

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 23, 2001

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, August 23, 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. MINUTES:** Mayor Schwaller stated that the minutes of the August 9, 2001 meeting, Item #14, Neighborhood Revitalization Plan Public Hearing, stated that the Ellis County Commission and USD 489 must approve the inclusion of the former Hadley Campus into the boundary lines of the Neighborhood Revitalization District. They don't have to approve the inclusion; they will be asked to approve the inclusion.

Troy Hickman moved, Larry Schmidt seconded, that the minutes of the August 9, 2001, as corrected, be approved.

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

**3. FINANCIAL STATEMENT:** Troy Hickman moved, Sunell Koerner seconded, that the Financial Statement for the month of July 2001, be approved.

Vote: Ayes: Henry Schwaller IV  
Larry Schmidt

Troy Hickman  
Sunell Koerner  
Dick Bedard

**4. CITIZEN COMMENTS:** Paul Wildeman, 204 West 4<sup>th</sup> Street, thanked City staff for working with the Ellis County Health Administrator to address his concerns about health issues.

**5. CONSENT ITEMS:** Troy Hickman moved, Larry Schmidt seconded, that the Consent Items be discussed and voted upon one at a time.

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

A.1. The Traffic Advisory Committee had a request from a citizen to address the speeding problems in the 2400 block of Fort Street. Kurt Hassler, Director of Engineering, stated a traffic count and speed information was gathered at this location during July 2001. Approximately 1,700 vehicles per day passed this location with an 85-percentile speed of 35 mph. Several vehicles were clocked at speeds exceeding 50 mph. The speed limit on Fort Street is 30 mph. The recommendation from TAC is to install a speed hump in the 2400 block of Fort Street at an estimated cost of approximately \$9,000 to \$10,000. The speed humps are made of recycled rubber and can be removed. A similar speed hump was recently installed on Country Lane between 27<sup>th</sup> and 33<sup>rd</sup> Street.

Larry Schmidt moved, Dick Bedard seconded, that a speed hump be installed in the 2400 block of Fort Street.

Commissioner Koerner stated she has some concerns about placing a lot of speed humps throughout the City. She is hesitant to place speed humps in every neighborhood where there are complaints of speeding vehicles.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV  
Larry Schmidt

Troy Hickman

Dick Bedard

No: Sunell Koerner

A.2. The TAC heard a request from a citizen to address problems in the 2300 & 2400 block of Canal Blvd. The intersections at those locations are unmarked. The recommendation from TAC is to place a two-way stop sign at 24<sup>th</sup> & Canal (stopping 24<sup>th</sup> Street traffic), place a four-way stop sign at 23<sup>rd</sup> & Canal, and place a stop sign at 20<sup>th</sup> & Canal (stopping 20<sup>th</sup> Street traffic). It will cost approximately \$700 to install all seven stop signs.

Mayor Schwaller made reference to two letters he received objecting to installing stop signs that are not needed and the objections of a property owner where the stop sign would have to be installed in her driveway.

Commissioner Bedard stated he felt the only place a stop sign is needed is at 20<sup>th</sup> & Canal.

Larry Schmidt moved, Dick Bedard seconded, that a stop sign be installed on 20<sup>th</sup> Street at 20<sup>th</sup> & Canal.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

A.3. A request has been made to look at the sight distance problem created by a blue spruce tree on the southwest corner of the intersection of 33<sup>rd</sup> & Willow. The recommendation from TAC is to trim the tree to comply with City ordinance, however, both the property owner and Jeff Boyle, Park Director, think that trimming will kill the tree. The property owner requested the City pay for a smaller replacement tree, if it was necessary to cut the tree down.

Mayor Schwaller stated there are many similar situations at intersections throughout the City. To purchase a tree for this property would set a precedent.

Larry Schmidt moved, Sunell Koerner seconded, that the property owner be notified to remove the tree at the southwest corner of 33<sup>rd</sup> & Willow.

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

### **OLD BUSINESS**

**6. INDIAN TRAIL AND 27<sup>TH</sup> STREET REPORT:** The Traffic Advisory Committee made a recommendation to the City Commission in June, 2000 to erect a four-way stop at the intersection of 27<sup>th</sup> & Indian Trail. The Commission turned down this recommendation. Continued development of the area along with citizens' concerns prompted the City Commission to request vehicle and speed counts at this intersection. There have been 12 accidents at this intersection in the past five years.

Kurt Hassler, Director of Engineering, stated traffic counts are close to meeting the criteria for a four-way stop sign as recommended in the Manual for Uniform Traffic Control Devices. He doesn't think having a four-way stop at that intersection is a bad idea because Indian Trail is classified as a collector street and 27<sup>th</sup> Street is classified as an arterial street. Mr. Hassler recommended stop signs be installed; the cost to install signal lights would be approximately \$130,000 to \$150,000.

Commissioner Hickman stated that when this issue was brought forth in June 2000, he was against installing four-way stop signs. He would be in favor of installing stop signs if the installation of signal lights were budgeted in a future budget.

Commissioner Koerner stated she would like staff to investigate the possibility of adding a 5<sup>th</sup> turning lane to 27<sup>th</sup> Street. She feels this would be safer and provide a more efficient manner to handle traffic along that roadway.

Dick Bedard moved, Larry Schmidt seconded, that a four-way stop be installed at the intersection of 27<sup>th</sup> Street and Indian Trail and add the signalization of this intersection to the five year Capital Improvement Project list.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Mayor Schwaller requested staff study the possibility of installing a 5<sup>th</sup> turning lane on 27<sup>th</sup> Street.

**7. BIG CREEK/PRAIRIE ACRES REVIEW:** City Attorney John Bird stated he has not yet met with representatives of either District. Both representatives of the two Districts were in attendance at the meeting, so Mr. Bird outlined the proposed rates to the City Commission and to the representatives.

Mr. Bird stated the two main issues regarding future rates for the Districts are 1.) That they are not charged less than customers inside the city limits and 2.) That a precedent is not established that creates problems with other outside city limit users. The one factor identified that would justify charging the Districts less than the 1.7 rate is that the Districts, especially Prairie Acres, have installed more infrastructure to transport their sewage to a City sewer main and they are responsible for ongoing maintenance costs on that sewer line. Mr. Bird proposed that 1.5 times the commercial rate be charged without charging any minimums. Using that rate and the consumption figures from the last quarter, residents of Prairie Acres would pay an average of \$14.44 per month. He suggested that for future rate increases, it be written into the contract that the Districts will always be treated as a commercial account. Mr. Bird requested the Commission approve this offer to the Districts.

Commissioner Schmidt stated the problem with using a multiplier is that every time rates are raised, the gap between the two figures gets further apart.

Mr. Bird stated he didn't know of any other fair way to calculate an equitable charge. He is open to suggestions.

Commissioner Schmidt stated Big Creek Sewer District residents would have a higher average monthly bill because their usage is higher due to infiltration and other problems.

Mr. Bird stated BCSD is delivering more sewage for the City to treat. When it arrives at the Pollution Control plant, it doesn't really matter if it is infiltration, it still needs treatment.

Commissioner Schmidt suggested a set fee be added onto the base inside city limit rate.

Mr. Bird stated he would be meeting soon with the two representatives and will report back at the next Commission meeting.

**8. CITIZEN SURVEY:** Dr. Joe Aistrup, representing The Docking Institute of Public Affairs, Fort Hays State University, addressed the Commission about a proposed Citizen Survey to be conducted in the fall of 2001 at an estimated cost of \$5,500.

Dr. Aistrup stated this survey is about accountability and reflects the needs of the citizenry. The survey looks at how the City is progressing from a systematic point of view. The survey is taken from a random sampling of citizens who may or may not have any issues with the City. From this survey, the Commission will be able to gain important information that can be used to address various problems.

Commissioner Schmidt stated he thought a survey every two years is too often. There isn't enough time in between surveys to address an issue that may have been brought forth. When the next survey is done two years later, the problems brought forth in the first survey may still not be completely addressed.

Commissioner Bedard stated he agreed with Commissioner Schmidt; every five years would be sufficient.

Commissioner Schmidt stated a specific survey can be done whenever needed, however, a general survey like this one isn't needed every two years.

Dr. Aistrup stated that in past years, specific areas have been addressed, along with the general survey. This proposal has been brought forth because the

Commission requested it; if the Commission chooses to not have a survey done, the Institute understands.

Mayor Schwaller stated he thinks it is important to do a survey. This is what businesses do to succeed and provide better services. A survey identifies problems that can then be addressed.

Commissioner Hickman suggested that the 2<sup>nd</sup> part of the survey be focused on one particular issue, such as the City's infrastructure.

Commissioner Koerner stated that if the results of the survey are used, they are helpful, however, a survey every three years may be better because of the long time it takes to implement changes.

Troy Hickman moved, Henry Schwaller IV seconded, that the proposal from the Docking Institute to conduct a Citizen Survey in the fall of 2001 for an estimated cost of \$5,500, with the topic of the 2<sup>nd</sup> part of the survey questions developed primarily for the purpose of infrastructure issues, be accepted.

Interim Manager Dorothy Stites noted that \$5,500 for the survey is only the beginning amount. If more work is required, there will be additional costs associated with the survey.

Dr. Aistrup stated that if there is additional work required performing the survey above and beyond the regular norms, he would return to the Commission to further discuss the cost of the survey.

Commissioner Koerner stated she would be in favor of this survey because of the 2<sup>nd</sup> part of the survey relating to infrastructure issues, however, in the future she thinks a survey could be performed less frequently.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

No: Larry Schmidt

Dick Bedard

**9. NUISANCE ABATEMENT:** Interim Manager Stites stated the nuisance problem at 401 Riley has been resolved.



Dick Bedard moved, Sunell Koerner seconded, that the bid from M & D of Hays, Kansas, be accepted for the demolition and removal of houses located at 107, 107 ½, and 111 East 4<sup>th</sup> Street at a cost of \$33,275.00.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Dick Bedard

No: Henry Schwaller IV  
Larry Schmidt

**11. SERVICE DIVISION BUILDING IMPROVEMENTS:** Bids to remove and replace wiring and lighting in the Public Works storage building were received from the following electrical contractors:

Rohleder Electric	Base Bid	\$14,765
	Alternates	No Bid
RDH Electric	Base Bid	9,200
	Alternates	No Bid
Younger Electric	Base Bid	15,425
	Alternates	No Bid

One bid was received to remove and replace the existing wiring, the installation of five overhead doors, and replace an overhead heater. The following bid was received:

Commercial Builders	Base Bid	\$10,397
Hays, KS	Alt #1	5,456
	Alt #2	7,755
	Alt #3	7,878
	Alt #4	<u>5,689</u>
	TOTAL	\$37,175

The bids were submitted, at the architect's request, with the electrical contractors submitting bids for the electrical work in the base bid, understanding that if only the electrical work was selected, those bids would be used. The electrical contractors also submitted sub-contract bids for electrical work in the base bid and all alternates to the General Contractor. To be consistent with the architect's direction to the prospective bidders, if only the base bid is awarded, the selection should be chosen from the electrical contractor's bids. If any alternates are awarded, the general contractor's bid should be honored.

Brenda Cary, Assistant Public Works Director, stated that the installation of five additional overhead doors would provide for quick response during emergency situations. Equipment often has to be moved in order to access a certain piece of equipment or vehicle that is needed during an emergency.

The 2001 Budget set aside \$56,000 for these improvements. \$4,000 has been spent on architectural services, leaving a balance of \$52,000. Ms. Cary recommended the bid from Commercial Builders in the amount of \$37,175 be accepted for the base bid and all four alternates.

Sunell Koerner moved, Dick Bedard seconded, that the bid from Commercial Builders in the amount of \$37,175 for the removal and replacement of existing wiring, the installation of overhead doors, and the installation of a replacement heater in the Public Works buildings, be accepted.

Mayor Schwaller stated he doesn't see the value of parking vehicles inside or installing overhead doors to make it easier to get them out. The wiring should be replaced and he supports that.

Commissioner Schmidt stated he would be voting against accepting the bid for the same reason. Parking vehicles inside is a luxury. Maintenance of vehicles makes them last longer, not where you park them. He supports the new wiring and the new overhead heater, but not the overhead doors.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman  
Sunell Koerner  
Dick Bedard

No: Henry Schwaller IV  
Larry Schmidt

**12. VINE STREET CHANGE ORDER BIDS:** Director of Engineering Kurt Hassler stated this change order in the amount of \$132,904 is not due to a change in work. This change order was issued due to the fact that a large portion of the quantity of the temporary asphalt median was left off the final bid tab. The City is responsible for approximately 20% of this cost. The exact cost will not be known until the whole project is completed. Actual payment will not be made at this time; the City needs only to approve this change order.

Henry Schwaller IV moved, Sunell Koerner seconded, that a change order in the amount of \$132,904 issued by KDOT for the Vine Street Project for the temporary asphalt median portion of the Project, be approved.

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

**13. AIRPORT RUNWAY ENGINEERING SERVICES:** Henry Schwaller IV moved, Troy Hickman seconded, that an Agreement for Services Phase I Grading and Drainage East Portion of Runway 4-22 from Bucher, Willis and Ratliff for basic services during the preliminary phase, design phase and bidding phase in the amount of \$17,970, special services for administrative assistance in the amount of \$3,000, and construction services in an amount not-to-exceed \$39,600, be approved.

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

**14. BIDS FOR AERIAL APPARATUS:** Bids for lease/purchase financing on a four-year note for a new Aerial Apparatus for the Fire Department were received from the following:

	<u>Rate</u>	<u>Annual Payment</u>
Commerce Bank Hays, KS	4.78%	\$126,818.56
Emprise Bank Hays, KS	4.98%	127,410.13
Golden Belt Bank Hays, KS	5.80	129,485.12
Sunflower Bank Hays, KS	5.29	128,555.81
Baystone Financial Group Manhattan, KS	5.06	127,647.06
G. E. Capital Derby, KS	4.92	127,232.55

Troy Hickman moved, Sunell Koerner seconded, that the bid from Commerce Bank, Hays, KS, for lease/purchase financing at an interest rate of 4.78% on a four-year note with an annual payment of \$126,818.56, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**15. BIDS FOR DOWNTOWN WATER/SEWER LINE REPLACEMENT/13<sup>TH</sup> STREET WATER/SEWER LINE EXTENSION:** The water/sewer line replacement project is for the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets from Main to Fort. These lines are being upgraded due to the water line being a small diameter and in bad disrepair. The water/sewer line extension is along 13<sup>th</sup> Street from

Harvest Road to Commerce Parkway. The two projects were bid together and notice was given to the prospective bidders that the recommendation to the City Commission would be for the lowest combined bid. Bids were received from the following:

	<u>Downtown</u>	<u>13<sup>th</sup> St. Sewer</u>	<u>13<sup>th</sup> St. Water</u>	<u>Total</u>
APAC	\$359,779.60	\$410,295.30	\$203,591.60	\$973,666.50
J-Corp	278,771.00	372,720.70	176,678.00	828,169.70
Engin.Est.	241,495.00	277,317.50	223,986.00	742,798.50
Budget \$\$	300,000.00	270,000.00	230,000.00	800,000.00

Kurt Hassler, Director of Engineering, stated the engineer's estimate was so low on the 13<sup>th</sup> Street sewer line due to underestimating the cost of the boring.

City Clerk Susie Berger stated this project would be paid from budgeted funds. Even though it is over budget, it can be absorbed. Typically, all the budgeted funds are not spent.

Larry Schmidt moved, Troy Hickman seconded, that the bid from J-Corp, Hays, KS, in the amount of \$828,169.70, for construction of the Downtown Water/Sewer Line Replacement Project and the 13<sup>th</sup> Street Water/Sewer Line Extension Project, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**16. COMMISSION INFORMATIONAL MEMORANDUM:** A complaint was received from a citizen living across the street from the Hays Aquatic Park in regards to the lighting at the facility late at night. Interim Manager Stites stated the number of lights left on at night will be reduced.

**17. ADD-ON ITEMS:** A survey of Centennial Mall, 2506 Vine Street, has indicated that the building encroaches upon the alley and easement set forth in the recorded plat. The real estate is being sold and the buyer wants the issue resolved prior to closing. Attorney John Bird recommended that an easement be given with the owners reimbursing staff for any associated costs.

The Commission agreed with Mr. Bird.

Interim Manager Stites requested two resolutions be passed, contingent upon review by the City Attorney. The resolutions are from Union Pacific Rail Road to create pipeline crossings for the water/sewer project on Commerce Parkway.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 378, being a resolution the Union Pacific Railroad tendered to the City of Hays regarding an agreement covering a pipeline crossing at Hays, Ellis County, Kansas, be accepted, contingent upon review by the City Attorney.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 379, being a resolution the Union Pacific Railroad tendered to the City of Hays regarding an agreement covering a pipeline crossing at Hays, Ellis County, Kansas, be accepted, contingent upon review by the City Attorney.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Commissioner Hickman reported on the public hearings held August 23, 2001, regarding Public Wholesale Water Supply District #15's application for \$16 million in state revolving loan funding. If the application were to be approved, the

semi-annual payments would be approximately \$600,000. He stated this is just one part of the application process. Proceeding with the South Russell County Project is contingent upon receiving the independent survey from Groundwater Associates and acquiring water rights. Commissioner Hickman stated that PWWSD#15 has always been willing to look at other options.

Commissioner Schmidt stated he feels funding for the South Russell County Project should be stopped. PWWSD#15 is designing this project while they are going forward with construction. Not enough information is known about the size of the pipeline and where we are going. This Project will take all of the money for the next 20 years. This Project was done backwards; we are in the construction phase when we should be in the planning phase. The City was told this would be drought-proof, when in fact it is not. The City has enough water right now for the next 10 or 15 years. People who have studied this area for years and know what they are doing don't see this Project as a viable option for the type of money being spent. The Project should be stopped until the City knows exactly what it is going to do. This Project is being rushed. He would like to discuss this further at the next Commission meeting.

Mayor Schwaller distributed a letter from the Kansas Water Office and a letter from the Kansas Geological Survey in reference to the South Russell County Water Project. Mayor Schwaller stated he does not have a problem with going east for water because it brings the City closer to Wilson and Kanapolis Lakes, which are drought proof. He would like PWWSD#15 to reassure the City that when the engineering is done, the Project would come to a stop until further approval is granted.

Commissioner Bedard questioned why Commissioner Schmidt would want to put a stop to the Project before hearing the independent review by Groundwater Associates.

Commissioner Schmidt stated he wanted the review to be done in time for the August 23<sup>rd</sup> public hearing and if there hadn't been a 3-4 week delay, it would have been done by that date. After receiving the information from individuals in the Kansas Water Office with at least as much expertise as Bob Vincent from

Groundwater Associates, he thinks the Project should be stopped until the planning is done.

Commissioner Bedard stated no one is doing any construction yet and construction will not start until water rights are acquired.

The consensus of the Commission was to discuss this at the next meeting.

Thereupon the Governing Body adjourned.

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

Clerk of the Board