

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 27, 2000

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, April 27, 2000 at 7:30 p.m.

Roll Call: Present: Troy Hickman  
Larry Schmidt  
Howard Rome  
Wayne Billinger

Absent: Henry Schwaller IV

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

**2. MINUTES:** Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular session held on April 13, 2000, be approved.

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

Commissioner Schwaller joined the meeting at this point.

**3. FINANCIAL REPORT:** Wayne Billinger moved, Howard Rome seconded, that the Financial Statement for the month of March 2000, be approved.

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

**4. CITIZEN COMMENTS:** Harlan Murphy, Chairman of the Hays Housing Authority Board of Commissioners and Kathy Nelson, Executive Director,

presented the 1999 Annual Report for the Hays Housing Authority, as required by law.

Mayor Hickman stated the City of Hays has been awarded a Community Achievement Award from the Kansas Department of Commerce and Housing. The award recognizes accomplishments in community development.

**5. CONSENT ITEMS:** Wayne Billinger moved, Howard Rome seconded, that a lease with GM Powered Car Club of Hays for the use of the Municipal Park on June 3, 2000, be approved.

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

### **OLD BUSINESS**

**6. FINAL PLAT, WALGREENS SUBDIVISION:** A. Henry Schwaller IV moved, Larry Schmidt seconded, that the rights-of-way and easements associated with the final plat of Walgreens Subdivision, be accepted.

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

B. Howard Rome moved, Wayne Billinger seconded, that Resolution No. 335, being a resolution approving the plat of Walgreens Subdivision, be approved.

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

**7. 31-FOOT RESIDENTIAL STREETS IN TALLGRASS ADDITION:** Hays Land Incorporated developer Roger Weast has requested approval for all non-collector streets within the Tallgrass Addition to be built to 31-foot widths.

Commissioner Schmidt stated he is against 31-foot streets. The streets are more congested and not as safe; it would not cost property owners that much more to install 40-foot streets.

Commissioner Schwaller stated there are appropriate places for 31-foot streets, however, he wasn't sure the Tallgrass development was the right place.

Wayne Billinger moved, Howard Rome seconded, that all residential streets in Tallgrass Addition be built to 31-foot widths.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

**8. TRAFFIC ADVISORY COMMITTEE POLICY REVISIONS:** City Manager Hannes Zacharias reviewed a draft document that changes language in the Traffic Advisory Committee policy manual.

The draft clarifies who the committee members are and the procedures to be followed for approval and action. Additionally, Item 4.f of the manual, which currently states the City Manager has final approval on TAC recommendations, was discussed. The draft document states the City Commission would make all final decisions regarding issues brought before TAC. The Commission will consider the recommendations of TAC when evaluating those requests.

Commissioner Billinger stated he would be voting against these changes. The system we have in place has been working and he sees no need to change it.

Commissioner Rome agreed with Commissioner Billinger and stated the controversial issues usually come before the Commission anyway.

Wayne Billinger moved, Howard Rome seconded, that changes to the policy manual, with the exception of Item 4-f, be approved.

Commissioner Schwaller stated the reason he requested Item 4-f be changed was not to micromanage. In the last 12 months, he has been approached seven times about various traffic concerns. Very often these issues are not well discussed. The Commission is not well informed on actions taken by a committee that doesn't report to the Commission.

Commissioner Schmidt agreed with Commissioner Schwaller. Citizens believe they should be able to talk to their elected officials about their concerns.

The Mayor called for the vote.

Vote: Ayes: Howard Rome

Wayne Billinger

No: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Henry Schwaller IV moved, Larry Schmidt seconded, that changes to the Traffic Advisory Committee policy manual as presented by the City Manager, including Item 4-f giving the City Commission final approval of recommendations by TAC, be accepted.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

No: Howard Rome

Wayne Billinger

## **NEW BUSINESS**

**9. AIRPORT ISSUES:** A. Airport Manager Terry Urban reported the Airport Advisory Board voted 4-2 to recommend the Commission approve the proposed Airport Layout Plan revisions. The highlights of the plan are to extend the main runway 400 feet and construct a crosswind runway 4500 feet long by 75 feet wide. Additional land will need to be purchased for hangar expansion and future

business development buildings. The terminal will expand to the north and to the south and the relocation of several hangars will be necessary.

Commissioner Billinger said he liked the plan. He asked the City Attorney if acceptance of this plan would affect the current leases with Kean Wurm and John Werth.

City Attorney John Bird stated there is a settlement agreement with John Werth and Keane Wurm. If the Commission would chose to move the Werth hangar, they better be prepared to pay for it. Mr. Werth has substantial property rights, and the City of Hays would have to stand for all the damages that extend out of moving his hangar. The settlement agreement provides how this is handled at the end of the Werth lease. The Werth and Wurm leases are coordinated and have the same timeline as far as length of leases and conditions.

At the termination of the Werth lease in 2004, the City has the right to purchase his hangar at fair market value. If the City does not purchase his hangar, the lease may be renewed upon terms and conditions agreed upon by both parties or the hangar can be moved or abandoned. If the City does not renew the lease or purchase the hangar and the owner wishes to relocate his hangar, the City would pay for half of the cost of moving the structure to another location at the Airport. If Mr. Wurm chooses to construct a hangar before 2004, the City would have to treat both parties the same. Mr. Bird stated there is a way to terminate the leases, but he would not recommend it. Approval of the ALP does not mean termination or violation of the leases.

Commissioner Billinger stated he thought it would be wise, fair and cost efficient to proceed with this plan and honor Mr. Werth's lease in its entirety. In 2004, the City could save money by converting the Werth hangar to other uses, rather than move it.

Mayor Hickman stated this is an Airport Layout Plan. The Commission doesn't need to make any hard and firm decisions about any one particular thing or the timing of one particular thing.

Henry Schwaller IV moved, Wayne Billinger seconded, that preliminary approval on the proposed Airport Layout Plan revisions as proposed by the Airport Advisory Board, be approved.

Commissioner Schmidt stated he would vote for the ALP, however, he stated the Werth hangar should be moved before the lease expires. If the intention is to move the hangar after his lease expires, the City should do it now before any more money is spent.

The Mayor called for the vote.

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

B. Howard Rome moved, Wayne Billinger seconded, that the City of Hays enter into a contract with Bucher, Willis and Ratliff for design, bidding and construction and inspection services to install a new crosswind turf runway at the Hays Regional Airport costing \$15,000 for basic services, \$7,500 for special services, and constructions services not to exceed \$15,000.

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

C. Larry Schmidt moved, Howard Rome seconded, that authorization be given to seek requests for proposals to design and build ten T-hangars at the Hays Regional Airport.

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

D. Mr. Urban reviewed information regarding Airport Advisory Boards in communities comparable to Hays.

The Commission directed staff to put together a policy with input from the Airport Advisory Board members.

**10. POOL ISSUES:** A. Interim Assistant City Manager Terry Urban displayed three possible choices for the Hays Aquatic Park logo. Two of the choices displayed all the lettering the same size; the remaining one displayed “Hays” and “Park” in larger print.

Commissioner Billinger stated the two with equal size lettering would work well. Either logo could be used in letterhead, either on the top margin or the side margin.

Commissioner Schmidt stated he liked the third choice. He liked that “Hays” stood out; it should be the first thing noticed.

Wayne Billinger moved, Troy Hickman seconded, that the “sun with implied sunglasses” logo with equal size lettering, both examples, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Howard Rome

Wayne Billinger

No: Larry Schmidt

B. Mark Hantla, stated the Pool Task Force members reconsidered the issue of placing the old lettering (Hays Municipal Pool) on the bathhouse. The Committee recommended reinstalling the old lettering on the building and recommended a freestanding sign be installed that would say “Hays Aquatic Park”.

Commissioner Rome stated he felt having two different signs would be confusing. The bathhouse is a tribute to the WPA workers who built it; the old name doesn’t have to be on the building to pay tribute.

Commissioner Billinger stated he didn’t think the holes would be unsightly if the lettering wasn’t replaced. He also felt having two different signs would be confusing.

Mr. Hantla stated that whatever is used to fill the old holes would probably not hold up and deteriorate at the same rate as the limestone; it could be an eyesore.

Mayor Hickman stated he liked to support the Pool Task Force recommendations, therefore he would support this recommendation.

Henry Schwaller IV moved, Larry Schmidt seconded, that the “Hays Municipal Pool” lettering be reinstalled on the Hays Aquatic Park bathhouse.

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

C. Henry Schwaller IV moved, Larry Schmidt seconded, that change orders for the installation of tile inside the fountain in the amount of \$1,346.40 and signage costs in the amount of \$3,395.00 be approved, and paid out of the contingency fund, and that \$2,775.40 for curb installation and repairs be approved and paid out of the Special Highway Fund, be approved.

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

D. Rick Claiborn, Hays Recreation Director, reviewed general operating pool policies for Hays pools.

**11. SOUTH VINE STREET WATERLINE PROJECT BIDS:** Bids to install a new 12” water main south of 8<sup>th</sup> Street on Vine to Countryside Estates were received from the following:

APAC/Shears/Allied	\$309,694.93
J Corp	484,951.50

The contract cannot be signed until the City has been notified by the CDBG agency that funds have been released.

Henry Schwaller IV moved, Larry Schmidt seconded, that the bid from APAC/Shears/Allied in the amount of \$309,694.93 be accepted.

Community Development Coordinator Kent Laas requested the motion include a letter requesting this grant application be extended due to delays. It will be necessary for the Mayor to sign this letter in order to receive the CDBG funds.

Henry Schwaller IV amended his motion, Larry Schmidt amended his second to include the Mayor sign a letter requesting an extension of the grant application.

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

**12. VINE STREET ENGINEERING:** The Vine Street Consultant Selection Committee recommended that Bucher, Willis and Ratliff be chosen as the design engineers for improvements to Vine Street, from 27<sup>th</sup> Street north to I-70. Criteria determined by KDOT was used to evaluate the five consultants who responded. This recommendation will be passed onto KDOT, who will give final approval.

Wayne Billinger moved, Howard Rome seconded, that Bucher, Willis and Ratliff be chosen as the design engineers for improvements to Vine Street, from 27<sup>th</sup> Street north to I-70.

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

**13. ROOSEVELT SCHOOL CROSSING SIGNAL:** Kurt Hassler, Director of Engineering, stated he has discussed this issue with the Traffic Advisory Committee, city staff, and Roosevelt School representatives. TAC recommended a traffic light be installed at the intersection of 22<sup>nd</sup> Street and MacArthur Road to stop only traffic along 22<sup>nd</sup> Street. This proposal does not meet the Manual on

Uniform Traffic Control Devices specifications and presents several other problems. TAC then recommended a traffic study be performed in July 2000 to determine if traffic or pedestrian patterns dictate a traffic signal be placed to allow pedestrians to cross 22<sup>nd</sup> Street.

Mark Griffin, a Roosevelt parent, stated he would like to see a traffic study done before school lets out and possibly have a traffic light in place this summer before the start of summer school.

Discussion was held about placing a stop light in the middle of the 1600 block of East 22<sup>nd</sup> Street between MacArthur Road and Donald Drive versus placing a light at either MacArthur Road or Donald Drive.

Howard Rome moved, Wayne Billinger seconded for purposes of discussion, that a traffic light be installed in the middle of the 1600 block of East 22<sup>nd</sup> Street.

Commissioner Billinger stated he would vote no on this proposal because he would like to see the facts of the traffic study before he decides where a traffic light is placed.

Commissioner Schmidt stated this area is very much like the area where a stoplight was installed at 27<sup>th</sup> & Fort Street. He requested Mr. Hassler provide more information about the type of light that was installed at that location.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

Wayne Billinger

The Commission directed staff to gather more information pertaining to a mid-block traffic light installation and to inform the neighboring property owners of the possibility of a mid-block installation.

**14. COMPUTER BIDS:** Ten vendors responded to an invitation to bid for 13 personal computers. Scott Studer, Interim Information Systems Coordinator,

recommended the bid be awarded to the low bidder, ComLink, Hays, Kansas, for a total bid of \$15,681.38.

Henry Schwaller IV moved, Howard Rome seconded, that the bid from ComLink, in the amount of \$15,681.38, be accepted.

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

**15. SOLID WASTE MANAGEMENT GRANT APPLICATION:** City Manager Zacharias reported the City of Hays has an opportunity to apply for state funding for our solid waste program. The grant is 75% state funded with a 25% local match and would purchase a conveyor and concrete deck truck scale. The total for these items is \$55,700 with KDHE paying \$41,775 and the City's match would be \$13,925, which would be budgeted in 2001.

City Manager Zacharias stated the Commission needed to make a decision whether they wanted to continue the recycling program. Presently, there is some additional charge to recycle; our fees are able to handle that additional charge. The Commission needs to make a policy choice on how much they want to invest in recycling. Our current program cannot be housed much longer in the existing facility. If the Commission's desire were to not build a new facility, there would be no need to buy the equipment.

Commissioner Billinger stated that if the purchase of these items would help make the operation more efficient and help bring down costs in the near future, it would be worth pursuing these grant funds. He is interested in seeing a cost analysis for the operation.

City Manager Zacharias stated the Commission could allow staff to apply for the grant. The deadline for application is May 1<sup>st</sup>. Figures could be presented at the next Commission meeting on May 11<sup>th</sup> and discussed. The City may pull their application if the Commission decides not to pursue the grant funds.

Howard Rome moved, Wayne Billinger seconded, that staff be authorized to pursue KDHE Solid Waste Management Round #9 Grant Funds.

Vote: Ayes: Troy Hickman  
Howard Rome  
Wayne Billinger

No: Henry Schwaller IV  
Larry Schmidt

**16. PURCHASING POLICY:** Henry Schwaller IV moved, Larry Schmidt seconded, that this be discussed at a study session to be held on Thursday, May 18, 2000.

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

**17. EXECUTIVE SESSION:** Henry Schwaller IV moved, Larry Schmidt seconded, that the Governing Body adjourn to executive session at 10:30 p.m. for 15 minutes to discuss potential litigation. The executive session is to include the City Commission, the City Manager, the Interim Assistant City Manager, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 10:45 p.m. and stated no action was taken during executive session.

**18. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias reviewed scheduled dates for various upcoming meetings.

**19. ADD-ON ITEMS:** Commissioner Schmidt stated it has come to his attention that the firm chosen to perform engineering services at the Wastewater

Treatment Plant has been notified that the appointment may be put on hold due to the fact that they have done work for Big Creek Sewer District and Prairie Acres Sewer District. The firm met all the requirements and spent the time, energy and money to compete against the other competing firms. The firm should be awarded the contract regardless of who they have done work for.

City Manager Zacharias stated he was concerned about a conflict of interest due to the pending litigation with the sewer districts.

City Attorney John Bird stated no one has been disqualified yet. It is his understanding that this firm is the same firm that not only has done work for the sewer districts but also is involved in the controversy that the City has with the districts. That firm was part of the process that advised the sewer districts originally on the costs of treatment and referred them to EPA. This firm could be a witness against the City. Mr. Bird felt they should have revealed their representation of the sewer districts in the interview process. These facts need to be researched before they are awarded the contract.

Mayor Hickman stated he has noticed the deterioration of the bricks and the benches in the Union Pacific Park at 10<sup>th</sup> and Main Streets. He stated he felt this might be due to skateboards and rollerblades and suggested that signage be placed banning these activities.

City Manager Zacharias stated an ordinance banning those activities would probably need to be written so that violators could be prosecuted. Staff will check into the matter and report back at a future Commission meeting.

Thereupon the Governing Body adjourned.

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

Clerk of the Board