

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 23, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, September 23, 1999, at 7:30 p.m.

Roll Call: Present: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Absent: Wayne Billinger

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

2. MINUTES: Howard Rome moved, Larry Schmidt seconded that the minutes of the regular session held on September 8, 1999, be approved.

Vote: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias stated that sales tax revenue this year is approximately \$8,000 more than for the same time period last year.

Howard Rome moved, Larry Schmidt seconded, that the Financial Statement for the month of August 1999, be approved.

Vote: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

4. AWARDS: The City Commission recognized the Hays Public Library Board of Directors and staff for receiving an award as the second best library in the United

States serving communities in population from 10,000 through 24,999 by Hennen's Public Library Ratings.

5. CITIZEN COMMENTS: There were no comments.

6. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias presented a citizen's petition requesting the installation of an automatic crosswalk at the intersection of 22nd Street and Donald Drive near Roosevelt School. It was recommended that the petition be forwarded to the Traffic Advisory Committee for review and consideration.

Commissioner Schwaller stated he has received calls on this same issue and recommends the Traffic Advisory Committee also study the intersection at 22nd and MacArthur. Commissioner Schwaller requested that TAC consider installing a left turn signal at the 22nd & Vine Street intersection.

Asst. City Manager Penny Postoak stated the Pool Task Force met and recommended that when the information is placed in the "City Works" newsletter regarding names for the new pool, that no names be suggested; they would like to have suggestions without showing favor to any other suggested names. The Commission agreed with the Task Force.

7. CONSENT ITEMS: There were no consent items.

8. VINE STREET ENHANCEMENT PROJECT ECONOMIC IMPACT STUDY:

This study will assess the economic impact of the proposed Vine Street improvements from 27th Street to 55th Street. To do this, the Docking Institute will estimate the net economic impact of retail development through estimating the direct, indirect, and induced benefits related to the development of retail establishments on north Vine Street. The total cost of the study is \$14,000. The cost to the City will be \$10,500; the Docking Institute is underwriting the remaining \$3,500.

Commissioner Schwaller asked if there are other organizations that would be willing to help defray the cost of the study. Public Works Director Elden Hammerschmidt stated he has asked several groups and they have indicated they don't have the funds. Ellis County will be asked for assistance when the

physical improvements commence. Lavern Squier, Economic Coalition Director, stated he would be willing to seek out assistance with the funding.

Henry Schwaller moved, Howard Rome seconded, that the City contract with the Docking Institute to perform an economic impact study to support the KDOT enhancement application for improvements to Vine Street north of I-70, in an amount not to exceed \$10,500, be approved.

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

9. PARKS AND RECREATION MASTER PLAN: A panel consisting of City staff, Hays Recreation Commissioners and the Hays Recreation Superintendent recommended a proposal from Bucher, Willis and Ratliff be accepted to complete a Parks and Recreation Master Plan. The Recreation Commission has agreed to pay 40% (\$8,000) and the City of Hays will pay 60% (\$12,000). The panel also recommended a statistically valid needs assessment study be conducted by BWR. The HRC share would be 40% (\$3,200) and the City share would be 60% (\$4,800).

Commissioner Rome expressed concern about spending money for this study. Each budget session, the Commissioners discuss what they want to see accomplished in our park system, but when it comes down to financing improvements, the money is not there.

City Manager Zacharias stated this study would give the City a vision of future park development. Civic groups that contribute to our park system would find such a study very helpful when determining needs.

Henry Schwaller IV moved, Larry Schmidt seconded, that the proposal submitted by Bucher, Willis & Ratliff to complete a Parks & Recreation Master Plan be tabled until the next meeting.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome

10. POOL ITEMS: A. Bids for the underground sprinkler system at the Hays Municipal Pool were received from the following:

Wetland Irrigation	\$29,316.00
Wallace Landscape & Irrigation	35,958.00
Shade Tree Lawn & Landscape	69,907.60

Commissioners Schwaller and Schmidt stated they would like to examine the bid specifications and diagrams before voting to accept this bid. Asst. City Manager Postoak stated that since the bids were just opened this week, she didn't have that information but will get it to the Commissioners prior to the next meeting.

Larry Schmidt moved, Henry Schwaller IV seconded, that acceptance of the bid be tabled until the next meeting.

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

B. A change order with Commercial Builders in the amount of \$6,338.18 to increase the depth of the Lazy River from 2 feet to 2.5 feet was discussed. This amount is for additional excavation and gravel beyond what the original plan called for in the base contract. The excavation portion of the work has already been completed without approval from the City. The Pool Task Force recommends approval based on feedback from communities that have the 2-foot depth. City staff recommends approval because the work that has already been done is in the best interest of the overall project.

Commissioner Rome stated this should have had approval before the work was started.

Jim Sullivan, architect of the pool, stated Commercial Builders was following the directions of another sub-contractor, Associated Pools, not realizing there would be extra costs associated with changing the depth. A lack of communication between the two contractors resulted in the work being started

before realizing the increased depth would add additional costs to the project and Commission approval was needed. Associated Pools will also have some additional costs associated with this change but have elected not to proceed with a change order.

Vice Mayor Hickman stated he agrees with increasing the depth by 6 inches, however, he doesn't like to start a pattern of accepting change orders where work is initiated without approval.

Commissioner Schmidt suggested the 10% overhead and profit in the amount of \$564.90 and the 2% bond amount of \$124.28 be subtracted as a penalty for starting the work prior to receiving approval.

Larry Schmidt moved, Henry Schwaller IV seconded, that a change order with Commercial Builders for \$6,338.18 minus \$689.18, (the 10% overhead and profit and 2% bond amount), for a total of \$5,649.00, be approved.

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

11. 32ND/ 33RD AND VINE IMPROVEMENTS: John Youll, engineer with Bucher, Willis & Ratliff, discussed the realignment of the 32nd/33rd Street and Vine Street intersections. At the last Commission meeting, Commissioner Schmidt had suggested 33rd Street continue west through the Vine Street intersection and tie into the frontage road and have traffic use the existing frontage road to get between 32nd and 33rd Streets.

BWR has studied that proposal and feels the interim intersection would not be as efficient or as safe as the present layout. City staff and BWR discussed this change with Chriss McDiffett, KDOT District 3 Engineer and Chris Huffman, KDOT's Corridor Management Administrator. Both men indicated that reconfiguring the intersection prior to constructing 33rd Street would not be approved by KDOT. They recommended the City start to acquire right-of-way as soon as possible so design and construction would not be delayed when money becomes available.

Public Works Director Elden Hammerschmidt stated Mr. Huffman said that if the Commission decided to move forward with a design/engineering study for 33rd Street alignment, money spent on preliminary engineering could be considered as a match. Usually these costs are borne by the local government.

Commissioner Schmidt suggested right-of-way behind the Pheasant Run be acquired, and 33rd Street be extended on that acquired right-of-way up to a point where it would meet an existing north/south alley. The alley could be paved and used as an access road between 32nd and 33rd Streets. This could be done as a separate project apart from the Enhancement Project, but tie into the Enhancement improvements.

Mr. Hammerschmidt said he would discuss with KDOT that this is what the City wants to pursue. Perhaps the City could get a change order on the Vine Street project, if not, the City could try to do this simultaneously with the Enhancement project.

The consensus of the Commission was to submit the plans without any changes and proceed with preliminary engineering to align 33rd Street west to connect to Skyline Drive.

12. TALLGRASS SECOND ADDITION, FINAL PLAT: This plat represents the second and final phase of the land development project undertaken by Lusk Land Company, Inc. The plat consists of lots intended for both commercial and residential development. The developer has applied for a change of zoning from the current "A-L" Agricultural zoning. The Planning Commission will consider these requests during a public hearing that will be held October 18th, 1999, during the regular Hays-Ellis County Planning Commission meeting.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 314, being a resolution approving and accepting the final plat of Tallgrass 2nd Addition to the City of Hays, Kansas, be approved.

Vote: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

13. BUILDING LIMITATION INFORMATION: This item was tabled until the October 14, 1999, Commission meeting.

14. CORRIDOR MANAGEMENT AGREEMENT: Larry Schmidt moved, Howard Rome seconded, that the City of Hays enter into an agreement with the Kansas Department of Transportation to receive up to \$300,000 in Corridor Management Funds for the construction of improvements on 27th Street at Vine Street.

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

15. ELEVATOR BIDS: This project was bid in the spring of 1999. All of the bids were over the engineer's estimate of \$125,000 and rejected. It was decided at that time to rebid the project later in the year. The following bids were received on September 1, 1999:

Paul-Wertenberger Construction	\$175,000
Commercial Builders	175,400

There is \$140,000 budgeted in 1999 for this project. Water Division Superintendent Joe Obholz stated that due to low water usage during the first four months of the year, the chemical budget will be able to absorb some of the overage. This elevator is used on a daily basis and is not passing any load tests, is leaking oil, and needs parts replaced that are no longer available.

Howard Rome moved, Larry Schmidt seconded, that the bid from Paul-Wertenberger Construction, in the amount of \$175,000 to replace the existing elevator at the Hays Water Treatment Plant, be accepted.

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

16. FINANCING ISSUES: A. Henry Schwaller IV moved, Howard Rome seconded, that Resolution No. 315, being a resolution amending Resolution No.

297 pertaining to improvement of a portion of 27th Street in the City of Hays, Kansas, be approved.

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

B. Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 316, being a resolution authorizing improvements to the City of Hays, Kansas Public Works Building, be approved.

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

C. Larry Schmidt moved, Howard Rome seconded, that Resolution No. 317, being a resolution authorizing the issuance and delivery of \$2,220,000 principal amount of General Obligation Municipal Temporary Notes (street, utilities and building improvement projects), Series 1999-A, of the City of Hays, Kansas, for the purpose of temporarily financing the costs of certain street and utility improvements of the City; and prescribing the terms and details of said notes, be approved; and further that the bid from Commerce Bank, Kansas City, MO, with the low bid interest rate of 4.105%, be accepted.

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

D. Henry Schwaller IV moved, Larry Schmidt seconded that Resolution No. 318, being a resolution authorizing the issuance and delivery of \$100,000 principal amount of Taxable General Obligation Municipal Temporary Notes (airport improvement project), Series 1999-B, of the City of Hays, Kansas, for the purpose of temporarily financing the costs of certain airport improvements of the City; and prescribing the terms and details of said notes, be approved; and

further that the bid from United Missouri Bank, Kansas City, MO, with the low interest rate of 6.345695%, be accepted.

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

17. LEAGUE OF KANSAS MUNICIPALITIES VOTING DELEGATES: Howard Rome moved, Henry Schwaller IV seconded, that Wayne Billinger, Henry Schwaller IV, Troy Hickman, and Hannes Zacharias be designated as voting delegates at the League of Kansas Municipalities Annual Conference; and that Carol Sue Berger and Susie Billinger be designated as alternates.

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

18. LETTER OF SUPPORT FOR FORT FLETCHER BRIDGE: Howard Rome moved, Henry Schwaller IV seconded, that the City Manager be authorized to sign a letter of support to restore and preserve the Fort Fletcher Bridge in Ellis County.

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

19. EXECUTIVE SESSION: Larry Schmidt moved, Howard Rome seconded, that the Governing Body adjourn to executive session at 9:25 for five minutes to discuss the purchase of real estate. The executive session is to include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome

The Governing Body reconvened at 9:30. Vice-Mayor Hickman stated no action was taken during executive session.

City Manager Zacharias stated the City has secured an option to purchase property from Stanley and Martha Weilert for \$200,000 for construction of 43rd Street leading to the new Wal-Mart SuperMart location. 43rd Street would divert traffic away from Mopar Drive and ease traffic congestion. The State of Kansas Corridor Management Agreement will provide \$100,000 to help defray the cost of the property acquisition.

Howard Rome moved, Larry Schmidt seconded, that the real estate purchase contract between the City of Hays and Stanley and Martha Weilert, in the amount of \$200,000, be approved.

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

Howard Rome moved, Larry Schmidt seconded, that the Corridor Management Project Agreement submitted in the amount of \$100,000, be approved.

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

20. ADD-ON ITEMS: City Manager Zacharias gave the Commissioners a memo regarding the purchase of gas by the Hays Police Department. The memo detailed the process by which the HPD purchases and tracks gas usage for their department. The Commissioners are to review the memo and instruct staff as to how to proceed.

Commissioner Schmidt stated the City of Hays should support other cities trying to gain the Northwest Passage. Commissioner Schmidt would like to have the Commission discuss the Hall Street widening project before it's too far along

to change anything. He would like to have input on the project during the preliminary stages. Commissioner Schmidt requested that citizens interested in the quorum issue contact the other four Commissioners and voice their concerns prior to the next meeting.

Commissioner Schwaller stated that three other gas retailers have approached him regarding the City's gas purchasing procedures. Commissioner Schwaller encouraged the City to open this process and see if other retailers are willing to provide the same services that our present supplier provides. Commissioner Schwaller also requested the traffic light at 27th & Vine Streets be adjusted to extend the time allowed for eastbound/westbound traffic to cross. When school dismisses for the day, traffic is backed up for long periods of time.

City Manager Zacharias stated he would check into the cost of having the traffic light reprogrammed and how long it will be until the 27th Street project is completed.

Commissioner Schwaller encouraged the public to contact City Hall or the Commissioners about any property in the City that needs to be cleaned up.

Vice-Mayor Hickman read a prepared statement regarding his thoughts on how Commission meetings should be conducted. If new evidence is brought forth regarding an issue that has already been discussed and voted upon, he is willing to revisit the issue. Meetings should be conducted in a manner that is understanding, compassionate, respectful, orderly and tolerant of everyone.

Thereupon the Governing Body adjourned.

Submitted by _____

Clerk of the Board