

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JULY 27, 2000

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, July 27, 2000, at 7:30 p.m.

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

**2. MINUTES:** Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular session held on July 13, 2000, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias stated sales tax revenues to date are approximately \$25,000 more this year than last year. Water sales are higher due to the dry summer.

Wayne Billinger moved, Howard Rome seconded, that the Financial Statement for the month of June, 2000, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt

Howard Rome  
Wayne Billinger

**4. AWARDS:** Mayor Hickman presented a certificate to Assistant City Manager Dorothy Stites for the Outstanding Budget Award for 2000 from the Government Finance Officers Association. The 2000 Budget was developed by the past Assistant City Manager Penny Postoak.

The City of Hays Parks Department was recognized by LINK and WKACD for achieving excellent accessibility in the recent remodeling of bathroom and picnic facilities in Frontier Park. The Public Works Department was recognized for significantly stepping up progress on the installation of city curb cuts. The City Commission received recognition for its careful thought and consideration to making the Hays Aquatic Park accessible to all its citizens. Commissioner Schwaller was recognized for his work in highlighting the importance of equal opportunity and equal access.

**5. CITIZEN COMMENTS:** Reverend Jerry Jones, rector of St. Michael's Episcopal Church, 2900 Canal Blvd, voiced protest over the words and actions of Commissioner Schmidt as reported in the Hays Daily News this past week in regards to a verbal altercation at a local car dealership. Reverend Jones said in his opinion, Mr. Schmidt's behavior was unacceptable and there needs to be accountability.

Errol Wuertz, 2720 Barclay Drive, requested the weeds be removed from the median areas along Vine Street.

Kerrie Schmidt, wife of Commissioner Schmidt, spoke in defense of her husband's actions. She said if this City is more interested in pretty language than someone who brings educated, well thought out ideas to the table and is not afraid to stand up for what he believes in, then the Commission definitely has the wrong guy as a Commissioner. The two new Commissioners (Schmidt and Schwaller) are willing to listen to citizens and try to help them. Mrs. Schmidt stated Larry would not be bullied, guilted or embarrassed into resigning. The purchase of his truck from an out of town dealership was a business decision

made months before Larry decided to run for office. The Hays Daily News has taken this altercation and completely blown it out of proportion.

Commissioner Rome felt the way to put this issue to rest would be for Commissioner Schmidt to apologize to the community, police department, city staff and his fellow commissioners for the actions of the last week. Commissioner Schmidt said he disagreed, the occurrence at Hays Ford was a private conversation. Hays Ford and the Hays Daily decided to make it public. The Hays Daily News reported half-truths and lies to make their point. The Police Officer at the scene was obnoxious and out of line. The truck was purchased out of town because the bid he received from the Hays dealership was \$8,000 higher than the out of town bids. Commissioner Schmidt said he did nothing wrong and has nothing to apologize for.

Commission Schwaller asked Commissioner Schmidt to comment on the statement reported in the paper stating this incident may affect our purchasing decisions as a city. Commissioner Schmidt said that was not what he said, he said how could he in good faith vote to purchase vehicles from the Ford Dealership if they claim they can't make simple repairs.

Commissioner Schwaller said he has received more calls about this issue than any other Commission matter. He liked working with Commissioner Schmidt and felt they have been very productive over the last year, but if the City Manager or the City Attorney said what you allegedly said, they would be terminated. An apology is in order. Commissioner Schmidt said what he did was not in public, it was a conversation between him and some people who were not treating him very nice. He said he gave up his time and money to become a City Commissioner, he did not give up his freedom of speech.

Commissioner Billinger asked for comments on Commissioner Schmidt's approach to public law enforcement. Commissioner Schmidt said there are certain police officers that he does not get along with for various reasons, they have harassed him and his wife, and he has no respect for them.

Commissioner Billinger said in regard to the language allegedly used by Commissioner Schmidt during this ordeal, and also used during a City

Commission meeting, you have a right to free speech, but this Commission ought to conduct itself more appropriately because we have a public viewing audience. You may take offence to being questioned about this issue, but the incident has caused him a lot of hours this week. This may have been a private matter, but it became public, and had to be dealt with by fellow commissioners.

Mayor Hickman said at the last meeting there were some “slips of the tongue” and we all need to be cautious of because we are being televised and are acting in our official capacity. Commissioner Schmidt said everyone on the Commission has made a “slip of the tongue at one time or another”.

**6. CONSENT ITEMS:** Wayne Billinger moved, Howard Rome seconded, that a lease with Auto Images for use of the Municipal Park on September 10, 2000, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**7. 41<sup>st</sup> PLAZA THIRD ADDITIONAL SPECIAL ASSESSMENTS:** Mayor Hickman opened a public hearing to receive comments regarding the levying of special assessments for the purpose of paying all of the costs for improvements consisting of the grading, paving, curbing, guttering improvements and the installation of water, sewer and storm sewer lines to serve building lots along West 43<sup>rd</sup> Street and Smoky Hill Drive (all within 41<sup>st</sup> Street Plaza Third Addition), Hays, Ellis County, Kansas.

Their being no comments, Wayne Billinger moved, Howard Rome seconded, that the public hearing be closed.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

Wayne Billinger moved, Howard Rome seconded, that Ordinance No. 3533, being an Ordinance levying assessments on lots, pieces and parcels of land in the City of Hays, Kansas for the purpose of paying all of the costs for improvements consisting of the grading, paving, curbing, and guttering improvements and the installation of water, sewer and storm sewer lines to serve building lots along West 43<sup>rd</sup> Street and Smoky Hill Drive (all within 41<sup>st</sup> Street Plaza Third Addition). The extent of the improvement district to be assessed for the cost of the improvements is: Lots 1 through 7, Block 1; Lots 1 through 8, Block 2; and Lots 1 through 15; Block 3, 41<sup>st</sup> Street Plaza Third Addition, Hays, Ellis County, Kansas; and further providing for the payment of said assessments and for the certification of unpaid assessments to the County Clerk of Ellis County, Kansas.

City Manager Zacharias noted that the 30 lots will be equally assessed \$8,340.41. The property owners will have 30 days to pay the assessment in full, if not paid, the assessment plus interest will be placed on the tax roll for 15 years.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**8. INCREASE IN CEMETERY FEES:** City Manager Zacharias said the ordinance increases cemetery lot fees \$50 per space and implements a monument setting fee of \$10 for a single marker and \$25 for a double marker.

Commissioner Schmidt asked that the fees become effective October 1, 2000, to give a little forewarning to the monument companies.

Henry Schwaller moved, Troy Hickman seconded, that Ordinance 3534, being an ordinance amending Section 743 of Chapter 7, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3322, as passed on September 22, 1994, and as published on September 27, 1994, by increasing the cost of single space cemetery lots to be sold by the City, amending Section 7-51 of Chapter 7, of the Code of Ordinances of the City of

Hays, Kansas, as amended by Ordinance No. 3323, as passed on September 22, 1994, and as published on September 27, 1994, by increasing the cost of grave openings and an ordinance setting the costs for monument setting, to be effective October 1, 2000, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**9. DOWNTOWN NEIGHBORHOOD REVITALIZATION DISTRICT:** City Manager Zacharias presented a second draft of the Downtown Neighborhood Revitalization District Plan. He explained that this draft contains two major changes. The previous version allowed individuals to make investments in the revitalization district for an indefinite period of time, and expects to get a ten-year property tax refund. This model advocates a three-year window for application. The criteria for commercial property states for at least a \$10,000 investment, the business would get a 95% return on property taxes in years one through three with a declining percentage scale down to year ten. A \$500,000 investment would get a 95% return in years one through six, with a declining percentage scale through year 10. A \$3 million investment would receive a 95% return for the entire ten years.

City Manager Zacharias said if these changes are satisfactory, the changes will be incorporated into an entire book, and the information will be presented to the county and the school district, and then brought back before the City Commission for finalization.

Commissioner Schwaller said this draft does not emphasize that we are encouraging the rehabilitation of single family residences and would not participate in the conversion of turning a single-family residence into a multi-family residence. It does not establish an architectural standards committee to review and approve the changes. He also suggested extending the district to

include the area from Fort Street to Oak Street north to 17<sup>th</sup> Street. The consensus of the Commission was to include the suggested changes to the Plan.

**10. SCHOENCHEN WELLFIELD REHABILITATION ENGINEERING**

**CONTRACT:** Public Works Director Elden Hammerschmidt, Well Field Planner Paul Montoia, and Jeff Hensen, Black & Veatch Engineer, reviewed a contract with Black and Veatch Engineers to extend the Smoky Hill Well Field at Schoenchen. At the June 8, 2000, meeting, the Commission authorized city staff to proceed in acquiring a contract for engineering services for consideration to implement Phase 1, Well Exploration, and Phase 2, Predesign Engineering of the expansion of the Well Field. Phases 3 through 6 will not begin until the City Commission approves such work. The contract outlines all phases, but only authorizes Black and Veatch to continue with Phase 1 and Phase 2 for a cost of \$119,000.

Mr. Hammerschmidt said the present well field is two miles long with a total of twelve wells that generate approximately 1,000-acre feet of safe yield. The expansion would extend the well field two additional miles and remove and relocate 6 of the twelve wells. This expansion would generate additional 1,000 acre-feet.

Engineer Hensen explained that to maximize the yield of a well field, the water level should be lowered as uniformly as possibly. When a drought hits, production capabilities of the wells go down, production gets more costly due to maintenance and operation problems because the water has to be lifted further.

Mayor Hickman said the Public Wholesale Water Supply District has been working with Black & Veatch regarding the development of the Southeast Russell Water Supply Project. This project is slated to be bid in October of 2001. Mayor Hickman feels the Schoenchen Well Field expansion activities should be put on hold until the spring of next year. He feels the focus should be obtaining new water supply from South Russell County. He has a concern with both projects running parallel due to staff time. It may be that one project will delay the other

Engineer Hensen said it is efficient to work on both projects due to placement of personnel. He doesn't foresee any conflict by doing both projects at the same time.

Henry Schwaller moved, Wayne Billinger seconded, that the City enter into a contract with Black & Veatch for Phase 1 and Phase 2 engineering services associated with the rehabilitation of the Schoenchen Well Field effective August 1,2000.

Mayor Hickman expressed a concern about how the State would react to both projects. Would the State be reluctant to help with two projects. Mr. Montoia said he feels the viewpoint of the State would be that we have 2,285 acre feet of water rights, and would not favor one project over the other.

Mr. Hensen said the State will define the City's needs. There is a certain amount of water the City has today. Whether or not they take into an account that extra 1,285 on the Smoky, he didn't know in terms of defining the City's need. Mayor Hickman said that was his point, if the State changes the definition of the City's need, it could delay action on south Russell. Mr. Hensen said he did not know how they would react, it certainly is a possibility.

Commissioner Schwaller amended his motion to include that the City will not apply or change our water rights under this contract. The City's focus needs to be South Russell. Commissioner Billinger amended his second.

Vote: Ayes: Henry Schwaller

Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

**11. DOWNTOWN WATER LINE REPLACEMENT:** City Engineer Kurt Hassler presented two options for upgrading the existing 2-inch water main that runs in the alley between 8<sup>th</sup> & 9<sup>th</sup> Street from Fort Street to Main Street.

The two options are as follows:

- I. Replace the water line in the alley (estimate cost of \$95,000)

2. Replace the water line with new lines on 8<sup>th</sup> Street (in the parking area) and on 9<sup>th</sup> Street in the sidewalk behind the curb (estimated cost of \$215,000)

Engineer Hassler said the sanitary sewer is in poor condition and needs to be replaced also. If the City chose Option 1 and decided to replace the sanitary sewer, the cost would be an additional \$114,000.

Larry Schmidt moved, Henry Schwaller seconded, that Option No. 1 be accepted to replace water and sewer lines in the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets from Fort to Main Street for a total cost of \$215,000.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**12. PARKING ON FORT STREET BETWEEN 8<sup>TH</sup> AND 7<sup>TH</sup> STREETS:** City Manager Zacharias said this is a continuation of discussion about parking on Fort Street. Engineer Kurt Hassler said the question was asked if additional parking could be added by creating angled parking on the east side of Fort Street, south of the alley. Currently, there are 19 parking spaces along this block. After gathering measurements in the area, it was determined that there is not enough width in the existing street to create the angled parking and still maintain two lanes of traffic. Even if the existing sidewalk was narrowed only 1 or 2 additional spaces could be created due to the parking lot entrances located in this section of the block.

After evaluating the situation, two possible solutions are: 1) the business owners could develop an agreement with the owner of the Wild Rose to share the parking lot that is currently there, or 2) close one or two of the entrances to Master Cleaners on the southeast corner of 8<sup>th</sup> and Fort to provide a couple of additional parking spaces.

The Commission asked City staff to get cost estimates to convert to angle parking on the south west corner of 7<sup>th</sup> and Fort, and to approach the owner of the Wild Rose to have his parking lot available during daytime hours.

**13. AIRPORT ISSUES:** Airport Manager Terry Urban gave an update on extending Taxiway A to the south. Mr. Urban stated that in October, 1999, a letter along with a CIP Data Sheet was mailed to the FAA requesting an addition to Taxiway A. The proposed additional taxiway was a 4-foot wide by 300-foot long concrete pavement structure.

Mr. Urban said he visited with the FAA about using entitlement monies for the taxiway extension. He was informed that the entitlement monies would be applied towards the priority items of the Hays Regional Airport and could not be used for the taxiway extension. If the taxiway were to be built, it would have to be funded 100 percent by the City.

Mr. Urban reported that at the July 22, 1999, City Commission Meeting, information was supplied by Air BP on above ground versus underground aviation fuel storage. At this time Air BP was hoping to build the above ground facility just directly south of the existing fuel farm.

The City Commission approved a site approximately ½ mile south of the existing fuel farm. The FAA approved the site.

Air BP then requested estimates of what it would cost for the waterline and roadway to this site. Mr. Urban gave them an estimate of \$47,244 for the waterline supplied by Bucher, Willis and Ratliff, and an estimate of \$199,741.50 for the roadway supplied by the Engineering Department. Their response was they were not interested in spending ¼ million dollars for the roadway and waterline just to get them to the fuel farm.

Mr. Urban has visited with a landowner about purchasing property from him just south of the dog track. Mr. Urban asked Air BP if this location would be acceptable if the City Commission approves it. He is presently waiting for a response from Air BP.

Commissioner Schmidt said there is still a problem with the two BP that were leaking. He said they do not fuel from them, so they must be storage trucks

and storage trucks are not allowed to be parked on the property. BP needs to make a decision quickly on what they are going to do, or move the trucks to another property. Mr. Urban said at the time they put the trucks there to store fuel, it was supposed to be short-term. They are trucks like the other trucks that roll around. We approved them to park the truck because they are not different.

Commissioner Schwaller said it appears that BP is trying to skirt our policy. They need to make an investment or quit.

The City Manager said both FBO's would be informed of this conversation, and Mr. Hunt would be asked to appear at the August 24, 2000 meeting to inform the City of his plans.

**14. BOND COUNSEL ENGAGEMENT LETTER FOR CEDAR VIEW**

**ASSISTED LIVING RESIDENTS:** Henry Schwaller moved, Wayne Billinger seconded, that the Mayor be authorized to sign an engagement letter with Gilmore and Bell attorneys to provide bond counsel services associated with the proposed issuance of \$2,500,000 in Industrial Revenue Bonds for the Cedar View Assisted Living Residence Project.

The City Manager noted that the City does not have any liability for these bonds, and all expenses associated with the issuance of these bonds will be paid by Cedar View.

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

**15. 2001 BUDGET HEARING:** Wayne Billinger moved, Howard Rome seconded that the public hearing for consideration of the 2001 Budget be set for August 10, 2000.

City Manager said the mill levy is 32.44 mills with total expenditures of \$25,354,012.

Mayor Hickman said a Park Master Plan was just completed. The Plan is useless unless it is implemented. He proposed to raise the mill levy by two mills

which would generate approximately \$228,000. This money could be used to get rid of stickers and actually green up the parks, create bike paths purchase playground equipment, etc. A two mill increase would cost a taxpayer with a \$93,000 home a mere \$1.62 per month.

Randy Clinkscales, Rex Ball and John Jeter, representatives of the Park Master Plan Committee addressed the Commission in regard to park improvements. Rex Ball said the Committee met last night and established some priorities that could be implemented now if funding is available. The immediate priorities include additional personnel to maintain the parks by removing weeds and establishing grass, and trees.

Commissioner Schwaller pointed out that in 1997 a Street Task Force was created to study and develop a street improvement plan. Streets were a priority of the citizens at that time. Since that time, no dollars have been dedicated to implement that plan. He is very much in favor of park improvements, but he strongly believes money for the parks should come from within the present budget, and make cuts in other areas. It is time to stop and reevaluate the City as a whole and evaluate priorities, and make cuts within without raising the mill levy. He will not support a mill levy increase.

Commissioner Schmidt said there is no money being spent tonight. The City Commission will have the opportunity to decide how the money will be spent and if it is spent at a later date.

Commissioner Billinger amended his motion to set the public hearing and add an additional two mills to the budget for park improvements. Commissioner Rome amended his second to the motion.

Vote: Ayes: Troy Hickman

Larry Schmidt

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

**16. EXECUTIVE SESSION:** Wayne Billinger moved, Howard Rome seconded, that the Commission enter into executive session for five minutes. Included in

the executive session will be the City Commission, City Attorney, City Manager, and the Assistant City Manager.

Vote: Ayes: Troy Hickman

Larry Schmidt

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Mayor Hickman called the meeting back to order at 10:20 p.m. He said no action was taken.

**17. COMMISSION INFORMATIONAL MEMORANDUM:** The Commission aired several complaints from citizens who attempted to use the Aquatic Park only to find that it was closed for various reasons. The Commission stressed the need for the Park to remain open during the posted hours unless there is threatening weather conditions.

City Manager Zacharias reported that homes located at 100 East 19th Street and 310 East 20<sup>th</sup> Street will be considered by the Kansas Historic Sites Board of Review for nomination to the National Register of Historic Places. He noted that State statute states that whenever a historic property is designated that all areas within 500 feet are governed by the State Historic Preservation Office and no building permit or zoning change can be made in that area without the approval of the State Historic Preservation Office.

**18. ADD-ON ITEMS:** City Manager Zacharias said the property located across from the Hays Aquatic Park has become available for sale at a cost of \$39,000. The intent has been to acquire these properties, as they become available for future parking. The money for the purchase is available in the one-half cent sales tax fund.

Wayne Billinger moved, Howard Rome seconded, that the Mayor be authorized to sign the necessary documents for the purchase of the property at 111 East 4<sup>th</sup>.

Vote: Ayes: Troy Hickman

Howard Rome  
Wayne Billinger  
No: Larry Schmidt  
Henry Schwaller IV

City Manager Zacharias said John Britting has made a request to transfer his hangar lease (C-4) to his son, John Britting, Jr.

Howard Rome moved, Wayne Billinger seconded, that a hangar lease transfer from John Britting Sr. to John Britting, Jr. be approved.

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

City Manager Zacharias informed the Commission that emergency repairs are necessary to the digester cover at the Wastewater Plant at an estimated cost of \$25,000 to \$45,000.

Commissioner Schwaller asked that the crosswalk at 28<sup>th</sup> and Hall be reexamined.

Commissioner Schwaller asked for a report on the FEMA standards in the 3-mile radius of Hays.

Thereupon the Governing Body adjourned.

Submitted By: \_\_\_\_\_

Clerk of the Board

