

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 13, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, January 13, 2000, at 7:30 p.m.

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

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 reconvened meeting of December 9, 1999, held on December 21, 1999, be approved.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome
7Wayne Billinger

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT ITEMS: Wayne Billinger moved, Howard Rome seconded, that the following mayoral appointments to various committees, be approved:

Convention and Visitors Bureau

Julius Legleiter, Midway Motel – three year term expires December 1, 2002

Lorraine Howerton, Days Inn – three year term expires December 1, 2000

Sabrina Collins, Best Western Vagabond – three year term expires December 1, 2002.

provide access from deck level to both lower and upper slide levels. A swim lift located against the east side of the splash tank would access the slider to deck level, where the user could proceed along the deck level sidewalk to the north elevator location.

Probable cost	\$130,500
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An option (Option No. 4) suggested by Commissioner Billinger consists of a series of intricate ramps leading to both slides. Everyone would use the ramps and the bridge and stairs would be eliminated. There would be some cost reduction with this option. A rough estimate would be from \$70,000 to \$90,000.

Kent Johnson, representing the Great Plains Disability and Technical Assistance Center at the University of Missouri, said he has examined the various alternates. He believes Commissioner Billinger's ramp system appears to be the most practical alternate. A ramp would require less maintenance than an elevator, be more user friendly, and would incorporate the disabled into the main stream of users. The ramp system would bring the City in full compliance with ADA regulations since it would provide access to both slides.

Commissioner Schmidt asked Mr. Johnson if the City chooses to make the slides accessible by one of the alternates presented tonight, is there a chance we will end up being sued anyway. The citizens who have contacted him do not have a problem with providing access, but do not wish to spend the money, and end up in court anyway. They want it done right the first time. He asked Mr. Johnson if the City could have some assurance that making these accessibility changes will bring the City in compliance. Mr. Johnson said he could only speak for himself or possibly his organization. He technically can provide what would be a level of compliance with ADA regulations and state law, but someone could still file suit. Commissioner Schmidt asked if that occurred, would Mr. Johnson be willing to help the City. Mr. Johnson said he could be a witness to what has occurred, and what information he has provided to the City.

City Manager Zacharias questioned why other cities that have constructed similar structures, which have no access to water slides are not being confronted about not being in compliance. This community favors providing access to the

slides, but have the question, why just us. Do you see other organizations challenging those cities to provide access? Mr. Johnson said he hears those comments from other business often. It is federal and state law to provide access. He can't say what is going to happen to those communities, but Hays could be setting a precedent, and will be able to give guidance to other communities.

Henry Schwaller moved, Wayne Billinger seconded that Option 4, consisting of a series of scissors ramps including the removal of the stairs and bridge plus an aquatic lift out of the splash pool, not to exceed a cost of \$120,000, be approved.

Commissioner Schmidt expressed a concern that the ramp system with wood over water could be very costly to maintain. Mr. Sullivan said the ramps would be designed and constructed to minimize deterioration, but with wood construction you can count on costly maintenance.

City Manager Zacharias pointed out that everyone would use the same travel route to the slides and it would be a very lengthy path of travel. He questioned how the ramp system would fit in aesthetically with the rest of the structure. He said since the ramp system is quite costly, a consideration might be to use Option 3 consisting of a north ramp and elevator. The route of travel would be less and the elevator would provide access to both slides.

Vote: Ayes: Henry Schwaller IV

Wayne Billinger

No: Troy Hickman

Larry Schmidt

Howard Rome

Henry Schwaller moved, Larry Schmidt seconded, that Alternate No. 1 which consists of a 135 foot wood ramp constructed on north side of the project with a cost not-to-exceed \$45,000, be accepted.

Commissioner Billinger said he will vote no because he feels there should be no segregation; all users should access the slides in the same manner.

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

No: Wayne Billinger

It was moved and seconded by Commissioners Schwaller and Hickman to recess for five minutes with a unanimous favorable vote.

OLD BUSINESS

6. MODIFY CITY COMMISSION QUORUM: Commissioner Schmidt point out that there have been several issues over the past few months where dialogue between Commissioners would have been helpful in reaching a decision. Changing the quorum from three to four would allow discussion between Commissioners.

Commissioner Rome said in light of the recent comments made by the Attorney General regarding the Open Records Act, he would not favor changing the quorum.

Mayor Hickman said this Commission has strived to have an open form of government. He would not support changing the quorum.

Commissioner Schwaller believed the Attorney General's comments referred to access of public records. The issues that come before this Commission are quite complex, and it would be helpful to be able to call each other and discuss the issues. He supports changing the quorum because it calls for an annual renewal and can be changed, if it is protested.

Larry Schmidt moved, Henry Schwaller seconded, that a Charter Ordinance modifying the quorum needed for the City Commission to conduct regular business, from three members to four members, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

Wayne Billinger

7. TRAFFIC ADVISORY COMMITTEE REVIEW: At the last meeting the Traffic Advisory Committee gave a recommendation to place crossing guards at the intersection at either 22nd and MacArthur Road or 22nd and Donald Drive. TAC felt that push-button traffic lights give a false sense of security. Children often run across the street instead of waiting for the light to change. Commissioner Schwaller had requested the item be further discussed with input from USD 489.

Mark Griffin, 1717 Wheatland, Drive spoke on behalf of the Roosevelt Home School Association, and as a parent. He said the parents of students are very concerned about the dangers of the heavy traffic on 22nd Street and have made the following suggestions:

1. Disallow parking on the north side of 22nd Street.
2. Place a flashing light on 22nd Street farther west of MacArthur .
3. Place a push button light at the 22nd and MacArthur intersection.

Henry Schwaller moved, Larry Schmidt seconded, that City staff pursue the use of the push button traffic control light formerly used by St. Joseph School and install it at a cost not to exceed \$8,000 at the 22nd and MacArthur intersection.

Vote: Ayes: Troy Hickman

Henry Schwaller

Larry Schmidt

Howard Rome

Wayne Billinger

8. 27th STREET STREET XERIOSCAPING: Assistant Public Works Director Brenda Cary and Steve Barnes, cemetery sexton, presented a plan for landscaping along the City's cemetery on the south side of 27th Street. It is hoped that landscaping will discourage foot traffic along 27th Street since there is

no sidewalk. The landscape design includes egg rock, shrubs, and flowers. The plants are a hardy variety that will be able to withstand street salt.

Ms. Cary said the landscaping is estimated to cost \$4,082.50. No funds have been included in the 2000 Budget for this landscaping.

Commissioner Schwaller suggested discussing the possibility of raising the grave-opening fee from \$200 to \$250 for weekdays and \$250 to \$300 on weekends. The additional revenue could be used to cover the cost of landscaping.

Commissioner Schmidt suggested charging a monument setting fee; most cemeteries charge such a fee; Hays does not.

City Manager Zacharias said raising cemetery fees would be appropriate and can be looked into. There is money budgeted in the project fund for concrete along the south side of 27th Street. This money can be used for landscaping instead of concrete.

Henry Schwaller moved, Howard Rome seconded, that City's staff proposal to xerioscape the south side of 27th Street along the City's cemetery be accepted, and amend Section 7-54 regarding monuments, markers and grave openings, etc. and City staff have the discretion to rewrite Subsection B to read "the City Clerk shall upon approval of an application upon receipt the sum of \$25.00 as payment of all fees and charges for such permits".

Commissioner Schwaller clarified that Project funds could be used to pay the cost of the Xerioscaping.

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

9. BUDGET CUTS: Commissioner Schmidt presented the following 2000 budget cuts for consideration.

Solid Waste Supt.	\$32,592 Salary 4,100 Medical Insurance 15,000 Vehicle
Drug detective (hire patrolman instead)	2,800 Diff. In Salary 31,816 Vehicle & Equipment
Eliminate truckster (Park Department)	5,000
Hire one fireman in 2 nd half of 2000; another one in 2001	11,800 Salary 2,050 Medical Ins.
Cut engineer's aid	21,000 Salary 4,100 Medical Insurance
Total	\$130,038

Commissioner Schmidt said these proposed cuts would compensate for the additional health insurance expense in 2000, which was authorized by the Commission, but not included in the budget. These cuts would save in 2000 and in years to come.

A very lengthy discussion took place regarding the budget cuts. Mayor Hickman and Commissioners Rome and Billinger were not in favor of making any cuts to the 2000 Budget. Commissioner Schmidt and Schwaller favored making cuts. The consensus was to take no action.

Commissioner Schmidt stated that any position that can be created by a three to two vote can be uncreated by a three to two vote. If Commissioner Schwaller and I have to wait until the next election to get some changes, that is what we will do. Anyone applying for a position such as a Solid Waste Director, needs to be well aware that two people on the Commission are not in favor of the position and after the next election, the position may be eliminated.

10. NUISANCE ABATEMENT: Assistant City Manager Penny Postoak reported on the status of the clean-up process of the Ray Kobler property. Mr. Kobler was given an extension, and Ms. Postoak believes he has made a great amount of progress. She feels there are some questionable areas, but did not have a

strong recommendation. Several commissioners viewed the property and agreed that progress had been made.

Henry Schwaller moved, Wayne Billinger seconded, that a two-week extension be given to Mr. Kobler for the clean up of his property located on 8th Street.

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

11. LEASE PURCHASE OF MUNICIPAL GOLF COURSE EQUIPMENT: Park

Director Jeff Boyle presented a proposal to purchase \$209,445.80 worth of equipment for the Municipal Golf Course through a Lease Purchase Agreement. Mr. Boyle said the City has fallen behind in the purchase of equipment over the last few years. The new equipment includes seven mowers and two trucksters. Purchasing by lease purchase would allow the equipment to be purchased now and paid for over the next five years.

Wayne Billinger moved, Howard Rome seconded, that the City Staff pursue providing new golf course equipment using a Lease Purchase Agreement not to exceed a period of five years.

Commissioner Schmidt said he supported the need for the equipment, but the amount budgeted for the lease purchase is \$5,000 less than the annual lease payment. He would be opposed to the lease unless the payments are within the budget amount. City Manager Zacharias said the overage would be absorbed in the General Fund.

Commissioner Schwaller noted that the Commission recently authorized a Lease Purchase of over \$100,000 for lights at the ball field. There will be costs associated with the new cart paths at the golf course authorized by a previous commission. Mr. Boyle has a good program but the City needs to set priorities, and until that is done, he will vote against the Lease Purchase.

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

12. FRONTIER PARK TOILET BIDS: Bids were received for the construction of public toilets at Frontier Park from the following:

Commercial Builders	\$67,870
Paul-Wertenberger	\$63,900
Steve's Construction	\$54,400
Engineer's Estimate	\$75,000

Henry Schwaller moved, Howard Rome seconded, that the bid from Steve's construction totaling \$54,400 for construction of public toilets in Frontier Park, be accepted.

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

13. POOL EQUIPMENT: Assistant City Manager Penny Post oak presented a bid tabulation for pool equipment. The total amount for all items is \$44,987.42. The budgeted amount, based on previous year estimates, is \$43,673.46. Both City staff and the Pool Task Force recommend that the bids as outlined be accepted and the difference of \$1,313.96 be taken from the pool contingency. The current balance of the contingency is \$104,000.

The low bid (that met specifications) is recommended for each item, as outlined. There is some miscellaneous equipment for which no bid was received. The recommendation is that in addition to accepting the bids, that an allowance be approved for these items. This would allow these items to be purchased without further Commission action, as long as the total of \$44,987.32 is not exceeded.

Henry Schwaller moved, Larry Schmidt seconded, that the bids to purchase equipment for the new municipal pool, for a not-to-exceed amount of \$45,287.42, be accepted.

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

14. AIRPORT T-HANGARS ENGINEERING SERVICES: Airport Manager

Terry Urban presented an Engineering Agreement for construction of ten T-Hangars at the Hays Regional Airport. The engineering services will include review of the building site, field inspections, surveys, preliminary studies, design construction plans, specifications, and bid letting.

Three of the T-Hangars will be leased at no cost for two years by individuals who made a settlement with the City in 1992 . The settlement allows them free rent because of the construction of a taxiway and ramp area in which hangars were relocated or removed from the airport. The other seven T-Hangars will be leased out at a cost to be determined by the Airport Board and approved by City Commission.

The 1999 Budget contains \$152,000 for construction of the T-Hangars. These funds will be carried over into year 2000.

Discussion took place regarding the need to hire an engineer for this project. Commissioner Schmidt and Schwaller said they would be voting against the engineering agreement because they felt the engineering could be done in-house.

Action on this item was tabled to investigate whether the engineering could be done in-house.

15. AIRPORT ENVIRONMENTAL REVIEW CONTRCT: Airport Manager Urban

said to receive FAA Funding on land acquisition a Phase I Environmental Site Assessment needs to be completed on each parcel of property to be purchased.

Also, FAA requires an Environmental Assessment for the Airport Layout Plan approval.

Larry Schmidt moved, Howard Rome seconded, that an Agreement with Bucher, Willis & Ratliff to perform a Phase 1 Environmental Site Assessment for a not-to-exceed amount of \$3,700, and an Environmental Assessment for a not-to-exceed amount of \$8,200, be approved.

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

16. VINE STREET CONSTRUCTION CERTIFICATE: Public Works Director Hammerschmidt presented KDOT Form 1303 and 1304 which are documents necessary for the City to sign in connection with the Vine Street Improvement Project. These forms are a formality regarding right-way acquisition and utility relocation. There will be no right-of-way acquisition required for this project. The utility relocations are being handled through our existing Franchise Agreements with Midwest Energy and Southwestern Bell.

Henry Schwaller moved, Larry Schmidt seconded, that the Mayor be authorized to sign KDOT Form 1303 and 1304 in connection with the Vine Street Improvement Project from 27th Street to Interstate 70.

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

17. "COLLECTOR DESIGNATION FOR GUSTAD DRIVE": Public Works Director Hammerschmidt, said Fort Hays State University has received a grant to construct a new bridge on Gustad Drive leading to the Sports Complex. This project is being funded by FHSU; there is no cost to the City. In order to receive the grant, Gustad Drive has to be declared a collector street by the City.

Henry Schwaller moved, Larry Schmidt seconded, that KDOT's Form 1301 reclassifying Gustad Drive as a collector street be approved.

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

18. WATER PLANT PICKUP BIDS: Bids were received for the purchase of a pickup for the Water Treatment plant from the following:

James Motor Company	\$25,910.40
Hays Ford-ToyotaLincoln Mercury	\$26,732.76

Henry Schwaller moved, Larry Schmidt seconded, that the bid from James Motor Company in the amount of \$25,910.40 for a new pickup to be used by the Water Plant, be accepted.

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

19. SERVICE DEPARTMENT JEEP PURCHASE: Henry Schwaller moved, Wayne Billinger seconded, that the City be authorized to purchase a 1998 Jeep from the State Surplus Property for a cost of \$11,160.00.

Commissioner Schmidt said he would be voting against this purchase because Consumer's Report did not give the Jeep a good rating, and jeeps tend to need costly maintenance.

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

20. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Schmidt brought up for discussion the issue of liquidated damages against Allied because they did not meet the completion deadline on the 1999 Sidewalk Ramp Project. Allied said they concentrated most of their crews on getting 27th Street completed early. Commissioner Schmidt feels to waive the liquidated damages would be setting a precedent. Allied did not do this project; the project was done by a subcontractor. They agreed to complete both jobs on time. The City Manager agreed with Mr. Schmidt, the City will need to decide how far to push the issue. The contract will need to be reviewed regarding liquidated damages. At this point, the delay did not cost additional dollars. Commissioner Schmidt said he did not think the City has any liquidated damages to claim, but there has been an issue in the past about being fair to all contractors. If an issue occurs with another contractor it may be a difficult situation. Allied 's excuses are pretty weak. The City needs to be more stringent in regard to this type of situation.

Commissioner Schmidt said he asked for a list of future improvement projects that need to be considered. The list he received omitted several projects. City Manager Zacharias said the list presented were projects included in the Five-Year Capital Improvement Plan. The CIP Plan will be reviewed and updated by the Commission.

21. EXECUTIVE SESSION: City Manager Zacharias said the executive session can be postponed to another meeting.

22. ADD-ON ITEMS: Commissioner Billinger said he appreciated the Commission's willingness to look at the 4th Alternate to the water slide issue. He realized the proposal was rushed, and the architect did not have the time to draw a better sketch or figure costs. He expressed concerns about the Alternate selected tonight; one being that the disabled will have a longer and less convenient distance to exit the pool after using the slide. He wished there had been more time to study this issue and come up with a better alternate.

Commissioner Schmidt suggested a joint meeting with the County Commission to discuss 41st and 48th Street construction.

Commissioner Schwaller noted that he did support Commissioner Billinger's ramp proposal for access to the water slides, and he feels the cost would be have been different had the architect had sufficient time to study the proposal and come up with a better cost estimate.

Commissioner Schwaller clarified that he supported Commissioner Schmidt's budget cuts, except for the eliminating of the Drug Detective; he supported hiring a Drug Detective.

Commissioner Schwaller asked that the reexamination of the City's contract with Bucher, Willis and Ratliff be an agenda item for discussion, and also the forms of identification requirement for alcohol purchases be an agenda item.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board