

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 9, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, March 9, 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 February 24, 2000, be approved.

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

3. CITIZEN COMMENTS: John Heinrichs and Paul Montoia, representing the Ellis County Wellhead Protection Committee, invited the Commissioners and the public to the Spring Lawn & Garden Expo to be held at The Hays Mall this weekend. The Expo will have an emphasis on education, water quality and conservation.

Commissioner Schmidt presented a plan for the 32nd/33rd Street realignment. His plan would necessitate buying the property owned by Pheasant Run and the building presently occupied by Kansas University on 32nd Street. The roadway connecting 32nd and 33rd Street would curve through that property, and the access road to the south of 32nd Street would curve in the new roadway. This plan would have little impact on the neighborhood and would cost approximately 1.1 million dollars.

City Manager Hannes Zacharias stated this plan could be presented to the Planning Commission. The Planning Commission is to report back to the Commission by August 1, 2000 with possible solutions.

4. CONSENT ITEMS: Henry Schwaller IV moved, Wayne Billinger seconded, that the following mayoral appointments be approved:

A. Care Council: Cynthia Elliott and Carol Blocksome – a two-year term expiring March 1, 2002

B. 2000 CIP Engineering Selection Panel: Errol Wuertz, Doug Huston, Tom Griffith, Elden Hammerschmidt, and Kurt Hassler

C. Wastewater Treatment Plant Upgrade Engineering Selection Panel: James Aubel, Ron Mellick, Elden Hammerschmidt, Kurt Hassler, and Steve Leiker

OLD BUSINESS

5. GOLF COURSE LEASE PURCHASE ORDINANCE: At the last Commission meeting Golden Belt Bank was awarded the bid for financing golf course equipment through a five-year lease purchase agreement. The total amount of the lease is \$183,800 at an interest rate of 5.83%.

Wayne Billinger moved, Howard Rome seconded, that Ordinance No. 3531, being an ordinance authorizing the City of Hays, Kansas to enter into a municipal lease purchase agreement, as lessee, with Golden Belt Bank, F.S.A., as lessor, with respect to new golf course equipment for use by the City; and to enter into an escrow agreement, as lessee, with Golden Belt Bank, F.S.A., as lessor and escrow agent, be approved.

Vote: Ayes: Troy Hickman

Larry Schmidt

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

6. CODIFICATION ORDINANCES: Wayne Billinger moved, Howard Rome seconded, that Ordinance No. 3496, being an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas, be approved, and further than Ordinances Nos. 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, and 3530, being ordinances amending certain chapters of the Code of Ordinances of the City of Hays, Kansas, be approved.

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

7. HAYS MEDICAL CENTER REZONING ORDINANCE: Wayne Billinger moved, Howard Rome seconded, that Ordinance No. 3532, being an ordinance rezoning a tract of land situated in the northwest quarter of Section 35, Township 13 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas, from “C-2” General Commercial and “A-L” Agricultural to “C-O” Office and Institution District, be approved.

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

NEW BUSINESS

8. POOL ITEMS: A. Assistant City Manager Penny Post oak stated only one bid was received for flowers, one bid was received for trees and shrubs, and no bids were received for sod. Sod will be re-bid at a later date.

Henry Schwaller IV moved, Larry Schmidt seconded, that the bid from Stutzman Greenhouse for flowers in the amount of \$1,306.35, and the bid from Jenco for trees and shrubs in the amount of \$10,924.40, be approved.

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

B. Wayne Billinger moved, Larry Schmidt seconded, that the change order to extend chlorine tank delivery tracks in the amount of \$1,834.47 be approved.

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

C. Henry Schwaller IV moved, Howard Rome seconded, that the change order to install ADA access to the waterslides in the amount of \$51,619.00 be approved.

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

9. 48th STREET “MEMORANDUM OF UNDERSTANDING”: City Manager Zacharias reviewed a draft of a Memorandum of Understanding between the City of Hays and Ellis County regarding the development of 48th Street, and the transferring of maintenance for 41st Street from the County to the City.

A new 48th Street will be constructed by Ellis County between Vine Street and Hall Street. The roadway will be constructed as a paved road with shoulders. Ellis County will obtain all required right-of-way. Should it be necessary to purchase the rights-of-way, Ellis County and the City of Hays will

share the cost equally. The County will maintain this road until the City agrees to annex 48th Street, which will occur once 50% of this one mile of roadway is contiguous with the property that has been annexed into the City limits.

To facilitate the eventual upgrade of this road to a full collector street within the City of Hays, the City will require all property owners contiguous to 48th Street to waive their right to protest a special assessment district to help assist in the improvement of this road according to City policy, as a condition for annexation. Additionally, Ellis County agrees that at any time following the City taking over the maintenance of 48th Street, the County will assist, facilitate, and allow special assessments to be put in place by the City on county residents contiguous to this section of 48th Street.

With the County agreeing to construct 48th Street, the City agrees to immediately annex and maintain the right-of-way and roadway of 41st Street between Hall Street and US 183 Alternate. The City does not have the equipment to maintain this section of roadway, therefore, Ellis County agrees to enter into a contract with the City to maintain this section of roadway. When this street is improved to arterial standards, the County will assist the City by donating the removal of asphalt and earthwork necessary to reconstruct the roadway.

The City will require all property owners contiguous to 41st Street, whether they are in the city limits or in the county, to waive their right to protest a special assessment district to assist in the development of 41st Street to arterial standards.

The maintenance of 41st Street between Hall Street and Vine Street would be taken over by the City when 50% of this one-mile roadway is contiguous with the property that has been annexed into the city limits. The County will maintain the roadway until that time. The City would then contract with the County for maintenance. At such time as the street is brought up to arterial standards, the County will assist the City in this construction by donating the removal of asphalt and earth work necessary to reconstruct this roadway.

Once this roadway is annexed, the City will require all property owners contiguous to 41st Street, whether they be in the city limits or in the county, to waive their rights to protest a special assessment district for the purpose of upgrading this roadway to arterial standards.

Ellis County agrees to assist the City of Hays in obtaining grants to reconstruct both sections of 41st Street.

Commissioner Schmidt stated he did not like the section that states that property owners would waive their right to protest a special assessment district.

City Manager Zacharias stated the issue is that if we want the County to build 48th Street, the City needs to take over maintenance of 41st Street. The City will be taking over roadway that does not meet standards; City policy has been to not take over roadways that do not meet standards. The Commission could agree to the Memorandum, but take out the sections relating to waiving of rights to protest special assessments.

Commissioner Schwaller recommended that on 48th Street, the section relating to waiving of rights to protest be left in, since none of that land is in the city limits now. On 41st Street, the sections relating to waiving of rights be deleted from the Memorandum and the issue of special assessments be addressed at such time as the street is improved.

Henry Schwaller IV moved, Wayne Billinger seconded, that the Mayor be authorized to sign a Memorandum of Understanding with Ellis County regarding the development of 48th Street between Vine Street and Hall Street and the taking over of maintenance of 41st Street. Section 4 that relates to the waiving of the right to protest a special assessment district for both sections of 41st Street shall be deleted.

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

10. AIRPORT ISSUES: **A.** Supplement No. 2 to the Bucher, Willis and Ratliff contract for the Airport Improvement Project 3-20-0028-10 is for changes the FAA wants to implement into this grant. The additional work includes extending an RCP 24" drainage pipe on the west side of the runway, removing the headwall structure to Taxiway M2, grading, seeding, and mulching the area, and adding a regulator to correct the taxiway lights. The amount of the supplement to the contract is not to exceed \$10,500. The engineers estimate the cost of the work to be \$68,334. This is part of the FAA grant so the local match will be 10%, which will come out of airport funds.

Wayne Billinger moved, Henry Schwaller IV seconded, that Supplement No. 2 to the Bucher, Willis and Ratliff contract for Airport Improvement Project 3-20-0028-10, in an amount not to exceed \$10,500, be approved.

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

B. John Werth has requested to lease Lot H-6 for an airplane turnaround area just to the east of his existing hangar. If approved, he would construct a hard surface area measuring 20' X 73' off Taxiway H. He would lease this area at \$.15 per foot, the same rate he pays for his building. This airplane parking area was part of the settlement agreement between the City, Mr. Werth, and Mr. Keane Wurm.

The Airport Board voted 2-2 to approve the turnaround with a follow-up vote of 3-1 to have the hangar relocated. This was an awkward situation for the board to approve a turnaround on H-6, since as a board they recommended to relocate the hangar from H-4 to another site some months ago.

Commissioner Schmidt stated the Commission should listen to the Airport Advisory Board. They have repeatedly recommended that Werth's hangar be moved to a different location. Agricultural spraying should be in the back of the airport, not up front in a prime location.

City Attorney John Bird stated that if this request were denied, the Commission would be opening itself up for more litigation. The settlement agreement was approved by the Commission with the provision that John Werth be allowed to lease H-6 for an airplane parking area.

Commissioner Billinger stated that it was the Commission's decision to approve the settlement agreement and the Commission should approve the lease agreement.

Wayne Billinger moved, Henry Schwaller IV seconded, for the purposes of discussion, that the City enter into a lease agreement with John Werth for the construction of a turnaround area on Lot H-6 at the Hays Regional Airport, with the lease expiring on September 1, 2004.

Mayor Hickman suggested a decision be delayed until the Airport Layout Plan is modified. There will be a public meeting on March 20th, which will allow the public to make comments on the ALP.

City Attorney Bird stated that Mr. Wurm is also requesting a lease for the construction of a hangar on Lot F-10. It would be necessary to delay a decision on both of those requests.

Commissioner Rome stated the City should do what the court has instructed and let Mr. Werth and Mr. Wurm get on with their business. This issue will be addressed again at the time their leases expire in 2004.

The Mayor called for the vote.

Vote: Ayes: Howard Rome

Wayne Billinger

No: Troy Hickman

Henry Schwaller IV

Larry Schmidt

The Mayor requested staff contact both Mr. Werth and Mr. Wurm to find out if delaying a decision until after finalization of the ALP would be reasonable to both parties.

C. Henry Schwaller IV moved, Larry Schmidt seconded, that the lease with Keane Wurm for the construction of a hangar on Lot F-10 at the Hays Regional Airport, be tabled.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt
No: Howard Rome
Wayne Billinger

11. FIRE TRUCK BIDS: Only one bid met the specifications for a Rescue/Pumper for the Hays Fire Department.

Wayne Billinger moved, Howard Rome seconded, that the bid from Hays Fire Equipment for a Rescue/Pumper, in the amount of \$153,429, be approved.

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

12. SIDEWALK INFORMATION: City Manager Zacharias stated that presently the City deals with this issue on a complaint basis. The Inspection Department corresponds with the property owner to repair the sidewalk. If the property owner fails to repair his sidewalk, the City could do the work, then special assess the cost back to the property owner, if so directed by the Commission.

Commissioner Billinger suggested the City Engineer do an evaluation of the sidewalks in the City and report back to the Commission.

Commissioner Schmidt suggested that city employees, such as meter readers, who travel our streets daily, be trained to spot problem areas and bring those areas to the City Engineer's attention.

The consensus of the Commission is to have staff perform a survey of areas needing sidewalks, and sidewalks needing replacement and report back to the Commission at a later date.

13. OLD FIRING RANGE REPORT: Police Chief Lawrence Younger, Detective Jim Braun, and Well Field Planner Paul Montoia addressed the Commission regarding issues relating to the City's old firing range.

Various groups have used the old firing range, located 5 miles west of Hays, since the 1960's. Over the years, the property owners have complained about various things, such as the noise, the times of scheduled shoots, the dust raised by car traffic, and lastly the accusation of possible contamination from the lead bullets.

Chief Younger provided information that details everything the Hays Police Department has done to work with the property owners. Documentation that analyzed water and soil testing done by KDHE was presented. The samples were analyzed for arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver. Arsenic and barium were detected at low levels, well below the maximum contaminant limit. None of the other metals were found in detectable quantities.

Another firing range became available one year ago and the Police Department chose to practice at that range. The old range is still used once a year. KDHE has stated that as long as the range remains in active use, is properly maintained and secured, and annual monitoring of the intermittent creek is performed, no site remediation will be required. At such time as the site becomes inactive, the target area will need to be fully characterized to determine the extent of any contaminated soils and what clean up will be needed. In the opinion of KDHE, the Ellis County Environmental Sanitarian, and the City of Hays Well Field Planner, there is not a contamination problem at this time. The soil is safe, and the water is safe.

Mr. Montoia stated there are plans to introduce some plant life that would help clean the lead out of the soil. At this time, samples of water show no migration of lead into a pond located downstream on the same property. The area will be monitored on a regular basis.

14. COMMISSION INFORMATIONAL MEMORANDUM: Discussion was held regarding hangar rental rates for two hangars, specifically C-13 and B-14.

Wayne Billinger moved, Henry Schwaller IV seconded, that a monthly rental rate of \$67.50 per hangar be approved.

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

15. EXECUTIVE SESSION: Wayne Billinger moved, Howard Rome seconded, that the Governing Body adjourn to executive session at 10:10 p.m. for 10 minutes to discuss the acquisition of real property. The executive session is to include the City Commission, the City Manager, the Assistant City Manager, the City Attorney, and the Airport Manager.

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

The Governing Body reconvened at 10:19 p.m. Mayor Hickman stated that no action was taken during executive session.

16. ADD-ON ITEMS: Assistant City Manager Penny Post oak stated she has visited with the owner of the property located at 114 East 15th. He has assured her that if given an additional 10 days he will be able to complete the clean up of his property.

Larry Schmidt moved, Howard Rome seconded, that nuisance abatement for property located at 114 East 15th for an additional 10 days be approved.

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

April 4, 2000 was set as a study session for Capital Improvement Projects and goal setting activities.

Commissioner Rome requested the Commission discuss the name for the Hays Municipal Pool at the next meeting.

Commissioner Schmidt stated he would like to review the residency requirements for City employees.

Commissioner Schwaller requested City staff and other interested parties have an informal study session regarding Corridor Management. City Manager Zacharias stated this could be done at a future Commission meeting.

Commissioner Schwaller suggested the Commission consider reconstituting the Airport Advisory Board.

Commissioner Schwaller requested the Traffic Advisory Committee review the stop signs located at 17th and Fort Street and study the possibility of making it a three-way stop intersection.

Commissioner Schwaller requested staff bring the Commission up to date on the Big Creek/Prairie Acres Sewer Districts dispute.

Mayor Hickman stated he would like a review of policies regarding truck traffic on Vine Street and the enforcement thereof.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board