

# Memo

To: City Commission  
From: Toby Dougherty, City Manager  
Date: 3-18-13  
Re: March 21, 2013 Work Session

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Please find the attached agenda and supporting documentation for the March 21, 2013 Work Session.

## Item 2 – Workers' Compensation Insurance

As was discussed at the regular meeting last week, the City of Hays was quoted a substantial increase for its workers' comp renewal by Berkshire-Hathaway. The increase was large enough that the City Commission was willing to explore the possibility of switching back to KMIT for our workers' comp coverage. City staff has obtained a quote from KMIT of \$164,535. This is a savings of \$28,566 compared to the quote from Berkshire-Hathaway. Should the City choose to move forward with KMIT, it would need to renew its membership with the League of Kansas Municipalities. The League of Kansas Municipalities' annual fee would be approximately \$9,400.

City staff understands the frustration the Commission has exhibited towards the League of Kansas Municipalities over the last several years; however, most of this frustration has been focused on the legislative advocacy side of the League of Kansas Municipalities as well as the image of League leadership. The City belonged to KMIT for many years and had nothing but good experiences with them. It is staff's recommendation that the City Commission accept the quote from KMIT for workers' comp coverage.

## Item 3 – Former Hays Shooting Range Remediation – Informational Update

As you are aware, the City was mandated by the Kansas Department of Health and Environment to remediate a former shooting range located on property west of town. Since the shooting range was in the City's name, we were the entity that the State contacted; however, the range was utilized by the City and County as well as several State agencies. Because of this, we reached out to Ellis County and the State of Kansas and were able to address the remediation with each entity picking up part of the load. Assistant Director of Public Works John Braun has been overseeing the project through its completion, and he will update the Commission on the results.

#### Item 4 – Fort Hays Municipal Golf Course Mower Purchase

Please refer to the attached memorandum from Parks Director Jeff Boyle regarding a mower purchase for the Parks Department. This is a budgeted item that came in significantly below the budgeted amount. City staff is very happy with the bid and recommends approval.

#### Item 5 – City Hall Public Restroom Renovations

Please refer to the attached memorandum from Fire Chief Gary Brown regarding the remodel of the public restrooms in City Hall. The current restrooms are 40 years old and in need of improvement. City staff felt it was time to not only make some cosmetic improvements but to also install cutting edge water efficient fixtures. Chief Brown will be at the work session to explain the remodel in more detail.

#### Item 6 – Comprehensive Financial Management Policy Review – 2012

This item is self-explanatory. As a requirement of the City Commission's Comprehensive Financial Management Policy, City staff is to update the Commission on our overall compliance with the policy each year. Finance Director Kim Rupp will give the review for 2012.

#### Item 7 – Outside Agencies – City of Hays Funds Recognition Policy

Please refer to the attached memo regarding agencies that receive monies from the City of Hays.

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**CITY OF HAYS**  
**CITY COMMISSION WORK SESSION**  
**THURSDAY, MARCH 21, 2013 – 6:30 P.M.**  
**AGENDA**

1. **ITEM FOR REVIEW: [March 7, 2013 Work Session Notes \(PAGE 1\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Workers' Compensation Insurance \(PAGE 7\)](#)**  
STAFF MEMBER RESPONSIBLE: Erin Giebler, Human Resources Coordinator
3. **ITEM FOR REVIEW: [Former Hays Shooting Range Remediation – Informational Update \(PAGE 17\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
4. **ITEM FOR REVIEW: [Fort Hays Municipal Golf Course Mower Purchase \(PAGE 57\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Jeff Boyle, Director of Parks
5. **ITEM FOR REVIEW: [City Hall Public Restroom Renovations \(PAGE 61\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Gary Brown, Fire Chief
6. **ITEM FOR REVIEW: [Comprehensive Financial Management Policy Review - 2012 \(PAGE 65\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
7. **ITEM FOR REVIEW: [Outside Agencies – City of Hays Funds Recognition Policy \(PAGE 69\)](#)**  
PERSONS RESPONSIBLE: City Commission
8. **OTHER ITEMS FOR DISCUSSION**
9. **EXECUTIVE SESSION (IF REQUIRED)**
10. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.



City of Hays  
City Commission  
Work Session Notes  
March 7, 2013

Present: Troy Hickman, Kent Steward, Ron Mellick, Eber Phelps, John Bird,  
Toby Dougherty

Absent: Henry Schwaller IV

**North Central Kansas Technical College – 2013 Big Creek Technical Center  
Annual Report**

Don Benjamin, Dean of the North Central Kansas Technical College, presented the third annual report of activities that have been completed or are in progress at the Big Creek Technical Center located at 101 Main. Annual reporting is a requirement of their contract with the City of Hays for their utilization of space at the former Army Reserve facility, which is owned by the City of Hays.

**Workers Compensation Insurance**

At the March 14, 2013 Commission meeting, the Commissioners will be requested to approve the only bid that was received for workers compensation insurance from Berkshire-Hathaway, for an annual premium of \$193,101.

**Fort Hays Municipal Golf Course Tournament Fee Increase Request**

The Fort Hays Municipal Golf Course Advisory Board voted to recommend a fee increase for all Fort Hays Municipal Golf Course tournaments, increasing the fees of an 18-hole tournament by \$100 and a 9-hole tournament by \$50. If approved, the fee for an 18-hole tournament would be \$500 for weekdays and \$600 for weekends. The 9-hole tournament fee would be \$250 for weekdays and \$300 for weekends. By increasing the tournament fees, the Pro-Shop Manager

can utilize additional marshals to cover all tournaments to ensure that all rules are followed.

Chairperson Hickman stated he is opposed to the whole idea of marshals. He thinks marshals cause more problems than the problem of not having marshals. It is hard to find and oversee people who are qualified to be marshals.

Parks Director Jeff Boyle stated he plans to discuss this with the Pro Shop Manager and review a list of potential marshals. He will discuss policies and the expectations of marshaling. It is very important to have marshals on duty the entire time the tournament is held to keep the pace of play up and ensure that course policies are followed. No one will be appointed if they are not qualified.

Commissioner Mellick stated that a lot of money has been spent on the golf course in the last six years. During some tournament play, damage has been done to the course. It is important to protect the City's investment in the course by having marshals at tournaments.

The Commissioners will be requested to formally approve the fee increase at the March 14, 2013 Commission meeting.

### **Fort Hays Municipal Golf Course Junior Golf Fee Request**

The Fort Hays Municipal Golf Course Advisory Board recommended a Junior Golf greens fee for ages 17 and under, the fee being the same as the Twilight greens fee of \$14. These fees would be valid Monday through Friday all day. On weekends and holidays, these fees would be valid after 2:00 p.m. or at the discretion of the Pro Shop Manager.

The Commissioners will be requested to formally approve Junior Golf green fees at the March 14, 2013 Commission meeting.

### **Vehicle Abatement at 700 Vine Street**

At the March 14, 2013 Commission meeting, the Commissioners will be requested to approve a resolution abating a vehicle nuisance located on the property at 700 Vine Street.

### **Vine Street Reconstruction (13<sup>th</sup> to 22<sup>nd</sup>) – Award of Bid**

Paver's Inc. of Salina, KS submitted the low bid, in the amount of \$1,049,536.29, for the reconstruction of Vine Street from 13<sup>th</sup> to 22<sup>nd</sup> Street. Construction is to begin in April and last through July 2013. The City has received KDOT Connecting Link funds to assist in financing the cost of construction.

The Commissioners will be requested to approve Paver's bid at the March 14, 2013 Commission meeting.

### **Vine Street Reconstruction (13<sup>th</sup> to 22<sup>nd</sup>) Material Testing and Inspection**

The KDOT Connecting Link grant that is being used to fund reconstruction of Vine Street from 13<sup>th</sup> to 22<sup>nd</sup> Street requires a project of this type to follow the KDOT specifications for inspection and materials testing. City inspectors will be performing limited daily construction observation and inspection; however, KDOT requires some specific testing that the City does not have the capability to perform in-house. Staff solicited proposals to provide said services. Driggs Design Group of Hays and Manhattan submitted the lowest bid in the amount of \$31,194.

The Commissioners will be requested to approve the bid submitted by Driggs Design Group at the March 14, 2013 Commission meeting.

### **Requirements for Water Customers Outside City Limits**

Staff investigated the possibility of placing restrictions on the use of water by customers outside of the city limits, similar to the restrictions placed on customers inside the city limits. At this time, there are 47 water customers outside the city limits paying a rate that is 70% higher than the inside rate. No abnormally high water usage was found when compared to similar customers inside the city limits.

The potential still exists for an outside water customer to use water in a manner not consistent with our ordinances and the City does not have much of an ability to stop it. Staff proposed that the ordinances be amended to require all

customers of the City of Hays' water system, inside or outside the city limits, comply with the City's water conservation regulations as well as any regulations that are part of the drought response plan and raise the outside water rate to be double the inside water rate. Staff also suggested that pre-annexation agreements designate what types of usage is allowed with the water such as domestic, commercial, etc.

The Commissioners will be requested to formally approve the recommended changes at a future Commission meeting after the City Attorney has had time to make the changes to the existing ordinances and pre-annexation agreements.

### **Newly Seeded Lawn Permit**

The City of Hays prohibits outdoor watering between the hours of noon to 7:00 p.m. beginning June 1<sup>st</sup> and ending September 30 of each year. Residents wishing to seed or sod a lawn during this period have been allowed to request a permit from the City of Hays, at no charge, which allows them to water outdoors during the prohibited period while establishing a lawn. The permit encourages residents to plant and sod cool season grasses during periods when they should not be planted or sodded.

The following changes have been suggested by staff:

1. Cool season grass permits: Available from August 25<sup>th</sup> – September 30<sup>th</sup>  
A fee of \$100
2. Warm season grass permits: Available from June 1<sup>st</sup> – August 1<sup>st</sup>  
No Fee
3. All permits are valid for a 10-day period only.
4. All permits will be issued on a weather-proof sign that is to be placed in the yard where the seeding or sodding is taking place. The sign will have the expiration date written clearly upon it.

City staff will utilize the \$100 collected for cool season lawn permits to purchase Buffalo grass seed which will be given free to residents who are willing

to convert from cool season grass to warm season grass. Planting at new construction sites must have compost added and incorporated into existing soil to ensure a greater chance of a successful lawn. Educational materials will be provided to residents, landscapers, and local vendors regarding warm season grass and plantings that have low watering requirements.

The Commissioners will be requested to approve the recommended changes to the Newly Seeded Lawn Permit at the March 14, 2013 Commission meeting.

### **Exchange Visit with Sister City in China (Xinzheng, China)**

Commissioner Steward stated he will contact representatives in Xinzheng, China about possible dates for an exchange visit.

Chairperson Hickman stated that members of past City Commissions have visited China twice. He does not feel that the City of Hays has received any benefit from these exchange visits. Fort Hays State University has received benefits. It is hard for him to justify the City paying for a Commissioner's trip to China.

Commissioner Steward agreed that there has not been a direct benefit financially to the City of Hays from the two trips. Indirectly, the relationship between Hays and Xinzheng has been extremely beneficial to FHSU. A case could be made for benefits other than financial.

Greg Sund and Ann Leiker, representing the Sister Cities Advisory Board, spoke about future plans and the role of the Sister Cities committee in reestablishing some conversation about economic development that benefits the city of Hays as well as FHSU.

Commissioner Steward feels that the Commission should vote on whether or not to send a Commissioner to China.

Commissioner Phelps commented that because of the difference in culture, it takes many years to develop a relationship. The Commission and the Ellis County Coalition for Economic Development should discuss developing some sort of trade mission, which may involve taking periodic trips to China.

Commissioner Steward stated that after he hears back from Xinzheng about a good time to visit, perhaps representatives from the Sister Cities, the Coalition, and the City Commission could get together to decide on a plan to present to the City Commission for approval.

The work session was adjourned at 8:06 p.m.

Submitted by: \_\_\_\_\_

Doris Wing – City Clerk

# Commission Work Session Agenda

## Memo

**From:** Erin Giebler, Human Resources Coordinator

**Work Session:** March 21, 2012

**Subject:** Workers' Compensation Insurance

**Person(s)** Toby Dougherty, City Manager

**Responsible:** Erin Giebler, Human Resources Coordinator

### Summary

City Staff solicited bids for workers' compensation insurance coverage. The one and only bid received was from the City's current worker's compensation insurance provider, Berkshire-Hathaway, for an annual premium of \$193,101, equal to a 12% increase from last policy term.

After receiving such a large increase, the City contacted Kansas Municipal Insurance Trust (KMIT) to obtain a bid. KMIT's bid come in at \$164,535 for an annual premium. In order to be eligible for KMIT's workers' compensation, the City would also have to join the League of Kansas Municipalities (LKM) at a cost of \$9,351.25. The total cost for the KMIT premium and the membership fee for the League of Kansas Municipalities would be \$173,886.25.

Staff recommends Commission approves joining the League of Kansas Municipalities and approve the contract with KMIT for Workers' Compensation Insurance.

### Background

In January 2012 the City Commission dropped membership with the League of Kansas Municipalities which resulted in the City losing our Worker's Compensation Insurance provided by KMIT (Kansas Municipal Insurance Trust). In April 2012, after a bid process, the Commissioners approved Berkshire-Hathaway to provide the City's Workers' Compensation Insurance. The City's current Workers' Compensation's Insurance Policy Term ends March 31, 2013.

### Discussion

City staff, through our risk management broker, Insurance Planning, solicited bids for workers' compensation coverage from 13 companies. Only one bid was received. That

bid was for \$193,101 by our current Worker's Compensation insurance carrier, Berkshire-Hathaway.

This is a \$21,606 increase or approximately a 12% increase from last year's premium. This increase is due to three factors:

1. Payroll Increase;
2. The Kansas base rates for many of the classifications on our policy increased;
3. Berkshire reduced the "scheduled credit" on the City's policy by 2%.

Due to the high increase, the City contacted the City's 2011's Workers' Compensation Insurance carrier, KMIT, to obtain a bid. KMIT's bid come in at \$164,535 for an annual premium. The City would also have to pay \$9,351.25 in membership fees to the League of Kansas Municipalities due to membership in the LKM being a prerequisites to KMIT coverage.

The KMIT bid is a \$7,142 decrease or approximately a 4% decrease from last year's premium. Since the KMIT use the calendar year for policy terms, the premium the City would pay for this year would be pro-rated to \$123,626.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff.

### **Financial Consideration**

The 2013 budget included \$182,298 for Workers' Compensation Insurance. The bid from Berkshire-Hathaway is \$10,803 over budget while KMIT plus LKM fees are \$8,411.75 below budget.

### **Options**

Option 1 – Accept the proposal from Berkshire-Hathaway.

Option 2 – Join the League of Kansas Municipalities and accept the proposal from KMIT.

Option 3 – Provide Alternate direction to staff.

### **Recommendation**

Staff recommends that the Commission joins the League of Kansas Municipalities in order to accept the proposal from KMIT.

### **Action Requested**

Join the League of Kansas Municipalities for \$9,351.25 and accept the proposal from KMIT for the pro-rated amount of \$123,626 for workers' compensation coverage from April 2013 through December 2013.

## **Supporting Documentation**

Bid Tally

Premium calculations sheets from Berkshire Hathaway

Premium calculations sheets from KMIT

**MARKETING RESULTS**

Named Insured: City of Hays

COMPANY	RESULTS TO SUBMISSIONS
APEX – Companion Commercial	Not a Work Comp Market
Travelers	Cannot write by itself without existing business on line
Amtrust	Not a Market for Municipalities
Hartford	No Firefighters or Police
Liberty Mutual	Not a Market for Municipalities
First Comp	Not a Market for Municipalities
Midlands Management Corp.	Does not write Primary Coverage – Only Excess
Market	Requires \$100,000 Retention
Chartis (IPAA)	No Firefighters or Police
Amerisafe	Not a Market for Municipalities
Insential (Broker)	Not a Market for Municipalities
Trident	Cannot write by itself without existing business on line
Berkshiro-Hathaway	Quote Attached

**Important Notice**

This presentation is designed to give you an overview of your insurance program, and should not be construed as a legal interpretation of your insurance policies. Please refer to your specific insurance contract for details on coverages, conditions, and exclusions. Should a discrepancy occur between this document and the policy, the policy will be the coverage afforded by the company.



**Workers Compensation Premium Calculation**  
**Berkshire Hathaway Homestate Insurance Company**

	<u>Factor</u>	<u>Estimated Premium</u>
Total		\$ 364,511
Waiver of Subrogation		250
Increased Limits	.80	2,916
Deductible		
Experience Modification*	.71	-106,626
Schedule Modification	.20	-52,210
Loss Constant		
Assigned Risk Surcharge		
ARAP		
Premium Discount	.088	-18,378
Expense Constant		160
Terrorism	.0155	1,239
DTEC	.0155	1,239
<b>Total Estimated Premium</b>		<b>\$ 193,101</b>
Expiring Premium from 12/13 Policy Term		\$ 171,495

Note: \* Experience Modification subject to current re-rating

**WORKERS' COMPENSATION RATING BASIS**  
**Berkshire Hathaway Homestate Insurance Company**

Loc	Code	Classification	Est. Payroll	Rates	Premium
0001	5506	Street or Road Construction Paving or Repaving & Drivers	646,037	6.86	44,318
0001	7380	Drivers Chauffeurs & their Helpers NOC Commercial	11,526	5.28	809
0001	7403	Aviation All Other Employees & Drivers	82,361	3.63	2,990
0001	7520	Waterworks Operation & Drivers & Salespersons	469,727	5.19	24,379
0001	7580	Sewage Disposal Plant Operation & Drivers	343,707	3.08	10,517
0001	7710	Firefighters & Drivers	998,745	9.83	95,987
0001	7720	Police Officers & Drivers	1,569,391	3.68	57,754
0001	8810	Clerical	1,854,884	.28	4,823
0001	9060	Club Country Golf	159,558	1.58	2,521
0001	9102	Park NOC Employees & Drivers	510,443	3.80	18,376
0001	9220	Cemetery Operations & Drivers	41,073	5.82	2,390
0001	9403	Garbage Ashes or Refuse collection & Drivers	225,979	10.92	24,677
0001	9410	Municipal township NOC	823,135	8.77	72,189
0001	8742	Salesperson	196,869	.48	945
0001	7711	Firefighters & Drivers - Volunteer	3,000	9.63	289
0001	8831	Animal Control	57,082	3.06	1,747
0001		Waiver - Union Pacific Railroad	Included		Included

**WORKERS' COMPENSATION RATING BASIS**  
Berkshire Hathaway Homestate Insurance Company

Loc	Code	Classification	Est. Payroll 13/14	Payroll 12/13	Current Rates	Expiring Rates
0001	5506	Street or Road Construction Paving or Repaving & Drivers	646,037	684,666	6.86	7.13
0001	7380	Drivers Chauffeurs & their Helpers NOC Commercial	11,526	4,500	5.28	5.05
0001	7403	Aviation All Other Employees & Drivers	82,361	82,488	3.63	3.77
0001	7520	Waterworks Operation & Drivers & Salespersons	469,727	422,246	5.19	5.25
0001	7580	Sewage Disposal Plant Operation & Drivers	343,707	359,502	3.06	3.17
0001	7710	Firefighters & Drivers	996,745	981,957	9.63	8.18
0001	7720	Police Officers & Drivers	1,569,391	1,400,675	3.68	3.80
0001	8810	Clerical	1,854,884	1,721,410	.26	.26
0001	9060	Club Country Golf	159,558	156,675	1.58	1.49
0001	9102	Park NOC Employees & Drivers	610,443	628,911	3.60	3.70
0001	9220	Cemetery Operations & Drivers	41,073	39,365	5.82	5.42
0001	9403	Garbage Ashes or Refuse collection & Drivers	225,979	269,164	10.92	10.13
0001	9410	Municipal township NOC	823,135	614,166	8.77	7.22
0001	8742	Salesperson	196,869	193,032	.48	.51
0001	7711	Firefighters & Drivers - Volunteer	3,000	3,000	9.63	8.18
0001	8831	Animal Control	57,082	63,523	3.06	2.97
		<b>Total Payroll</b>	<b>7,991,517</b>	<b>7,694,280</b>		

**WORKERS' COMPENSATION POLICY –  
Berkshire-Hathaway Homestate Insurance Company**

Named Insured: City of Hays  
Policy Term: 04/01/2013 to 04/01/2014

<u>Limits</u>	<u>Coverage Description</u>
As Required	Workers' Compensation
\$ 500,000	Employer's Liability – Each Accident
\$ 500,000	Employer's Liability – Disease-Policy Limit
\$ 500,000	Employer's Liability – Disease-Each Employee
None	Deductible Per Loss (If Applicable)

**Elections**

Partners, Officers, and Relatives	Included or Excluded:

**Additional Conditions and Endorsements**

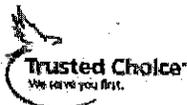
Premium may be subject to audit during and at expiration of policy.

*Consult your policy for a complete list of conditions and endorsements.*

**DEFINITIONS OF COVERAGE**

**Employer's Liability**

This coverage will pay all sums which you are legally obligated to pay because of bodily injury by accident or disease sustained by any employee arising out of their employment. This coverage is distinct from any Workers Compensation policy claim.



# City of Hays

## KMIT - Workers Compensation Quote for 2013

FINAL - Based upon Estimated 2013 Payroll

<u>Classification</u>	<u>Class Code</u>	<u>Payroll</u>	<u>Modified Rate</u>	<u>Premium</u>
Street or Road Construction: Paving or Repaving & Drivers	5506	\$646,037	5.75	\$37,121
Drivers, Chauffeurs & Their Helpers NOC-Commercial	7380	\$11,526	4.42	\$509
Aviation: All Other Employees & Drivers	7403	\$82,361	3.16	\$2,602
Waterworks Operation & Drivers & Salespersons	7520	\$469,727	4.34	\$20,396
Sewage Disposal Plant Operation & Drivers	7580	\$343,707	2.56	\$8,802
Firefighters and Drivers	7710	\$996,745	8.06	\$80,338
Firefighters and Drivers - Volunteer	7711	\$3,000	8.06	\$242
Police Officers & Drivers	7720	\$1,569,391	3.08	\$48,353
Salespersons, Collections or Messengers - Outside	8742	\$196,869	0.40	\$793
Clerical Office Employees NOC	8810	\$1,854,884	0.22	\$4,099
Hospital: Veterinary & Drivers	8831	\$57,082	2.56	\$1,462
Club: Country, Golf, Fishing or Yacht & Clerical	9060	\$159,558	1.33	\$2,116
Park NOC: Employees & Drivers	9102	\$510,443	3.02	\$15,395
Cemetery Operations & Drivers	9220	\$41,073	4.87	\$2,002
Garbage, Ashes or Refuse Collection & Drivers	9403	\$225,979	9.14	\$20,652
Municipal, Township, County or State Employee NOC	9410	\$823,135	7.34	\$60,459

Totals: \$7,991,517 \$305,342

**Make Checks Payable To:**  
KANSAS MUNICIPAL INSURANCE TRUST

**Send Payment To:**  
Kansas Municipal Insurance Trust  
UMB Lock Box  
PO Box 541  
Shawnee Mission, KS 66201-0541

04/01/13 Experience Mod: 0.69 \$210,686  
ARD Experience Mod: 0.00 \$0  
Standard Premium: \$210,686  
Discount: 22%  
Discounted Premium: \$164,335  
Expense Constant: \$200

**Annual Contribution: \$164,535**

**Pro Rata Contribution: \$123,626**



# Commission Work Session Agenda

## Memo

**From:** John Braun, Assistant Director of Public Works

**Work Session:** March 21, 2013

**Subject:** Former Hays Shooting Range Remediation –  
Informational Update

**Person(s)** Toby Dougherty, City Manager

**Responsible:** I.D. Creech, Director of Public Works

### Summary

The State of Kansas, Ellis County, and the City of Hays partnered in the remediation of lead contamination at the former Hays Shooting Range located at 1116 Vineyard Road. Approximately 210 CY of lead contaminated soil and hazardous waste were removed from the site. Based on the successful completion of the removal action, KDHE is expected to reclassify the site as “Resolved”. The costs incurred by the City of Hays are \$82,400.

Staff will present an overview of project at the March 21, 2013 work session.

### Background

The former Hays Shooting Range located at 1116 Vineyard Road has been inactive since 1998. In 2005 the site was referred to KDHE, and a site investigation was completed, which determined that lead contamination above acceptable levels existed and remediation was required. Below is a schedule of events leading up to the remediation of the site:

- December 2010 - the City, County and KDHE entered an agreement detailing a plan of action to clean-up the site.
- July 2011 - KDHE completed a Site Investigation Report determining the extent and volume of lead contamination.
- September 2011 - City entered an agreement with Geotechnical Services, Inc (GSI) to develop a Removal Action Plan. Plan subsequently approved by KDHE.
- May 10, 2012 – City Commission authorized GSI to proceed with remediation of the site. Ellis County participated by hiring contractor to excavate, transport and dispose of contaminated soils.
- October 2012 – Clean up complete.

- 180 CY of contaminated soil removed from Backstop Area
- 30 CY of contaminated soil removed from Firing Range Area
- Contaminated soil was screened and bullets and lead fragments removed
- 170 CY of contaminated soil transported to Hays Sportsmen's Club and used to build up Rifle Range Berm.
- 30 CY of hazardous waste transported to licensed hazardous waste disposal facility in Oklahoma.
- On-site borrow material was used to restore the site.

Soil testing below the residential risk level (400 mg/Kg lead) could remain on site. The contaminated soil transported to the Sportsmen's Club tested above the residential risk level and below the non-residential risk level (1000 mg/Kg lead). Soil testing about 1000 mg/Kg or above the lead toxicity hazardous waste characteristic concentration of 5 mg/L had to be disposed of properly at a hazardous waste disposal facility.

The property owner was kept in the loop during the entire project and was pleased with the work accomplished.

### **Discussion**

As required by the agreement with KDHE, GSI produced a Removal Action Report for the City to submit to KDHE documenting the remediation activities. That report is attached as an Exhibit to this memo. (Some data tables and other mundane technical appendices have been removed from the report – that information is available upon request.)

Hauling 170 CY of contaminated soil to the Sportsmen's Club saved money over disposing it as special waste; however, it required the establishment of an Environmental Use Control (EUC) for the area at the Sportsmen's Club where the contaminated soil was placed. While the EUC is a permanent encumbrance upon the property, considering the current use of the Sportsmen's Club as an active shooting range, the EUC is not an unreasonable burden.

While KDHE has yet to formally close the file on the former Shooting Range site, they are expected to reclassify the former Hays Shooting Range site as "Resolved" based on the successful completion of the removal action.

### **Legal Consideration**

N/A – information only.

### **Financial Consideration**

The 2010 agreement between the State, County and City detailed areas of responsibility:

KDHE – Site Investigation, technical oversight, and regulatory management.  
Estimated Cost \$30,000. (KDHE indicated they have spent over \$41K thus far)

Ellis County – Provide for site excavation, hauling and disposal of soil, and restoration of the site. County’s cost not to exceed that of the City’s.

City of Hays – Hire licensed professionals to develop Removal Action Plan, provide specialized equipment for remediation, and complete Final Summary Report. City’s cost = \$82,399.40. Paid out of City Manager Contingency and City Commission Financial Policy Projects

**Options**

N/A – Information Only

**Recommendation**

N/A – Information Only

**Action Requested**

N/A – Information Only

**Supporting Documentation**

Remediation Action Report

## City, County, State Partnership Addresses Contamination at Shooting Range

The former Hays Shooting Range was used by City, County, and State law enforcement personnel until 1998 for shooting practice. This shooting range was located on private property near a residence just west of Hays. BER partnered with the City of Hays and Ellis County to investigate and remediate environmental impacts associated with the shooting range. KDHE's investigation found large numbers of bullets and bullet fragments across the site, including in an ephemeral creek, and detected lead in the soil at concentrations much higher than the residential standard. The City and County pooled funds to hire a contractor to collect visible bullets, remove boulders, excavate the soil, separate bullets from the soil, and dispose of contaminated soil. BER provided project oversight for all remedial efforts. The disposal included recycling lead bullets and fragments; transporting soil that failed Toxicity Characteristic Leaching Procedure testing to Lone Mountain in Oklahoma; and using best management practices for soil with lead concentrations below the nonresidential standard. This material was reused for berm construction at the active Hays City Sportsman Club shooting range with an Environmental Use Control placed on the property to control future land use. The former shooting range property was restored to its natural setting by returning boulders to the hill slope and reseeded.

This project was successful because of the local-state partnership between Ellis County, City of Hays and KDHE. All three entities shared responsibility and each played an important role in completion of the project.



*Top Left: Accumulation of fired lead bullets.*

*Top Right: Machine used to segregate lead shot from soil for recycling.*

*Lower Left: Lead shot and soil removed from around native boulders. The soil is re-vegetated.*

**Removal Action Report  
Hays Shooting Range  
KDHE Project Code: C6-026-72147  
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## 1.0 INTRODUCTION

The Hays Shooting Range site (Site) is a former shooting range located in a rural area approximately three miles west of Hays, Ellis County, Kansas. More specifically, the site is located near the center of the north half of the south half of the northwest quarter of Section 16, Township 13 South, Range 19 West. The geographic coordinates of the site are 38.894742<sup>o</sup> North latitude and -99.406277<sup>o</sup> West longitude. Figure 1, Appendix A identifies the Hays Shooting Range site and surrounding area. Figure 2, Appendix A shows the limits of the Shooting Range property.

On July 1, 1994, the City of Hays entered into a 50-year lease with the previous property owners, Alan and Bonnie Schenk. The shooting range lease agreement stipulated the site will be remediated after the 50-year lease ends (2044) or when the city ceases use of the land for shooting range purposes. In December 2010, KDHE entered into a local/state partnership with City of Hays and Ellis County to address the site.

The current property owners are Diehl Oil, Inc., and Glenn and Rebecca Diehl. Use of the site as a shooting range predated the City of Hays 1994 lease and evidence of continued use as a shooting range was observed up to the time of the Removal Action.

KDHE conducted a Preliminary Removal Evaluation (PRE) in July 2008. Surface soil samples collected from the easternmost portion of the firing range area and from the backstop area indicated lead concentrations exceeding the Tier 2 Residential Scenario Risk Based Standards for Kansas (Tier 2 Residential RSK) concentration of 400 mg/Kg.

Based on the results of the 2008 PRE, KDHE conducted a Site Investigation (SI) in February, March and April 2011. The purpose of the SI was to determine the extent and volume of lead contamination in soil and sediment above applicable or relevant and appropriate requirements for removal action, investigate possible lead concentrations in groundwater and surface water, and assess potential impact to human health and the environment pursuant to a contract dated December 20, 2010 between KDHE, the City of Hays and the County of Ellis (Ref. 1). The results of the SI confirmed surface and subsurface soils on the Firing Range and Backstop portions of the Site exceeded the residential RSK level for lead supporting the necessity of removal actions. Surface water, sediment and groundwater on and near the site had not been impacted at levels above applicable screening thresholds.

Work described in this report was conducted based on the *Removal Action Plan for Hays Shooting Range* (RAP) submitted by Geotechnical Engineering, LLC (GSI) in April 2012. The reader is referred to the RAP for more detailed background information including previous Site investigation summaries, descriptions of Site conditions, land use, geologic and groundwater conditions, waste characteristics, and regulatory requirements for waste handling and management.

### 1.1 PROJECT OBJECTIVES

The primary objective of the removal action was to remediate the Site by removing lead contaminated soil exceeding the residential RSK level of 400 mg/Kg lead, addressing lead presumptive remedy requirements in a manner that allows reclassification of site status as "Resolved" by KDHE. Removal action objectives included limiting potential surface and groundwater exposure pathways, and preventing further exposure to waste through dermal, ingestion, and inhalation pathways, thereby protecting human health and the environment based on RSK standards. Site remediation goals were based on residential soil pathway Tier 2 RSK values for lead contamination (KDHE, October 2010).

Based on previous investigation data, two specific areas of the former firing range were targeted for soil excavation and lead reclamation/separation efforts. These areas included surface/near surface soils along the northern and eastern portions of the Firing Range area and surface and

shallow subsurface soil (3 to 18 inches) located in the impact zone of the Backstop area and adjacent streambed. The following discusses the rationale behind the proposed cleanup approach in more detail:

- Existing data and information do not indicate the potential for additional impacts or contaminant sources beyond the above-referenced areas. Additionally, available data do not indicate soil impacts at depths greater than 15 inches below ground surface (bgs). Surface water, groundwater and sediment, excluding the streambed adjacent to the backstop were not impacted.
- Available data and historical land use indicate that lead impacts to soil have solely resulted from historical firing range operations that included firing lead bullets and shot into the soil of the Backstop area. Investigation and/or remediation of soil impacts in addition to lead are therefore not warranted.

## **1.2 DOCUMENT ORGANIZATION**

This report describes the removal actions that were performed to meet the project objectives described above. Removal actions are described in Section 2, a summary and conclusions are presented in Section 3, and references are cited in Section 4 of this document.

Site figures, field and laboratory analytical summary tables, site photographs and field notes are provided in the appendices.

## **2.0 SITE REMOVAL ACTION**

GSI directed all removal actions. Soil excavation was performed by Hulcher Services, Inc., Denton, Texas and lead reclamation/separation efforts were performed by Range Reclamation. Project oversight, initial collection of visible lead bullets, field sampling, x-ray fluorescence (XRF) analysis, and removal action documentation were provided by GSI. Site removal actions included excavation of lead impacted soil, lead recovery efforts to removal residual lead bullets and bullet fragments from impacted soil, soil waste segregation, waste soil management, and Site restoration.

Hand removal of visible lead bullets and fragments was performed from June 25 to June 27, 2012. Soil excavation and lead reclamation/separation were performed from August 21 to August 31, 2012. Final disposition of soil waste was completed September 11, 2012 and October 4, 2012 following completion of waste characterization analysis.

### **2.1 HEALTH AND SAFETY**

Project implementation was in accordance with the Health and Safety Plans (HASPs) prepared by GSI and Hulcher Services, Inc., as provided in the RAP. Level D and modified Level D protective equipment was used for this project, depending on potential for exposure to waste materials. Prior to the start of field work each day GSI, Hulcher Services, Inc. and Range Reclamation, LLC met on site for project specific safety briefings. There were no health and safety incidents on this project.

### **2.2 HAND REMOVAL OF BULLETS AND BULLET FRAGMENTS**

GSI performed site preparation for hand removal of bullets and bullet fragments on June 19, 2012. Site preparation included establishment of a grid system covering the areas identified as containing spent bullets. In accordance with the RAP, the areas identified as containing spent bullets were divided into clearly marked grids of approximately 25 foot by 25 foot. Each grid area was clearly marked using white survey flags. Figure 3, Appendix A indicates the areas subject to hand bullet and fragment removal.

GSI performed hand removal of bullets and bullet fragments on June 25 and June 26, 2012. Metal detectors were utilized to improve identification of bullet and bullet fragments that covered by vegetation or other debris. Prior to beginning bullet recovery efforts, each metal detector was calibrated to the target range using a bullets recovered from the Site. Coins and a steel bolt were used to adjust instrument discrimination to minimize false detection signals.

GSI personnel searched each grid individually to collect visible spent bullets. Upon completion of the search, the grids were recorded as clear to avoid duplication of efforts. Multiple passes were completed at each grid location prior to marking as clear. Spent bullets and fragments collected during this process were placed in a 55-gallon steel drum pending reclamation. Approximately 200 pounds of lead was collected.

Kelly Peterson, KDHE Project Manager, visited the site on June 26, 2012 and was provided the opportunity to review cleared areas for approval prior to terminating hand collection efforts. Ms. Peterson approved lead collection on June 26, 2012.

## **2.3 SOIL EXCAVATION**

### **2.3.1 Pre-Excavation**

Two areas of the Site were excavated; the Backstop Area encompassing the Site east of the stream bed, and the Firing Range Area encompassing the Site west of the stream bed. The Backstop Area served as the bullet impact zone and contained the highest levels of lead contamination. The Firing Range Area included shooting stations and was not considered an impact zone. Lead contamination in the Firing Range Area was limited to the upper 6 inches of the soil profile. GSI directed soil excavation process and provided oversight, field sample collection, field sample analysis (XRF), and was responsible for selection and submittal of soil samples for laboratory confirmation analysis.

Site clearing and grubbing was completed on August 21 and 22 and included removal of surface vegetation, removal of boulders and large rock from the Backstop area, and installation of silt fence in accordance with the approved stormwater management plan. Site clearing and soil excavation was accomplished using a CAT<sup>®</sup> 329D track hoe equipped with a hydraulic thumb and a track loader with front bucket. Excavation of the Backstop Area began August 22 and was completed on August 27. Excavation of the Firing Range Area commenced on August 30 and was completed on August 31. Soil excavation was accomplished using Bobcat<sup>®</sup> S630 skid steer loaders.

GSI collected soil samples for XRF field analysis prior to beginning excavation of Firing Range and Backstop areas to confirm the proposed excavations would address previously identified lead impact areas. Seventeen pre-excavation samples were collected from the Firing Range Area and twenty-four pre-excavation samples were collected from the Backstop Area. Sample locations are shown on Figure 4: Firing Range Area Excavation and Figure 5: Backstop Area Excavation in Appendix A. Thirteen samples representing low, medium and high XRF lead analysis results were submitted for laboratory confirmation analysis to establish site-specific correlation coefficients to confirming reliability of field XRF analysis. Table 1: Pre-excavation XRF and Laboratory Analysis Summary in Appendix B. Using regression analysis to compare laboratory and field data results produced a R<sup>2</sup> of 0.9486, indicating good correlation between field and laboratory analysis. Pre-excavation soil sampling results were generally consistent with the data presented in the SI (Ref. 1) and the preliminary limits of soil excavation were established based on this data.

Although the RAP specified initial excavation of soil from areas of higher contamination (>1,000 mg/kg) progressing to areas of lower contamination, excavation of contaminated soil commenced at the north end of the Backstop Area, an area with soil lead concentrations ranging from 400 to 1,000 mg/kg lead. This deviation from the RAP was approved by KDHE due to delays in delivery

of roll-off containers required for containment of processed soil from higher level contaminated zones (>1,000 mg/kg lead).

### **2.3.2 Firing Range Excavation**

Lead impacted soil in the Firing Range area comprised an “L” shaped area along the northern and eastern edges of the concrete shooting lanes and was generally limited to the upper 3 inches of the soil profile. The Firing Range Area encompassed approximately 7,160 square feet. Pre-excavation sampling did not indicate lead concentrations exceeding 400 mg/kg; however, the SI (Ref. 1) had detected lead concentrations exceeding 400 mg/kg at one location adjacent to the north concrete shooting land and at three locations along the east edge of the concrete shooting lanes. Surface soil (0-4 inches) was stripped from a 60 foot by 20 foot area along the north shooting lane and from a 75 foot by 25 foot area along the east shooting lane. Lead impacted soil at the northwest corner and along the eastern edge of the Firing Range extended to approximately 6 inches below the surface. A total of approximately 30 cubic yards of soil was excavated from the Firing Range Area. The limits of the excavation areas are indicated on Figure 4: Firing Range Area Excavation in Appendix A.

### **2.3.3 Backstop Area Excavation**

Three separate excavations were completed in the Backstop Area and are referenced in this report as the Backstop excavation, North Stream Bank excavation and South Stream Bank excavation. The Backstop excavation encompassed the bluff face above the stream bank. The North Stream Bank excavation encompassed the east stream bank opposite the northern edge of the firing range. The South Stream Bank excavation encompassed a section of the east stream bank, opposite the southern end of the firing range. The limits of the excavation areas are indicated on Figure 5: Backstop Area Excavation in Appendix A.

The Backstop excavation was approximately 98 feet by 71 feet. The majority of lead contamination was limited to the upper 6 inches of the soil profile. Contaminated soil at the southwestern corner of the Backstop Area extended to greater depth, ranging from 1.5 to 2 feet below the surface. A total of 160 cubic yards of soil was excavated from the Backstop Area.

The North and South Stream Bank excavations encompassed areas of the bank where significant residual lead was observed during bullet collection activities. These areas were included in the excavation based on initial XRF field screening indicating elevated lead concentrations. The depth of excavation along the stream bank ranged between 0.25 and 0.75 feet. Approximately 21 cubic yards was excavated from the two Stream Bank areas.

Contaminated soil from the Backstop Area was transported by track loader to the stockpile area established along the eastern end of the Firing Range Area. Soil stockpiles were segregated based on soil lead concentration as determined during the site investigation SI (reference). All contaminated soil was placed on plastic sheeting to minimize potential soil cross-contamination pending processing. Soil stockpiles and containers were covered with plastic sheeting or tarps at the end of each working day.

## **2.4 SOIL PROCESSING**

Based on soil analysis conducted by KDHE as a part of the Site Investigation, removal of spent bullets and lead fragments had a significant effect on total lead concentrations and lead toxicity characteristic of impacted soils. Therefore, KDHE recommended reclamation efforts prior to final soil characterization. All soil excavated from the Site was processed in an attempt to recover spent bullets and bullet fragments prior to soil characterization. Lead reclamation efforts included use of specialized machinery capable of separating spent lead bullets and bullet fragments from soil by

sifting the media through a series of variable mesh screens. This process separates soil into two phases; a fine grain phase (< 1/4 inch) that passes all screen mesh sizes, and a coarse phase (>1/4 inch) that does not pass screen mesh. The fine grain phase discharges to the base of the machinery where it is transported by conveyer belt to the side of the machinery. The coarser phase is transported by gravity and rotary motion to the discharge point at the end of the screened sections. The fine grain phase product was anticipated to be free of lead and lead fragments and directed either to plastic sheeting or standard lined roll-off containers in accordance with the RAP soil management plans. The coarser material was anticipated to include bullets and bullet fragments from the shooting range soil and was discharged directly to the bucket of a Bobcat® track loader and placed into hazardous waste roll-off containers. Large rocks were removed from the soil prior to processing with a bucket attachment.

Soil recovered from the Site contained a significant amount of rock fragments similar in size to the bullets and fragments that were present in the soil. The screened product, although apparently effective in reducing the total lead concentration in soil, was not effective in separating rock fragments from spent bullets and lead fragments. Due to the high percentage of rock fragments included with the screenings recovered from the processed soil, lead recovery was not cost effective. The mixture of bullets, fragments and rock was contained on-site in lined, covered roll-off boxes and transported to Lone Mountain for disposal after waste characterization.

## 2.5 SOIL MANAGEMENT

In accordance with the RAP, soil excavated from the Backstop area was segregated based on soil lead contaminant concentrations identified during the Site Investigation (Ref. 1). Soil stockpiles were arranged according to source area (e.g. Lead concentration  $\geq$  1,000 mg/Kg, Lead concentration 400 – 1,000 mg/Kg, Lead concentration  $\leq$  400 mg/Kg) prior to processing.

Material recovered from lead separation machinery was field screened using XRF technology and managed in the following manner;

0-400 mg/kg lead passing screens	Directed to plastic sheeting and covered at end of each working day.
400->1000 mg/kg lead passing screens	Directed to standard lined roll-off containers and covered at the end of each working day.
Bullets/fragments and rock not passing screens	Directed to lined hazardous materials roll-off containers and covered at the end of each working day.

In accordance with the RAP, XRF technology was used to analyze soil excavation samples and processed soil for lead. Field XRF procedures were consistent with U.S. Environmental Protection Agency (USEPA) Method 6200 (Ref. 7). A minimum of one soil sample per 10 cubic yards of excavated material was collected and analyzed for soil segregation purposes. A minimum of ten percent of field XRF analyzed soil samples were submitted for laboratory confirmation analysis to develop site-specific XRF correlation between XRF and laboratory data (correlation coefficient). Table 5: TCLP Analysis Summary, Appendix B summarizes all TCLP analysis.

## 2.6 REMEDIATION CONFIRMATION TESTING

During and following excavation GSI field personnel collected soil samples to guide the excavation action, to confirm excavation of contaminated areas and evaluate if the areas had been cleaned up to KDHE residential RSK lead standard. Samples were homogenized and rocks, gravel, and other heterogeneous materials were removed from the samples prior to analysis to limit matrix interference and provide representative data.

Sample designations are;

Firing Range Area confirmation	FRC
Backstop Area base confirmation	C
Backstop Area sidewall confirmation	CS

XRF field analysis and laboratory confirmation analysis results for post excavation samples are summarized in Table 2 and Table 3, Appendix B.

### 2.6.1 Firing Range Confirmation Sampling

As previously described, lead impacted soil in the Firing Range area encompassed approximately 7,000 square feet along the northern and eastern edges of the concrete shooting lanes. The Firing Range Area was remediated to KDHE residential RSK lead standard by stripping surface soil to a depth of approximately 4 inches along the north shooting lane and the east end of the firing range area.

Firing Range confirmation (FRC) sampling was performed following completion of the initial excavation to approximately 4 inches below surface and extended onto adjacent Firing Range area that was not excavated. A total of 23 FRC samples were collected. XRF indicated lead concentrations below 400 mg/kg at all sample locations except FRC-14 and FRC-15, both located along the eastern edge of the Firing Range. This area was over-excavated to an average depth of 6-8 inches below surface and sampled a second time to confirm remediation to below the residential RSK level. FRC-14b and FRC-15b represent the over-excavated area. XRF analysis indicated average lead concentrations of 119.67 mg/kg (FRC-14b) and 134 mg/kg (FRC-15b) following the over-excavation. Laboratory confirmation analysis from FRC-15b detected lead at 135 mg/kg. A total of approximately 30 cubic yards was excavated. Firing Range confirmation sample locations are shown on Figure 6 in Appendix A. XRF field analysis and laboratory confirmation analysis results are summarized in Appendix B, Table 2: Firing Range Confirmation XRF and Laboratory Analysis Summary. Regression analysis to comparing laboratory and field data results produced a  $R^2$  of 0.934 indicating good correlation between field and laboratory analysis.

### 2.6.2 Backstop Area Confirmation Sampling

As previously described, the Backstop Area excavation included three separate excavations referred to in this report as the Backstop excavation, North Stream Bank excavation and South Stream Bank excavation. All areas were remediated to KDHE residential RSK lead standard by excavating contaminated soil. Backstop Area confirmation sampling was conducted during site excavation to direct excavation activities and upon completion of the excavation to confirm remediation to residential RSK lead standard.

The Backstop excavation encompassed approximately 7,000 square feet, with a total of approximately 180 cubic yards of soil removed. The northern and eastern portions of the area were excavated to an average depth of approximately 6 inches below surface. The southwestern corner of the Backstop area was initially excavated to approximately 1 foot below surface based on data obtained during the SI (Ref. 1). Confirmation sampling indicated soil lead concentrations exceeding 400 mg/kg at CS-10, CS-14, C-12, and C-19. The excavation was extended vertically to approximately 1.5 feet below surface and expanded laterally by approximately 10 feet in all directions from sample points exceeding 400 mg/kg lead. C-19b and C-20b confirmed the vertical extension met the remedial goal of less than 400 mg/kg lead. Subsequent confirmation sampling detected lead exceeding 400 mg/kg at CS-14c and CS-14d, sidewall samples collected as the excavation progressed to the south from CS-14. Based on these results, the excavation was again expanded laterally by approximately 6 feet east. Subsequent samples CS-15, CS-16, and CS-17

confirmed lateral expansion of the excavation had met the remedial goal of less than 400 mg/kg lead.

The North Stream Bank excavation encompassed approximately 850 square feet and averaged 6 inches in depth, with a total of approximately 16 cubic yards of soil removed. The South Stream Bank excavation encompassed approximately 280 square feet and averaged 6 inches in depth, with a total of approximately 5 cubic yards of soil removed. Confirmation sampling confirmed the excavations had met remedial goals of less than 400 mg/kg lead.

Twenty-eight base confirmation samples (C) and twenty-one sidewall confirmation (CS) samples were collected from the Backstop Area excavations. Fourteen of the samples were submitted for laboratory analysis. Backstop confirmation sample locations are shown on Figure 7 in Appendix A. XRF field analysis and laboratory confirmation analysis results are summarized in Appendix B, Table 3: Backstop Confirmation XRF and Laboratory Analysis Summary. Regression analysis comparing laboratory and field data results produced a  $R^2$  of 0.915 indicating good correlation between field and laboratory analysis.

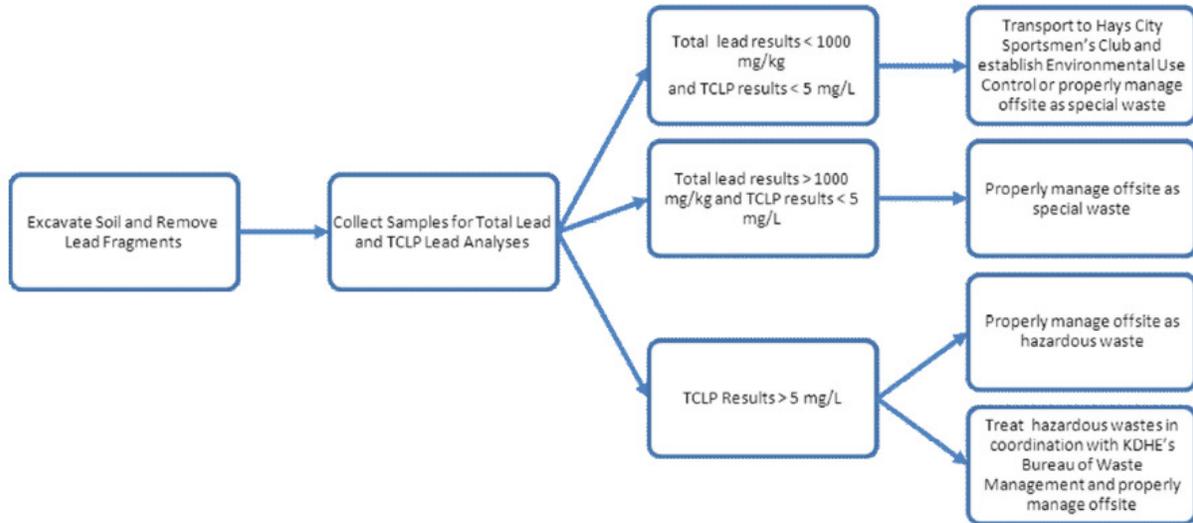
### **2.6.3 Process Soil Confirmation Sampling**

Soil samples were collected from stockpiles prior to and after soil processing to confirm proper segregation of excavated soil and to confirm post-processing segregation of site media pending determination of final disposition options. Post processing grab samples were designated with the prefix SP, composite samples from pre-process stockpiles were designated with the prefix CMP and post-processing stockpile composite samples were designated with the prefix CSP. XRF field analysis and laboratory confirmation analysis results for pre and post processing stockpile samples are summarized in Table 4, Appendix B.

XRF field analysis of approximately 20 cubic yards processed soil from the Backstop area anticipated to be below 400 mg/kg indicated lead concentrations less than 400 mg/kg; however, laboratory analysis of one sample (SP-3) indicated lead at 546 mg/kg, exceeding the residential RSK standard. Since segregation of soil within the stockpile was not feasible, this stockpile was transferred to a standard lined roll-off for transport to the Hays City Sportsman's Club to be used for berm reconstruction. All subsequent processed soil was directed to lined standard roll-off containers under the assumption that lead concentrations exceeding 400 mg/kg were likely to occur. Of twenty-four stockpile soil samples (SP), two samples exceeded 400 mg/kg and two samples were greater than 350 mg/kg lead. In accordance with the RAP, soil with lead concentrations ranging between 400 mg/Kg and 1,000 mg/Kg and TCLP lead concentration less than 5 mg/L was transported to the Hays City Sportsman's Club where it was utilized to rebuild the existing rifle range backstop. The lead impacted soil was placed in existing berm and covered with approximately 1 foot of clean fill material to minimize potential surface water run-off impact. Approximately 170 cubic yards of soil was utilized in this manner.

### **2.6.4 Waste Characterization**

Independent of total lead concentrations, any soils indicating lead toxicity characteristic leaching procedure (TCLP) concentrations of greater than or equal to 5 mg/L were characterized as hazardous waste handled accordingly. The following flow chart summarizes management of soil exhibiting lead concentrations greater than 400 mg/Kg.



Two composite samples from Backstop area soil stockpiles, two composite samples of screen fines (processed soil) from the Backstop area and two composite samples from screened gravel and recovery bags were collected on the second day of removal activities and submitted for TCLP analysis to evaluate hazardous waste characteristics of excavated soils and soil process streams. The TCLP lead concentration for composite sample COMP-4 Recovery Bags, obtained from the lead/rock discharge point of soil processing was 19.6 mg/L, exceeding the lead toxicity characteristic concentration of 5.0 mg/L and was characterized as hazardous waste. COMP-1 Screen Gravel, from the same source was below the detection limit of 0.5 mg/L lead. All other composite samples were below 5.0 mg/L lead, and considered non-hazardous. Based on the hazardous waste characteristic of COMP-4 and the known presence of elemental lead bullets and bullet fragments in the coarse phase discharge from the screening machinery, all subsequent coarse phase discharge was considered hazardous waste and directed to lined hazardous materials roll-off containers for subsequent disposal at Lone Mountain, a licensed hazardous waste disposal facility. Approximately 30 cubic yards (36.6 tons) of coarse phase screen gravel and lead was disposed as hazardous waste at the Lone Mountain facility.

Eight additional processed soil (screen fines) samples were submitted for TCLP lead analysis. TCLP analysis for these samples ranged from below detection limits to 1.6 mg/L lead, all below the lead toxicity characteristic concentration of 5.0 mg/L. TCLP lead analysis results are summarized in Table 5, Appendix B.

## 2.7 Soil Borrow Materials

Based on discussion with Glenn Diehl, property owner and KDHE, the soil backfill borrow area was located approximately 800 feet north of the Shooting Range site. Borrow material was obtained from a depression at the south east corner of a dry pond. Evaluation of the soil borrow material was performed in accordance with KDHE BER Policy #BER-RS-048, Consideration and Selection of Borrow Sites.

GSI collected Borrow Area (BA) soil samples BA-1 through BA-3 from random locations in the base of the specified borrow area. Borrow Area samples were submitted for laboratory analysis of lead and arsenic as specified by KDHE. Lead concentrations ranged between 14.2 and 16.4 mg/kg. Arsenic concentrations ranged between 3.6 and 4.1 mg/kg. Reported lead and arsenic concentrations were below their respective residential scenario RSK values or 400 mg/kg lead and 11.3 mg/kg arsenic and within anticipated background levels for the area.

Borrow soil was placed on the Backstop Area to an average depth of 6 inches to provide a substrate suitable for re-vegetation. Deep excavations in the Backstop Area were backfilled to surrounding grade to prevent ponding and establish a stable slope. Borrow material was used on the Firing Range area as needed to fill low areas, creating a consistent gradient to prevent ponding of surface water. The Backstop Area and Firing Range Area were seeded as described in Section 2.8.

## **2.8 Site Restoration**

The objectives of site restoration were to establish a stable slope on the Backstop Area, establish a uniform grade on the Firing Range area to minimize surface water ponding and establish vegetation growth on disturbed areas of the Site. All removal action areas were seeded with a mixture of buffalo grass and annual rye. Annual rye was included to quickly establish vegetation on the disturbed soil. Buffalo grass and other native species occurring from natural recruitment are expected to comprise dominate vegetation by the end of the first full growing season.

Due to the steep slope of the Backstop Area, site restoration and seeding was supplemented with the placement of erosion mat to minimize slope erosion. Boulders removed from the area during site preparation were placed on the erosion mat as supplemental erosion control.

## **2.9 Environmental Use Control**

Because implementation of this RAP included beneficial reuse of soils with lead concentrations exceeding the Residential Scenario RSK value of 400 mg/Kg, but below Non-residential Scenario RSK value of 1,000 mg/Kg, an Environmental Use Control (EUC) specifying appropriate limitations of property use was required for the currently active Hays City Sportsman's Club. Therefore, a EUC restricting the use of the affected portion of the Hays City Sportsman's Club has been established. EUC No. 12-EUC-0026 provides details of property use restrictions and is included as Appendix E.

## **3.0 SUMMARY AND CONCLUSIONS**

The primary objective of this project was to remediate the Site by removal of residual lead, primarily bullets and bullet fragments, and lead contaminated soil from two locations on the Former Shooting Range. This objective was accomplished by removal of approximately 180 cubic yards of soil from the Backstop Area and approximately 30 cubic yards of soil from the Firing Range Area.

Field screening and laboratory confirmation analysis confirm clean-up of the Backstop and Firing Range Areas to below the KDHE residential lead RSK level of 400 mg/kg. Site restoration, including re-grading, installation of erosion control measures, and re-seeding were completed in accordance with the RAP.

Field screening and laboratory confirmation analysis were conducted on processed soil in accordance with the RAP. Processed soil was segregated into the following categories based on XRF analysis:

- Soil with lead concentrations less than 400 mg/kg remained on-site for use in final site grading and restoration. Approximately 10 cubic yards of processed soil from the Firing Range Area was retained for re-grading purposes.
- Soil with lead concentrations exceeding the residential scenario RSK level of 400 mg/Kg but below the non-residential scenario RSK level of 1,000 mg/Kg, provided that the TCLP

lead concentrations were below 5 mg/L (lead toxicity hazardous waste characteristic concentration) was transported to the Hays City Sportsman's Club where it was utilized to rebuild the existing rifle range backstop. The lead impacted soil was placed in the existing berm and covered with approximately 1 foot of clean fill material to minimize potential surface water run-off impact. Approximately 170 cubic yards of soil was utilized in this manner. A EUC restricting the use of the affected portion of the Hays City Sportsman's Club has been established.

- Soil with total lead concentrations exceeding 1,000 mg/Kg were segregated during the lead reclamation process and placed directly into covered, lined roll-off containers pending waste characterization. These soils were screened for hazardous waste characteristics using TCLP Lead by Method 1311 in accordance with the RAP. Of fourteen samples submitted for TCLP analysis, all but one sample was below the lead toxicity characteristic of 5.0 mg/l.

One composite sample, COMP-4 Recovery Bags), collected from the lead/rock discharge point of soil processing exceeded the lead toxicity characteristic concentration of 5.0 mg/L and was characterized as hazardous waste. Based on the hazardous waste characteristic of COMP-4 and the known presence of elemental lead bullets and bullet fragments in the coarse phase discharge from the screening machinery, KDHE requested all material from this waste stream be handled and disposed as hazardous waste. All subsequent coarse phase discharge was considered hazardous waste and directed to lined hazardous materials roll-off containers for subsequent disposal at Lone Mountain, a licensed hazardous waste disposal facility. Approximately 30 cubic yards (36.6 tons) of coarse phase screen gravel and lead was disposed as hazardous waste at the Lone Mountain facility.

Approximately 18 cubic yards of screen fines contained in one roll-off were transported to Hays City Sportsman's Club for use beneficial reuse after receiving laboratory confirmation analysis in addition to TCLP analysis indicating non-hazardous characteristics.

The Site has been remediated to residential RSK standards and all soil not remaining on site has been managed in accordance with the approved RAP. Therefore, it is concluded that the project objective has been accomplished. The City of Hays and Ellis County, Kansas request that the Hays Shooting Range be reclassified as "Resolved" based on the successful completion of the removal action.

## 4.0 REFERENCES

- 1) KDHE, *Site Investigation Report – Hays Shooting Range, 1116 Vineyard Rd, Hays, KS*, Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation, Remedial Section.
- 2) United States Geological Survey, Yocemento, Kansas, 7.5 minute series topographic maps, 1961 and Photorevised 1974.
- 3) United States Department of Agriculture, Natural Resources Conservation Service, Official Soil Series Description Query Facility, accessed online at <https://soilseries.sc.egov.usda.gov/osdnamequery.asp> October 2011.
- 4) KDHE, *Site Investigation Work Plan*, Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation, Topeka, March.
- 5) ITRC, 2003, *Characterization and Remediation of Soils at Closed Small Arms Firing Ranges*, Interstate Technology and Regulatory Council Small Arms Firing Range Team, January.
- 6) CDPHE, 2005, *Corrective Action at Outdoor Shooting Ranges Guidance Document*, Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, January
- 7) EPA, 2007, *Field Portable X-Ray Fluorescence Spectrometry for the Determination of Elemental Concentrations in Soil and Sediment*, SW-846 Method 6200, Environmental Protection Agency, Washington D.C., February.

## **APPENDIX A: FIGURES**

**Figure 1: Area Location**

**Figure 2: Site Base Map**

**Figure 3: Bullet and Fragment Hand Removal**

**Figure 4: Firing Range Area Excavation**

**Figure 5: Backstop Area Excavation**

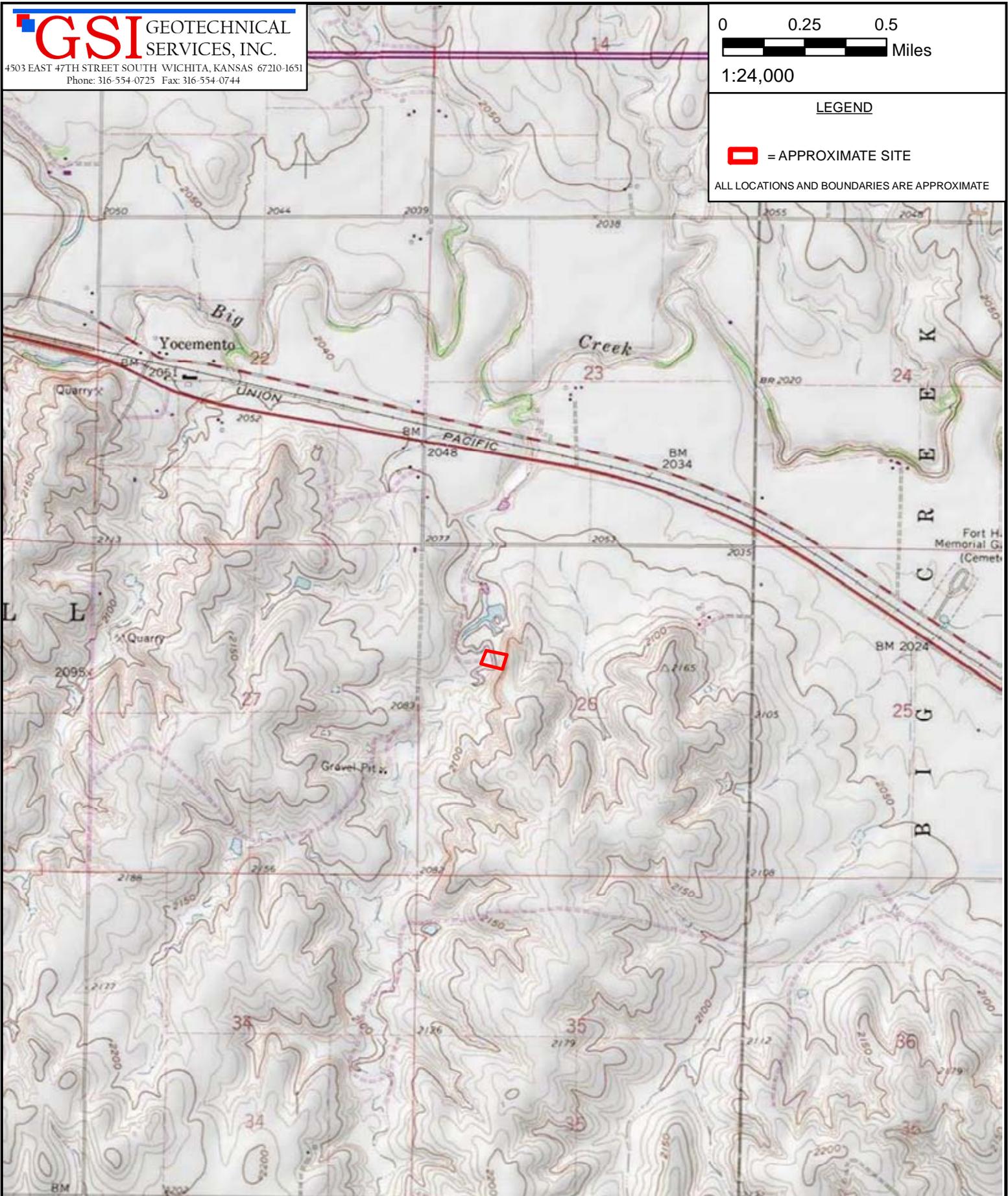
**Figure 6: Firing Range Area Confirmation Sampling**

**Figure 7: Backstop Area Confirmation Sampling**

**LEGEND**

 = APPROXIMATE SITE

ALL LOCATIONS AND BOUNDARIES ARE APPROXIMATE



**FIGURE 1**

**TOPOGRAPHIC MAP**

**HAYS SHOOTING RANGE**

**HAYS, KANSAS**

PROJ#: 117306

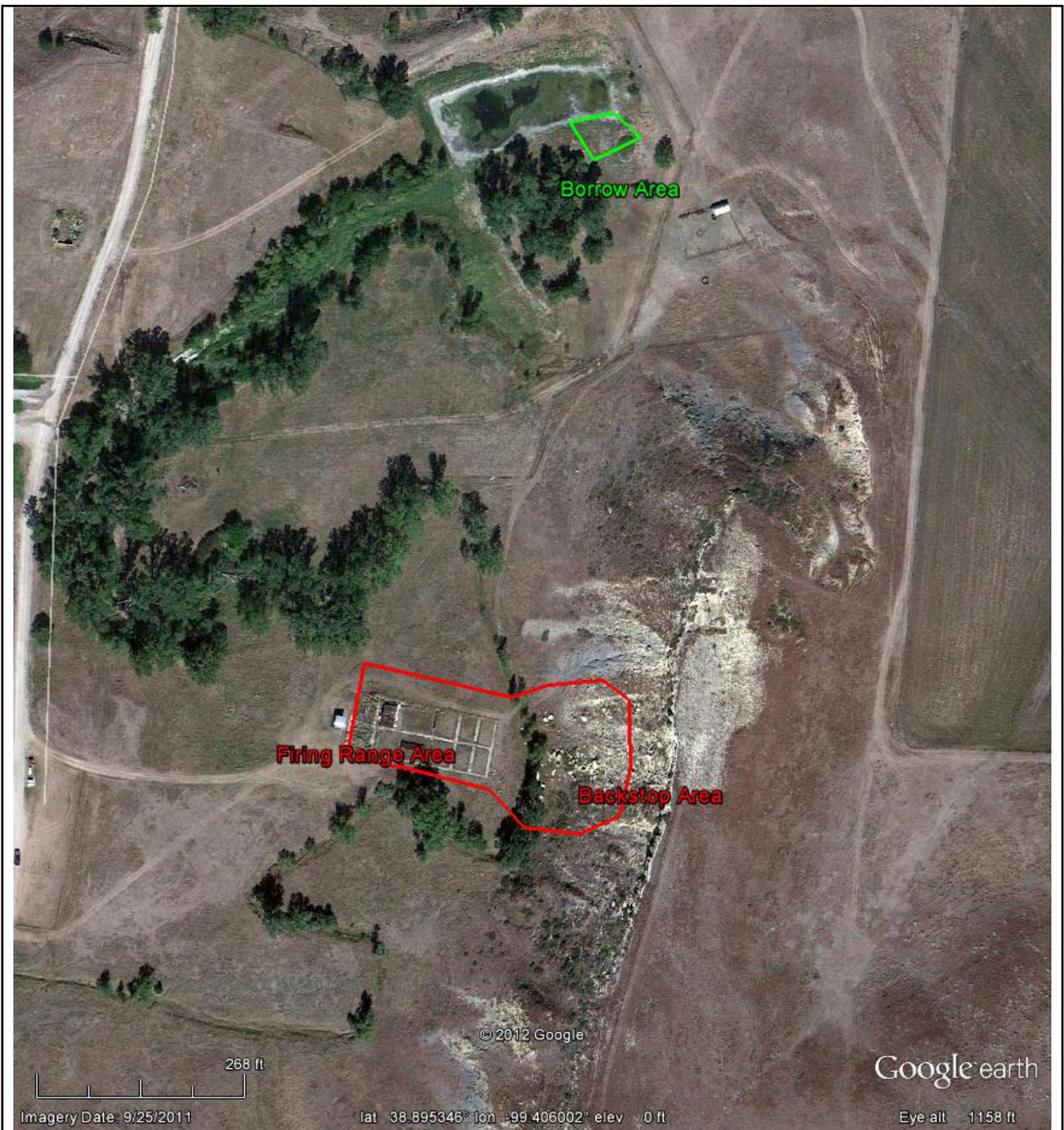
DRAWN BY: M.CARLSON

DATE: 11/01/11

PROJ.MANGR: G.ARMSTRONG

File: 117306\_HAYS\_FIG01.mxd





Legend	
<span style="color: red;">—</span>	= Shooting Range Area
<span style="color: green;">—</span>	= Soil Borrow Area



SCALE:	
DWG. #:	117306
DATE:	Nov. 22, 2012
DRAWN BY:	GLA
PROJECT MGR.:	GLA



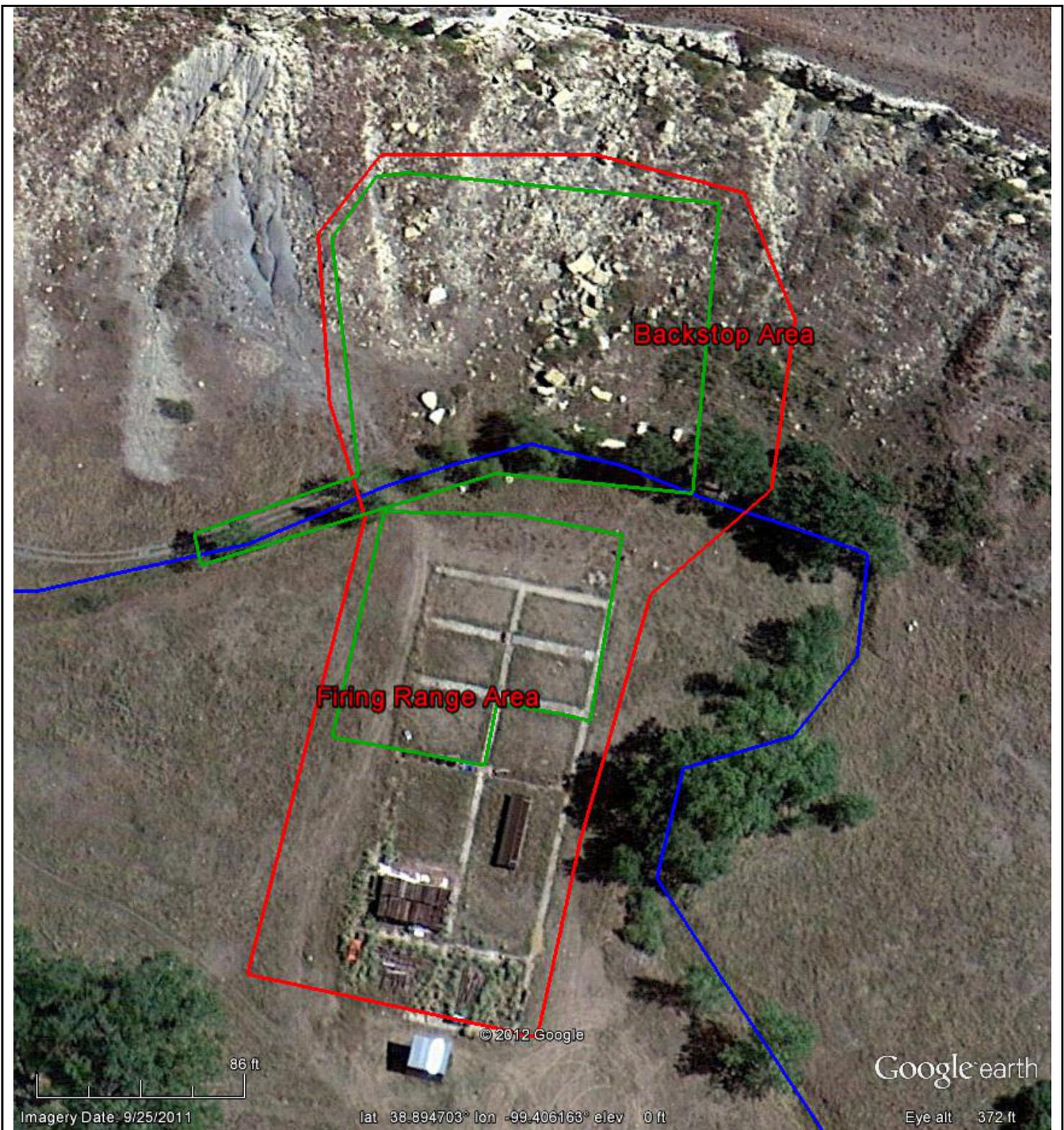
**GSI**

4503 East 47<sup>th</sup> Street South  
 Wichita, KS 67210-1651  
 Phone: 316-554-0725  
 Fax: 316-554-0774

**HAYS SHOOTING RANGE**  
 1116 Vineyard Road  
 Hays, Kansas

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FIG. 2: SITE BASE MAP



**Legend**

- = Shooting Range Area
- = Area of hand bullet and fragment removal



SCALE:	
DWG. #:	117306
DATE:	Nov. 22, 2012
DRAWN BY:	GLA
PROJECT MGR.:	GLA



4503 East 47<sup>th</sup> Street South  
 Wichita, KS 67210-1651  
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**HAYS SHOOTING RANGE**  
 1116 Vineyard Road  
 Hays, Kansas

**Figure 3: Bullet and Fragment Hand Removal**

## **APPENDIX B: TABLES**

## **APPENDIX C: SITE PHOTOGRAPHS**



**PHOTO 1**

VIEW: West to east from Firing Range. Backstop Area prior to removal action.



**PHOTO 2**

VIEW: North to south along stream. Removal of large boulders from stream bed.

SCALE:	NA
DWG. #:	117306
	5/11/201 12-4-12
DRAWN BY:	GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 1 PHOTOGRAPH TAKEN: AUG 21, 2012



**PHOTO 3**

VIEW: South to north from base of Backstop Area slope. Removal of boulders from face.



**PHOTO 4**

VIEW: Removal of boulders from southern portion of Backstop Area.

SCALE:	NA
DWG. #:	117306
5/11/201	12-4-12
DRAWN BY:	GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 2 PHOTOGRAPH TAKEN: AUG 21, 2012



**PHOTO 5**

VIEW: Site preparation, removing boulders from Backstop Area



**PHOTO 6**

VIEW: Site preparation, removing large boulder from streambed.

SCALE: NA  
 DWG. #: 117306  
 5/11/201 12-4-12  
 DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
 HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 3 PHOTOGRAPH TAKEN:



**PHOTO 7**

VIEW: South to north, Firing Range Area after setting up equipment for Backstop Area soil processing.



**PHOTO 8**

VIEW: Setting up water tanker for dust control during Backstop Area excavation.

NA
DWG. #: 117306
5/11/2011 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 4 PHOTOGRAPH TAKEN: 8/22/12



**PHOTO 9**

VIEW: West to east from Firing Range looking at Backstop Area. Silt fence and plastic sheeting for soil stockpiles is apparent in foreground. Beginning excavation of Backstop Area after clearing site.



**PHOTO 10**

VIEW: Backstop Area excavation. Dust control achieved by wetting excavation face.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 5 PHOTOGRAPH TAKEN: 8/22/12



**PHOTO 11**

VIEW: Collecting pre-excitation confirmation samples. Rock pile in background from site clearing activity.



**PHOTO 12**

VIEW: Collecting confirmation samples during Backstop excavation.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 6 PHOTOGRAPH TAKEN: 8/21-23/12



**PHOTO 13**

VIEW: Segregation and stockpiling soil from Backstop Area.



**PHOTO 14**

VIEW: Soil stockpiles covered at end of working day.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 7 PHOTOGRAPH TAKEN: 8/22-23/12



**PHOTO 15**

VIEW: Screen fines directed to standard roll-off containers pending final characterization.



**PHOTO 16**

VIEW: Coarse screenings containing bullets and rock contained prior to placing in hazardous materials approved roll-off containers.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 8 PHOTOGRAPH TAKEN: 8/22-29/12



**PHOTO 17**

VIEW: Backstop Area over-excavation at southwest corner. .



**PHOTO 18**

VIEW: Over-excavation completed using tractor mounted backhoe and front loader.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 9 PHOTOGRAPH TAKEN: 8/28/12



**PHOTO 19**

VIEW: Loading backfill material from borrow area located approximately 800 feet north of Firing Range.



**PHOTO 20**

VIEW: Placing backfill on Backstop excavation area. Minimum 6 inches of soil to facilitate re-vegetation and maintain stable gradient.

NA
DWG. #: 117306
5/11/2011 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 10 PHOTOGRAPH TAKEN: 8/28/12



**PHOTO 21**

VIEW: Placing erosion blanket on Backstop Area after completing re-grading and seeding.



**PHOTO 22**

VIEW: Boulders from site clearing were replaced over erosion blanket for supplemental to approximate appearance of surrounding area and supplement erosion control.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 11 PHOTOGRAPH TAKEN: 8/29/12



**PHOTO 23**

VIEW: Firing range excavation using Bobcat loader. North side of Firing Range.



**PHOTO 24**

VIEW: Firing Range area after initial excavation. Hazardous materials approved roll-off containers staged at northwest corner of Firing Range Area.

NA  
 DWG. #: 117306  
 5/11/201 12-4-12  
 DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
 HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 12 PHOTOGRAPH TAKEN: 8/22-29/12



**PHOTO 25**

VIEW: South to north showing east Firing Range excavation in progress.



**PHOTO 26**

VIEW: West to east showing north Firing Range excavation area in progress.

NA
DWG. #: 117306
5/11/2011 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 13 PHOTOGRAPH TAKEN: 8/31/12



**PHOTO 27**

VIEW: Southwest to northeast across Backstop Area. Note vegetation growth



**PHOTO 28**

VIEW: East to west from Backstop Area looking at Firing Range Grading complete. Seeding pending removal of concrete rubble from shooting lanes.

NA
DWG. #: 117306
5/11/201 12-4-12
DRAWN BY: GA



HAYS SHOOTING RANGE SITE  
HAYS, ELLIS COUNTY, KANSAS

PHOTO SHEET 14 PHOTOGRAPH TAKEN: 10/4/12

## **APPENDIX D: FIELD NOTES**

**APPENDIX E: ENVIRONMENTAL USE CONTROL NO. 12-EUC-0026**

# Commission Work Session Agenda

## Memo

**From:** Jeff Boyle, Director of Parks

**Work Session:** March 21, 2013

**Subject:** Golf Course Mower Purchase

**Person(s) Responsible:** Jeff Boyle, Director of Parks

### Summary

The Fort Hays Municipal Golf Course is scheduled to replace a 2007 Jacobson AR-5 mower with 1,967.3 hours as part of the Vehicle Replacement Schedule. Staff would like to change the style of mower being used at the golf course with one that performs better, lasts longer and is less costly to maintain. Golf Course Staff has identified the Lastec model 3300, zero turn, articulating mower as their mower of choice. Golf Course Staff tested this unit on three different occasions and the unit worked well on all the areas of our golf course. The low bid is for a Lastec 3300 from Van Wall Equipment. City Staff recommends purchasing a Lastec 3300 from Van Wall Equipment for an amount of \$34,689.00 which is \$8,811.00 under budget.

### Background

The Staff at the Fort Hays Municipal Golf Course is currently using Jacobson AR-5 rotary mowers at the golf course. These mowers have five (5) individual mowing decks that have proven to be very high maintenance machines and are very costly to maintain. Staff plans to change the style of mower used at the golf course in an effort to minimize maintenance costs and have a unit that will last longer and perform better.

### Discussion

In the 2013 Budget, an amount of \$43,500.00 is budgeted for the purchase of a new zero turn, articulating mower for the Fort Hays Municipal Golf Course. City Staff solicited bids by sending out a Request For Bids, advertising in the newspaper and advertising on the City website with the following results:

Van Wall Equipment, Olathe, KS	\$34,689.00
Professional Turf Products, Lenexa, KS	\$41,067.08

The unit being replaced is a 2007 Jacobson AR-5 rotary mower with 1,967.3 hours that has five (5) individual mowing decks. This style of mower has been costly to own and maintain, and there are no plans to purchase another unit like this in the future. Golf Course Staff has identified the Lastec model 3300, zero turn, articulating mower as their mower of choice. Golf Course Staff tested this unit on three different occasions and the unit worked well on all the areas of our golf course. It was able to follow all the different contours of the course without causing damage to the turf and staff was pleased with its performance. Golf Course Staff has contacted four (4) golf courses around Kansas that are currently using Lastec mowers and received information from sixteen (16) courses outside of the state that are using them.

**Lakin, KS** – They have owned an older model Lastec for 5-6 years that operates well. He said they have had some minor issues such as replacing the throttle cable but nothing major. The mower cuts great at any speed and they have mowed at a height of one (1) inch without scalping.

**Syracuse, KS** – They have an old style Lastec that is different than the model we are looking at. They plan to get rid of their old Lastec so they can go back to a mower that has the capability of striping.

**Sand Creek Station, Newton, KS** – The Superintendent was skeptical when the demo unit was dropped off 3 or 4 years ago. However, after trying the unit for a few days he decided to buy three (3) units and he says the units work great for them.

**Indian Hills, Kansas City** – Indian Hills in Kansas City purchased two (2) of the Lastec mowers. After using the mowers for a while they were so impressed that they decided to purchase a larger Lastec mower without even testing it out.

**Lake Merced Golf Club, Daly City, CA** – They said “With the money we saved in equipment we were able to purchase a third Lastec articulator. Now we can mow all the roughs on our course twice a week and keep them consistently uniform in height. You won’t find a scalped mound on our course. The articulator just won’t do it!”

**Hyde Park Golf & Country Club, Cincinnati, OH** – Their Superintendent said “This mower handles all of our undulating areas, never scalping.”

**Hat Creek Golf Course, Brookneal, Virginia** – “We bought the 721X to basically eliminate the scalping we were getting on our mounds. We now use it to mow everything except the tees, greens and fairways. The cut quality is the best on the market, and the productivity is unmatched. By the way, we follow the maintenance schedule in the manual and have yet to replace a single spindle bearing in 3 ½ years of use.”

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by staff.

### **Financial Consideration**

The low bid from Van Wall Equipment is for a Lastec model 3300, zero turn, articulating mower. This is the unit that was tested by Golf Course Staff and is the preferred model. The low bid (\$34,689.00) is \$8,811.00 below the budgeted amount.

### **Options**

This agenda item will be presented at the March 21, 2013 City Commission meeting for action. The City Commission has the following options:

**Option 1:** Approve the purchase of the low bid for a Lastec 3300 for an amount of \$34,689.00 which is \$8,811.00 below budget.

**Option 2:** Direct City Staff to explore other options.

### **Recommendation**

City Staff recommends purchasing a Lastec 3300 from the lowest responsible bidder for an amount of \$34,689.00 which is \$8,811.00 under budget.

### **Action Requested**

City Staff recommends approval to spend \$34,689.00 from the Vehicle Replacement Fund to purchase a new Lastec 3300 from Van Wall Equipment, Olathe, KS for use at the Fort Hays Municipal Golf Course. The recommended unit comes with a two (2) year parts warranty and a one (1) year labor warranty.

### **Supporting Documentation**

There are no additional supporting materials for this item.



# Commission Work Session Agenda

## Memo

**From:** Gary Brown, Fire Chief

**Work Session:** March 21, 2013

**Subject:** City Hall Public Restroom Renovations

**Person(s) Responsible:** Toby Dougherty, City Manager  
Gary Brown, Fire Chief

### Summary

The public restrooms in city hall were constructed almost 40-years ago. The electric and water fixtures are out of date and inefficient and the restrooms are dated and overdue for renovation. As the water utility provider, the city government should lead by example in smart water use.

The renovations of these restrooms were projected in the 2013 approved budget at a cost not to exceed \$34,000. Bids for this work were requested and the low bid was received from Karst Construction and negotiated to this budget limit.

Staff recommends that we accept the low bid from Karst Construction as negotiated to \$34,000 and proceed to remodel the public restrooms at city hall incorporating energy efficient and smart water use fixtures.

### Background

The public restrooms in city hall have not been renovated since the city hall was opened almost forty years ago. In addition to being dated, the public restroom facilities do not provide for energy efficiency or smart water use.

The smart use of water and energy are important values for our community and our city government.

As the water utility provider, the city government takes a leadership role in demonstrating smart water use. The existing water fixtures in the city hall public restrooms waste water and should be replaced with modern fixtures that are more efficient.

The lighting fixtures are old and not energy efficient and the use of paper towels is costly and unsanitary. Modern LED lighting and electric hand dryers that provide satisfactory service in only seconds can reduce energy costs.

The existing tile floor in the men’s restroom is coming loose, indicating some hidden problem that should be uncovered and repaired.

### **Discussion**

As directed by the city manger, the fire department staff has solicited bids to renovate and modernize the city hall public restrooms. This project includes gutting both restrooms, expanding the men’s restroom to add a second urinal, installing new walls, ceiling and flooring, installing energy efficient LED lighting and adding exhaust ductwork and fans. High efficiency electric hand dryers are planned for installation to replace the paper towels.

For smart water use, the toilets will be replaced with units designed to use only 1¼ gallons with automatic flush valves. The urinals will have automatic flush valves and use only one pint of water. The sinks will also incorporate automatic water and soap dispensers.

If significant hidden damage is discovered under the men’s room floor, the bid specifications call for negotiating repairs with the contractor.

### **Legal Consideration**

There are no known legal obstacles to proceeding as proposed by city staff.

### **Financial Consideration**

The approved 2013 fire department budget includes \$19,000 for this project. An additional \$15,000 from the water conservation fund is available to fully fund this work.

The fire department sent requests for bids to 88 contractors using the city’s list of licensed general and residential contractors. One additional bid packet was requested by a contractor after the bid request was advertised. Four bids were received.

Karst Construction	\$34,125
Paul Wertenberer Construction	\$47,900
Signature Builders	\$71,992
KB Builders	\$72,600

Staff met with the low bidder, Dustin Karst, to review his bid and make sure that all work is proposed as requested. During this meeting, Mr. Karst agreed to add one additional light fixture that was omitted from the bid request and to lower his bid to \$34,000 to meet the city’s budget for this work.

### **Options**

Option 1: No change.

Option 2: Accept the low bid and proceed with this work.

Option 3: Reduce the scope of this project by not remodeling the restrooms but replace the existing water fixtures with those that demonstrate smart water use.

### **Recommendation**

Staff recommends that we accept the low bid from Karst Construction for \$34,000 as negotiated and proceed to remodel the public restrooms at city hall incorporating energy efficient and smart water use fixtures.

### **Action Requested**

Approval to accept the low bid and proceed to renovate the city hall public restrooms.

### **Supporting Documentation**

None.



# Memo

To: Toby Dougherty, City Manager  
Cc: Paul Briseno, Assistant City Manager  
From: Kim Rupp, Director of Finance  
Date: February 21, 2013  
Re: Comprehensive Financial Management Policy Review - 2012

---

The City of Hays Comprehensive Financial Management Policy consists of thirteen categories. The thirteenth category is policy review and states that "The City Manager shall provide the City Commission a written status report concerning the City's compliance with the thirteen categories on an annual basis". Overall, staff is comfortable that every attempt was made to comply with the Policy and after review submits the following highlights:

## **Category I**

### Fund Balances and Reserves

Reserves protect the City's essential service programs during periods of economic downturn, which may temporarily reduce actual resources. The City was able to fulfill the requirement in 2012 of maintaining a 10% unreserved fund balance and a 25% budget stabilization fund for the General Fund. No Unreserved Fund Balances were used to support operating expenditures. Expenditures were fully supported by the year's revenue in each fund. The City was also able to maintain adequate contingencies for funds that statutorily cannot carry a fund balance in excess of 5% from the previous year. This provides for funding flexibility when faced with unanticipated needs or emergencies.

## **Category II**

### Budgeting

One of the things required in this area is that officials and department heads are required to monitor revenues and control expenditures to prevent exceeding the amount of expenditures budgeted for their department. This went well this year evidenced by the fact that total operating expenditures ended the year some \$730,551 under budget.

This category also recommends that any General Fund unreserved fund balance in excess of 10% should be used for either non-recurring capital expenditures or to buy down the Bond and Interest levy. In the 2012 budget, \$75,000 was transferred to Bond and Interest for levy stabilization.

## **Category III**

### Revenues

It is necessary that the City maintain a diversified and stable revenue system to shelter it from short-term fluctuations in any one revenue source. In this section it was determined that the City establish all user charges and fees to support their respective activity. Once again this was accomplished in 2012 and in fact those funds were able to support General Fund services they received by establishing transfers to reimburse for those activities. Water sales and sewer service charges are a big portion of the City's revenue stream and continue to be a strong source for the City. No change in water and sewer charges was needed in 2012 to maintain this growth.

## **Category IV**

### Capital Improvement Program and Fixed Assets

Staff updates the City CIP plan on a regular basis throughout the year, and reviews it annually with the Commission at a planning meeting and again during the budget process. City staff is committed to implementing the City's Capital Improvement Plan to protect its capital assets and minimize future maintenance and replacement costs.

## **Category V**

### Debt Management

The City continued its practice of pay-as-you-go financing of capital projects given the substantial amount of idle funds available and the poor investment rates being received. If needed in the future those funds are then reimbursed through bond funding when projects are at or near completion. General obligation and revenue bonds are sold in a competitive sale format to produce the best results for the City as it relates to term, call provisions, bidder availability, and interest rates. A review of current debt obligations was conducted again this year to determine if any bonds were ready for call. There were no refunding opportunities for 2012.

### **Category VI**

#### Cash Management and Investment

Staff continues to utilize a competitive bid process for investment of idle funds. Staff also uses a "just in time" procedure for maturity dates to ensure that the funds earn as much interest as possible before needed. Only one bank in town bid most of 2012 giving very little choice for investments without having to go to the Kansas Municipal Investment Pool.

### **Category VII**

#### Enterprise Fund Management

Water and sewer rates were once again reviewed by staff during the 2012 budget process. This revealed no need for a rate increase. Therefore the City Commission passed a resolution holding water and sewer rates constant for 2012. This is an annual process conducted since the resolution on such was approved by the City Commission Jan 1, 2008. This practice ensured that the City is able to continue to maintain all enterprise funds on a self-sustaining basis, with no support from property tax or general fund sales tax revenues.

### **Category VIII**

#### Accounting, Auditing and Financial Reporting

The City follows all governmental requirements for reporting and auditing. The City's auditing firm completed the 2011 audit of the financials of the City of Hays and reported there were no significant findings.

### **Category IX**

#### Risk Management

The services provided by the City's risk management broker include risk management assessment and policy evaluation. The current broker, Insurance Planning of Hays, has performed well and we are pleased with their response to claims and issues as they arise.

### **Category X**

#### Procurement

Staff has continued to follow the purchasing policy as updated and improved in 2008. The purchasing policy allows for the city to obtain supplies, equipment and services as economically as possible. This is fostered by the purchasing system and procedures in place as outlined in the policy. A full launch of the Visa Procurement Cards in 2010 have allowed for streamlined efficiencies of the requisition, balancing and invoicing process.

### **Category XI**

#### Intergovernmental Revenues

No grants were used in 2012 to meet service delivery needs. Grants received during 2012 from the State of Kansas or Federal Government did not create City overhead or indirect costs.

### **Category XII**

#### Economic Development

The Economic Development Policy is under continual review. A section for Industrial Revenue Bonds was created with the help of Bond Counsel. Also, the sections dealing with Economic Incentives were revamped. The changes mentioned received City Commission approval in 2012.

### **Category XIII**

#### Policy Review

This section requires staff annually review the Comprehensive Financial Management Policy and report to the City Commission the level of compliance the City attained the previous year. This memo hopefully meets that requirement.



# Commission Work Session Agenda

## Memo

**From:** Toby Dougherty

**Work Session:** March 21, 2013

**Subject:** City Funds Recognition Policy

**Person(s) Responsible:** Commissioner Schwaller

Commissioner Schwaller brought up the idea of requiring agencies who receive monies from the City of Hays to publicly designate the receipt of those funds. City staff was asked to investigate the practice and report back to the Commission.

City staff conducted an investigation and found no examples of cities placing this type of requirement as a condition of receipt of their funds. However, City staff did find a federal policy known as the Stevens Amendment. This is a required statement necessary when federal dollars are awarded for defense purposes. The contractor awarded those dollars must note where the funds came from.

Without a direct comparable, and without knowing the level of interest by the overall Commission, City staff has the following suggestion for a formal statement. *“This project/agency is funded in whole or in part with funds from the City of Hays.”*

If the Commission is interested in implementing this type of policy, one issue that should be discussed is the dollar amount threshold and/or the percentage of City funds in relation to the agency’s overall budget. Attached to this memo is a listing of all agencies that have received City of Hays funds for the last five years and the amount in which they have been funded.

aw

Attachment

# CITY OF HAYS

## 2013 BUDGET - OUTSIDE AGENCY REQUESTS

### Social Services Distribution History

<u>Agency/Program</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2012-2013 Difference</u>
Local Agency Funding	\$ 164,000	\$ 164,000	\$ 164,000	\$ 164,000	\$ 164,000	\$ -
<b>Total</b>	<b>\$ 164,000</b>	<b>\$ -</b>				

### Economic Development Distribution History

<u>Agency/Program</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2012-2013 Difference</u>
Fort Hays State University Scholarship Program	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ -
Ellis County Coalition for Economic Development	\$ 87,550	\$ 87,550	\$ 87,550	\$ 87,550	\$ 87,550	\$ -
Downtown Hays Development Corporation (DHDC)	\$ 59,617	\$ 53,655	\$ 53,655	\$ 53,655	\$ 53,655	\$ -
Hays Has Jobs Committee	\$ 20,600	\$ -	\$ -	\$ -	\$ -	\$ -
Business Incubator	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 317,767</b>	<b>\$ 241,205</b>	<b>\$ 241,205</b>	<b>\$ 241,205</b>	<b>\$ 241,205</b>	<b>\$ -</b>

### Quality of Life Distribution History

<u>Agency/Program</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2012-2013 Difference</u>
Ellis County Historical Society	\$ 11,021	\$ 11,021	\$ 11,021	\$ 11,241	\$ 11,621	\$ 380
Hays Arts Council	\$ 7,828	\$ 8,200	\$ 8,200	\$ 8,364	\$ 12,182	\$ 3,818
Wild West Festival (WWF) **	\$ 9,500	\$ 9,500	\$ 9,500	\$ 9,690	\$ 9,500	\$ (190)
Hays Sister Cities Advisory Board	\$ 3,811	\$ 3,811	\$ 3,811	\$ 3,887	\$ 5,444	\$ 1,557
<b>Total</b>	<b>\$ 32,160</b>	<b>\$ 32,532</b>	<b>\$ 32,532</b>	<b>\$ 33,182</b>	<b>\$ 38,747</b>	<b>\$ 5,565</b>

<b>TOTAL OUTSIDE AGENCIES</b>	<b>\$ 513,927</b>	<b>\$ 437,737</b>	<b>\$ 437,737</b>	<b>\$ 438,387</b>	<b>\$ 443,952</b>	<b>\$5,565</b>
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**NOTE:** A budget request was approved (\$60,000) for Alcohol Tax funds, but this request is not part of the Social Services, Economic Development or Quality of Life budgets.