

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 26, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, July 26, 2001, at 7:30 p.m.

Roll Call: Present: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

Absent: Troy Hickman

Mayor Schwaller declared that a quorum was present and called the meeting to order.

2. MINUTES: Larry Schmidt moved, Sunell Koerner seconded, that the minutes of the regular meeting held on July 12, 2001 and the continued meeting held on July 18, 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

3. FINANCIAL STATEMENT: Dick Bedard moved, Sunell Koerner seconded, that the Financial Statement for the month of June 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

4. CITIZEN COMMENTS: Paul Wildeman, 204 West 4th Street, addressed the Commission about a nuisance problem he was having with a neighbor. Proper procedures were followed to address the problem, however, health issues were involved, and the situation was not taken care of in a timely manner. He

suggested that the ordinance that addresses this type of problem be changed to allow for speedier resolution.

City Manager Hannes Zacharias directed the City Attorney to research the ordinance to see what could be done.

Mark Loughry, league director for the Western Kansas Football League, requested financial assistance from the City of Hays for funding of their program. The program is a non-profit football league for children in the 4th through 7th grade.

The request will be passed onto the Assistant City Manager for review.

5. CONSENT ITEMS: A. Larry Schmidt moved, Dick Bedard seconded, that the Traffic Advisory Committee's recommendation to deny the placement of stop signs at 30th Street and Sherman Avenue be approved and to review the issue following completion of improvements to Aubel-Bickle Park.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

B. The Traffic Advisory Committee recommended that no action be taken on shrub removal at the intersection of Oakmont/32nd Street/ El Dorado Lane.

Commissioner Schmidt stated it is required to have a 90-foot line of sight at an intersection and asked if the City would be liable if there were to be an accident at that intersection.

City Manager Zacharias stated it would be hard to say if the City would be liable. There are other similar situations in the community. The City could take a stricter approach to enforce that ordinance at every intersection if the Commission directed staff to.

City Attorney John Bird stated it is the duty of owner of the property to maintain his property and the City has the right to prune a tree or shrub on private property when it interferes with the visibility of approaching vehicles.

The consensus of the Commission was to send the property owner a letter asking him to trim the trees.

Henry Schwaller IV moved, Larry Schmidt seconded, that tonight's meeting be adjourned by 11:00 p.m.

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

C. Item C, the sale of a hangar on Lot G-9 at the Hays Regional Airport, was postponed.

OLD BUSINESS

6. BIG CREEK/PRAIRIE ACRES REVIEW: City Attorney John Bird reported that the City's motion requesting the court to find that the jury's verdict in the Big Creek/Prairie Acres lawsuit was inconsistent was denied. The judge declined to overrule the findings of the jury. The judge assumed that either side would eventually take this matter to the Court of Appeals. Mr. Bird recommended the City appeal.

City Manager Zacharias stated that other sewer customers have approached the City to see if they could pay reduced sewer fees and receive a refund. How this case is resolved will have some ramification on other ratepayers.

Commissioner Bedard suggested that discussion on this topic be tabled until all Commissioners are present.

Henry Schwaller IV moved, Larry Schmidt seconded, that discussion on the Big Creek/Prairie Acres lawsuit be tabled until the August 9, 2001 meeting.

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

NEW BUSINESS

7. KANSAS MUNICIPAL INSURANCE TRUST FOR WORKERS

COMPENSATION: Don Dosenbaugh, pool administrator for KMIT, and Paul Davis, representing Insurance Management Associates, presented information about KMIT. KMIT is a work comp pool for Kansas cities formed in 1993. Presently, there are 100 cities participating in KMIT. A city must belong to the League of Kansas Municipalities to participate in KMIT. KMIT is governed by a Board of Trustees comprised of 11 city elected or appointed officials and is regulated like any other insurance company.

Sunell Koerner moved, Dick Bedard seconded, that Resolution No. 375, being a resolution whereas the Governing Body of the City of Hays has authority under the Kansas Municipal Group-Funded Pool Act, K.S.A. 12-2616, et seq., as amended, and the Interlocal Cooperation Act, K.A. 12-2901., et seq., as amended, to participate in and form a group-funded pool for workers compensation coverage, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

2000 AUDIT: Ken Beran and Melissa Rome, representing Adams,Brown,Beran, and Ball, presented the results of the 2000 Audit. Mr. Beran reviewed key financial statements. He stated that the City had no cash or budget violations. He noted that the audited cash balance in the General as January 1, 2001 was about \$200,000 less than anticipated. Less cash forward in 2001 and non-budgeted expenditures for land purchases would have caused a budget violation if the budget did not contain a cash cushion for carry-over into the next year.

Mayor Schwaller noted that the audit contains no financial statement for the Public Wholesale Water Supply District No. 15. He asked that their financial audit be included with the City audit. The PWWS District received over \$800,000

of the City sales tax collection in 2000, and those funds need to be accounted for in the audit.

Ms. Rome noted that starting in year 2003, the City would be required to change the format of financial statements to comply with GASB #34. Additionally, effective January 2007, the City will be required to include the value of all infrastructure assets on financial statements. Establishing a value for all City assets will be extremely time consuming and is something the City needs to be preparing for.

Henry Schwaller moved, Larry Schmidt seconded, that the 2000 Audit be accepted.

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

9. CITIZEN SURVEY: Henry Schwaller IV moved, Larry Schmidt seconded, that this item be tabled until the August 9, 2001 meeting.

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

10. SMOKY HILL WELLFIELD EVALUATION: City staff recommended that a five member committee be formed to design a Request for Proposal and recommend a firm regarding engineering services to rehabilitate the Smoky Hill Wellfield.

Commissioner Schmidt suggested Paul Montoia, Wellfield Planner, and one other staff person be appointed to the committee along with three citizens.

Henry Schwaller IV moved, Dick Bedard seconded, that a Smoky Hill Wellfield selection committee be established to develop a Request for Proposal and recommend a firm to provide engineering services to rehabilitate the Smoky

Hill Wellfield. The committee is to be comprised of two City of Hays staff members and three citizens.

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

Mayor Schwaller distributed a letter from Gilbert Dinges expressing his concerns about the amount of water that will be pumped from the Smoky Hill aquifer and the effect on the Smoky Hill River.

11. SOUTH RUSSELL WATER PROJECT REVIEW: Public Wholesale Water Supply District #15 declined to contract with Bob Vincent, Groundwater Associates, Inc. for an independent review of the South Russell County Water Project. PWWSD #15 felt the hiring of Mr. Vincent should be done by the City of Hays.

Sunell Koerner moved, Dick Bedard seconded, that Bob Vincent, Groundwater Associates, Inc. be hired to perform an independent review of the South Russell County Water Project for a total cost not to exceed \$7,740 with the same scope of services as provided to PWWSD#15.

Mayor Schwaller reviewed the criteria for the consultant's scope of services, which includes interviews with the City of Hays Commission, the Russell City Council members, members of the District Board, City of Hays and Russell staff, Black & Veatch engineers, and Jim Aubel.

Commissioner Schmidt stated he felt the interviews should be dropped. He visited with Mr. Vincent and he indicated that interviewing 34 people would be a waste of time.

Commissioner Bedard stated that initially he was against an independent review. He strongly believes in Black and Veatch and in PWWSD#15. If the interviews are cut, someone will be upset they weren't interviewed. For those who are skeptical, this review will resolve any concerns they may have had.

Commissioner Schmidt stated he wouldn't vote for this because the 34 interviews will drag out the project. It will take longer to get the report back; the

report may not be back by August 22nd, the date of a public hearing concerning the districts application for funds from the state revolving loan fund.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner

Dick Bedard

No: Larry Schmidt

12. COMPACTOR/RECEIVER PURCHASE: Bids for a 2-yard compactor and 2 40-yard compactor receivers were received from three vendors. The amount listed is for lease/purchase of the equipment.

Stutzman	\$21,420.00
Hutchinson, KS	

Downing Sales & Service	\$23,020.20
Phillipsburg, MO	

American Equipment	\$19,667.97 (Alternate A)
Kansas City, KS	

American Equipment submitted two bids. Alternate B did not meet specifications. A bid from Key Equipment, Kansas City, KS was rejected due to arriving after the bid letting date.

Brenda Cary, Assistant Public Works Director, stated that Stutzman Refuse Disposal has agreed to extend the existing recycling disposal contract past the July 2001 deadline until the compactor/receiver equipment purchase is finalized. Once the Commission determines the fate of the compactor/receivers, staff will request Mr. Stutzman to write another contract that will include the transporting of the containers.

Ms. Cary stated that by using the compactors and allowing for one year's lease/purchase payments, a savings of \$1,245 should be realized each year for

three years. After three years, it is anticipated the savings will be \$7,800 per year.

Ms. Cary stated she contacted the vendors to get an outright purchase price. American Equipment's bid for an outright purchase is \$17,289.00, a savings of \$2,378.97 over lease/purchase.

City Manager Zacharias stated that the Solid Waste Fund would have a cash carry-over of approximately \$325,000.00. There would be enough funds to purchase this equipment outright.

Larry Schmidt moved, Sunell Koerner seconded, that the bid from American Equipment, Alternate A, for a compactor/receiver purchased outright at a cost of \$17,289.00 be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

13. BLOWER PIPE REPAIRS: Elden Hammerschmidt, Public Works Director, recommended a Biomixer be placed in the Activated Sludge Basin (ASB) in order to operate the ASB while the deteriorated 20" ductile iron pipe is replaced. The pipe is used to transfer large volumes of air from blowers to the ASB. The Biomixer would be installed free for a two-week period. During this time period, the process would be studied to see if permanent installation would result in reduced power costs.

Bartlett and West Engineers have submitted a quote to study this process and make a recommendation. Bartlett and West performed the previous study at the Wastewater Treatment Plant and will be able to compare this operation to their past recommendations for replacing blower motors and changing aeration methods within the system. The cost for the study would be in the range of \$5,000 to \$7,500. Even though use of the Biomixer would be free for two weeks, there would be associated costs of \$3,500 to install the Biomixer.

Bids for the repair of the 20" ductile pipe were received from the following:

American Fence Co.

Used

36,440.00

Larry Schmidt moved, Dick Bedard seconded, that the bid from Allen Leiker Fencing in the amount of \$26,552.00, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

15. 2002 CAPITAL IMPROVEMENT PROGRAM ENGINEERING CONTRACT:

City Manager Zacharias stated the CIP Selection Committee appointed by the City Commission recommend Bucher, Willis and Ratliff for the City's engineering for CIP projects in 2001. The Commission did accept that recommendation. Staff believes BWR has performed all the tasks contracted to date with professionalism and has kept everything on schedule and within budget. It is recommended that the 2001 CIP contract be extended for 2002.

Dick Bedard moved that Bucher, Willis and Ratliff be selected to perform engineering activities associated with Capital Improvement Projects for 2002.

The motion died for lack of a second.

Mayor Schwaller asked the Commission if they would like to go through the Request for Proposal process, establish a selection committee, and then select a firm.

A discussion was held about the RFP process. Cook, Flatt, and Strobel, Topeka, Kansas, was initially selected in 1999, however, the project engineer quit four months into the process, putting them behind on the projects they were suppose to do. Bucher, Willis and Ratliff were then chosen to do our CIP.

Commissioner Bedard stated that if the City is not satisfied with BWR, then we should change engineers. He personally is not dissatisfied with their work.

Commissioner Schmidt stated that bringing in other firms keeps the local firm on their toes and presents some fresh ideas.

Larry Schmidt moved that a committee be formed to design a Request for Proposal for an engineering firm for 2002 Capital Improvement Projects.

The motion died for lack of a second.

Kurt Hassler, Director of Engineering, stated the process for selecting an engineering firm was started earlier this year. By bidding these projects in January or February, better bids and timelines are received.

Mayor Schwaller stated if the motion was made again, he would support selecting BWR for one year, however, he would like to go through the RFP process next year.

Dick Bedard moved, Henry Schwaller IV seconded, that Bucher, Willis and Ratliff be selected to perform engineering activities associated with Capital Improvement Projects for 2002.

Vote: Ayes: Henry Schwaller IV

Sunell Koerner

Dick Bedard

No: Larry Schmidt

16. INDIAN TRAIL & 27TH STREET REPORT: Mayor Schwaller requested this item be tabled until the August 9, 2001 meeting.

17. WATER/SEWER MASTER PLAN FOR NORTH OF I-70: This master plan is for a two square mile area north of I-70 bounded by Hall Street on the west, Canterbury Road on the east, 55th Street on the north, and I-70 on the south. This is the area that will be affected by the System Enhancement Program in the next couple of years.

Kurt Hassler, Director of Engineering, and John Youll, Bucher, Willis and Ratliff engineer, presented an overhead indicating existing water and sewer lines, and the placement of future lines.

The Water and Sewer Master Plan report indicated that the existing sanitary sewer should service the area roughly north from Willow Street to Chetolah Creek, depending on the type of development that occurs. Development that occurs east of Chetolah Creek or west of Willow Street will

require sanitary crossings of I-70. An additional water supply for north of I-70 may be required at Canterbury and also for the area around 41st and Hall Street.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Water and Sanitary Sewer Master Plan for north of I-70, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

Agenda Item 24 was discussed next.

24. NEIGHBORHOOD REVITALIZATION ACT HEARING RESOLUTION: The

Neighborhood Revitalization Act allows for property tax rebates for new construction and improvements within a designated area. The Hadley Campus of Hays Medical Center was excluded from the original designated area. Since the date of that exclusion, the property has been purchased and the new owners, H. D. Wood and David Van Doren, have requested to be included in the designated area. They are in the process of subdividing the areas into space for tenants that will operate separately from one another and it is their intent to convert the upper floors to residential occupancy.

The proposed area includes all of Blocks 4 & 5, H. P. Wilson Addition to the City of Hays. The improvements thereon include the Hadley Campus, S & W Supply and the State of Kansas Unemployment Office.

City Manager Zacharias stated the City must first set a public hearing date. If the addition of the property were to be approved, Ellis County and USD489 would also have to approve the addition.

Henry Schwaller IV moved, Dick Bedard seconded, that Resolution No. 376, being a resolution setting the hearing date of August 9, 2001, for inclusion of Block 4 & 5, H. P. Wilson Addition to the City of Hays, Kansas into the Neighborhood Revitalization Act boundaries, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

18. CDBG WATER LINE PROJECT, GRANT EXTENSION: Henry Schwaller IV moved, Sunell Koerner seconded, that Contract Amendment #2 regarding the CDBG water line to Countryside Estates, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

19. INFRASTRUCTURE FOR NORTH OF I-70: **A.** Kurt Hassler, Director of Engineering, stated that the existing sanitary sewer line north of 43rd Street on the east side of Vine Street will be abandoned. A new sanitary sewer line will be constructed 130 feet to the east and north parallel to the reverse access road to 45th Street. A new water line will be connected to an existing water line on Vine Street, extend east on 43rd Street and then north parallel to the reverse access road to 45th Street. The System Enhancement Steering Committee recommended that the “front footage” method of special assessments be used to pay for these improvements.

City Manager Zacharias stated that if 51% of the property owners protest this improvement, the project could not be done through the special assessment process.

Henry Schwaller IV moved, Larry Schmidt seconded, that City staff be authorized to develop a special assessment district to finance the placement of water and sewer lines along 43rd Street east of Vine and north along the proposed reverse access road, distributing such expense on a front footage basis.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

B. It will be necessary to acquire land for the creation of the reverse access road south of 43rd Street and the reverse access road north of 43rd Street, east of Vine

Street, and the extension of East 43rd Street. The Vine Street Enhancement Steering Committee endorses the idea of not assessing affected property owners for street improvements if they donate the necessary right-of-way. The City would be able to benefit from using the land value towards its 20 percent obligation for the project. Some property owners may not be willing to participate in the “trade-off”. In that case, it would be necessary to condemn their property.

Henry Schwaller IV moved, Dick Bedard seconded, that the recommendation from the Vine Street Enhancement Steering Committee to exempt property owners donating land for right-of-way associated with roads to be improved using “Enhancement funding” from KDOT from special assessments for streets improvements only, be accepted.

Commissioner Schmidt asked if this procedure would also be used for property acquisition on the west side of Vine Street.

City Manager Zacharias stated the west side would be handled the same manner, however, there is not a critical time factor on the west side as there is on the east side of Vine. The west side could be included at this time if the Commission so chooses.

Mayor Schwaller stated the west side access road would connect Mopar Drive to 43rd Street.

Henry Schwaller IV amended his motion to include the reverse access road connecting Mopar Drive to 43rd Street. Dick Bedard amended his second.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

20. FIRE TRUCK BIDS: Bids to replace the 1968 IHC Snorkel fire truck were received from the following:

	<u>Base Bid with Trade</u>
Midwest Vehicle Professional Shawnee, Kansas	\$600,100.00

25. CONDEMNATION ORDINANCE: This ordinance is to acquire real estate on East 13th Street for the purpose of installing water and sewer lines.

Sunell Koerner moved, Dick Bedard seconded, that Resolution No. 3561, being a resolution authorizing and providing for the acquisition of real estate and interest therein by eminent domain proceedings pursuant to K.S.A. 26-201, et seq., K.S.A. 26-501, et seq., be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

26. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated Kurt Hassler, Director of Engineering, has evaluated the railroad crossing on Elm Street. The Public Works Department has tried milling the concrete to reduce the roughness of the intersection. If that does not work, a secondary plan has been developed to remove the existing approaches and replace with asphalt. Staff has tried to contact the railroad, however no response has been received to date.

27. ADD-ON ITEMS: City Manager Zacharias stated the City has received a request from Henry Schwaller IV to annex property. The property is the Frontier City Subdivision area, which is surrounded by other annexed property. The request is necessary to allow the property to be connected to city sewer lines. Ellis County must approve the annexation since the property is not adjacent to the city limits. A resolution needs to be passed to request this annexation from Ellis County and also a motion is needed to let them connect to city sewer lines if the annexation is successful.

Dick Bedard moved, Sunell Koerner seconded, that Resolution No. 377, being a resolution regarding annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Larry Schmidt

Sunell Koerner

Dick Bedard

Abstain: Henry Schwaller IV

Commissioner Koerner stated she would like to see joint City-County meetings resumed.

The consensus of the Commission was to contact the Ellis County Commission to see if they would be interested in resuming joint meetings.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board