

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 24, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 24, 2001, at 7:30 p.m.

Roll Call: Present: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

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

2. MINUTES: Troy Hickman moved, Sunell Koerner seconded, that the minutes of the regular meeting held on May 10, 2001, be approved.

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

3. FINANCIAL STATEMENT: Troy Hickman moved, Dick Bedard seconded, that the Financial Statement for the month of April 2001, be approved.

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

4. CITIZEN COMMENTS: Mayor Schwaller read a proclamation celebrating May as "Better Speech and Hearing Month" and to celebrate the 50th anniversary of the Department of Communication Disorders at Fort Hays State University.

Several representatives of the Department of Communication Disorders spoke of the many programs and activities offered through the Department.

5. AWARDS AND RECOGNITIONS: Brenda Cary, Assistant Public Works Director and president-elect of the Kansas Chapter of the American Public Works Association, presented Mayor Schwaller with the 2000 Public Works Project of the Year award. This award was given in the \$2-\$10 million – Historic Preservation category. APWA gave this award because of the renovation of the historic bathhouse and the new pool facilities at the Hays Aquatic Park. Also recognized were Sullivan & Palmer Architects, Bohl & Associates, Associated Pool Builders, and Commercial Builders.

6. CONSENT ITEMS: **A. & B.** Troy Hickman moved, Dick Bedard seconded, that authorization be given to allow the placement of “Right Hand Turn Only” signs at the south entrance of Alco and the old Bionic Burger at 27th Street, as recommended by the Traffic Advisory Committee; and that the lease agreement with Gene Hochkiss for the use of East Frontier Park on June 3, 2001, be approved.

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

OLD BUSINESS

7. HALL STREET: **A.** City Engineer Kurt Hassler presented information about how Hall Street south of 27th Street would align with Hall Street north of 27th Street if the intersection were built as either a three-lane or four-lane. A four-lane would increase the capacity of the intersection by allowing an additional lane for northbound traffic to line up with the existing lanes north of the intersection at 27th Street. If a three-lane option were built, the east lane would be eliminated

thereby eliminating the need for additional right-of-way acquisition from the two properties on the east side of Hall between 24th and 27th Street.

Commissioner Bedard stated he prefers the four-lane; he would like to see the streets line up properly.

Commissioner Koerner stated a four-lane would be more efficient; it would allow for right hand turns onto 27th Street.

B. Mr. Hassler presented a preliminary design of a roundabout for the intersections of 12th, Hall and Elm Street. He has talked with KDOT about the scheduling of the Hall Street project. Originally the project was scheduled for an October 2002 letting. Changing to a three-lane roadway will delay the project letting date until at least February 2003. If that date is not met, the project will probably be delayed for another year. Mr. Hassler stated he could not get an answer from KDOT on the funding for any date after February 2003. Changing the plans to install a roundabout could further delay the project.

Mr. Hassler presented design drawings of the proposed “S” curve for the 12th, 13th, Elm and Hall Street area. This option would require the purchase and removal of the three houses on the west side of Elm between 12th & 13th Streets.

C. Mr. Hassler stated he has met with representatives of TMP-Marian High School and O’Loughlin Elementary School. There is some concern about placing the bus lane for O’Loughlin on Hall Street. Mr. Hassler proposed that the bus lane be moved to the south entrance road of TMP-Marian. This would be a safer method of dropping off and picking up children. The City would pay for the cost to build the bus lane at that location, but the schools would maintain it.

D. The Stormwater Master Plan recommended that a diversion be built from Lincoln Draw along 20th Street, drop down to 19th Street and over to Hall Street, then proceed down Hall. Discussions were held to build the storm sewer conduit under Hall Street at the time Hall Street is rebuilt to avoid tearing up Hall Street at a later date. There are still some questions about alignment and elevations of the storm pipe, plus there are other options that should be pursued. Mr. Hassler recommended that the storm sewer pipe not be installed when Hall Street is reconstructed.

Larry Schmidt moved that the Hall Street/27th Street intersection be constructed for three-lanes. The motion died for lack of a second.

Troy Hickman moved, Dick Bedard seconded, that the Hall Street/27th Street intersection be constructed as four-lane to align with Hall Street north of 27th Street.

Vote: Ayes: Henry Schwaller IV

Troy Hickman

Sunell Koerner

Dick Bedard

No: Larry Schmidt

Larry Schmidt moved, Sunell Koerner seconded, that the reverse "S" curve configuration be utilized at the 12th, 13th, Elm, and Hall Street location.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Larry Schmidt moved, Troy Hickman seconded, that the bus lane for O'Loughlin Elementary not be constructed on Hall Street, but rather be constructed at the south road entrance to TMP-Marian High School. The City will pay for the construction.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Troy Hickman moved, Dick Bedard seconded, that Item D, the installation of the 19th Street storm water conduit, be tabled indefinitely.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner
Dick Bedard

NEW BUSINESS

The consensus of the Commission was to address Item 12 next.

12. 28th & HALL CROSSWALK: Mayor Schwaller reviewed discussion held by various committees and commissions since 1998 concerning the crosswalk at 28th & Hall Street. Various types of signalization have been discussed, but to date, the crosswalk remains painted without signalization. The crosswalk was repainted in March 2000 to provide better visibility. Commissioner Bedard requested at the last Commission meeting that this issue be revisited; many senior citizens use that crosswalk and it is dangerous.

Mayor Schwaller stated discussion has been held about installing flashing markers that are placed in the pavement. The lights would be pedestrian operated. A button would be pushed, then after a time delay, the markers in the streets would light up, causing traffic to stop which would allow the pedestrian to cross the street. It would cost approximately \$15,000 to install this type of signalization.

Gloria Funk, manager of Epworth Towers, and Pat Sauer, manager of Hays Plaza Apartments, presented petitions requesting a crossing light be installed at 28th & Hall Street. Several residents that live in the area spoke about the dangerous situation at that crosswalk.

Commissioner Hickman stated that several commissions have wrestled with this problem. Enough discussion has taken place; it is time to take some action. He suggested installing this system at the same time a similar system is installed in crosswalks at Roosevelt Elementary School this summer.

Commissioner Koerner suggested that until the time flashing makers are installed in the pavement, that signs be put up stating vehicles must stop for pedestrians.

Commissioner Bedard stated cars do not stop for people in the crosswalk. There comes a time when the City needs to bite the bullet and that time is now.

Henry Schwaller IV moved, Larry Schmidt seconded, that a pedestrian activated in-pavement flashing street marker system be installed in the crosswalk at 28th and Hall Street, no later than October 2001, at a cost not to exceed \$25,000, to be paid out of cash carry over funds.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Henry Schwaller IV moved, Troy Hickman seconded, that the Governing Body recess for five minutes at 8:47 p.m.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Mayor Schwaller called the meeting back to order at 8:52 p.m.

8. HUMAN RESOURCE FUNDING: Joe Aistrup and Harriet Caplan, representing the CARE Council, recommended the distribution of \$42,500 in City of Hays Human Resource funds to the following groups in 2001:

American Red Cross, Ellis Co. Chapter	\$5,000
Big Brothers/Big Sisters	4,000
Cancer Council of Ellis County	3,000
CASA of the High Plains, Inc.	3,000
Ellis County Ministerial Alliance	3,093
First Call for Help	5,000
Foster Grandparent Program	1,307
Hays Area Children's Center	5,000
Northwest Kansas Family Shelter	8,000

ProjectSERV Americorps	3,000
Senior Companion Program	2,100
TOTAL	\$42,500

The CARE Council recommended that the collaborative effort between the City of Hays, Ellis County, and the United Way of Ellis County be continued. The effort allows the community to be proactive in meeting changing needs, results in greater leverage in seeking funds from outside our community, and permits greater coordination of services and maximum use of resources.

Troy Hickman moved, Larry Schmidt seconded, that the recommendations of the CARE Council providing the distribution of \$42,500 in City of Hays Resource funds to various community organizations for 2001, be approved.

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

9. ALCOHOL FUNDING: A. The CARE Council recommended the distribution of \$50,000 in City of Hays Alcohol funds to the following groups in 2001:

Dream, Inc.	\$21,000
Smoky Hill Foundation for Chemical Dependency	13,000
Regional Prevention Center	8,500
DAWN	7,500
TOTAL	\$50,000

The CARE Council recommended that the collaborative effort between the City of Hays, Ellis County, and the United Way of Ellis County be continued.

Troy Hickman moved, Larry Schmidt seconded, that the CARE Council recommendations regarding the distribution of \$50,000 in City of Hays Alcohol funds to various community organizations in 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

B. The CARE Council recommended that an additional \$30,000 be authorized from the Special Alcohol Program Fund in 2001. To meet the first priority of the City of Hays Special Alcohol Program Fund, the CARE Council will open a new grant period for the purpose of receiving a multi-year funding request for a prevention program for the City of Hays. The CARE Council recommended that one grant be awarded to an outcomes based prevention program in our community. The program must identify a target population, have a process for data collection, use research-based activities, and have measurable outcomes. The grant application must indicate that the program be self-sustaining because, with an effective prevention program, there will be a decline in the monies available through the Special Alcohol Program Fund. The CARE Council would make its recommendation to the City Commission for the Prevention Program Grant Award during 2001.

Commissioner Schmidt suggested that various groups present a request for proposal before the Commission approves this.

Mr. Aistrup stated in his opinion, groups would not put together a RFP for funding that may or may not exist. It takes a lot of time to put a request together. It would be better if a group knew ahead of time how much money was available and then compete with any other agency to receive the grant.

Mayor Schwaller agreed with Mr. Aistrup. Very few entities would put forth a RFP just for the Commission to review and think about; it takes a lot of time and thought. The money could be allocated; that doesn't necessarily mean the money will be spent. The programs could be reviewed and rejected if none of the proposals meet the guidelines.

Henry Schwaller moved, Troy Hickman seconded, that an additional \$30,000 in City of Hays Alcohol funds in 2001 be approved to be used for the creation of the Special Alcohol Prevention Program that would be self-sustaining,

and the CARE Council would submit the selected agency's proposal for the City Commission's approval.

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

10. BUDGET REQUESTS: Budget requests for City funds were made by representatives of the following non-City agencies for funding in the year 2002:

CARE Council	\$75,000
City of Hays Human Resources Committee	50,000
Hays Arts Council	5,000
Ellis County Ministerial Alliance/Salvation Army	80,000
Ellis County Historical Society	7,500
Western KS Assn. On Concerns of the Disabled	15,000
Ellis County Coalition for Economic Development	70,000
Western Kansas, We Appreciate You	10,000
Fly Hays	15,000

Mayor Schwaller thanked the representatives for their presentations.

11. POOL TASK FORCE FINAL REPORT: Mark Hantla, chairman of the Pool Task Force, and Kathy Spicer, vice-chairman, reported that the Pool Task Force, which was commissioned by Mayor Jayne Clarke in 1997, has met 78 times.

Mr. Hantla stated the Aquatic Park is complete and fully functional. Its first season in 2000 was an unqualified success with more than 85,000 patrons enjoying the facility. The construction was completed on schedule and within a budget that was only revised to accommodate normal changes in scope for a project of this complexity. There are several items that still need to be addressed. They are the completion of the Colorado Timing System purchase and installation, permanent signage, and additional parking.

The Colorado Timing System is a “state of the art” system that electronically starts, times, and displays swimmers times in competition. If the system is properly maintained and stored, it will be a real asset for competitive swimming and operable for many years in the future. The approximate cost of the system plus installation, warranty, and system training is \$35,000. The Pool Task Force recommended that the system be paid from the projected surplus of \$700,000 from the ½ sales tax increase dedicated for the Hays Aquatic Park.

Mr. Hantla proposed a joint venture between the City of Hays, USD 489, and Hays Medical Center for the use and operation of the Colorado Timing System. Hays Medical Center is building a Wellness Center with an indoor pool. The CTS would be used for summer swim meets at the Hays Aquatic Park and the system would be used at HMC’s Wellness Center for swim meets throughout the year. USD 489 would provide primary storage for the computer keyboard, printer and starting equipment, including touchpads for the CTS and transportation of said equipment. USD 489 would also provide primary and secondary operators for the timing system.

The Pool Task Force recommended the Commission consider permanent signage identifying the Hays Aquatic Park and permanent parking on the north side of 4th Street on land that is owned by the City of Hays.

The Pool Task Force recommended that the projected surplus of \$700,000 be dedicated for future maintenance and improvements at the Aquatic Park. The money could be invested and future expenditures could be funded from the investment returns. Additional play features could be added periodically to keep a high level of interest.

The final recommendation of the Task Force was to seek community input before any significant revisions or additions to the park are adopted.

Mayor Schwaller thanked the Pool Task Force for their outstanding service and presented plaques to the members.

Troy Hickman moved, Dick Bedard seconded, that the final report of the Pool Task Force be accepted and the recommendation to purchase and install

the Colorado Timing System at a cost not to exceed \$36,000 to be paid from the ½ cent sales tax revenue, contingent upon approval from bond counsel.

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

Henry Schwaller IV moved, Larry Schmidt seconded that **Item 14, Contract with the National Development Council**, be tabled until the June 14th, 2001 meeting.

City Manager Zacharias stated that part of that contract is for securing federal funding. If the National Development Council is retained, there may not be enough time between June 14th and July 1st to give the NDC time to complete the application.

Mayor Schwaller stated the Downtown Hays Development Corporation has not approved this contract and he would prefer that the Commission defer on this issue until the contract is approved by DHDC.

Commissioner Hickman stated a special meeting could be called to discuss this item after the DHDC has approved the contract.

Henry Schwaller amended his motion to state the Contract with National Development Council be tabled until a time yet to be determined. Larry Schmidt amended his second.

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

Henry Schwaller moved, Larry Schmidt seconded, that **Item 17, Animal Control Contract Renewal; Item 18, Airport Bids; and Item 19, Post Office Parking**, be tabled until the June 14, 2001 meeting.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

13. EASEMENT VACATION: **A.** Mayor Schwaller opened the public hearing regarding the possible vacation of a portion of a utility easement located near the rear yard of 2752 Thunderbird Circle.

City Attorney John Bird stated easements are vacated routinely. Easements are put in place so that if improvements are needed in the future, land does not have to be condemned or acquired with public funds. Developers are required to dedicate to public use certain ways of getting in and out of property for things that serve other people. If it can be demonstrated that there is no reasonable likely use of the property, easements can be abandoned.

Larry Schmidt moved, Troy Hickman seconded, that the public hearing be closed.

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

B. Larry Schmidt moved, Troy Hickman seconded, that Ordinance No. 3557, being an ordinance vacating a portion of a public utility easement located on Lot 9, Block 1, Country Club Estates Fourth Addition to the City of Hays, Kansas, Ellis County, Kansas, be approved.

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

The consensus of the Commission was to go into executive session before discussing Items 15 and 16.

21. EXECUTIVE SESSION: Henry Schwaller IV moved, Larry Schmidt seconded, that the Governing Body adjourn to executive session at 10:40 p.m. for 30 minutes to discuss the purchase of real property. The executive session is to include the City Commission, the City Manager, Assistant City Manager, the City Engineer, and the City Attorney.

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

Mayor Schwaller called the meeting back to order at 11:10 p.m. He stated no action was taken during executive session.

Henry Schwaller IV moved, Troy Hickman seconded, that the City Manager be authorized to reimburse Rose Clark for \$1400 contingent on a water line project being constructed on East 13th St.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt
Troy Hickman
Sunell Koerner

Absent: Dick Bedard

Henry Schwaller IV moved, Troy Hickman seconded, that the City Manager be authorized to initiate condemnation proceedings for property located in the 3100 and 3200 block of East 13th Street. Those property owners had previously received a monetary offer from the City of Hays and did not accept the offer.

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

15. RECYCLING FACILITY INTERIOR IMPROVEMENTS: The completion date for the Hays Recycling Facility is scheduled for June 4, 2001. The baler, conveyor and skid steer loader are scheduled for delivery the week of June 12, 2001. It is anticipated the baling operation will be established around July 2, 2001.

Brenda Cary, Assistant Director of Public Works, requested authorization for \$21,440 to be spent for materials and services to complete interior improvements to the Hays Recycling Facility. Funds are available to fund these purchases.

Henry Schwaller IV moved, Sunell Koerner seconded, that authorization be given to purchase \$21,440 in materials and services to make interior improvements to Hays Recycling Facility.

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

16. RECYCLING AGREEMENTS: A. & B. Brenda Cary, Assistant Public Works Director, stated the City contracts with Stutzman Recycling, Hutchinson, Kansas, to process the City recyclables. That contract will expire July 12, 2001. A new contract has been written to incorporate Stutzman Recycling accepting and processing co-mingled bags, baling paper and cardboard, then shipping it directly to Republic Paper. The contract would charge \$290 for each round trip between Hays and Hutchinson. The current charge is \$310. \$47.50 per ton would be charged to sort and process the co-mingled products, which is consistent with the existing contract.

In order to reduce expenditures for the recycling effort, Ms. Cary proposed that the City enter into a Lease Purchase Agreement with Stutzman for a lease-to-own compactor. The lease would be for a three-year period at a cost of \$300 per month or a total of \$10,800. A hole would need to be cut into the outside wall of the Recycling Facility to house the compactor; it would be necessary to have

an enclosure built around the compactor. The cost for the enclosure would be \$2,950.

The City would lease two 40-yard compactor containers at a cost of \$230 per month or \$2,760 per year. By compacting recycling materials, fewer loads would need to be shipped to Hutchinson. Currently, 42 loads of non-compacted co-mingles are shipped per year costing \$13,020. This would be reduced to approximately 18 loads per year, resulting in savings of \$6,960 in transportation costs. The cost for the compactor for one year (\$3,600), plus the rental of the compactor containers for one year (\$2,760), plus the cost of transporting 18 loads per year (\$5,220) would result in an annual savings of \$1,440. After three years, the compactor would be paid off; there would be additional savings of \$3,600 per year.

Commissioner Schmidt stated he couldn't understand how Stutzman would be able to separate co-mingled bags that have been compacted. He felt a lot of the recyclables would have to be thrown away because they couldn't be separated. Broken glass would be hard to separate from tin and plastic. Using 40-yard containers without compacting would reduce the current 42 loads per year to 21. There would also be no up-front expenditures.

Ms. Cary stated Mr. Stutzman guarantees that everything the City ships to him will be recycled.

Commissioner Schmidt stated there are firms in Hays who could lease and/or sell compactors and containers and they weren't contacted or asked to give a bid. The lease for the containers would be open-ended; the City would never own the containers. It would be better to either purchase them outright or do a lease/purchase.

Ms. Cary stated she is not trying to circumvent any other firms. The City has dealt with Stutzman for some time and she felt it would be a wise to purchase from them in order to keep the business relationship in tact. If it is the Commission's desire, bids will be taken.

The consensus of the Commission was to further discuss this issue at the June 14th, 2001 meeting.

Ms. Cary stated that a satellite dish would need to be added to the Recycling Facility in order to connect that facility with the City network system. The approximate cost is \$7,600. This is not something that needs to be done right away, but should be considered at some point in the future.

20. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias stated that since no bids were received for the downtown water and sewer line replacement between 8th & 9th Street from Main to Fort, that project would be combined with other projects.

22. ADD-ON ITEMS: There were no add-on items.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board