

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

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

Roll Call: Present: Troy Hickman
Henry Schwaller IV
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, Troy Hickman seconded, that the minutes of the regular session held on June 22, 2000, be approved.

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

3. BEAUTIFICATION AWARDS: Virgil Howe, representing the Hays Beautification Committee, presented the 2000 Commercial Improvement Beautification Awards to the following businesses:

Classic Quality Body Shop
2719 Plaza Avenue

Eagle Communications
2703 Hall Street

NAPA Auto Parts
621 East 13th St.

4. CITIZEN COMMENTS: Kent Laas, on behalf of the Wild West Fest Committee, thanked the City of Hays, the corporate sponsors and the community of Hays for a very successful Wild West Fest, which was held July 1st through July 4th.

5. CONSENT ITEMS: Wayne Billinger moved, Larry Schmidt seconded, that the appointment of Brian Shoaff to the Hays Recreation Commission for a four year term expiring August 1, 2004, be approved.

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

OLD BUSINESS

6. STORMWATER REGULATIONS ORDINANCE: Kurt Hassler, Director of Engineering, reviewed changes to the stormwater ordinance that he and Engineer Tom Ruggles from the firm Savoy, Ruggles, and Rome are proposing to be made.

Section 2.04 C would be changed to reflect increases in impervious areas by less than 10,000 square feet, rather than 5%. Section 2.05 B-1 relating to design peak discharge would add the verbiage “using the existing slope”. Section 2.07 D would add that the City Stormwater Administrator must approve proposed changes to any drainage system prior to construction.

Section 2.07 E was added to state: “Owners of detention basins and associated facilities with storage capacity in excess of 100,000 cubic feet total onsite storage shall furnish certification by a professional engineer licensed in Kansas to the City Stormwater Administrator once every four years, that the

detention basin has full storage capacity and that all associated facilities including all inlet and outlet structures are fully functional.

Commissioner Schmidt asked how this would affect the Van Doren pond.

Mr. Hassler stated that pond is used as a regional detention area and would recommend that the property be excluded from Section 2.07 E.

Henry Schwaller IV moved that the Stormwater Regulation ordinance be tabled. The current stormwater engineer has indicated that these kinds of ordinances are not very effective.

Commissioner Schmidt stated he felt the engineer was referring to sections that were discussed this evening, especially the "5%" clause in Section 2.04 C.

Commissioner Schwaller stated he has some major philosophical differences with this ordinance. The City of Hays has fixed stormwater problems every since 1907. Private property owners have never been asked to bear the burden of the citizens at large. This would be the first time in our history that corporations or individuals would be responsible for protecting the rights of all property owners in the City and that is wrong.

The motion died for lack of a second.

Wayne Billinger moved, Howard Rome seconded, that the proposed changes to the Stormwater Regulation Ordinance be approved.

Commissioner Schmidt stated he would like it made specifically clear that the Van Doren pond be exempt from these regulations.

City Manager Hannes Zacharias suggested the ordinance state "excluding regional retention/detention basins currently in place as of January 1, 2000" which would exempt the Van Doren pond, but Wal-Mart would have to comply.

Wayne Billinger amended his motion to include the provision that the Van Doren pond be exempt from these regulations. Howard Rome amended his second.

The mayor called for the vote.

Vote: Ayes: Troy Hickman
Larry Schmidt

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

The Commission directed the City Attorney to draft the ordinance with the correct language defining “regional retention basin” and exempting regional retention/detention basins currently in place. Additionally, basins currently in place would not be required to have a four year certification, but allow the City, if it so desires, to cause one to be done.

7. 32nd/33rd ROUNDABOUT REPORT: MK Centennial Engineer Doug Stremel presented information regarding the proposed roundabout at 32nd/33rd Street and Vine Street.

Commissioner Billinger stated he like the innovativeness of this proposal but had some concerns about the confusion the roundabout might cause to out of town travelers.

Commissioner Schmidt stated Vail, Colorado, a town full of tourists, has a roundabout and they don't have any trouble with tourists getting used to the roundabout.

Commissioner Schwaller stated he felt the best option for this intersection would be Option 2, which would be to curve 32nd Street up through the KU Medical Center and Pheasant Run buildings to connect with 33rd Street on the east side of Vine Street.

Commissioner Schmidt stated the Commission should consider either Option 2 or the roundabout, but first wait until the City hears back from KDOT. Option 1 doesn't take care of the frontage road problem on the west side of Vine. We have willing landowners on the west side of Vine, but not on the east Side. We would be in court litigating if Option 1 were chosen.

Mayor Hickman stated he felt all of the plans should be shelved and the Commission should concentrate on other areas already designated in the Capital Improvement Plan. There will be several improvements made to this intersection with the Vine Street Improvement Project as far as changes in traffic lights and the elimination of frontage roads.

Commissioner Schmidt stated this has been on the back burner long enough. It's time to get that intersection taken care of now with either the roundabout or Option 2.

Commissioner Billinger stated he is a proponent of Option 1, which would extend 32nd Street east across Vine Street and curve north to 33rd Street. It would not be necessary to acquire or demolish any buildings. The cost of Option 1 is less than Option 2. Option 2 would cost approximately \$1,100,00 plus the cost of acquisition and demolition of two buildings. The Mall would probably resist the City's efforts to put the street through Montana Mikes parking lot, but the cost of litigation would probably be a lot lower than the total costs of Option 2.

Commissioner Schmidt stated Montana Mikes will probably ask the City to purchase their property and that property will be more expensive than the property on the west Side. The Mall is not interested in having the street run through their property.

Mayor Hickman stated it is not necessary to decide on an option tonight; the Commission should wait until KDOT gives the City their opinion on the roundabout.

Commissioner Rome stated he could not support taking 32nd Street east across Vine to connect with 33rd Street. The Mall has the potential for expansion in the future and the City should not jeopardize that.

Wayne Billinger moved, Henry Schwaller IV seconded, that Option 1, which would extend 32nd Street east across Vine Street and curve north to 33rd Street, be approved.

Mayor Hickman stated he didn't think it was prudent to vote for any of the options until KDOT issues its opinion on the roundabout and the other three options.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Wayne Billinger

No: Troy Hickman

Larry Schmidt

Howard Rome

NEW BUSINESS

8. HOUSING TAX CREDIT RESOLUTIONS: Don Cooper, representing Commercial Group of Topeka, Kansas, presented information concerning housing projects his company proposes to develop. Commercial Group requested resolutions be passed supporting and approving the development of affordable rental housing to be located in the Tallgrass 2nd Addition and at scattered sites throughout Hays.

Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 340, being a resolution supporting and approving the development of 24 family housing units to be located on Lot 1, Block E, Tallgrass 2nd Addition; and that Resolution No. 341, being a resolution supporting and approving the development of 48 elderly housing units to be located on Lot 1, Block E, Tallgrass 2nd Addition; and that Resolution No. 342, being a resolution supporting and approving the development of 12 single family housing units to be located on scattered sites throughout Hays, be approved.

Commissioner Schmidt stated there is a surplus of housing for the elderly in Hays. Do we need 48 more units in Hays?

Mr. Cooper stated a market study has not yet been completed, but listening to comments made at the Housing Task Force meeting, he got quite the opposite impression.

Commissioner Schmidt stated he would like the clause regarding local assistance through tax abatements deleted from the resolutions.

Commissioner Schwaller stated Commercial Group requested that clause, but our ordinances do not allow for tax abatement assistance. Construction of these units will happen anyway; the resolutions help, but the state will analyze this project. The competition for tax credits for this type of property across the state is incredible and the pool is very limited. The market should determine whether these units get built.

Mr. Cooper stated this is a competitive process. The State will do an analysis of the project. There is no guarantee that any of these units will be built; it is up to the State. It is not necessary to receive a tax abatement for this project to work, that clause was put in because the option was available on the application. It is up to each local government unit whether to give tax abatements or not.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Howard Rome

Wayne Billinger

No: Larry Schmidt

9. & 10. SOLID WASTE/RECYCLING REPORT/RECYCLING MATERIAL

CONTRACT: Elden Hammerschmidt, Director of Public Works and Brenda Cary, Assistant Director of Public Works, gave a report on the solid waste/recycling program. Over the years, due to increase tipping fees at the Ellis County Landfill, monthly fees have risen from \$5.50 in 1993 to the current charge of \$12.00. For that fee a customer receives regular trash collection and disposal, recycling collection and disposal, the composting operation, the Christmas tree collection program, and the alley clean-up program.

Mr. Hammerschmidt stated one of the things the City needs to look at in the future is the purchase of multi-compartment trucks and once a week trash collection. At present, it costs about \$13,000 more to operate our recycling program. Are we going to continue to recycle and is it possible to reduce our recycling costs? The City could consider processing their own recyclables.

There is \$333,000 in the 2000 Budget for the purchase or construction of a building to process our recyclable products, buy a baler and a skip loader. Two grants from the State would reduce this cost to \$207,000. The City would begin baling paper and cardboard to sell directly to a paper mill. They would pick up our paper at no cost and the City would receive revenue from it. There is no

guarantee that money will be made in recycling; the City would have to take in recyclables whether they get sold or not.

Commissioner Schwaller stated he had some concerns about the City getting in the business of selling recyclables. Paper prices are depressed right now and recycling mills are closing. It's a very volatile market.

Ms. Cary agreed with Commissioner Schwaller. It has been volatile since its beginning and will probably remain that way. Building our own facility and marketing our own recyclable materials will reduce transportation and processing costs plus have a stream of revenue that does not exist today.

Mayor Hickman stated our blue bag program has been tremendously successful without any significant investment put into the program. The City could continue to absorb the extra \$13,000 associated with recycling, however, he felt the City should take the risk of narrowing that price gap down by constructing a building and increase the recycling we take in, possibly from other communities.

Mr. Hammerschmidt stated he felt the City could do a more efficient job if the City did the sorting and baling. The City could sell directly to the market.

Commissioner Schmidt stated it is important to realize that recycling is not a money making project and will have to be subsidized. The citizens of Hays need to decide if they want to continue funding this project for the right reasons. The Commission should get input from the public before deciding whether to continue recycling.

Commissioner Rome stated he felt the City should stay with recycling and go to the next level by making the capital investment needed.

Gene Fleharty, 2728 Thunderbird Drive, stated the City implemented the program out of a concern for the environment. Recycling paper saves trees and those trees help prevent global warming and give us oxygen to breathe. We have to act locally for the right reasons.

Sharon Leikam, 1302 Steven Drive, reminded the Commission that the City of Hays became an All America City partly because of our recycling program. She urged the Commissioners to continue this program.

Midwest Iron of Hutchinson, Kansas has been hauling our recycling material since 1997. Due to a change in ownership, they have chosen not to haul recycling material past July 14, 2000. The City has negotiated a 12-month contract with Stutzman Recycling of Hutchinson to start hauling and processing our recyclables effective July 17, 2000. The cost for one year is estimated to be \$66,487. Based on 1,000 tons, the cost per ton would be \$66.

Once the City Commission approves the request to proceed with the new facility, it is the goal of the Public Works Solid Waste Division to have the operation up and running in the next 12 months. The contract with Stutzman Recycling will be close to expiring at that time. With baling comes the opportunity to generate a revenue stream that could payback the initial investment as well as lower transportation and processing expenditures from what they are today. The main objective is to reduce the cost of recycling below the cost of landfilling.

Henry Schwaller IV moved, Howard Rome seconded, that the Mayor be authorized to sign a contract with Stutzman Refuse Disposal Inc. for the collection and processing of recycling material for a one-year period.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

Troy Hickman moved, Henry Schwaller IV seconded for the purposes of discussion, that staff be directed to continue recycling efforts to obtain their goal of reducing the cost of recycling by building a facility for processing and the selling of recycling materials.

Commissioner Schwaller suggested the costs associated with building our own facility be handled through a lease purchase option rather than spend cash or borrow the money. It would be the most cost-effective way to handle this project. Additionally, businesses should be encouraged to use recycled paper.

We should go into this knowing we are not going to make money, but as a community we need to support those who recycle.

Troy Hickman amended his motion to state that this project be handled through a lease purchase option. Henry Schwaller IV seconded the amended motion.

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

11. WATER METER PURCHASES: Don Larson, Service Division Superintendent, presented information regarding the purchase of meters for the sixth year of the 10-year meter replacement program. Because of our proven track record with Sensus meters, Mr. Larson requested that the City continue the replacement program using Sensus water meters as a sole source supplier. Purchasing another brand of meter would entail purchasing different wands for the hand helds and would mean maintaining an inventory for two different types of meter parts for repairs.

Discussion was held about the various types of meters available.

Larry Schmidt moved, Wayne Billinger seconded, that the purchase of Sensus meters and Sensus repair parts in the amount of \$80,785.08 be approved, with the stipulation that more research be done next year to see if Hersey meters would be compatible and comparable with the Sensus meters.

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

12. 8th STREET RECONSTRUCTION COSTS: Kurt Hassler, Director of Engineering, presented a cost estimate for reconstructing the brick portion of 8th Street from Elm Street east to Milner Street. The street would have a concrete

roadway surface with decorative brick crosswalks at all street crossings. The total estimated cost is \$1,400,000. Grant money will be requested to help with the construction and engineering portions of this project.

Larry Schmidt moved, Henry Schwaller IV seconded, that the City proceed with the reconstruction of 8th Street from Elm Street to Milner Street and apply for state funding for the year 2005.

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

Commissioner Billinger suggested this project be presented to the Downtown Development Committee to see if this project may be amenable to pedestrian lighting, to present some kind of connectivity to the FHSU campus, and to encourage foot traffic in that area.

13. CEMETERY FEES: Commissioner Schmidt stated an increase in fees at the cemetery would create a revenue source to fund improvements at the cemetery. He suggested raising the single space fee from \$200 to \$250, the opening and closing of a grave space from \$200 to \$250, and initiating a monument setting fee of \$10 for a single and \$25 for a double headstone.

Larry Schmidt moved, Henry Schwaller IV seconded, that staff be directed to prepare an ordinance raising cemetery fees from \$200 to \$250 for a single space, opening and closing of grave space be increased from \$200 to \$250 for weekdays, \$250 to \$300 for weekends or holidays, and initiate a monument setting fees of \$10 for a single and \$25 for a double headstone.

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

14. FREEDOM OF INFORMATION OFFICER RESOLUTION: Henry Schwaller IV moved, Wayne Billinger seconded, that Resolution No. 339, being a resolution appointing a local Freedom of Information Officer for the City of Hays, Kansas, and providing for the officer's duties, be approved.

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

15. NOTICE OF SPECIAL ASSESSMENT HEARINGS RESOLUTION: Wayne Billinger moved, Howard Rome seconded, that Resolution No. 338, being a resolution providing notice of public hearing to be conducted by the Governing Body of the City of Hays, Kansas on the 27th day of July, 2000, at 7:30 p.m. at City Hall, 16th & Main Streets, Hays, Kansas, to consider proposed assessments as to the grading, paving, curb/guttering improvements and the installation of water, sewer, storm sewer lines to serve building lots along West 43rd Street and Smoky Hill Drive (all within 41st Street Plaza Third Addition), be approved. The extent of the improvement district to be assessed for the cost of the improvements are Lots 1 through 7, Block 1; Lots 1 through 8, Block 2; and Lots 1 through 15, Block 3, 41st Street Plaza Third Addition.

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

16. COMMISSION MEETINGS: Discussion was held regarding changing the frequency and start time of City Commission meetings.

Commissioner Rome stated he felt meeting go on too long into the evening and suggested an earlier start.

Mayor Hickman stated he felt having meetings every week as opposed to every two weeks would be burdensome. To make any significant difference the

meeting start time would need to be more than ½ hour earlier; to start earlier than 7:00 would be possible, but the format of the agenda would need to be changed to accommodate the public.

Commissioner Billinger suggested an 11:00 p.m. curfew and at that time decide whether to continue the meeting.

The consensus of the Commission was to try Commissioner Billinger's suggestion.

17. EXECUTIVE SESSION: Henry Schwaller IV moved, Wayne Billinger seconded, that the Governing Body adjourn to executive session at 10:30 p.m. for 15 minutes to discuss the purchase of real property and union negotiations. The executive session is to include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 10:45 p.m. He stated no action was taken during executive session.

18. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias reminded the Commissioners of the budget work sessions to be held on July 19th and July 20th at 7:00 p.m. in the Commission chambers.

19. ADD-ON ITEMS: Troy Hickman moved, Howard Rome seconded, that Resolution No. 343, being a resolution initiating proceedings by the Governing Body of the City of Hays, Kansas, for improvements at the City's municipal airport, be approved.

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

Commissioner Schmidt requested the Airport Manager report to the Commission about activities at the Hays Regional Airport regarding grant applications, hangar relocations, and fuel spillage problems.

City Manager Zacharias stated KDHE has looked at the fuel spill location. There is an area that has some gasoline contamination. The remediation procedure is to take out the dirt and either fill new dirt back in or air out the old dirt. The City has chosen to air out the dirt before refilling the area. We do not know who caused this contamination; therefore we can't assess the cost to anyone.

Commissioner Schmidt asked why the temporary gas storage tanks are still at the airport. They have been there for a year and it doesn't look like anything permanent is being built.

City Manager Zacharias stated discussions with Air BP about installing a permanent above ground tank facility have stalled because they have yet to determine how much they want to invest in that project. They want to put money in for the water line and roadway. We are waiting to hear from them as to what they are going to pay for. They are not violating any ordinances.

Commissioner Schmidt stated they need to move ahead with installing permanent gas storage facilities.

City Manager Zacharias stated this could be discussed with Leroy Hunt at the next meeting.

Commissioner Schwaller stated he would like to review costs associated with the operation of Massey and Sunrise Pools and see if it would be possible to keep the pools open next year. Also, the pools should stay open during their regular hours regardless of how many patrons are using the pool.

Commissioner Schwaller also requested in writing some documentation as to when another pump would be added to bring the Lazy River at the Hays Aquatic Park up to specifications.

Mayor Hickman stated correspondence has been sent to Ford Bohl in regards to that matter.

City Manager Zacharias stated Associated Pools is contemplating bringing out different pumps that provide higher volume. The Lazy River is functioning, but not as well as we would like it to. Written information will be provided.

Commissioner Schwaller stated that the Traffic Advisory Committee should investigate the parking situation on Fort Street between 7th & 8th Streets. He would like to study the parking situation in that area with the rest of the Commissioners.

Commissioner Schwaller expressed concern about cars parking on Main Street during parades. Parade participants throw out candy to the children and it is not safe if they have to run out to the street between cars parked on Main.

City Manager Zacharias stated the Commission could study this matter at a future meeting.

Commissioner Schwaller stated he would like to have discussion at the next meeting regarding the South Russell Well Field and the Schoenchen Well Field. The Commission should look at the priority of the projects and set a direction for completion.

Mayor Hickman stated Public Wholesale Water District No. 15 has a very aggressive time line. Agreements and contracts will be coming to the City Commission for approval fairly rapidly. It will take passage of those in a quick manner to keep the ball rolling.

Mayor Hickman suggested the Hays Beautification Committee and the Park Master Plan Steering Committee be combined into one committee. The City would then have citizen input in regards to our park facilities.

Commissioner Schwaller and Commissioner Billinger agreed with the Mayor. Discussion will be held with both committees.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

