

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 12, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 12, 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: Troy Hickman moved, Dick Bedard seconded, that the minutes of the regular session held on June 28, 2001, be approved.

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

3. CITIZEN COMMENTS: Carol and Steve Pfeifer, owners of Rich's Air Service at the Hays Regional Airport, asked about the status of the bill to repair a hangar door at the Airport.

City Manager Hannes Zacharias stated the City was paying the bill.

4. AWARDS AND RECOGNITIONS: City Manager Zacharias stated the City of Hays has received the Distinguished Budget Presentation Award presented by the Government Finance Officers Association for the 2001 Budget. This is the 5th year in a row that the City has received the Award. Mayor Schwaller presented the Award to Assistant City Manager Dorothy Stites.

5. CONSENT ITEMS: Troy Hickman moved, Larry Schmidt seconded, that the Mayor be authorized to sign an agreement with Shepherd Corp. to rent T-hangar #C-13 at the Hays Regional Airport.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

NEW BUSINESS

6. APPROVAL OF ROTH FOURTH ADDITION PLAT: Simon Roth, owner/developer of Roth Fourth Addition, appeared before the Commission. This plat consists of approximately 23.3 acres split into 10 commercially zoned lots and is located north of 45th Street and west of US-183 Highway. The proposed plat has been thoroughly evaluated by the North Vine Street Enhancement Steering Committee and approved by the Hays-Ellis County Planning Commission.

Troy Hickman moved, Dick Bedard seconded, that Resolution No. 371, being a resolution approving the plat of Roth Fourth Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

7. APPROVAL OF IMMACULATE HEART OF MARY PARISH ADDITION

PLAT: This plat was initiated as a result of the Immaculate Heart of Mary Parish plans to expand their church/school facility and their desire to close that portion of Milner Street between 18th and 19th Streets, and modify the alley layout in the adjoining block. Representatives of the parish have presented their plans to the

Traffic Advisory Committee for their review. The Hays-Ellis County Planning Commission has approved the plat. Surrounding property owners have been notified of the planned street closure and no objections have been voiced.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 374, being a resolution approving the plat and dedication of rights-of-ways and easements associated with Immaculate Heart of Mary Parish Addition, be approved.

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

8. SYSTEM ENCHANCEMENT AGREEMENT: This agreement with the Kansas Department of Transportation is for the construction of the System Enhancement Project that will affect Vine Street from I-70 to 55th Street, 43rd Street from Vine Street to the east reverse access road, 45th Street from Vine Street to the east reverse access road, the east reverse access road between 41st Street and 45th Street, and the west reverse access road from 43rd Street to Mopar Drive.

KDOT has hired Bucher, Willis and Ratliff to design the project and will be responsible for 80% of the costs of the project. The City of Hays will be responsible for 20% of the cost. Donated right-of-way will count towards the City's 20% match. This will be a joint agreement between the City, Ellis County, and KDOT.

The possible closure of Mopar Drive and 41st Street north of I-70 onto US-183 is an issue that will be more fully discussed. KDOT's original agreement stated those two streets would be closed; the City got KDOT to agree to consider the closure, which leaves the issue open for discussion. City staff wants those streets to have right-in, right-out access and doesn't believe closure is necessary.

Mayor Schwaller stated he is concerned about the investments made by the property owners in that area. He wants the project to proceed, but he is a

defender of the property owners and doesn't want to see their businesses jeopardized. He urged property owners to contact elected state representatives to put pressure on KDOT.

City Attorney John Bird stated the ultimate issue is who pays for inverse condemnation if those streets are closed. KDOT has the power to close the streets and the Corridor Management agreement makes the City a party to anything KDOT decides to do. If KDOT decides to close the streets, the Commissioners will have to decide if they want to be a party to that decision. He also urged property owners to talk to their elected representatives.

Ralph Gottschalk, 1002 East 41st Street, urged the Commissioners to not sign the agreement. He stated that if 41st Street were to be closed he would be put out of business.

Commissioner Schmidt stated the Commission is supportive of the property owners, but KDOT doesn't care what the City has to say. Our state representatives have to make an appeal to KDOT on the City's behalf. Signing the agreement doesn't commit the City to closing 41st Street; it just merely lets the process proceed.

Mayor Schwaller stated there would be a town meeting and a study conducted by KDOT before a decision is made. This will be the time for all affected property owners to voice their concerns.

Troy Hickman moved, Larry Schmidt seconded, that the Mayor be authorized to sign Agreement No. 84-01 with the Kansas Department of Transportation to reconstruct US-183 from I-70 through 55th Street, construct 43rd Street from US-183 to the east reverse access road, construct 45th Street from US-183 to the east reverse access road, construct an access road from 45th Street to 41st Street east of US-183, and construct an access road west of US-183 from Mopar Drive north to 43rd Street.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

9. BIG CREEK/PRAIRIE ACRES PROPOSAL: City Attorney John Bird recommended discussion on this issue be tabled until the next Commission meeting. A hearing is scheduled for July 24th on the City's post trial motion asking the judge for a ruling. It would be beneficial for both sides to wait for the judge's ruling.

The consensus of the Commission was to postpone this agenda item until the July 26th meeting.

10. SCHOENCHEN WELL FIELD PROJECT: Elden Hammerschmidt, Director of Public Works, and Paul Montoia, Water Planner/Wellfield Manager, presented a history of the Smoky Wellfield development and events leading up to the 1993 Safe Yield Study done by Black and Veatch.

The study indicated that based upon no flow in the Smoky Hill River during a 5-year drought, the safe-yield of the Smoky Hill River alluvial aquifer has been determined to be 1,000 acre-feet annually. The City of Hays has 2,285.8 acre-feet of water rights in the Smoky Hill River alluvium at Schoenchen, and at the present time can probably yield the full entire water right. However, since it is unpredictable when the next drought will occur, it is prudent to maintain water production at or near the safe-yield amount.

Mr. Montoia presented information about drought patterns, annual rainfall, state monitoring well information, depth to water, and the current location of the 12 wells along the Smoky River. The yield of the wellfield is governed primarily by the flow in the river and the amount of water stored in the aquifer. Flow in the river is the primary recharge mechanism. When the flow is high, the yield of the wellfield is adequate to supply the City's full rights. When there is little or no flow during a drought, the yield is limited because the wells primarily pump water that is stored in the aquifer.

Black & Veatch has determined that expanding the limits of the wellfield upstream .5 mile and downstream 1.5 miles will result in an increase in drought yield of 1000 acre-feet. This will double the amount of water that can be pumped from the wellfield during severe drought conditions. To accomplish this it will be

necessary to relocate six of the wells. Existing wells are too close together creating overlapping cones of depression that adversely impact the efficiency of the aquifer's ability to yield water. Preliminary cost estimates for relocating six of the 12 wells is estimated to be \$2 million or \$2,000 per acre-foot of water. This is by far the most economical project the City has evaluated in its search for water resources and carries the least amount of risk. It would take approximately 18 months to complete the project.

Mr. Hammerschmidt cautioned that it might take longer than 18 months. Obtaining rights-of-way and getting contracts in place with property owners may take longer.

Commissioner Hickman stated he is concerned about Black & Veatch doing the engineering work for both the Schoenchen Wellfield and the South Russell County projects. He is concerned that they may not be able to follow through on both timelines and suggested it would be prudent for the City go out for bids.

Mr. Hammerschmidt stated it is staff's recommendation that a Request for Proposal be issued before bids are taken. After that, each firm responding to the RFP could be evaluated before bids are let.

Commissioner Koerner asked if the data in the 1993 Safe Yield Study is still relevant today.

Mr. Hammerschmidt stated the Study would need to be reevaluated to see if the data is still pertinent and the safe-yield would be reevaluated.

Commissioner Schmidt suggested that the entire project be done in phases. The project could be stopped after any phase if the data came back unfavorable.

City Manager Zacharias suggested staff present a "scope of services" at the next meeting and the Commission could proceed from there.

Larry Schmidt moved, Henry Schwaller IV seconded, that a Request for Proposal be prepared, a preliminary investigation into the feasibility of the project be completed and the project done in phases, with each phase proceeding only upon Commission approval.

Mayor Schwaller stated the City is not going to stop at Schoenchen in the search for more water supplies. The City will pursue the South Russell County option as long as there is favorable data. The intent of the City is to develop as many water sources as possible for the community. The rehabilitation of the Schoenchen Wellfield is a matter of maintenance. The City needs to take care of the water assets presently in place. Mayor Schwaller suggested that if the City were to find itself strapped for cash and the City can't maintain what they have, it may be wise to sell some assets that aren't producing anything. If all goes well with the Schoenchen Wellfield and the City does acquire water rights in Russell County and is comfortable with proceeding with that project, he doesn't see any reason not to sell the K-9 Ranch in Edwards County.

Commissioner Schmidt stated the Schoenchen Wellfield is the City's drought protection even if the South Russell County option is developed.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

11. NUISANCE ABATEMENT: Troy Hickman moved, Sunell Koerner seconded, that Resolution No. 372, being a resolution authorizing the City of Hays or its designated agent to abate nuisances located at 114 East 15th Street, Hays, Kansas, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

12. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated that Public Wholesale Water Supply District #15 has requested

that the impress fund be increased from \$200,000 to \$350,000 in order to pay vendors for services.

Dick Bedard moved, Troy Hickman seconded, that the impress fund for payment of bills associated with Public Wholesale Water Supply District #15 be increased from \$200,000 to \$350,000.

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

13. EXECUTIVE SESSION: Henry Schwaller IV moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 9:15 p.m. for 25 minutes to discuss the purchase of real property and personnel issues. The executive session will include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

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

Mayor Schwaller called the meeting back to order at 9:40 p.m. He stated no action was taken during executive session.

ADD-ON ITEMS: City Manager Zacharias read a prepared statement submitting his resignation as City Manager effective August 17, 2001. He has accepted a job as Assistant County Manager for Johnson County.

Commissioner Schmidt read an excerpt from the “Roberts Rules of Order” regarding bringing an issue back to the table after it had been defeated by motion. It was ruled at the last meeting that only a Commissioner who voted with the majority could request the issue be re-discussed. Commissioner Schmidt contended that according to “Roberts Rules of Order” that ruling was incorrect.

Mayor Schwaller requested that discussion of the intersection of 27th Street and Indian Trail be placed on a future agenda. He also requested staff investigate what action the City can take about the rough conditions at the 8th and Elm Street railroad crossing.

Mayor Schwaller adjourned the meeting until July 18, 2001, at which time the City Commission will discuss the process for selecting a new City Manager.

Submitted by: _____

Clerk of the Board