, Hays Plaza 7th Addition to the City of Hays.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

13. THERMAL IMAGING CAMERA BIDS: This item was tabled until the next Commission meeting.

14. ADD-ON ITEMS: City Manager Zacharias stated he had been contacted by Ellis County Commissioner Vernon Berens regarding funding of the K-9 Drug Interdiction Dog. The Sheriff's Department, at a cost of \$30,000, has undertaken the project. Approximately \$26,000 has been raised so far and they are requesting \$1,000 from the City to assist in the project. Ellis County and the City of Victoria are also contributing to this project. These funds would be taken from the Police budget.

Troy Hickman moved, Henry Schwaller IV seconded, that \$1,000 be allocated to the funding of the K-9 Drug Dog.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Commissioner Rome suggested that a videotape showing the progression of the work on the new Municipal Pool be shown at a future Commission meeting. City Manager Zacharias stated he would check to see what this would cost.

Commissioner Rome asked if City staff could concentrate their efforts on maintaining Hickok Park, located near Sternberg Museum.

Commissioner Schwaller asked if staff could draft a resolution that would allow for the diversion of speeding tickets. This resolution would be twofold; it would allow for drivers who speed to have that moving violation changed to a non-moving violation. This would keep their record clean and help keep their insurance down. The diversion program would bring in an automatic source of revenue, court costs would be assessed and a fine assessed. This is legal under Kansas Statutes. City prosecutors could do this now at their own discretion, it is not necessary to do this by city ordinance, however, Commission Schwaller felt a resolution be adopted recommending the City prosecutor to amend moving violations to non moving violations for reasonable speeding violations. City Manager Zacharias stated the Police Chief recently has presented that exact same concept to the City prosecutor.

City Attorney John Bird said state law requires that any prosecutor that adopts a diversion policy has to do it as a policy. Mr. Bird suggested that city staff be directed to assist the Police Chief in drafting such a policy.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board