

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY HAYS, KANSAS
HELD ON NOVEMBER 20, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in reconvened session on Tuesday, November 20, 2001, at 6:30 p.m.

Roll Call: Present: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

Absent: Troy Hickman

Henry Schwaller IV moved, Dick Bedard seconded, that the Governing Body adjourn to executive session at 6:30 p.m. for one hour to review City Manager applications. The executive session is to include the City Commission, the Interim City Manager, and the City Attorney.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

Commissioner Hickman joined the executive session.

Mayor Schwaller called the meeting back to order at 7:20 p.m. He stated no action was taken during executive session.

Henry Schwaller IV moved, Dick Bedard seconded, that the Governing Body recess for ten minutes.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Mayor Schwaller called the meeting back to order at 7:30 p.m.

2. MINUTES: Commissioner Schmidt stated the correction he made at the last meeting concerning the minutes of the October 25, 2001 meeting, page 13, should stated \$7,000, not \$70,000.

Troy Hickman moved, Sunell Koerner seconded, that the minutes of the November 8, 2001, regular session, as corrected, 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 October 2001 be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT ITEMS: There were no consent items.

NEW BUSINESS

6. GOLF COUSE CART PATH REPAIRS: Jeff Boyle, Park Director, stated that repairs that were authorized on August 24, 2000 by the Commission to repair two areas of cart paths at the Fort Hays Municipal Golf Course have never been completed by J Corp. Mr. Boyle, Curt Staab of J Corp, and Harvey Ruder, Bucher, Willis and Ratliff engineer, reviewed the conditions in October and November, 2001, and have concluded that sealing and sealcoating them is probably the best solution for preventing rapid deterioration.

J Corp has agreed to replace the area above the dam at their cost as well as sealing all cracks and patching a few areas along the paths. They are requesting that the City pay for the material to sealcoat 22,314 linear feet at a total cost of \$20,083.80. In Mr. Boyle's opinion, J Corp should be responsible to provide all of the services at no cost to the City, but he is recommending that the work be done regardless of who is financially responsible. The \$20,000 approved for this in 2000 was never spent; that money was rolled over into the General Fund.

Mr. Staab stated J Corp could do the asphalt and crack sealing this fall, however, they could not do the sealcoating until next April when the materials become available.

Larry Schmidt moved, Sunell Koerner seconded, that J Corp be hired to repair the Golf Course cart paths at a cost of \$20,083.80 to be done in April with a warranty and guarantee of price.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

7. DEMOLITION OF HOUSES: At the August 23, 2001 Commission meeting, a bid from M & D was accepted for the removal of three houses on East 4th Street, across from the Hays Aquatic Park. The bid was in the amount of \$33,275. After the work began, M & D was informed that all demolition projects must be inspected for asbestos. Two of the homes were found to have asbestos. It will be necessary to hire an outside firm to remove the asbestos. The inspection cost is \$1,210 and the cost for asbestos removal is \$9,999. M & D has agreed to reduce their bid by \$4,200 if the City would cover the inspection and removal costs. This would bring the cost of the project to \$40,284 or \$7,009 higher than originally stated. Mr. Boyle recommended that pool sales tax funds be used to pay for this.

Mayor Schwaller stated he is against using pool sales tax funds to do this project.

Dick Bedard moved, Troy Hickman seconded, that an additional amount of \$7,009 above the accepted bid from M & D Excavating for unexpected expenditures involving asbestos removal in the demolition of houses located at 107, 107 ½ , and 111 East 4th Street, be approved.

Vote: Ayes: Larry Schmidt
Troy Hickman
Sunell Koerner
Dick Bedard

No: Henry Schwaller IV

8. HAYS REGIONAL AIRPORT CROSSWIND RUNWAY BIDS: Four bids for grading and drainage structures at the Hays Regional Airport were received from the following:

Sporer Land Development, Inc.	\$201,166.10
Oakley, KS	
APAC	262,308.60
Hays, KS	
Esfeld Construction	336,922.50
Great Bend, KS	
Kanza Construction	412,153.00
Topeka, KS	

The Engineer's estimate is \$329,977.25. This project is a Federal Aviation Administration Airport Improvement Project and is eligible for federal participation of 90%. Funds are available for the city's 10% share in the Airport Improvement Fund. It is the recommendation of the Airport Board and Airport Manager Terry Urban to accept the bid from Sporer Land Development, Inc.

Henry Schwaller moved, Larry Schmidt seconded, that the bid from Sporer Land Development, Inc., Oakely, KS, in the amount of \$201,166.10, be accepted.

Vote: Ayes: Henry Schwaller IV
Larry Schmidt

Troy Hickman
Sunell Koerner
Dick Bedard

9. EASTBOROUGH SECOND ADDITION: Bids for the construction of a concrete alley in the Eastborough Second Addition were received from the following:

APAC	\$31,584.46
Bryant & Bryant	30,792.40
J Corp	40,335.20
Tom Campbell Construction	33,193.00

The engineer's estimate is \$42,090.90. This project is to be special assessed back to the property owners.

Dick Bedard moved, Henry Schwaller IV seconded, that the bid from Bryant & Bryant in the amount of \$30,792.40 be accepted for construction of a concrete alley in the Eastborough Second Addition to be paid by special assessments.

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

10. 13th STREET WATER AND SEWER CONSTRUCTION PROJECT: City Engineer Kurt Hasher stated he has responded to Tom and Lisa Wiesners' concerns about possible damages they may incur during a water and sewer line construction project that will go past the Wiesner property at 3108 East 13th Street. The City negotiated in good faith for the acquisition of 17 feet from the Wiesners, but could not come to an agreement for the acquisition. The Commission then authorized the purchase of a utility easement. The City Attorney made this offer to the Wiesner's attorney. This offer was then pulled before acceptance by the Wiesners at the direction of City staff. It was

determined that another alternative, placing the line in the county right-of-way, was acceptable and would save the City a large amount of money.

City Attorney John Bird stated that if in fact, something happened during this project and affected their property rights, they would be entitled to compensation.

11. NORTHRIDGE PLAZA/VINE & 27TH STREET ACCESS: City Engineer Kurt Hassler stated he has visited with Linda Voss, KDOT State Traffic Engineer about the northbound left turn lane into Northridge Plaza. She stated she would support a left turn lane with a length of 25 feet as opposed to the 100 feet requested by the City. This would still allow a turn bay of approximately 240 feet for southbound traffic. She would support a 50-foot turn lane if the timing of the signals at 27th & Vine were changed to a 90 second interval. It is currently set at a 2-minute interval. Mr. Hassler cautioned against changing the cycle time of the signal light; reducing the time would slow the processing of the vehicles through the intersection. Two average sized vehicles could fit into a 25-foot space.

Commissioner Schmidt stated he would rather not change the cycle time and allow 25 feet for a northbound left turn lane.

Tom Wasinger, representing Mark Ottley, owner of the property at 2703 Vine, stated the video store will generate a lot of traffic into Northridge Plaza and there isn't any easy access to the property. Twenty-five feet isn't enough; cars are going to stack up and it will be difficult to get through the intersection. Fifty feet would be better; 100 feet would be ideal.

The consensus of the Commission was to contact KDOT and try to get them to approve a 50-foot left turn lane without changing the timing of the signal light. If KDOT refuses, the City will install a 25-foot left turn lane.

12. LIBRARY REVERSION CLAUSE: It is necessary for the Commission to authorize the Interim City Manager to sign a Quit Claim Deed transferring the Hays Public Library building and associated land to Ellis County. A reversionary clause was omitted in 1987 due to an oversight. The County is asking the City to deed the property back to them, and the County will then deed it back to the City

with the reversionary clause included. There are some other boundary issues that will be addressed with this process.

Henry Schwaller IV moved, Sunell Koerner seconded, that the Interim City Manager be authorized to sign a Quit Claim Deed transferring the Hays Public Library building and associated land to Ellis County, who will then deed the property back to the City of Hays with the necessary reversionary clause that states the land will revert back to Ellis County if the land is not used as a library for six consecutive months.

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

13. MEADOW ACRES REQUEST FOR REIMBURSEMENT ON SEWER

CHARGES: Ernie Bryant, owner of Meadow Acres Trailer Park, 1000 West 27th Street, appeared before the Commission to request a refund of \$35,514.24 for sewer charges he has paid to the City since 1992. Meadow Acres is located outside of the city limits and is connected to the City sanitary sewer system. The account has been charged at the outside city limit rate of 1.7 times the inside city rate.

Mr. Bryant stated he is seeking equal treatment. He referred to the lawsuit between the City and the two sewer districts that are located outside of the city limits, Big Creek Sewer District and Prairie Acres. Those two Districts have not been paying the 1.7 rate and he is asking to be reimbursed for his excess charges.

City Attorney John Bird stated that the long running battle is not over; the case is on appeal. The City has not offered a new rate to either District; there have been discussions, but there has not been an agreement. When an agreement has been reached, in his opinion, the Commission will have to take Mr. Bryant's position into consideration.

Mayor Schwaller stated that Mr. Bryant could petition to be annexed into the city limits in order to receive the inside city limit sewer rate. There are certain conditions that must be met in order to be annexed, such as bringing his road up to City standards.

14. INDUSTRIAL REVENUE BOND ORDINANCE: The City issued a Resolution of Intent in 2000 authorizing the issuance of \$35,000,000 taxable industrial revenue bonds for Yuasa, Inc. Shortly after the closing of the first series of the bonds in 2000 in the amount of \$14,000,000, the company changed its name to Enersys, Inc. This ordinance is to authorize the issuance of \$7,000,000 for the purpose of paying the costs of acquiring and installing manufacturing machinery for Enersys, Inc.

This is a financing technique that is used throughout the state. The issuance of these revenue bonds does not affect the debt capacity of the City. If Enersys defaults, the City would not be liable.

Troy Hickman moved, Henry Schwaller IV seconded, that Ordinance No. 3574, being an ordinance authorizing the City of Hays, Kansas, to issue Taxable Industrial Revenue Bonds, Series 2001 (Enersys, Inc. Project) in the aggregate principal amount of seven million dollars (\$7,000,000) for the purpose of paying the costs of acquiring and installing certain manufacturing machinery; authorize execution of a first supplemental trust indenture by and between the City and Intrust Bank, N.A., in the city of Wichita, Kansas, as trustee; authorizing the City to lease said Project to Enersys, Inc. and authorize execution of a first supplemental lease by and between said City and Enersys, Inc., be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

15. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Koerner stated the joint meeting between the City of Hays City Commission and the City

of Russell City Council will be held Thursday, November 29, 2001 in Victoria, Kansas at the elementary school cafeteria at 4:00 p.m.

16. ADD-ON ITEMS: Commissioner Bedard thanked Developmental Services of Northwest Kansas for cleaning up the vacated C-Mart property at 27th and Canal Boulevard. This was a volunteer effort put forth by the consumers of DSNWK.

Commissioner Hickman stated he would like to see the fuel sales of the Fixed Based Operators at the Hays Municipal Airport per operator. He also requested that due to security issues, that all certificates of insurance be reviewed to make sure everything is in order.

Mayor Schwaller requested that staff consider bidding chemicals for the City pools in 2002. This should be opened to competitive bidding.

Mayor Schwaller requested staff check into some playground equipment that was removed for repair at Pratt Optimist Park. It has never been returned; additionally there has been some vandalism and other repair work that is needed at the Park.

Thereupon the Governing Body recessed until December 11, 2001, 12:00 noon.

Submitted by: _____

Clerk of the Board