

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON FEBRUARY 28, 2002

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 28, 2002 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: Larry Schmidt moved, Troy Hickman seconded, that the minutes of the regular session held on February 14, 2002, 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 January, 2002, be approved.

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

4. CITIZEN COMMENTS: Tom Meiers, Kent Laas, and Bob Swift, representing the Wild West Fest Committee, informed the Commission of the Fourth of July

activities to be held July 3rd through July 6th. This will be the eighth festival to be held in Municipal Park.

5. CONSENT ITEMS: **A.** Dick Bedard moved, Sunell Koerner seconded, that Ordinance No. 3578, being an ordinance amending Title Five (5), Chapter 5.08 of the City of Hays, Kansas, Municipal Code, by modifying Section 5.08.090 regarding suspension and revocation of building contractor licenses be approved, and further that:

Ordinance No. 3579, being an ordinance amending Title Eight (8), Chapter 8.16 of the City of Hays, Kansas, Municipal Code, by modifying all sections therein regarding inoperable vehicles, be approved, and further that:

Ordinance No. 3580, being an ordinance amending Title Eight (8), Chapter 8.24 of the City of Hays, Kansas, Municipal Code, by modifying Sections 8.24.010 and 8.24.040 regarding unlawful nuisances defined and notice and by adding Section 8.24.055 regarding persons exempt, be approved, and further that:

Ordinance No. 3581, being an ordinance amending Title Eight (8), Chapter 8.32 of the City of Hays, Kansas, Municipal Code, by modifying Sections 8.32.020 and 8.32.030 regarding the definition of weeds and public officer and notice to remove, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

B. Troy Hickman moved, Larry Schmidt seconded, that a bid be awarded to Bryant & Bryant in the amount of \$332,967.50 for the installation of 404 curb cuts to be located on various residential streets in 2002.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

C. Mayor Schwaller recommended the following mayoral appointments be approved:

Public Wholesale Water Supply District #15

John Ratzlaff – 3-year term expiring March 1, 2005

Alan States – 3-year term expiring March 1, 2005

Hays-Ellis County Planning Commission

Jim Fouts – unexpired 3-year term expiring April 30, 2002

Dick Bedard moved, Troy Hickman seconded, that the appointment of Jim Fouts to the Hays-Ellis County Planning Commission be approved, and that Troy Hickman and Jayne Clarke be re-appointed to the Public Wholesale Water Supply District #15 Board.

Mayor Schwaller stated Jayne Clarke indicated to him that she did not want to serve on the Board. The Mayor stated he was looking for two types of individuals to serve on this board. He would like one person to have a background in science; John Ratzlaff fits that criteria and comes highly recommended. Alan States is president of the First National Bank of Palco and Hays. He is an exceptional leader and knows the value of projects. Mayor Schwaller stated he would vote against the motion on the floor.

Commissioner Bedard stated he talked to Mrs. Clarke this afternoon and she stated she would serve another term.

Commissioner Schmidt stated he would vote against the motion. It is time PWWSD #15 had some new members. Too many things have slipped by. A little more hands on, a little more vision may help the City get the water it needs. There are other options that need to be checked out.

Commissioner Hickman stated Jayne Clarke is a former City Commissioner, a former mayor, and is a strong leader in the community. She has taken her responsibilities on the PWWSD#15 Board very seriously. Her

experience as a Certified Public Accountant has been beneficial and she is qualified to remain on the Board.

Commissioner Hickman stated he is not a scientist, an accountant, or an engineer. He is a representative of the community and has served at the wishes of three different Commission bodies. There is a good diversity on the Board. He noted that John Ratzlaff is opposed to the South Russell Project. He questioned the reasoning for nominating someone to the Board with that opinion. He felt he has voted the wishes of the majority of the Commission on PWWSD#15 issues.

Commissioner Bedard stated he has some concerns about appointing two new people. Jim Aubel, the other Board member representing Hays, is also new.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Dick Bedard

No: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Larry Schmidt moved, Sunell Koerner seconded, that the mayoral appointments of John Ratzlaff and Alan States to the Public Wholesale Water Supply District #15 Board for 3-year terms expiring March 1, 2005, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

No: Troy Hickman

Dick Bedard

6. PUBLIC WHOLESALE WATER SUPPLY DISTRICT #15 REPORT:

Commissioner Hickman reported on recent PWWSD #15 activities. The January 31st meeting reviewed the conservation plan, the operations plan, the impact statement and the needs usage projections. The February 27th meeting discussed the 2003 budget and Bob Vincent's initial report on the water search. Mr. Vincent has located eight sites that would be suitable for wells. Water quality

tests will be sent to the Kansas Department of Health and Environment for analysis. Mr. Vincent feels that each well will produce approximately 500-acre feet or more of water.

City Attorney John Bird stated that Mr. Vincent said that the Dakota wells look very promising as a potential bonus source. The chlorides will be high but the water could be blended with water from other sources.

OLD BUSINESS

7. REVIEW OF ALCO AND WALGREENS ACCESS ONTO 27TH STREET: Kurt Hassler, City Engineer, presented eight options to address improvements to the access points on 27th Street leading to the Alco and Walgreens shopping areas.

Mr. Hassler stated there have been 45 reported accidents in the last five years. The majority of them have involved left turn exits out of Alco or rear end accidents resulting from cars trying to make left hand turns into the Alco area from the east bound lane of 27th Street.

Commissioner Koerner stated that before any major changes are made, she would prefer that additional signage be put in place directing traffic. That would be an inexpensive option to try before more drastic and costly measures are explored.

Mayor Schwaller stated he would like to have a town meeting on this issue and hear any concerns that may be voiced from the property owners in that area.

8. CITYWIDE SOFTWARE PURCHASE: Mayor Schwaller stated he could not support the scaled down Eden Software proposal. The cost of \$334,350 is just too high.

Mark Loughry, Information Technology Director, stated after some of the features of the original proposal were taken out, Incode, the Committee's second choice for software, ranked more favorably. With the scaled down proposal, Incode met all of the City's requirements. The cost to purchase their software is \$183,000, which includes the first year of support, which is \$18,500 a year. Incode software is installed in over 500 cities; three cities in Kansas the size of

Hays use Incode software. Incode has converted five cities that use MSI software, which is what the City is currently using, so they are experienced in that area.

Interim Manager Dorothy Stites stated she felt the only fair thing to do would be to send out a new Request for Proposal since the requirements have changed.

Commissioner Koerner stated that it bothers her that a local firm, Infinitech, was not given an opportunity to present their proposal. Infinitech has many successful installations in communities throughout Kansas.

Assistant City Clerk Doris Wing stated that several of the City Clerk's staff did watch a demonstration at Infinitech's headquarters in October. After the City received their RFP, staff reviewed all of the answers that they responded "No" to. Infinitech answered "No" to quite a few of the questions that staff felt would impact bookkeeping procedures. In many instances, staff felt it would be like purchasing dated programming. For instance, their programming doesn't support bar coding or scanning of water bill payments.

Mr. Loughry stated that when you purchase technology, you should purchase the best that is available for the price. The items that staff feels are necessary are not "wish list" items, but features that make day to day business more efficient.

Mr. Loughry stated at the minimum, it would take three weeks to get another RFP out, about two months to get it back and another month to evaluate software packages.

Commissioner Hickman asked whether it would be possible to have an outside vendor supply maintenance of the MSI programming currently being used if the City could not meet the December 31st deadline.

Mr. Loughry stated he was sure he could find someone to assist the City if necessary, however, the City does not own the source code for this programming which would prevent someone else from legally being able to provide assistance.

City Attorney John Bird stated that if Computer Information Concepts (CIC) abandons support of MSI programming, it might be possible for the City to

find support through another consultant. He suggested that staff contact CIC to see what the license fee would be if the City works out a different arrangement for support. He thinks the City might be able to make some kind of arrangement with CIC that would allow the City more time.

Mr. Loughry was directed to prepare a new RFP and contact CIC about support past the end of 2002.

NEW BUSINESS

9. APPROVAL OF 41ST STREET PLAZA FOURTH ADDITION PLAT: This plat consists of 29 residential lots, fronting on two cul-de-sac segments of 44th Street that connect to Smoky Hill Drive. The Hays-Ellis County Planning Commission had discussed the current status of Madison Drive as a secondary means of access and what type of driving surface is acceptable. It was decided by the City Commission at the May 28, 1998 meeting not to pave Madison Drive because the total cost of the improvement would have to be paid by the City. Madison Drive will be developed to alley standards by the developer and then maintained by the City. The 30 foot right-of-way on the east side of Madison Drive will be kept in place by the City in the event that if Madison Drive were developed as a street, the property owners on the west side of Madison Drive would be required to dedicate 30 feet of right-of-way upon platting. As provided within current Development Policy, Western Plains Service Corp., the developer, has requested that 44th Street be paved 31 feet in width.

Commissioner Schmidt stated he doesn't agree with the idea of 31-foot streets. He is concerned about the safety of streets that narrow. It is harder for emergency vehicles to access 31-foot streets. It is more profitable for the developer to install 31-foot streets, but it is his job to look out for the safety of the City as a whole. He will vote against this plat because of the 31-foot width street requirement.

Commissioner Bedard stated he would also be voting no because of the narrow streets.

Commissioner Hickman stated this is a developer/market issue. There are choices for people about where they want to live and what kind of street they want to live on. They will choose their home according to where they want to live. He doesn't have a problem with allowing 31-foot streets.

Commissioner Koerner stated that newer areas tend to have two car garages that alleviate some street parking. She asked if the Fire Department has any objections to narrow streets.

Mayor Schwaller stated Madison Drive alleviates the problem of emergency vehicle access. That street would provide a second access.

Troy Hickman moved, Sunell Koerner seconded, that Resolution No. 397, being a resolution of the Governing Body of the City of Hays, Kansas approving the final plat of 41st Street Plaza Fourth Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

No: Larry Schmidt

Dick Bedard

10. APPROVAL OF HILLCREST FIFTH ADDTION PLAT: Dick Bedard moved, Sunell Koerner seconded, that Resolution No. 398, being a resolution whereas Russell J. Pfannenstiel and Julie L. Pfannenstiel have presented to the Governing Body of the City of Hays, Kansas a certain Second Plat and Dedication of a portion of Block Eight (8), Hillcrest Fifth Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

11. WATER DISTRIBUTION SYSTEM MASTER PLAN REQUEST FOR PROPOSAL (RFP): City staff met with representatives from Enersys to discuss

concerns about their water supply in the event of a fire emergency. During their most recent property insurance inspection there was an insufficient volume of water to run the fire pump to full capacity.

City staff made changes to the existing system trying to increase water pressure and volume to the northwest section of town. Those changes were still not enough to allow Enersys to run their fire pump at full capacity.

Staff reviewed the 1998 water and sewer study prepared by Camp, Dresser & McKee. That report recommended two items that have not been implemented to date:

1. Use a single pressure plane.
2. Relocate the north tower to the west side of town and operate at the same level as the east tower.

Staff is requesting authorization to proceed with a Request for Proposal to conduct a Water Distribution Master Plan which would address what improvements would be necessary to maintain the system if the east water tower is taken out of service, determine the need, effectiveness, and estimated cost of a second water source to the main distribution line along the by-pass for development in this area, and review cost effective improvements to the system that would improve the level of service to our citizens.

The consensus of the Commission was to have the Engineering Department send out a Request for Proposals to help staff make plans for improvements to the existing water distribution system.

12. POOL ADMISSION FEES: A joint meeting between the Hays Recreation Commission and the City Commission resulted in the recommendation to raise Hays Aquatic Park pool admission fees by \$.50 per day to \$2.00 and a \$10.00 increase in the season pass, raising the season pass to \$40.00. The fees at Wilson Pool will not change.

Dick Bedard moved, Sunell Koerner seconded, that daily admission fees to the Hays Aquatic Park be raised \$.50 and the cost for a season pass be raised \$10.00.

Vote: Ayes: Larry Schmidt

Troy Hickman
Sunell Koerner
Dick Bedard

Absent: Henry Schwaller IV

13. PURCHASE OF A TIMING SYSTEM FOR THE AQUATIC PARK: The Pool Task Force made a recommendation to purchase a Colorado Time System from proceeds of the ½ cent sales tax monies dedicated to the new swimming pool. The Colorado Time System is a scoreboard that will be used during swim meets for timing all participants. When the unit is not being used at the Hays Aquatic Park it will be relocated to the Hays Medical Center Wellness Center for use at that facility and for storage.

Invitations to bid were sent to four vendors. The only bid received was from the manufacturer of this system, Colorado Time Systems, Inc. of Loveland, Colorado. Their bid is \$37,150. There will be additional costs of approximately \$2,000 for the final electrical installation.

City Attorney John Bird stated that bond counsel has stated that as long as any purchases such as this system directly pertain to the pool, sales tax monies can be used for this purchase.

Mayor Schwaller stated this goes beyond the promises made to the people of Hays. He is more concerned with using these monies to purchase houses and property in order to build parking lots. The timing system is an essential part; he doesn't mind that it will be stored at the Wellness Center, but that was never addressed.

Commissioner Bedard stated the Pool Task Force has always talked about parking. The group didn't come out specifically and say houses were going to be demolished; that was considered part of the project. There has always been talk about the timing system.

Commissioner Hickman stated that in many of the presentations given to the citizens of Hays about the new pool facility, a timing system was discussed. He doesn't feel any promises are being broken.

Dick Bedard moved, Sunell Koerner seconded, that the bid from Colorado Time Systems Inc. for a timing system for the Hays Aquatic Park in the amount of \$37,150 to be paid from the proceeds of the ½ cent sales tax dedicated to the Hays Aquatic Park, be accepted.

Commissioner Schmidt expressed concern about the timing system being moved across town and potential damages to the system.

Mayor Schwaller questioned why it had to be moved. He will vote for it if the equipment is stored at the Hays Aquatic Park.

Mark Hantla, representing the Pool Task Force, stated Colorado Timing representatives have told him the equipment will last longer if it is stored indoors.

Jeff Boyle, Director of Parks, stated there is not a good place to store the equipment at the Hays Aquatic Park.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman
Sunell Koerner
Dick Bedard

No: Henry Schwaller IV
Larry Schmidt

14. REVIEW OF SPEED HUMP ON 24TH & FORT: Mayor Schwaller requested the Traffic Advisory Committee (TAC) re-study the placement of a speed hump that was installed last fall at 24th and Fort Street. At their February 12, 2002 meeting, TAC recommended the speed hump be removed.

Commissioner Schmidt stated that the speed hump does work, however, it only slows down traffic at that point, not on the rest of Fort Street.

Dick Bedard moved, Henry Schwaller IV seconded, that the recommendation from the Traffic Advisory Committee to remove the speed hump at 24th and Fort Street be accepted.

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

Dick Bedard

15. CITY ATTORNEY AND CITY PROSECUTOR CONTRACT RENEWAL:

Troy Hickman moved, Sunell Koerner seconded, that the Interim City Manager be authorized to sign a contract with Glassman, Bird & Braun for one (1) year for the services of City Attorney and City Prosecutor. The contract in the amount of \$78,000 will expire January 1, 2003.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

16. SYSTEM ENHANCEMENT AND BEAUTIFICATION COMMITTEE UPDATES CONCERNING VINE STREET:

Park Director Jeff Boyle reported on the landscaping plans for the newly constructed median planters on north Vine Street. The planting boxes will have a wide variety of plants, shrubs, and trees and will have drip irrigation for watering purposes. Brick pavers will be installed in the area outside of the boxes. Mr. Boyle is recommending that bermuda grass be planted on both sides of Vine Street.

17. DOWNTOWN HAYS DEVELOPMENT CORPORATION (DHDC): Sabrina Williams, Alan States and Dr. Curt Brungardt, representing the Downtown Hays Development Corporation, updated the Commission on the progress of DHDC's physical improvements for downtown Hays.

Dr. Brungardt stated the primary area for physical transformation would be Main Street from 6th and 13th Streets and one block east and one block west of Main Street. There has been discussion about expanding the area at a later date if enough interest is shown. Business owners are being encouraged to renovate their facades to their original condition, if possible. This will create some uniformity throughout the district. Plans are being made for landscaping and lighting to reflect the 1920-1930 era.

Alan States stated a Façade Loan Program would be initiated. The concept of the Program is to substantially reduce the interest costs of private

investors who commit to improving the facades of the properties in the designated downtown neighborhood revitalization area. The buy down of the interest rate would be for the period of the note but not to exceed 60 months. The amount of the note would be for the cost of the improvements of the facades but not to exceed \$20,000.

Dr. Brungardt stated that the DHDC hoped to improve the parking in downtown Hays. The group is investigating different options to increase parking. When 8th Street improvements are made, Dr. Brungardt encouraged the Commission to consider bricking one block on either side of Main Street to match the brick that is already on Main.

18. PARK BUILDING ADDITION: The following bids were received for a Park Department building addition:

Paul-Wertenberger Construction	\$110,850
Commercial Builders	112,800

The building addition would be used for a variety of tasks including picnic table repair, equipment repairs, various painting activities, sign preparation, grass seed and fertilizer storage and miscellaneous irrigation equipment and supplies storage.

Mayor Schwaller stated the cost per square foot for this addition is \$55. That is quite high for a metal building. He wondered why the cost was so high.

Park Director Jeff Boyle stated quite a bit of work would need to be done on the foundation. The problem is suspending the floor over the area that is not on the current foundation. There is no other area on the south end of town near Frontier Park and the buffalo that could house the Park Department.

Commissioner Schmidt stated he would rather wait and see if funds may be available for a new building if a recreation complex is constructed from the ½ cent sales tax money. That is one of the projects that is being discussed by the Community Development Finance Advisory Committee.

Staff was directed to come up with other recommendations.

19. 43RD STREET WATER AND SEWER EXTENSION PROJECT: This project is for the area north of I-70 and east of Vine Street. The project is being funded

in part by special assessments with the City picking up a portion of the cost until development takes place. The following bids were received for this water and sewer extension project:

APAC-Kansas, Inc.	\$166,202.65
J-Corp.	217,022.00
(Engineer's estimate)	230,656.50

Troy Hickman moved, Dick Bedard seconded, that the bid from APAC-Kansas, Inc. in the amount of \$166,202.65, be accepted.

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

20. EXECUTIVE SESSION: Mayor Schwaller stated this discussion would not be held in executive session. The discussion is in regards to land acquisition on 43rd Street north of I-70 and east of Vine Street.

Staff has reached an agreement with property owners Marvin F. and Mary Jo Braun. They have agreed to donate land with the agreement not to be special assessed for streets and land and the property would revert back to them if the improvements were not constructed.

An agreement has also been reached with Brian and Deanna Doerfler, and Stephen D. and Bradley S. Tebo to give land with agreement not to be special assessed for streets under the System Enhancement Project.

An agreement has been reached with Leroy L. & Bernice Herrman to give land with agreement not to be special assessed for streets under the System Enhancement Project and pay the sum of \$25,935.00

Troy Hickman moved, Larry Schmidt seconded, that the agreements with Marvin F. and Mary Jo Braun, Brian and Deanna Doerfler, Stephen D. and Bradley L. Tebo, and Leroy L. and Bernice Herrman, be approved.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt

Troy Hickman
Sunell Koerner
Dick Bedard

21. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

22. ADD-ON ITEMS: Interim Manager Dorothy Stites stated the Police Department and Fire Department are initiating a policy that will immediately address nuisances that involve safety concerns, such as discarded refrigerators. The plan is to have the Fire Inspection immediately bolt the refrigerator with a chain and post a notice referring to state statutes stating immediate action would be taken.

Commissioner Koerner suggested that signs be put in place indicating where the Hays business district is located. This will aid visitors to our community.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board