

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON FEBRUARY 27, 2003

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 27, 2003, at 7:30 p.m.

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

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

2. MINUTES: Henry Schwaller IV moved, Dick Bedard seconded, that the minutes of the regular session held on February 13, 2003, be approved.

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

3. FINANCIAL STATEMENT: Dick Bedard moved, Henry Schwaller IV seconded, that the Financial Statement for the month of January 2003 be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT ITEMS: There were no consent items.

NEW BUSINESS

6. CORRIDOR MANAGEMENT/REVERSE ACCESS ROAD: City staff, the KDOT Corridor Management Administrator, and affected property owners have met and agreed to participate in Corridor Management grants to construct a portion of 48th Street east of Highway 183 and reverse access roads between 48th and 55th Streets on both sides of Highway 183.

The grants are funded 2/3 KDOT and 1/3 local match. The property owners will dedicate public right-of-way across their property for the purpose of constructing reverse access roads. The value of the dedicated land will count as the 1/3 local match. The total estimated cost of the project is \$4.6 million; the City's share would be approximately \$515,000. Construction engineering (inspection services) costs are not included in the grant. Those services estimated to cost \$177,000 would be performed by City staff, reducing the City's share by that amount.

There will be numerous grant applications submitted in order to take advantage of KDOT's cap of \$250,000 per grant. There is no limit to the number of grants that can be submitted. When the grants are approved, the construction of these streets will be bid as one project. It is planned that these streets will be constructed in 2004.

Henry Schwaller IV moved, Dick Bedard seconded, that Resolution No. 423, being a resolution authorizing the City of Hays to participate in initiating Kansas Department of Transportation Corridor Management Grants for the purpose of acquiring public right-of-way and the paving of that right-of-way as a means to establish alternative access for existing and future development between 48th Street and 55th Streets on US 183 Highway, be approved.

Vote: Ayes: Troy Hickman

Dick Bedard

Larry Schmidt

Henry Schwaller IV

City Manager Gustafson noted that the Public Works staff recently received an award from the American Concrete Institute for the Vine Street project south of Interstate 70.

7. ARMY RESERVE – UPDATE ON PROGRESS: City Manager Gustafson updated the Commission on the progress of the U.S. Army Reserve land acquisition on Commerce Parkway. It has been proposed that once their new facility was built, the Heart of America Development Corporation would deed the land to the City, the City would then deed the land to the Army Reserve and the Army Reserve would deed the present Army Reserve facility to the City. This is expected to occur in 2007.

Lavern Squier, Executive Director of the Ellis County Coalition for Economic Development, reviewed details of the agreement. If the exchange agreement is not possible, the Army Reserve is prepared to purchase the property outright. The agreement exempts the Army Reserve from constructing a secondary road access and also addresses developmental issues such as right-of-way, utilities, and future assessments.

City Manager Gustafson stated it would be required that a preliminary plat be done of the whole site, showing the Army Reserve's 15 acres as part of the preliminary plat. The annexation and the final plat would be for the 15 acres occupied by the Army Reserve.

Nick Niernberger, representing the Heart of America Development Corporation (HADC), stated HADC is willing to reimburse the City of Hays up to \$46,000 to help acquire this project. At the time of the exchange when HADC gets paid for the property, HADC would reimburse the City \$46,000.

Dick Bedard moved, Henry Schwaller IV seconded, that the City Manager be authorized to sign an agreement with the U.S. Army to proceed with details involving land acquisition.

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

8. FIRE SAFETY INSPECTION UPDATE: The two tragedies that occurred last week in nightclubs in Chicago, IL and West Warwick, RI have caused the City Manager to request an update from the Fire Chief in regards to fire and life safety requirements in those kind of occupancies.

Fire Chief Gary Brown stated over the last 200 years, such tragedies occur on a regular basis. There are three common factors that contribute to these tragedies: 1. Inadequate, locked or blocked emergency exits, 2. Combustible interior finishes, and 3. Overcrowding.

The City of Hays has 26 licensed private and public nightclubs. The Fire Department inspects these clubs annually for fire safety conditions as a condition of license issue and renewal. The fire code and the building code establish minimum requirements and standards that must be maintained. During March, the Fire Department will survey all of the nightclubs in the City to make sure that the minimum fire and life safety features are properly maintained.

9. ERGO ADDRESSING ORDINANCE: The Ellis County Regional GIS Organization (ERGO) Addressing Committee has been tasked with addressing and re-addressing within a portion of Ellis County, as authorized by Ellis County Resolution R-2001-13. This committee has been looking at addresses both in the prescribed areas as well as within the City of Hays where addresses can and have become problems and what can be done to alleviate these problems. Passage of an ordinance is necessary to allow the ERGO Committee authority to set street names and addresses within the corporate city limits of Hays. This ordinance would not eliminate the capability of the City of Hays Inspection Division to assign addresses but would be used as a tool to assist in their addressing decisions.

Dick Bedard moved, Troy Hickman seconded, that Ordinance No. 3602, being an ordinance amending Title Fifteen (15), Chapter 15.32 of the City of Hays, Kansas, Municipal Code regarding numbering buildings and assigning addresses, be approved.

Vote: Ayes: Troy Hickman

Dick Bedard

Larry Schmidt
Henry Schwaller IV

10. WERTH AIRPLANE HANGAR BUILDING PURCHASE AND LEASE: A

lease with John Werth for a hangar on Lot H4 will expire in September 2003. Due to land use changes made to the Airport Layout Plan in 1999, Row H will be developed into commercial property. Mr. Werth would like the City of Hays to purchase his hangar for \$125,000 and then lease it back to him for \$500 per month until September 2003. This will allow him time to build another hangar in an area designated for aircraft. Purchasing the hangar will give the City control of the building for future commercial uses.

Dick Bedard moved, Henry Schwaller IV seconded, that the City of Hays purchase a hangar from John Werth in the amount of \$125,000 to be paid out of the Airport Improvement Fund and enter into a lease agreement with Mr. Werth, scheduled to expire September 1, 2003.

Vote: Ayes: Troy Hickman

Dick Bedard

Larry Schmidt

Henry Schwaller IV

11. HAYS AQUATIC PARK CONTRACT ADDENDUM: Hays Recreation

Commission (HRC) Superintendent Rick Claiborn addressed changes to the Hays Aquatic Park Contract. The 2002 season posted a loss of \$58,533.82 on operating expenses relating to HRC. The City was responsible for covering \$32,533.82 of that loss while HRC was responsible for \$26,000.

The changes to the contract relate to days and hours of operation and reflect a change in admission fees for evening swimming. Late night swimming on Fridays and Saturdays will be eliminated. Two lifeguard positions and one admissions position will be eliminated. Mr. Claiborn feels these changes would help reduce expenses by approximately \$30,000 assuming conditions remain the same as last year. He recommended the weekday fees remain the same as last year.

Commissioner Schmidt stated he felt the admission fees could be raised \$0.25. The losses need to be cut for the people who don't use the pool but are supporting it. This would generate approximately another \$30,000 and lower the amount of money the City is responsible for.

Mr. Claiborn stated the fees charged are under the average; however fees were raised \$0.50 last year. He doesn't feel the public would be receptive to another increase.

Commissioner Bedard stated he is not opposed to changing the hours of operation but is against raising admission fees.

Commissioner Schwaller stated he agreed with Commissioner Schmidt about raising admission fees, however, he doesn't feel this is the time given the economy.

Henry Schwaller IV moved, Dick Bedard seconded, that the contract addendum for the 2003 pool season be approved.

Vote: Ayes: Troy Hickman

Dick Bedard

Henry Schwaller IV

No: Larry Schmidt

12. 2003 SIDEWALK RAMP RESOLUTION: This resolution authorizes the 2003 Sidewalk Ramp Project and allows the City to be reimbursed for any costs incurred prior to the issuance of a temporary note. The 2003 Project consists of constructing 158 handicap accessible ramps at streets and alley intersections throughout the City.

Henry Schwaller IV moved, Dick Bedard seconded, that Resolution No. 424, being a resolution initiating proceedings by the Governing Body for improvements to certain sidewalks in the City of Hays, Kansas, be approved.

Vote: Ayes: Troy Hickman

Dick Bedard

Larry Schmidt

Henry Schwaller IV

13. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Gustafson stated upon reviewing an agreement with Fort Hays State University (FHSU) he discovered that FHSU is exempt from building permits, therefore an Application for Exception to the Board of Zoning Appeals for a communication tower/flag pole is not necessary and the matter is closed.

14. EXECUTIVE SESSION: There was no executive session.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board