

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 8, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, March 8, 2001, 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, Wayne Billinger seconded, that the minutes of the regular session held on February 22, 2001 be approved.

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

3. CITIZEN COMMENTS: Paul Montoia, Wellfield Manager and John Heinrichs, chairman of the Ellis County Wellhead Protection Committee, invited the public to attend the Lawn and Garden Show to be held Saturday, March 10, 2001. Various exhibits will provide information about water conservation practices, water quality, and environmental issues.

4. CONSENT ITEMS: Wayne Billinger moved, Howard Rome seconded, that the following consent items be approved:

A. The City Manager be authorized to sign a Memorandum of Understanding with Affordable Residential Communities (ARC) regarding access to a water meter vault on their property.

B. Approve concession stand contracts with Sno Shack for Speier Ballfield and Pratt-Optimist Soccer Field and Ashmar Inc. for Frank Stramel Softball Complex.

C. Approve the following mayoral appointments to the Community Development Finance Advisory Committee:

Mark Bannister	Sandy Rupp	Sue Rouse
Cathy Wilcox	Lloyd Riedel	Kathy Spicer
James Drees	Richard Cain	Phil Toepfer
Mark Hantla	Dennis Budke	

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

OLD BUSINESS

5. INTERNET SALES TAX RESOLUTION: Wayne Billinger moved, Howard Rome seconded, that Resolution No. 362, being a resolution giving purchasing preference toward vendors collecting Kansas sales taxes on transactions conducted over the Internet or through catalog and other remote sales activities, be approved.

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

6. GAS UTILITY ASSISTANCE REPORT: Dorothy Stites, Assistant City Manager and Pam Blau, director of First Call for Help, reported on the Gas Utility Assistance Program implemented by the City Commission on February 12, 2001. The program has assisted 56 clients for gas utility payment services, paying out

\$7,696.27 in the first 16 days of operation. There are \$3,790.64 in outstanding vouchers that have not yet been turned into Midwest Energy for the month of February; and an administrative fee of \$1,200 has been paid to First Call for Help. The total amount of funds utilized, including unprocessed claims and administrative costs for February is \$12,676.91.

Ms. Blau stated that First Call for Help has had requests to pay \$7,414 in the month of March so far. The average payout per client is \$166.

Henry Schwaller IV moved, Wayne Billinger seconded, that an additional \$20,000 be allocated for the Gas Utility Assistance Program, to be paid from excess gas franchise fees.

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

7. ENHANCEMENT COMMITTEE REPORT: Galen Romme, chairman of the Enhancement Steering Committee stated that the goal of the committee is to determine criteria and give recommendations based on what is good for the overall Vine Street Project.

A. The Enhancement Steering Committee has recommended that a reverse access road, west of Vine Street between 43rd Street and Mopar Drive be constructed. This project will include land acquisition, provision for storm drainage, and the paving of the access road in concrete. Funding under the Enhancement proposal is expected to be 80% KDOT with a 20% City match.

Commissioner Schwaller stated that the Steering Committee feels it is important for the City to put the street in now to serve future businesses needs.

Mr. Romme stated that if the rear access is put in now versus later, the public at large will be accustomed to using that roadway when the front access is not accessible because of the future street improvements to Vine Street.

City Engineer Kurt Hassler stated a rough estimate of the cost to put in the reverse access road is \$500,000. There will need to be property acquisition, storm drainage concerns, and soil testing.

City Manager Zacharias stated the 20% City match could be funded through a combination special assessment district and city-at-large. Possibly, the value of the right-of-way may be considered as part of the 20% match. It would be necessary to do more research and refine the cost figures if the Commissioners choose to proceed with this rear access road.

Wayne Billinger moved, Howard Rome seconded, that staff be directed to proceed with planning a reverse access road, west of Vine Street between 43rd Street and Mopar Drive.

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

B. The Vine Street Enhancement Steering Committee has recommended that 43rd Street on the east side of Vine Street be designed and constructed, as soon as possible, to a point that will intersect with a proposed reverse access road. This roadway will spur development in that area. The project will include land acquisition, provision for storm/street drainage, locating/relocating utilities, and paving in concrete. Funding under the Enhancement proposal is expected to be 80% KDOT with a 20% City match.

Henry Schwaller IV moved, Wayne Billinger seconded, that staff be directed to proceed with the development of 43rd Street east of Vine Street to the end of the Lewis First Addition.

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

C. The Vine Street Enhancement Committee has recommended that the existing public sewer main that is in place on the east side of Vine starting at 41st Street be maintained to a point on what will be East 43rd Street extended. At that point, the sewer main would be rerouted east to intersect with the proposed reverse access road that is being planned to connect 43rd Street to 45th Street. The sewer line would then be extended north to a point on the 45th Street right-of-way. Likewise, a public water main should be extended east from Vine Street along 43rd Street right-of-way to the proposed reverse access road and extended north to a point of the 45th Street right-of-way. The existing sewer main north of East 43rd Street would be abandoned. Funding would be through special assessments and city-at-large. Property owners that are presently hooked up to the existing sewer line would not be required to pay special assessments on the new sewer line unless they do new construction or development.

Commissioner Schwaller stated that in the mid 90's, individuals in this area entered into a sewer improvement district to construct the existing sewer line at their own cost. They should not be penalized because one other company wants to develop further to the east. Hays Ford-Toyota, 4450 Vine Street, has requested that the boundaries of the easement and reverse access road be shifted 129 feet to the east to aid in further development of their property. Because they are the ones affecting this change, they are going to be special assessed for it even though they are paying for the old sewer line.

The Vine Street Enhancement Committee proposed that the access road be extended in a straight line from 45th Street south to 41st Street, 129 feet east of the present easement. This would prevent a jog in the roadway. This would cut through property owned by Glen Unrein and disrupt future commercial building plans south of 43rd Street.

Leroy Herrman, Glen Unrein, and Deanna Doerfler, property owners south of 43rd Street, urged the Commissioners to not move the reverse access road 129 feet to the east. This would de-value all of their property and cut right through one of the buildings on the Unrein property. The expansion of one business should not be to the detriment of existing businesses.

Commissioner Schmidt stated he and Commissioner Billinger agree that the City should follow the path that was laid out 20 years ago. One business should not be torn up to accommodate another business.

Commissioner Schwaller stated he agreed with the property owners south of 43rd Street and will work to keep 41st Street connected to Vine Street. He doesn't like reverse access roads; in his opinion reverse access roads are fads that will go away. The City wants to keep the property owners happy who have already invested their money in sewer, water and streets. Moving the access road to the east would be terrible.

Mayor Hickman asked what options there would be for the Lewis brothers, whose plat of the Lewis First Addition has already been approved by the Hays Planning Commission.

City Attorney John Bird stated that if the present sewer line and easement is extended north, the Commission would not want to approve a plat that included ownership of that eastern part of the plat. If the land is allowed to be platted as one tract, and the City decided to build a road through there, it would cost more money. The Commission has the final say on approval of the plat.

Henry Schwaller IV moved, Larry Schmidt seconded, that a reverse access road be established to run along the existing easement from 41st Street to 45th Street. Right-of-way will need to be acquired from the terminus of the sewer main north to 45th Street.

Commissioner Billinger stated he agrees with what has been said, however, he would like to be fair to all parties. He would rather wait until the next meeting to hear more information concerning the plat of the Lewis First Addition.

Mr. Bird stated that whatever way the Commission decides to vote this evening, the vote could be changed at a later date. The approval of the plat is the thing you don't want to do; once the plat is approved, it would be very difficult to undo.

Commissioner Schwaller stated that unless the Lewis brothers have a cure that is greater for the common good, he would stick with his decision.

The Mayor called for the vote.

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

8. APPROVAL OF LEWIS FIRST ADDITION PLAT: This item was tabled until the March 22, 2001 meeting.

9. RESOLUTION CREATING A SPECIAL ASSESSMENT DISTRICT FOR ALLEY IMPROVEMENTS IN EASTBOROUGH SECOND ADDITION: A petition has been received with the signatures of three property owners who collectively own over 51% of the property that would be affected by the creation of a special assessment district to improve the alley in the Eastborough Second Addition.

Howard Rome moved, Wayne Billinger seconded, that Resolution No. 364, being a resolution determining the advisability of the making of certain internal improvements in the city of Hays, Kansas, making certain findings with respect thereto; and authorizing and providing for the making of the improvements in accordance with such findings (alley paving improvements/Eastborough Second Addition), be approved.

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

10. VINE STREET DESIGN CHANGES: Henry Schwaller moved, Howard Rome seconded, that the following Vine Street design changes be approved:

1. The storm sewer conduit box that runs on the south side of Holiday Inn be shortened, a deduct of approximately \$10,000.
2. The signal light detectors be changed from loop technology to video technology at a cost of approximately \$25,000.
3. A 2-inch conduit along the west side be installed for the hard wiring of the signal lights along Vine Street, at a cost of approximately \$6,000.

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

11. HALL STREET FINAL DESIGN: Mayor Hickman stated that several months ago, a decision was made (3-2 vote) to construct Hall Street as a four lane from 27th to 12th Street and a three lane from 12th to 8th Street. He is growing tired of the continuous discussion and debate over this street. It is time to stop. The decision rests with this Commission. He is open to any suggestions that would assist in some sort of resolution that would satisfy everyone.

Commissioner Schmidt stated that all the engineers are asking for is a short list of options. The Commission should ask the engineers for figures for three different options, four lanes all the way, three lane all the way, and a combination of the two options. The figures won't be back for six weeks; this Commission owes it to the next Commission to give them the information they need to make a decision.

Commissioner Schwaller stated the four-lane option would adversely affect several pieces of property. He does not believe the City should spend \$1.5 million of the City's money just to get a grant to make this road bigger beyond its need. If the City did not get grant money, the City would do the bare minimum to repair and replace. This project has grown out of control.

Commissioner Billinger stated this Commission put a lot of work into studying this issue. It should be this Commission's decision on what option to pursue. If a decision is not made soon, there will be the process of educating the new Commission. This Commission has done the homework, and knows the pros and cons. This Commission, along with the private sector, has made an investment in downtown Hays. The activities at Fort Hays State University generate traffic. Improvements to Hall and Elm Streets will provide adequate means to control traffic going to and coming from the University and downtown Hays. A decision should be made tonight.

City Attorney John Bird stated that any decision made tonight could be undone by a future Commission; there may or may not be an additional cost. Actions taken by this Commission do bind future Commissions, however, future Commissions can decide to change course.

Mayor Hickman stated that when he attended last night's study session, he thought he would be looking at the final design for the option that was voted on back in September, a combination three and four lane roadway. Instead, four options were presented.

Commissioner Schwaller stated that now that we have new information about how the road would be configured, there should be community dialogue about whether or not four lanes is the way to go.

Mayor Hickman stated that up until last night, in his mind, there was a different road map for that four-lane street. The new drawings indicated some properties would be infringed upon that were not shown in the earlier drawings.

Commissioner Schmidt stated now that we have more accurate drawings, this Commission should make the right decision. It won't cost the City any more money to get three different sets of plans if we request the engineers to do that tonight.

City Manager Zacharias stated that Cook, Flatt, and Strobel were asked to write a report from the direction that was given last September. The request was to be more precise in the general layout for the combination three and four lane option. They brought forth several new ideas for discussion.

Wayne Billinger moved, Troy Hickman seconded for the purposes of discussion, that Cook, Flatt, and Strobel Engineers be authorized to prepare final design drawings for the reconstruction of Hall Street from 8th to 27th Street, making the roadway three lane from 8th to 12th Street, four lane from 12th to 27th Street with a redesign of the intersection at 27th and Hall Street, and the acquisition of right-of-way for a potential future fifth lane at 27th Street.

Carol Weber, 526 West 24th Street, requested that the Commission consider installing the roadway as four lanes all the way. If the City is going to do a project, it should be done right the first time.

Commissioner Schwaller stated the reason for not making it four lanes all the way is because of the cost of obtaining property between 10th and 12th Street. He agreed with Ms. Weber that the roadway should be either three lanes all the way or four lanes all the way.

Mayor Hickman expressed concern that if this Commission chose one option and a later Commission would chose another option, would there be enough time to go with the second option. Wouldn't it be better to request all three options from the engineers now?

City Engineer Kurt Hassler stated he is concerned about the KDOT time line if the City doesn't make a decision soon. This could jeopardize the project. Check plans should be done by the end of April. The engineers need to know which option to pursue soon.

John Watson, 509 West 12th Street, stated the roadway should be either three lanes all the way or four lanes all the way. There could be a stacking problem at the railroad crossing and four lanes would work better at that location.

Discussion was held on traffic counts, traffic patterns, and the pros and cons of three lane and four lane roadways.

Commissioner Billinger stated that since there seems to be a lot of concerns about four lanes and to narrow the options down to two, he would amend his motion to include cost figures for four lanes from 8th to 12th Street.

Mayor Hickman stated he would not amend his second to Commissioner Billinger's motion. He felt it would be beneficial to get cost estimates back on all three options.

Fr. Earl Befort and Rick Staples, representing Thomas More Prep-Marian High School, expressed concern about the Victory Gates being torn down. If the four-lane option is chosen, TMP-Marian will insist the Victory Gates be rebuilt further back.

Commissioner Billinger stated the City would rebuild the Victory Gates if required.

The Mayor called for the vote.

Vote: Ayes: Wayne Billinger

No: Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Larry Schmidt moved, Henry Schwaller IV seconded, that Cook, Flatt, and Strobel Engineers be directed to prepare final design drawings for three options for the reconstruction of Hall Street: 1.) four lanes from 8th to 27th Street, 2.) three lanes from 8th to 27th Street, and 3.) three lanes from 8th to 12th Street and four lane from 12th Street to 27th Street, all three scenarios in both asphalt and concrete, starting at the intersection of 8th and Elm Street and all of the intersection at 27th and Hall Street.

Commissioner Billinger stated he would vote yes for this motion because it includes the option he favors, but he had hoped that the options would have been narrowed down this evening.

The Mayor called for the vote.

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

12. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated that discussion has been held about having one evening session at which time organizations would make their 2002 budget requests for funding. That session is tentatively scheduled for May 17th.

Commissioner Schmidt stated he would rather hear those budget requests during regular Commission meetings. The public should know where their money is going.

Commissioner Schwaller stated he felt having a separate meeting would be helpful. Everyone could come the same evening and the media could cover the meeting.

Mayor Hickman agreed with Commissioner Schwaller.

City Manger Zacharias stated he would confer with the new Commissioners and determine what their desire is.

13. ADD-ON ITEMS: Executive Session: Howard Rome moved, Larry Schmidt seconded, that the Governing Body adjourn to executive session at 9:55 p.m. for 15 minutes to discuss the purchase of real estate. The executive session shall include the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

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

Commissioner Schwaller stepped out of the room and did not vote on the above item.

Mayor Hickman called the meeting back to order at 10:06 p.m. He stated no action was taken during executive session.

Commissioner Schwaller stated he would like to represent the property owners in the area of 22nd and Fort Street before the Traffic Advisory Committee about speeding on Fort Street.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board