

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 27, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, May 27, 1999, at 7:30 p.m.

Roll Call: Present: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

Absent: Henry Schwaller IV

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 May 13, 1999, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias stated sales tax receipts are down approximately \$28,000 this year compared to the same time period in 1998.

Commissioner Schwaller joined the meeting at this point.

Howard Rome moved, Troy Hickman seconded, that the Financial Statement for April 1999, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

4. CITIZEN COMMENTS: State Representative Eber Phelps addressed the Commission regarding the recent legislative session. Mr. Phelps discussed legislation concerning the Comprehensive Transportation Plan, higher education, the Children's Trust Fund, the Juvenile Justice Authority and the removal of the tax lid.

5. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

6. CONSENT ITEMS: Henry Schwaller IV moved, Larry Schmidt seconded, to separate items A & B and consider each individually.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

A. Henry Schwaller IV moved, Troy Hickman seconded, that the lease of West Frontier Park to Jason Rohr and Jason Rule for Saturday, June 5, 1999, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

B. Troy Hickman moved, Henry Schwaller IV seconded, that the following mayoral appointments be approved:

ADA Committee: Marilyn Forinash - 3 year term expiring
May 1, 2002

Planning Commission: Jolene Niernberger - 3 year term expiring
April 30, 2002

Community Corrections Board: Cindy Geist - 3 year term expiring
June 1, 2002

Mayor Billinger read a list of possible appointments to the Stormwater Advisory Committee. The Mayor stated he has not had a chance to contact all of the people on the list.

Commissioner Hickman stated he didn't feel the Stormwater Advisory Committee should be approved until all of the people on the list are contacted and willing to serve.

Commissioner Schwaller stated he has a concern that three-fourths of the people on the Stormwater Advisory Committee live north of 22nd Street, when the flood area is south of 22nd Street. He feels it is important to have a series of town meetings in the flood area and get community input before the Commission proceeds.

Mayor Billinger stated he would contact the people selected to be on the Stormwater Advisory Committee and get their approval prior to the next meeting.

7. THERMAL IMAGING CAMERA BIDS: Wayne Schwartz, Director of Fire and Inspection Services, played a video that demonstrated thermal imaging cameras used in fire rescue situations. A total of \$25,000 was budgeted for the purchase of a thermal imaging camera and bids were received from the following:

Conrad Fire Equipment, Inc.	\$ 18,060.00
Hays Fire & Equipment	
Model Argus Plus	15,033.67
Model Argus II	19,247.23
Weis Fire & Safety Equipment	20,000.00

Mr. Schwartz recommended the bid from Conrad Fire Equipment, Inc., Olathe, Kansas, be accepted. Their camera is the only unit that meets all of the specifications.

Howard Rome moved, Troy Hickman seconded, that the bid from Conrad Fire Equipment, Inc., Olathe, Kansas, in the amount of \$18,060, be accepted.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

8. HOUSE OF HOPE: Mayor Billinger stated that due to the interest shown in the House of Hope project, City staff chose to have this item placed on the agenda and open the topic for discussion.

Bill Davis, Lynne Albers, Jim Unruh, Ellene Davis, Rick Wasinger, Allen Park, Norvella Elston, Chris Channell and Ray Hayes expressed their concerns about the location of the House of Hope at 116 West 6th Street. They feel the location is too close to Washington Elementary School and the Hays Municipal Pool. Concerns that property values will decline were also expressed.

Larry Grimsley, treasurer of the House of Hope project, addressed their concerns. Mr. Grimsley stated the House of Hope is not a half-way house. The men that would be housed there will not be violent, nor will they be sex offenders, they may have had drug or alcohol problems, but are not to be feared. They will be screened and monitored very carefully. These men have made a commitment to restructure their lives.

John Pyle and Kyle Ermoian spoke in support of the House of Hope, stating these men have paid their debt to society, deserve a second chance, and have a constitutional right to live wherever they choose.

It was agreed that the City Manager would meet with three representatives from each side to articulate the issues, before going to a public forum.

9. MOVING PARK DEPARTMENT SERVICES TO THE HAYS RECREATION

COMMISSION: Micki Armstrong, Hays Recreation Board member, and Rick Claiborn, Director of the Hays Recreation Commission, addressed the Commission regarding the consolidation of the Hays Parks Department with the Hays Recreation Commission. They asked the Commission to authorize negotiations for the purpose of issuing a contract for service to the HRC to administer parks in lieu of hiring a Park Director.

Commissioner Rome stated he felt both departments were too large to combine into one. The parks, along with the Golf Course, are a huge project to undertake. Commissioner Schmidt asked if the Recreation Commission had a

plan in place and a way to tie the two budgets together? A plan needs to be submitted as part of the exploration process.

Commissioner Schwaller stated he would like to see a cohesive plan for the next three to five years which detail future plans. He questioned whether Mr. Claiborn would have the time to perform the duties of the former Park Director. Commissioner Hickman stated he would be willing to explore the possibility of consolidation.

City Manager Zacharias spoke in opposition of these negotiations. He said this would not really be a consolidation, but rather a contract for services. Contracting this basic City service to another entity may help consolidate efforts with the Recreation Commission, but may defocus the organization and provide less direct control of park maintenance by elected members of the City Commission.

Thirteen peer cities in the state were surveyed. Of the thirteen cities, seven perform park and recreation activities under a combined service administered by the City and accountable to locally elected officials. The remaining six entities divide these tasks between the City and an outside entity, most commonly a recreation commission. There are no examples of cities contracting maintenance of the park systems with an outside entity. City Manager Zacharias recommended the Park Department continue to exist in its present capacity and a replacement be hired for the Park Director position. Mr. Zacharias urged the Commission to seriously consider consolidation under the City, rather than contract maintenance with the Hays Recreation Commission.

Randy Clinkscales, Hays Recreation board member, stated from his perspective, he didn't think the HRC would be interested in consolidating under the City umbrella. They are interested in exploring the option of management of the parks. If there is an interest, they will gladly proceed with discussions.

Mayor Billinger suggested this issue be discussed at the next HRC board meeting, and if they still want to pursue the matter, they should contact City staff. At that time, a meeting will be scheduled to discuss either a contract for services or consolidation of services.

10. PARK AND RECREATION MASTER PLAN: Rick Claiborn, Superintendent of the Hays Recreation Commission, discussed joint funding of a Comprehensive Park and Recreation Master Plan for the City of Hays. An estimated price for this study is \$20,000, with the City share being 60%. City Manager Zacharias said originally, City staff recommended that this study be completed in 1999. However, the Stormwater Master Plan will be completed in the next ten months and this study may indicate sites which may be appropriate for combined use as a park as well as a stormwater detention/retention area. Based on this forthcoming study, it is recommended that the City jointly fund a Park and Recreation Master Plan with HRC, but complete it in 2000 following the Stormwater Master Plan.

Commissioner Hickman asked what the HRC feelings were if this action were to be delayed a year. Mickie Armstrong stated that speaking for herself, she felt this study needed to be done this year. HRC has been talking about this for four years and needs a vision of where HRC is going.

Commissioner Schmidt agreed. He felt any problems that may come up in the Stormwater Master Plan can be worked out. Mayor Billinger stated parks are a priority and it seems logical that this be the first step

Henry Schwaller moved, Larry Schmidt seconded, that the City of Hays enter into a joint funding agreement with the Hays Recreation Commission for the development of a Park and Recreation Master Plan to be funded 60 percent by the City of Hays and 40 percent by the Hays Recreation Commission.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller

Larry Schmidt

No: Howard Rome

11. POOL CHANGE ORDER: Assistant City Manager Penny Postoak mentioned that consideration has been given to changing the name of the new pool. The Pool Task Force would like public input on changing the name.

Ms. Postoak presented the following change orders for consideration:

Additional excavation & gravel	\$ 8,846.97
Bathhouse Porch – Epoxy finish	(550.00)
Bathhouse interior slabs – limited removal/replacement	(120.00)
Sun Deck epoxy finish	8,250.00
Change cast iron to PVC	(5,100.00)
Total	\$ 11,326.97

Ms. Postoak said the additional excavating and gravel is necessary due to poor soil conditions. She said the bidders are not allowed to do any structural damage when calculating their bid. The original specifications called for replacement of the concrete on the bathhouse porch, however, it was discovered that the concrete is ten inches deep and tied to support walls. It is recommended that an epoxy finish be placed over the concrete rather than replace the concrete. The bathhouse interior slabs are also ten inches deep, and the recommendation is to remove the bad areas and change the grading and drainage. The sun deck epoxy finish is an upgrade recommended by the contractor. A non-slip seal is included, but an epoxy finish would last longer than the seal. Changing from cast iron to PVC in the pump house and bath house would not be a quality issue and would create a \$5,100 savings.

Mr. Postoak reviewed the project costs as follows:

Base and Alternate Bids (Low Bids)	\$3,850,380
Landscaping allowance	40,000
Architectural and Engineering	250,000
Demolition	54,000
Fountain Allowance	5,000
Total Project Costs	\$4,199,380

Ms. Postoak presented the following cash flow analysis:

Estimated Annual Collections	\$1,690,459
3 Years of Sales Tax Collections	5,077,378
Less: Debt Service	(3,834,817)
Less: Expenses Paid Directly	(664,841)

Less: Contingency	(200,000)
Less: Pool Equipment	(43,673)
Projected Balance 1/01/2002	\$ 415,089

Ms. Postoak said based on these projections, there is money available within the \$200,000 contingency to do these change orders. The change order for additional excavation and gravel is necessary; the other change orders are optional.

Discussion took place regarding the commitment of the Commission to keep the project costs within the \$4.2 million. The change order would put the project cost over the \$4.2 million.

Commissioner Schmidt said he was not comfortable patching bad concrete as suggested in the change order. The \$10,000 epoxy coating only has a one year warranty. The letter from Commercial Builders to the architect says the second floor is in bad condition, but a coating can be placed over it. Further deterioration could occur under the epoxy coating and cause major damage before it is discovered. Also it was stated that the epoxy coating would need to be replaced every five years. He stated that he finds it hard to believe that the bidders did not know there was ten inches of concrete. There are ways of testing concrete depth without doing structural damage.

Acting Park Director Jeff Boyle said there was some mention of structural integrity associated with removing the concrete slab, which could be an issue. Ms. Postoak said the time line for concrete repair is not crucial; we have time to further study the issue, and have someone with more expertise address the concerns voiced by Commissioner Schmidt.

Discussion took place as to whether or not the \$4.2 million could be exceeded. Commissioner Rome said he remembered the question being asked at the town hall meeting if the project costs would stay at the \$4.2 million mark. Commissioner Schmidt said the Commission indicated that they would not exceed the \$4.2 million, but on a project this size, he does not believe that can happen.

City Manager Zacharias said if the Commission desires to stay within the \$4.2 million, expenses in another area will need to be reduced. The City Manager said the cash flow analysis indicated there would be an estimated cash balance of \$400,000 once the project was completed; this amount does not include the \$200,000 contingency built into the cost projection. Perhaps a bigger concern of the voters was that the Project did not exceed the amount of cash generated by the three-year sales tax, in other words, the voters were saying, "don't come back to us and ask for more money".

Assistant City Manager Postoak said discussions at the December 22, 1998, meeting indicated that the \$200,000 contingency above and beyond the \$4.2 million project costs would be for change orders; maybe that was not clear. Both staff and the Task Force understood this direction based on the discussion at the December 22, 1999, meeting. Various comments made by the Commission tonight, however, questioned whether to keep the costs at the \$4.2 million mark including contingencies. Ms. Postoak said the view of the Task Force is that they want this to be a quality project, without going beyond what is reasonable.

Henry Schwaller moved, Troy Hickman seconded, that a change order for additional excavation and gravel, totaling \$8,846.97, and a change order changing from cast iron to PVC reflecting a deduct of \$5,100, with the stipulation that the overage be deducted from other areas of the project including, but not limited to the landscape budget, be accepted.

Rick Clairborn, Pool Task Force member, said the Project was approved with a \$200,000 contingency, as a point of clarification, are you eliminating the use of the \$200,000 contingency? Commissioner Schmidt said everyone in the community told him \$4.2 million; that is what they wanted to keep it at, and that is what he is comfortable with. Mayor Billinger said that was the perception he had too. City Manager Zacharias asked for further clarification regarding change orders. Commissioner Schwaller said any change orders in a debit amount should be taken from other areas of the project, including, but not limited to landscaping.

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

Commissioner Schmidt asked for a written report from the architect regarding the change orders regarding the removal of concrete versus the epoxy finish.

12. CARE COUNCIL RECOMMENDATIONS: The City of Hays, Ellis County and the United Way of Ellis County have participated in the Care Council process for five years. This Community allocation, review, and evaluation process coordinates the distribution of human resource and alcohol tax dollars. Appointees to the CARE Council were: Ruth Heffel, Tom Hestermann, Mona Severson and Mike Vitztum.

Henry Schwaller moved, Troy Hickman seconded, that Special Liquor Tax dollars be distributed to the following, as recommended by the Care Council.

Smoky Hill Foundation for Chemical Dependency	\$13,000
Dream, Inc.	16,000
Regional Prevention Center	8,500
DAWN	\$12,500

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

Howard Rome moved, Larry Schmidt seconded, that the Human Resource funds be distributed to the following, as recommended by the Care Council.

American Red Cross, Ellis County Chapter	\$5,600
CASA of the High Plains, Inc.	3,000
First Call for Help	4,500
Foster Grandparent Program	1,672

Hays Area Children's Center	4,000
Northwest Kansas Family Shelter	8,000
Senior Companion Program	7,228
Sunflower Girl Scout Council	1,000

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

13. SLURRY SEAL BIDS: Bids were opened on May 19, 1999, for the 1999 Slurry Seal and Micro Surfacing Improvement Project.

The result of the bid opening is as follows:

Vance Brothers (Kansas City, MO)	\$228,557.82
Ballou Construction (Salina, KS)	\$336,685.50
Engineer's Estimate	\$359,835.80

Assistant Public Works Director Brenda Cary noted that there were a few irregularities in the bids submitted: Vance Brothers did not submit a list of plant and equipment or a list of subcontractors as required. Neither of the bidders submitted a statement regarding their past work experience. Since both contractors are well established and reputable, City staff recommends these irregularities be waived.

Troy Hickman moved, Henry Schwaller seconded, that the bid from Vance Brothers totaling \$228,557.82, for the Slurry Seal and Microsurfacing Project, be accepted.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller

Larry Schmidt

Howard Rome

14. SERVICE DEPARTMENT BUILDING PLANS: Architect Spec Woods and Public Works Director Elden Hammerschmidt reviewed the Service Department

plans for the Service Department Remodeling and Addition Project. Mr. Hammerschmidt stated the Project includes an addition to the Public Works building, sign shed building, sludge dock/truck shed to be located at the Wastewater Treatment Plant, a generator building shed to be located at the Water Treatment Plant. The bid opening is scheduled for June 1, 1999.

15. WATER CAPITAL IMPROVEMENT PLAN: Henry Schwaller moved, Larry Schmidt seconded, that in the interest of saving time, this item be tabled.

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

16. ANNEXATION: Community Development Coordinator Kent Laas presented a “request for annexation” submitted by Simon Roth. The property is located north of I-70 adjacent to Juenemann First Addition. The Planning Commission has, by consensus, agreed that the annexation would be in keeping with the zoning change from “A-L” Agricultural to “C-S” Highway Service for the entire tract. The tract is contiguous with the current city limits.

Howard Rome moved, Troy Hickman seconded, that Ordinance No.3465, being an ordinance annexing 20.6 acres of land into the city limits owned by Simon Roth located at the northwest quadrant of Interstate 70 and Highway 183, be approved.

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

17. ANNEXATION AGREEMENT: Community Development Coordinator Kent Laas said Chad & Karen Stinemetz wish to connect two structures to the City’s existing City sanitary sewer. An annexation agreement has been prepared containing provisions which require the present owner and subsequent owners to

comply with the City's building and fire codes should new construction take place on the site.

Howard Rome moved, Henry Schwaller seconded, that an Annexation Agreement with Chad and Karen Stinmetz in exchange for City sewer services to property located at 3010 East 8th Street, be approved.

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

18. NOISE ORDINANCE EXEMPTION: Henry Schwaller moved, Larry Schmidt seconded, that the Ellis County Chapter of the American Cancer Society be exempt from the existing noise ordinance during the "Relay for Life" activities to be held on June 25th & 26th, 1999.

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

19. EXECUTIVE SESSION: Henry Schwaller moved, Howard Rome seconded, that the Commission recess to executive session for a period of ten minutes.

the purpose of discussing the purchase of real estate. The executive session shall include the City Attorney, City Commissioners, the City Manager, the Assistant City Manager and the Airport Manager.

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

Mayor Billinger called the meeting back to order and stated that the purchase of real estate was discussed during the executive session.

Troy Hickman moved, Howard Rome seconded, that the Mayor and City Manager be authorized to execute an agreement for a warrant deed for the purchase of the Richard Herl property adjoining the Hays Municipal Airport for a total of \$252,110.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

The City Manager noted that this purchase was not budgeted, and will be paid out of the General Fund. A portion of the amount will be reimbursed at a later date when two-thirds of the property is sold and 90 percent of the remaining amount will be reimbursed through a FAA grant.

20. ADD-ON ITEMS: City Manager Zacharias said if there are no objections, the City plans to write a letter of support on behalf of USD 489 for a grant application. USD 489 is requesting a \$1 million grant to provide alcohol counseling services and support to individuals and families within the community.

Commissioner Schmidt said a letter was sent out by the Fire and Inspection Services stating that property owners were required to have a licensed contractor in order to obtain a building permit. This is not in accordance with City ordinances. The City Manager said the language in the letter was not clear and modification will be made to the letter.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board