

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 22, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, March 22, 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, Larry Schmidt seconded, that the minutes of the regular meeting held on March 9, 2001, be approved.

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

3. FINANCIAL STATEMENT: Howard Rome moved, Larry Schmidt seconded, that the Financial Statement for the month of February 2001, be approved.

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

4. CITIZEN COMMENTS: There were no comments.

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

A. Accept the mayoral appointment of Kent Laas to the Chamber of Commerce Community Development Committee

B. Approve a cereal malt beverage license for Taco Shop, 333 West 8th St.

C. Approve a cereal malt beverage license for Ashmar, Inc., doing business at the Stramel Softball Complex

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

D. Howard Rome moved, Henry Schwaller IV seconded, that the “no parking except Saturday and Sunday” signs on the east side of the 700 block of Ash Street, be removed as recommended by the Traffic Advisory Committee.

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

E. Howard Rome moved, Wayne Billinger seconded, that the Mayor be authorized to sign an agreement with KDOT regarding the installation of temporary traffic signals on US Highway 183 and I-70 ramp terminals.

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

OLD BUSINESS

6. HALL STREET FINAL DESIGN: Kurt Hassler, Director of Engineering, presented the estimated project costs for the reconstruction of Hall and Elm Streets for three different designs:

	<u>Concrete</u>	<u>Asphalt</u>
3 Lane	\$2,553,000	\$2,511,000
4 Lane/3 Lane	2,828,000	2,768,000
4 Lane	3,053,000	2,990,000

Estimated right-of-way acquisition:

3 Lane	3,914 sq. meters
4 Lane/3 Lane	8,218 sq. meters
4 Lane	10,506 sq. meters

Commissioner Schwaller stated it would cost approximately \$710,000 to move the Victory Gates at TMP-Marian and acquire the property necessary to reconstruct Hall as a four-lane from 27th Street to 12th Street. It would cost approximately \$290,000 to reconstruct Hall as a three-lane for that same stretch.

Commissioner Billinger stated he could support a four-lane roadway after seeing that the construction costs are not that much higher than the 4 to 3 lane combination.

Howard Rome moved, Wayne Billinger seconded, that Hall Street be constructed as a four lane roadway paved in 7 inch concrete from 27th Street to 8th Street, signaling the intersection at 27th Street, and acquiring the right-of-way for a fifth lane at the north end of the intersection of 27th Street and Hall Street, and that conduit be placed for future signalization at the intersection of 13th Street and Hall Street.

Commissioner Schmidt stated he would be voting against this motion because it will cost \$1.6 million more to do as a four-lane.

Commissioner Schwaller asked what property would need to be purchased for this option.

Commissioner Rome stated the three homes located on the triangle between 12th and 13th Street and some property at 1013 Elm Street.

Mr. Hassler stated the engineers did not think it would be necessary to purchase the 8-plex at 13th and Hall.

Commissioner Billinger stated the City should work with the property owners to make sure they are compensated for whatever discomfit arises from this reconstruction.

Commissioner Schwaller stated a four-lane is not needed. A three-lane would provide more assistance for turning than a four-lane would. There is no economic justification for a four-lane.

Commissioner Billinger called for the vote.

Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

NEW BUSINESS

7. APPROVAL OF LEWIS FIRST ADDITION PLAT: Jason Haden, general manager of Hays Ford Toyota Lincoln Mercury, representing L and L Enterprises, owners of Lewis First Addition, addressed the Commission regarding approval of their plat.

Hays Ford Toyota has purchased land to the east of their present building and swapped some land to the south for further expansion. They purchased the land with the understanding that the reverse access road would be moved 129 feet to the east.

Galen Romme, chairman of the Vine Street Enhancement Committee, stated the committee has revised their previous recommendation after extensive

discussions with property owners and engineering. Previously, the committee recommended that the access road be moved 129 feet east to run in a straight configuration all the way from 41st Street north to 45th Street. The City Commission, at the March 8th meeting, decided to not follow that recommendation and keep the access road located in the original position. The Enhancement Steering Committee now recommends that the reverse access road south of 43rd Street be kept at the original location and jog 129 feet to the east at 43rd Street and proceed north to 45th Street.

The sewer and water lines should follow this jog to provide services to all lots on both the east and west side. The City should be paying for these improvements at-large because this is an enhancement program. Tom Braun will donate the land for all of the roadway and right-of-way from 41st to 43rd Street, the jog east and all the way up to 45th Street. All of this could possibly go toward the City's 20% cost share for the Enhancement Project. Mr. Romme stated these improvements should be completed in 2002 so that development can occur.

Mr. Romme stated the jog falls within City current guidelines and policy. The jog does not negatively impact any specific property owner; the volume of traffic on this reverse access road will be limited.

Commissioner Schwaller stated development north of 43rd proceeded because City staff promised a property owner the road would have a jog. Then development south of 43rd occurred; property was divided up and sold based on the premise the jog would exist. The Commission has spent the last two years trying to straighten out streets in Hays and then this situation has been created. The City made a promise to a property owner that there would be a jog in the road and the City should not renege on that promise; there has been significant investments made by the parties involved based on that promise. The property owner willing to donate the land for the reverse access road has also made a significant investment. This is the best choice for this development even though from a policy standpoint, he doesn't agree with the jog in the roadway.

Don Hoffman representing Bruce Weilert, owner of Comfort Inn, asked about the loss of front access to Mr. Weilert's property.

Commissioner Schwaller stated the frontage road is coming out and the Commission by consensus has asked KDOT to allow for access onto Vine Street from 41st Street and 43rd Street. This would accommodate traffic in and out of Mr. Weilert's business.

Mr. Romme stated that whether or not there will be frontage roads is a policy that will be dictated by KDOT.

City Attorney John Bird stated that even though KDOT can restrict access to Vine Street, the issue of who pays for claims from property owners for inverse condemnation is hard to answer. Reverse access roads, from the point of view of state and city government buys some insurance against a total condemnation claim, if KDOT should decide to shut off all access to Vine Street except at 43rd and 45th Street.

Commissioner Schwaller stated the City should tell KDOT that the City wants access at 41st in addition to access at 43rd and 45th Streets.

City Manager Hannes Zacharias stated the Subdivision Regulations do allow for street offsets of 125 feet or greater. When the Lewis brothers decided they wanted to expand their business and needed a certain amount of property to do this project, they went before the Planning Commission to plead their case. The Planning Commission approved their plans with a unanimous decision. Staff followed the process; the City Commission can deny the plat if they so choose.

Commissioner Schwaller stated he is frustrated by what has happened with this development. The Enhancement Committee was put in place to avoid such an occurrence, however development happened too quickly. If the Commission doesn't approve the jog, it will harm all of the people who have made good faith investments.

Henry Schwaller IV moved, Howard Rome seconded, that Resolution No. 363, being a resolution approving the plat and dedication of right-of-ways and easements associated with the plat of Lewis First Addition to Hays, Kansas, be approved.

Larry Gould, chairman of the Planning Commission, stated this has been discussed over a two-year period. The Planning Commission doesn't like crooked roads and have worked hard to avoid that. In this particular case, certain things happened based upon assumptions. The Planning Commission took the least painful resolution to the problem.

Commissioner Schmidt stated he didn't think the City should pay for the utilities in that area. The city-at-large has nothing to do with this; the people who make the change should pay for the utility changes.

Mr. Romme stated the recommendation was to have the city-at-large pay for utilities unless someone who is already a part of that improvement district disconnects from the system and reconnects at a new hookup; that property would then be assessed for the utility.

Commissioner Schmidt stated Wal-Mart was assessed for their utilities; this should be no different.

Mr. Romme stated the difference is that these property owners have already paid for the sewer line that is there. That sewer line would be a private sewer line serving those already hooked up. Where it jogs and proceeds further north would be picked up by the city-at-large because it is part of the enhancement project.

Mr. Bird stated that none of that is germane to approval of this plat. The utility easement that runs on the east edge is a separate issue; the plat stands by itself.

Mr. Zacharias stated that once the plat is approved, the developer could develop the property. They can be assessed for a sewer line later on, but they can protest the proposed assessment. It may be appropriate to discuss who will pay for the sewer line before the plat is approved even though the issue is not related to the plat.

Commissioner Billinger stated this plat is changing what is already there; the cost for the change should fall on the developer.

Mr. Romme stated he would like to review the Vine Street Enhancement minutes to clarify the issue and will report back.

Mr. Gould stated the plat was approved on October 16th contingent on the land swap, which had to occur to make all this happen. The land swap took longer than expected; the City has received the plat within the 30-day limit of the land swap.

The Mayor called for the vote.

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

Henry Schwaller IV moved, Larry Schmidt seconded, that the Governing Body recess at 9:30 p.m. for five minutes.

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

Mayor Hickman called the meeting back to order to 9:35 p.m.

8. POOL CLOSINGS: Dorothy Stites, Assistant City Manager, and Jeff Boyle, Park Director, reported on the recommendation of the Park and Recreation Master Plan Steering Committee to close Massey and Sunrise Pools.

Massey Pool was built in 1931 and loses about 4 inches of water each day. Sunrise Pool was built around 1966. It also loses water and needs extensive repair to the pool, the pump, and the decking around the pool. Neither of the two pools are ADA compliant. It would cost approximately \$210,000 to do a “Band-Aid” approach to repair the pools and \$650,000 to completely renovate both facilities.

The Park and Recreation Master Plan Steering Committee recommends that both Massey and Sunrise Pools be closed and that any allocation of funds

for the operation or repairs of these pools be used toward the construction of the new recommended water features in the design plans of WDM Architects.

Commissioner Schmidt stated the City let these two pools deteriorate to their present condition. Once a neighborhood pool is torn out, you'll never get it back because of the costs involved. The City is losing a big asset. He hates to see this happen, however, the Park and Recreation Master Plan Steering Committee has given some alternatives to the closing of the pools.

Ms. Stites stated that in the 2001 Budget, \$11,000 was allocated for renovation or demolition activities at the two pools.

Wayne Billinger moved, Troy Hickman seconded, that Massey and Sunrise Pools be closed as recommended by the Park and Recreation Master Plan Steering Committee.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

9. POOL CHLORINE TANKS: The current chlorinating system being used at the Hays Aquatic Park involves the use of "gas" chlorine in one ton cylinders. At this time, the EPA is trying to pass a new regulation, which would make chlorine gas a "restricted use pesticide". This would require City staff to be on site 24 hours a day, seven days a week. City staff would be required to obtain a Commercial Pesticide Applicators License as well as receive training on chlorine safety.

Many cities around the nation are changing from chlorine gas to a solid form of chlorine making each site safer. The annual costs of materials would be about the same as the system currently in use. The City is currently paying a premium for the gas chlorine due to the requirement of special crane trucks for delivery. To change the current system from gas to solid form using "Pulsar" units would cost \$15,250.

Commissioner Schwaller stated a professional was hired to design this pool and one season later we are changing our chlorinating delivery system. Why did the City put in a system that is obsolete after one summer?

Mr. Zacharias stated the City has asked the architect the same question. Mr. Sullivan said that those types of systems were safe at that point in time and most pools were designed to use gas chlorine.

City Attorney John Bird stated this is a legitimate concern and one the City should look into and see if there is any recourse.

Henry Schwaller IV moved, Wayne Billinger seconded, that the chlorine feeder system for the Hays Aquatic Park be changed to a solid form chlorine feeder system, at a cost of \$15,200, as recommended by the Pool Task Force.

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

The consensus of the Commission was to have the City Attorney investigate this matter.

10. POOL SEALANT BIDS: Bids for the sealing of wood structures at the Hays Aquatic Park were received from the following:

Holly's GardenScape	\$ 4,000
Dale Schmidt	15,000
C & M Painting	23,890

The low bidder withdrew her bid after further reviewing the project.

Larry Schmidt moved, Howard Rome seconded, that the bid from Dale Schmidt, in the amount of \$15,000 for the sealing of wood structures at the Hays Aquatic Park be accepted.

Vote: Ayes: Troy Hickman
Henry Schwaller IV

Larry Schmidt
Howard Rome
Wayne Billinger

11. ANNEXATION AGREEMENT: Marvin and Shirley Rupp have requested to be hooked up to City sanitary sewer services at 1720 East Highway 40, which is outside of the city limits. As part of the agreement for services, Mr. Rupp agrees to be annexed into the city limits as such time in the future the City so desires; and to waive any protests for special assessments for street improvements and water line improvements. Mr. Rupp has agreed to pay the outside city limit sewer rate which is 70% higher than the inside city limit sewer rate.

Henry Schwaller IV moved, Howard Rome seconded, that the Mayor be authorized to sign an agreement with Marvin and Shirley Rupp for annexation and provision of sanitary sewer services at 1720 East Highway 40.

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

12. CITY COMMISSION SALARY ORDINANCE: Wayne Billinger moved, Howard Rome seconded, that Ordinance No. 3552, being an ordinance amending Title Two (2), Chapter 2.04 of the City of Hays, Kansas, Municipal Code, by modifying Section 2.04.040 regarding compensation for the Board of Commissioners, be approved.

Commissioner Schmidt stated he would be voting against this ordinance. The low wage does not allow a lot of people the opportunity to serve on the Commission. The \$150 pay for what the Commissioners do is ridiculous. It should be raised enough so that someone could afford to take time away from their job to serve on the Commission. The amount the County Commission receives would probably be a little excessive, but something in that range would encourage more people to run for office.

Commissioner Billinger stated it should be raised; it would be hard to raise it too much at this time. This is just a start toward some type of enhancement to more compensation.

Mayor Hickman stated Commissioner Schmidt makes some good points; however, he feels that it should be based on willingness to serve more than on compensation.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

13. HAYS REGIONAL AIRPORT CONSULTANT: At the request of the Federal Aviation Administration, the City of Hays solicited statements of qualifications and experience from airport consultants for upcoming projects at the Hays Regional Airport. Three proposals were received. The Selection Committee reviewed the three proposals and short-listed it down to two. The Committee interviewed Bucher, Willis and Ratliff, and HNTB Engineers. The Committee recommends Bucher, Willis and Ratliff based on their knowledge and experience of our Airport and their expertise in their Kansas City office.

Henry Schwaller IV moved, Howard Rome seconded, that Bucher, Willis and Ratliff be selected as a consultant for design services at the Hays Regional Airport for a period of three years.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

14. HAYS REGIONAL AIRPORT LOGO SELECTION: Airport Manager Terry Urban presented several different designs for a logo for the Hays Regional

Airport. This logo will be placed on the new entrance signs to be built this year as well as uniforms, stationery, vehicles and anything associated with the Airport. The consensus of the Commission was to have the artist redo some of the design work on one of the logos and present that logo to the Commission at a later date.

Henry Schwaller IV moved, Larry Schmidt seconded, that Items 15 and 16 be tabled until the next meeting.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

No: Troy Hickman

17. COMMISSION INFORMATION MEMORANDUM: Mayor Hickman reported on the annual Mayors Dinner that was recently hosted by the City of Hoisington. He encouraged the next mayor to continue participating in these sessions.

18. ADD-ON ITEMS: Commissioner Schwaller stated he wanted the Traffic Advisory Committee to investigate potentially placing stop signs at 23th and 24th Street along Canal Boulevard and investigate allowing the parking of delivery vehicles on Hall Street from 27th Street north. He also asked the City Engineer to check with KDOT if the City could periodically paint the striping on Vine Street north of I-70 until the roadway is resurfaced.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

