

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 26, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 26, 2001, at 7:30 p.m.

Roll Call: Present: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

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

2. APPROVAL OF CITY COMMISSION AGENDA: Mayor Schwaller stated approval of the agenda is a new feature that he is initiating. This will be the time to approve, amend, delete or add to the agenda.

Larry Schmidt moved to add one item under Old Business. He would like to discuss Hall Street reconstruction. Henry Schwaller IV seconded the motion.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

Troy Hickman moved, Sunell Koerner seconded, that the agenda be approved with the addition of discussing Hall Street reconstruction.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

3. SWEARING IN CEREMONNY: City Clerk Carol Sue Berger administered the oath of public office to Troy Hickman.

Mayor Schwaller presented a gavel to Commissioner Hickman recognizing his term as Mayor this past year. He thanked him on behalf of the citizens of Hays for his service.

4. MINUTES: Larry Schmidt moved, Dick Bedard seconded, that the minutes of the regular meeting held on April 12, 2001, be approved.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

5. FINANCIAL STATEMENT: Troy Hickman moved, Larry Schmidt seconded, that the Financial Statement for the month of March 2001, be approved.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

6. CITIZEN COMMENTS: Harlan Murphy and Kathy Nelson, representing the Hays Public Housing Authority, presented the annual report of the Housing Authority.

Mrs. Nelson stated there are 57 residents occupying 30 units. There are approximately 60 families on the waiting list. The Housing Authority serves residents whose average income before adjustment is \$9,549.

7. CONSENT ITEMS: City Manager Hannes Zacharias stated that Item F, approval of a lease agreement with High Plains Street Machines Car Club should be deleted from the consent items.

A. Debbie Rempe, of Development Services of Northwest Kansas, presented a plaque in recognition of the City of Hays by the ARC of Kansas as “Employer of the Year”.

Troy Hickman moved, Dick Bedard seconded, that the following consent items be approved:

- B.** Approve the lease agreement with Howard Peters for East Frontier Park shelter house, May 3-4, 2001.
- C.** Approve the lease agreement with Tyson Tiepperman for West Frontier Park shelter house, May 12-13, 2001.
- D.** Approve the lease agreement with Cathy Smith for East Frontier Park shelter house, July 6, 2001.
- E.** Approve the lease agreement with Wild West Festival, Inc. for the use of Municipal Park, July 3-8, 2001.
- G.** Authorize the closure of various streets adjacent to Municipal Park for the Wild West Festival.
- H.** Approve the following mayoral appointments:

| | |
|-------------------------|--|
| Planning Commission | Lou Caplan – term expiring 4-30-04 Dean Denning – term expiring 4-30-04 |
| Board of Zoning Appeals | Jolene Niernberger – term expiring 5-01-04 Roger Staab – term expiring 5-01-04 |
| ADA Committee | Terry Ault – term expiring 5-01-04 Lou Ann Kibbee – term expiring 5-01-04 |
| Airport Committee | Jenny Allenbaugh – term expiring 4-30-04 Maurice Witten – term expiring 4-30-04 |
| Library Board | Michael Flax – term expiring 4-30-05 Dave Goodlett – term expiring 4-30-05 |

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

OLD BUSINESS

8. HAYS REGIONAL AIRPORT LOGO: Henry Schwaller moved, Larry Schmidt seconded, that a logo, as recommended by the Airport Committee, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

8.1 HALL STREET RECONSTRUCTION: Mayor Schwaller stated the City of Hays has received a grant from KDOT to either repair and replace Hall Street or to reconfigure the street. The previous Commission authorized Hall Street to be rebuilt as a four-lane from 27th Street to 8th Street, with signalization at 27th, and the removal of three houses on Elm Street between 12th and 13th Streets.

Commissioner Schmidt stated this is the last chance to save the taxpayers of Hays \$1.5 million. Engineers and KDOT have stated a three-lane street is more than adequate; it will serve the City well into the future. Traffic counts do not warrant a four-lane street.

Commissioner Hickman agreed that today a four-lane street is not necessary, but questioned whether we build the street for today's needs in order to get by or should streets be built for future needs? The citizens of Hays do not like to spend money for the sake of spending money, but want the project done right the first time. His concern is that later on a four-lane street would be warranted.

Commissioner Schmidt stated the engineers looked at the life of the road. A three-lane road would serve its usefulness for the life of the road. They also looked at future growth projections; there will not be continued substantial growth in that area.

City Manager Zacharias stated the project is in final design right now. Field check plans should be completed by May 17th. KDOT may grant some grace period on that date. If the Commission chooses to make changes to the

project, staff will try to accommodate those changes; however, those changes would have to be accepted by KDOT.

Commissioner Bedard stated he supports four-lane all the way from 27th Street to 8th Street. He is concerned about traffic from the north and feels a four-lane would handle traffic better. He supports the previous Commission's decision.

Commissioner Koerner stated she is studying the options of a three-lane versus a four-lane street. She has visited with various people; some of them support three-lane and some support four-lane

Larry Schmidt moved, Henry Schwaller IV seconded for the purpose of discussion, that Hall Street reconstruction design be changed from four-lane to three lane from 27th Street to 8th Street, with all other improvements still included.

Commissioner Hickman stated it was unfair to the new Commissioners to have this issue brought up so quickly without giving them more time to study the issue.

Commissioner Koerner stated she is not prepared to vote on the issue tonight. She would like to study this in more detail before voting.

Mayor Schwaller suggested a study session before the next meeting to provide the new Commissioners with more information.

City Manager Zacharias set May 7th at 6:00 p.m. for a study session. This issue will be placed on the May 10, 2001 Commission agenda for further discussion.

Larry Schmidt withdrew his motion; Henry Schwaller IV withdrew his second.

NEW BUSINESS

9. LIBRARY SALES TAX ORDINANCE: Henry Schwaller IV moved, Larry Schmidt seconded, that Ordinance No. 3554, being an ordinance authorizing the City of Hays, Kansas to proceed with the implementation of a one-half percent retailers' sales tax commencing October 1, 2001, the proceeds of which will be

used for the purpose of renovating, expanding, furnishing and equipping the existing library, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

10. NOISE ORDINANCE: City Attorney John Bird stated the Kansas Supreme Court found the noise ordinance of another city to be unconstitutional. This ordinance was very similar to ours regarding loud noises. The language in the ordinance was too vague; a reasonable person reading that would not know what is unlawful. Mr. Bird advised the Police Department to not write any more tickets under that ordinance. A proposed replacement ordinance is being suggested by the City Attorney that is constitutional.

Commissioner Schmidt suggested the City follow an ordinance that sets a decibel limit above normal background noise at the property line. Noise above that limit would violate the ordinance.

City Manager Zacharias stated that our police officers use a great deal of discretion in deciding whether to write a ticket or not. When they respond to a complaint, they manage the complaint the best way that they can.

Police Chief Lawrence Younger stated the Police Department will continue to operate the way they presently do, irregardless of which ordinance is in effect. When a complaint is received the responding officer talks to the people, tells them a complaint has been received, but doesn't tell them who did the complaining. They are asked to turn down the volume or stop whatever they are doing. Nine or ten times out of ten, they comply. Sometimes the officer may stay with a big party to help calm the party down or move it out. If a decibel meter were to be used, the officer would still handle the complaint in the same manner. If it became necessary to charge someone with a noise violation, at least the City would have an ordinance that would stand up in court if the Commission approves the ordinance recommended by the City Attorney.

Commissioner Koerner stated that she felt that decibel meters would cause more problems with training, equipment and calibrations and questioning in court. It's not that big of a problem in Hays.

Dick Bedard moved, Troy Hickman seconded, that Ordinance No. 3555, being an ordinance amending Title Eight (8), Chapter 8.20 of the City of Hays, Kansas, municipal code, by modifying Section 8.20.020, Subsection A. regarding unreasonable noises, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

Dick Bedard

No: Larry Schmidt

11. CAPITAL IMPROVEMENT PLAN REVIEW: City Manager Zacharias stated this review is just a five-year projection of upcoming projects. This is merely a plan, not a budget. Projects could be added or deleted from the list.

Director of Engineering Kurt Hassler reviewed 2000 projects that are either completed or in the process of being completed in the near future. Future water and sewer line construction, street projects, airport runway improvements, land acquisition, and storm sewer projects are planned for 2001 – 2005.

12. KDOT 5-YEAR PLAN APPROVAL & 13. 8th STREET RECONSTRUCTION

GRANT: Director of Engineering Kurt Hassler stated KDOT is requesting an update of the City's five-year plan. The plan lists the following projects:

| | Construction Costs | Federal Funds |
|--|--------------------|---------------|
| Vine Street (27 th to I-70) | \$3,282,000 | \$2,259,000 |
| Gustad Drive | 410,000 | 377,000 |
| Hall Street (8 th to 27 th) | 2,400,000 | 2,208,000 |
| 8 th Street (Elm to Milner) | 1,299,000 | 1,195,000 |

Mr. Hassler stated the System Enhancement Project is not on this list because it is being funded from state funds, not federal funds.

The reconstruction of 8th Street from Elm Street to Milner Street is scheduled for 2005. Mr. Hassler requested the Mayor be authorized to submit an application to KDOT for funding. The funding split on the project would be 80% KDOT-20% City for the construction and construction engineering portion of the project. The total construction cost is estimated to be \$1,420,000. The project does not include the upgrade of the lights at 8th and Main Street or at 8th and Fort Street. Mr. Hassler recommended that an upgrade of those lights be included, which would add \$280,000 to the project cost.

Troy Hickman moved, Larry Schmidt seconded, that the Mayor be authorized to sign a grant application for the reconstruction of 8th Street from Elm Street to Milner Street.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Troy Hickman moved, Larry Schmidt seconded, that the 2001 version of the KDOT five-year plan for the City of Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

14. GUSTAD BRIDGE CONSTRUCTION BIDS: KDOT has informed the City of Hays that the low bidder for the resurfacing, grading, and construction of Gustad Drive Bridge across Big Creek at Fort Hays State University is APAC Kansas, Inc. Their bid of \$556,243.69 was approximately \$46,000 less than the next highest bidder and below the KDOT estimate.

Fort Hays State University will be responsible for 20% plus 20% of the construction engineering fees. This money will be paid by FHSU to the City and then forwarded to KDOT.

Troy Hickman moved, Larry Schmidt seconded, that the bid from APAC Kansas, Inc. in the amount of \$556,243.69 for the resurfacing, grading, and construction of Gustad Drive Bridge across Big Creek at Fort Hays State University, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

15. 2001 ADA CURB CUT CONTRACTS: At the direction of the City Commission, the ADA Curb Cut Project bid was broken down into four groups of 50 ramps each. The projects were bid at the same time, but each group was separate. The low bidder in each group was Bryant & Bryant of Halstead, Kansas. Collectively, their bid was \$174,729.54. The budgeted amount for 2001 is \$350,000. There is an additional \$16,000 used for engineering services. There is enough money left over to fund an additional 150 curb cuts.

Dick Bedard moved, Troy Hickman seconded, that the bid from Bryant & Bryant, Halstead, Kansas, in the amount of \$174,729.54, to construct 200 curb cuts in 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

The consensus of the Commission was to negotiate a price with Bryant & Bryant for an additional 150 curb cuts.

16. AIRPORT CROSSWIND RUNWAY CONSTRUCTION GRANT: The grant request for \$1.2 million of federal funds is for the construction of the drainage structure and relocation of 25,000 to 30,000 cubic yards of dirt for the east side of Runway 4-22, in preparation for the paving of the runway in 2002.

Troy Hickman moved, Sunell Koerner seconded, that the City Manager be authorized to sign an application with the Federal Aviation Administration for Phase 1 of the Crosswind Runway 4-22 Project.

The Vice-Mayor called for the vote.

Vote: Ayes: Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Absent: Henry Schwaller IV

17. FEMA GRANT REQUEST FOR EQUIPMENT FOR THE HAYS FIRE

DEPARTMENT: Roger Rife, Director of Fire and Inspection Services reviewed the Assistance to Firefighters Grant Program which is administered by FEMA. The Fire and Inspection Department would like to request grant funds in the Wellness/Fitness category and the Fire Prevention Programs category. One of the requirements would be a 10% City match for any grant funds received.

The existing equipment in the department's fitness/weight room is old, outdated, and not of a commercial type. Statistics show that regular fitness programs will benefit the firefighters by reducing their chances of getting hurt on the job and will benefit the City with fewer disability claims and lower insurance costs. The cost of the equipment is \$4,945. The City's portion, if the grant were awarded, would be \$495.

The second category that the department is applying for is Fire Prevention Programs. They are requesting grant funds for a Fire Safety House, which is a mobile classroom featuring child-sized rooms and real-life hazards. The Fire Safety House creates an environment that provides children with the knowledge needed to prevent fires and the steps to follow if they find themselves in a fire situation. The total cost of this classroom would be \$46,771, with the City's portion \$4,677.

Dick Bedard moved, Sunell Koerner seconded, that the Mayor be authorized to sign a grant request to the Federal Emergency Management

Agency for the purchase of physical fitness equipment and a fire safety mobile classroom.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

18. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated that a set of specifications for a snorkel truck have been developed that are designed to allow bids from all manufactures. Bids will be received in the near future and it will take approximately one year for this truck to be built and delivered to the City of Hays.

Mayor Schwaller noted that plats approved by the Planning Commission are not being presented to the City Commission in a timely fashion.

City Attorney John Bird stated plats should be presented and approved by the City Commission 30 days after the Planning Commission approves them.

Mayor Schwaller stated there needs to be better coordination between the two bodies.

Commissioner Hickman stated that the Hays Recreation Commission has changed their mind and would be having evening swim lessons at Wilson Pool.

Commissioner Schmidt stated the City Commission has nothing to do with and should not be blamed for the way HRC runs its programs.

Commissioner Schmidt stated that last year he requested that the Golf Course be given notice that they should start raising more money on their own and become less dependent on the mill levy. The Golf Course needs to make some adjustment to their fees. The city-at-large should not have to subsidize golf to the extent it does now.

Commissioner Koerner asked if funds were available to do a triangulation system for 911 calls handled by the Police Department. Increased usage of cell phones is creating a problem in locating people who are in need of help.

City Manager Zacharias stated there is not any money left; the \$.75 that is charged on a landline phone is obligated for maintaining the current system. In fact, money has been borrowed against future revenues. Legislation is being proposed that addresses this concern.

19. EXECUTIVE SESSION: There was no executive session.

20. ADD-ON ITEMS: City Manager Zacharias stated the City of Hays has been working very closely with the City of Hoisington to provide services since Hoisington was hit with a tornado April 21st. Crews and equipment have been sent to assist Hoisington with the clean up.

City Manager Zacharias stated the legislature is trying to pass legislation that would eliminate alcohol funding that comes to cities and counties. The City of Hays receives approximately \$220,000 a year in alcohol funding. That money is divided three ways. One-third goes to the General Fund, one-third goes to park activities, and one-third goes to alcohol treatment programs. Alcohol treatment groups have successfully petitioned to have their groups held harmless. That would still mean a loss of approximately \$150,000 in revenue. The mill levy would have to be raised 1.5 mills to offset that loss. The City Manager will monitor the situation and keep the Commission posted.

Mayor Schwaller suggested that a public forum be held to discuss water issues on May 23rd at 7:00 p.m. He suggested a panel forum be comprised of Lavern Squier, president of the Public Wholesale Water Supply, Jeff Henson, Black and Veatch engineer, Hannes Zacharias, City Manager, and Paul Montoia, Director of Wellfield Protection Program. This would be an excellent time to review the project and answer any questions from the new Commissioners or the public.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

