

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON OCTOBER 11, 2001

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 11, 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, Larry Schmidt seconded, that the minutes of the regular session held on September 27, 2001, be approved.

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

**3. AWARD RECOGNITION:** Gale Haag, Kansas State Fire Marshall, presented Roger Rife, Fire Chief of the Hays Fire and Inspection Department, with a Life Safety Achievement Award for the year 2000. The Award recognizes local fire prevention activities that contributed to reducing the number of lives lost in residential fires.

**4. CITIZEN COMMENTS:** John Ratzlaff, 1319 Eisenhower, made comments about the South Russell Water Project. For 25 years he has taught courses in hydrology and water resources in the Geo-sciences Department at Fort Hays State University. Mr. Ratzlaff stated he doesn't feel the taxpayers' money has been spent wisely, and in light of Bob Vincent's review, the project falls far short

of success. The quality of the water is poor and will require extensive treatment. It is not urgent at this time to make a hasty decision. There is enough water to supply our needs for several years to come.

**5. CONSENT ITEMS:** **A.** Troy Hickman moved, Larry Schmidt seconded, that the following mayoral appointment be approved:

Trades Board – Brett Albert – unexpired 4-year term expiring August 27, 2003

Northwest Kansas Community Corrections Committee – Gregg Schwartz – two-year term expiring November 1, 2003

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**B.** The Traffic Advisory Committee has recommended that an island be constructed that would not allow east bound traffic on 27<sup>th</sup> Street to access 26<sup>th</sup> Street at the Ash Street intersection. Their recommendation was that the island be constructed next summer in conjunction with the water line improvement scheduled on Ash Street. It was also recommended that negotiation take place with the homeowner on the east corner of this intersection to reconstruct the driveway to exit on 26<sup>th</sup> Street as opposed to directly into the intersection.

Commissioner Schmidt stated he thought these changes would make the intersection more dangerous.

Kurt Hassler, Director of Engineering, stated that it was suggested to make 26<sup>th</sup> Street a cul-de-sac, but the residents along that street didn't like that idea since Ash and Fort Streets are one-way streets.

The consensus of the Commission was to leave the street as it is.

## NEW BUSINESS

**6. 13<sup>TH</sup> STREET SEWER LINE CONSTRUCTION:** Kurt Hassler, Director of Engineering, updated the Commission on the 13<sup>th</sup> Street (from Harvest to Commerce Parkway) Sewer Line Construction Project. Staff, with the consensus of the contractor, has elected to reroute the sanitary sewer alignment around the Wiesner and Herreman properties by 17 feet. This puts the line in the county's right-of-way, and they do not have a problem with the City doing this. This option will create a change order of approximately \$6,000 to \$7,000. Saving the proposed amount the City of Hays offered to Mr. Wiesner for easement acquisition will offset this increase. At some point in the future when 13<sup>th</sup> Street is widened, the sewer line for that small segment would need to be brought back 17 feet to line up with the other sections of sewer line.

City Attorney John Bird stated that he was authorized to pay the Wiesners up to \$52,000 to acquire the water and sewer line easement through their property. In his opinion, this would have been a gross overpayment. In searching for other options, Mr. Hassler and Mr. Bird determined that the sewer line could be rerouted around the property at a minimal cost. The street may or may not be widened in the next 15-20 years.

No action was taken.

**7. ASH STREET WATER LINE UPGRADE PROJECT:** Bucher, Willis and Ratliff will provide design engineering and bid letter services for the Ash Street Water Line Project. This project is for the water line that runs along Ash Street from 20<sup>th</sup> Street to 27<sup>th</sup> Street. The existing line has had multiple repairs over the years and is only 4-inches in diameter.

Troy Hickman moved, Henry Schwaller IV seconded, that Addendum #1 to Agreement for Engineering Services with Bucher, Willis and Ratliff, involving the construction and improvements of a water line project from 20<sup>th</sup> to 27<sup>th</sup> Streets on Ash Street, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman  
Sunell Koerner  
Dick Bedard

**8. COMMERCE PARKWAY WATER AND SEWER LINE PROJECT:** The following bids were received for the construction of water and sewer line extensions along Commerce Parkway from US 40 north to the proposed business park:

APAC-Kansas, Inc.	\$252,553.10
J-Corp, Inc.	347,456.00

The engineer's estimate for this project is \$459,126.00.

Dick Bedard moved, Sunell Koerner seconded, that the bid from APAC-Kansas, Inc. in the amount of \$252,553.10, be accepted.

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

**9. 18<sup>TH</sup> & VINE SIGNALIZATION:** Bucher, Willis and Ratliff have been contracted to design signal light improvements along Vine Street between 8<sup>th</sup> Street and 27<sup>th</sup> Street. One of the intersections in this contract is the intersection of 18<sup>th</sup> and Vine Streets, which has been identified by KDOT as not being compliant with the Manual on Uniform Traffic Control Devices. It has a signal light in conjunction with a stop sign. Either this intersection must be fully signalized or the pedestrian crossing light must be taken down.

Mr. Hassler stated he has received calls from two citizens who would like to have this intersection pedestrian signalized. Two business owners have called to discuss the issue with him. Mr. Hassler felt they didn't have any opinion one way or the other.

Mayor Schwaller stated he felt the light should be converted to a pedestrian light. It is always wise to have a pedestrian walk where there is a school. It is a precedent that has been done for other elementary schools.

Dolores McKibbin, principal of Holy Family Elementary School, stated the light is used by many of the families that live on the east side of Vine Street. Also, Dillon's Grocery Store on the east side of Vine is the designated site in case an evacuation of the school is needed.

Commissioner Schmidt asked if the light could be put in the middle of the block instead of the intersection.

Mr. Hassler stated he would check out the options and report back to the Commission.

The consensus of the Commission was to proceed with full signalization at 18<sup>th</sup> & Milner Street and to study options for a crossing light to be installed mid-block.

**10. VINE STREET AND 27<sup>TH</sup> STREET INTERSECTION DESIGN:** Kurt Hassler, Director of Engineering, stated that current design plans call for the elimination of the left turn lane into the Northridge Plaza area on the northwest corner of 27<sup>th</sup> and Vine Streets. Mark Ottley requested that the City of Hays ask KDOT if that could be changed with the creation of a left turn lane at that location.

KDOT has stated they would entertain the idea of modifying the island to accommodate a left turn lane for the north bound traffic, however, the left turn lane for south bound traffic cannot be shortened. KDOT is requesting engineering drawings to look at the possibility of this change. The estimated cost of engineering would be in excess of \$2,000, dependent upon KDOT review and additional requests.

Tom Wasinger, representing Mark Ottley and other property owners in Northridge Plaza, stated the Northridge Plaza businesses are separate from Mr. Ottley's property. The drive that goes through Northridge is a private drive. Mr. Ottley has no rights to come in from the access point at 27<sup>th</sup> Street. His only access is from Vine Street. He requested the Commission authorize Bucher, Willis and Ratliff to design some proposed changes to explore the maximum

stacking spaces allowed for a possible left hand turn lane into Mr. Ottley's property and submit them to KDOT.

Henry Schwaller IV moved, Larry Schmidt seconded, that Bucher, Willis and Ratliff be hired to work with City staff to create a new design plan for KDOT review involving a northbound left hand turn lane into Northridge Plaza affecting the intersection of 27<sup>th</sup> and Vine Street to include expanding stacking capacity in the northbound lane to the maximum allowed.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**11. 2002 CURB CUT PROJECT:** Kurt Hassler, Director of Engineering, stated that the 2001 Curb Cut Project was bid out in groups of 50. This was done in hopes of letting small contractors bid individual projects that they could handle. No local small contractors bid on the 2001 Project. Mr. Hassler recommended that the 2002 Project be bid as one contract with several alternates. This would give the City the discretion of evaluating the work of the contractor and potentially awarding additional ramps dependent upon the availability of the funds and the ability of the contractor. One contractor would reduce overhead by creating one set of plans and one set of specifications.

The consensus of the Commission was to accept Mr. Hassler's recommendation and use one contractor with several alternates for the 2002 Project.

**12. PUBLIC HEARING:** Kent Laas, Community Development Coordinator, stated this easement is for a partial easement vacation at 2025 Metro Lane. The portion to be vacated is a 5 feet by 10 feet area that was originally intended for the placement of an electrical transformer that lies adjacent to a public utility easement that will remain. The easement was intended for underground electricity services, however, when the property was developed, the developer installed overhead electrical services. The owner of the property at 2025 Metro

Lane is planning to place an accessory structure in his back yard and would like to observe the required setback of 7 feet instead of the 10 feet required because of this easement.

Mayor Schwaller opened the public hearing. There were no comments.

Larry Schmidt moved, Troy Hickman seconded, that the public hearing to hear comments about the partial easement vacation at 2025 Metro Lane be closed.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Troy Hickman moved, Dick Bedard seconded, that staff be directed to prepare an ordinance to be adopted to vacate a portion of the easement for 2025 Metro Lane.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**13. KANSAS OPEN MEETINGS ACT (KOMA) and KANSAS OPEN**

**RECORDS ACT (KORA) REVIEW:** City Attorney John Bird stated that a citizen made a written request to City of Hays staff and to individual Commissioners requesting copies of email correspondence between the City and any two Commissioners. Staff has been working to comply with that request. In an effort to streamline future requests of this nature, Mr. Bird reviewed the Kansas Open Meetings Act and the Kansas Open Records Act.

As technology has overtaken the traditional ways of conducting business for government, email is considered an interactive form of communication. Two or more officials of a five-member commission constitute a quorum of the majority. Whenever two officials are interacting with each other about the

business of the body they represent outside of a meeting, it constitutes a meeting. This is a violation of the KOMA Act.

The Kansas Open Records Act states that public records shall be open for inspection by any person unless otherwise provided. There are exceptions such as medical records, personnel records, etc. A public record means any recorded information regardless of form or characteristics which is made, maintained, or kept by or is in the possession of any public agency. Public agency is defined as the State or any subdivision (City of Hays) or any entity that receives and expends public funds. Public agencies shall not include any officer of the subdivision, if the subdivision does not provide the officer with an office that is open to the public at least 35 hours a week.

Mr. Bird stated City of Hays Information Technology staff would be attempting to address this request. It will be time consuming and expensive. When all the information has been gathered, it will be provided to the citizen making the request. As to the request to the individual Commissioners, Mr. Bird stated that, in his opinion, the City doesn't have a duty to respond to the request. The Commissioners, as individuals, have the right to respond in any way they see fit. In his opinion, individually, they do not constitute public agencies. He sent a memo to the requesting party stating his opinion, whose attorney disagreed with him. Mr. Bird then wrote to the Attorney General requesting an opinion on this issue.

Mr. Bird stated he is searching for a way for Commissioners to be able to send each other copies that is lawful and still allow full access by the public. Several alternatives are being investigated.

**14. ELLIS COUNTY REGIONAL GIS ORGANIZATION (ERGO) ADDRESSING COMMITTEE ACTIVITIES WITHIN CORPORATE LIMITS: A. & B.**

Captain Jim Purdy of the Hays Police Department, presented information regarding ERGO. ERGO is an acronym for the Ellis County regional GIS organization. It is comprised of personnel from the City of Hays, Ellis County, Fort Hays State University, and Midwest Energy. The primary goal of the Addressing Committee of ERGO is to look at the addressing county wide to make sure that everything is

correct. Correct addresses are the most vital link for any of the emergency service agencies and the 911 system.

Captain Purdy stressed the need for accurate and concise addressing for both business and residential addressing. Specific addressing that provides both continuity and accuracy are necessary for areas that have either just recently been brought into the city limits or will be in the near future. This could involve renaming some roads or streets, and/or numerically re-addressing some businesses or residences. Captain Purdy stated he is requesting the Commission's approval to continue with this project. After receiving approval, he will present this matter to the Ellis County Commission for their approval.

Mayor Schwaller stated many other cities have similar problems and aren't changing their addressing to keep up with GIS configurations. He agrees that in the future it would be wise to be more accurate and consistent with areas outside the corporate city limits.

Captain Purdy stated only discussion has taken place in regards to renaming/renumbering established streets. The group's main concern is to achieve continuity in establishing addressing for new areas.

The consensus of the Commission was to increase the addressing limits to include Mount Pleasant Road, north to Feedlot Road and from 210<sup>th</sup> Avenue, east to Toulon Avenue.

**15. PET LITTERING ORDINANCES:** Interim Manager Dorothy Stites reviewed current ordinances that address pet littering. Although there is not anything that specifically addresses cleaning up after one's pets in the Animal Control section of the City of Hays ordinances, it is addressed in Section 8.12.190.

Commissioner Koerner stated it is difficult to enforce this particular ordinance, unless the violation is witnessed. She feels the biggest need is for reminders.

Interim Manager Stites stated staff could investigate the possibility of installing some signage to be placed in parks and other areas.

**16. DEVELOPMENTAL SERVICES OF NORTHWEST KANSAS (DSNWK) ACCESS TRANSPORTATION:** Ron Straight, Transportation Manager of

DSNWK, stated that his request for 2002 funding from both Ellis County and the City of Hays for operation of the ACCESS Transportation Van was not funded at the full request of \$16,577.50 from each entity. There will be a projected deficit of \$5,887 in 2002. DSNWK predicts that fares totaling \$6,000 would be collected during the year and these fares are currently sent directly to the City of Hays. Mr. Straight requested that these fares be retained by DSNWK to offset this perceived shortfall.

Mayor Schwaller stated the contract states the City's responsibility is to provide funding for major repairs to the van, collect fares and save them for the purchase of a new vehicle.

City Clerk Susie Berger stated there is approximately \$46,000 in that fund.

Mayor Schwaller stated this is a great program, but he doesn't see the need to reimburse the fares now.

Commissioner Schmidt suggested that when they need the money, they approach the Commission at that time. This is just a projected deficit.

No motion was made.

**17. COMMISSION INFORMATIONAL MEMORANDUM:** Interim Manager Stites stated that Ralph Anderson and Associates has received approximately 30 resumes for the position of city manager.

Commissioner Koerner asked when the repairs would be done to the Fort Hays Golf Course cart paths.

Mayor Schwaller stated the problem with this project was that the cart paths were installed without engineering. The contractor is willing to make some repairs, but the deterioration is so severe and due to factors beyond their control.

Commissioner Hickman stated he felt the Golf Course Advisory Committee should make a recommendation to the Commission.

**18. ADD-ON ITEMS:** Commissioner Bedard requested an update on the installation of in-pavement cross walk lights at 28<sup>th</sup> & Hall Street.

Kurt Hassler, Director of Engineering, stated the lights for that location as well as 22<sup>nd</sup> & MacArthur Road have been ordered. It will be a couple of weeks until they come in. They will be installed as soon as they arrive.

Commissioner Koerner stated that the limestone post on the fence at St. Joseph's Cemetery at 27<sup>th</sup> & Main Street makes it difficult to see traffic that is coming from the east.

Mr. Hassler was instructed to check to see if anything could be done to assist drivers at that location.

Commissioner Hickman asked if there would be any joint City-County meetings in the near future.

Interim Manager Stites stated she would check into it.

Commissioner Schmidt stated this Commission should appoint Wellfield Planner Paul Montoia to Public Wholesale Water Supply District #15 (PWWSD #15) as it's ex-officio member. He is the only person on staff that is qualified to serve in this position. The Wellfield Planner, not the City Manager, should hold that position.

Larry Schmidt moved that Paul Montoia be appointed as ex-officio member from the City of Hays to the Public Wholesale Water Supply District #15.

City Attorney John Bird stated he would like to check into the PWWSD #15 by-laws before a vote is taken.

There was no second to the motion.

Mayor Schwaller suggested that everything be left the way it is and Mr. Montoia attend PWWSD #15 meetings at the direction of the Commission.

Mr. Bird stated he should attend at the direction of the City Manager.

Mayor Schwaller stated that the City Manager could be directed to direct Mr. Montoia to attend the meetings.

Commissioner Schmidt stated he would like staff to provide a breakdown of the legal fees that have been paid on behalf of PWWSD #15.

Interim Manager Stites stated she would provide an itemized listing of these expenses.

Commissioner Schmidt stated the City of Hays should consider selling the R-9 Ranch. He would like this to be an agenda item at the next Commission meeting.

Mayor Schwaller stated he would like staff to check out a drainage ditch on the 500-600 block of Vine Street that is not well maintained.

Mayor Schwaller stated he thought it would be helpful to look to a traffic engineer to assist the City in some of the traffic problems throughout the City of Hays. He requested staff check into the possibility of having a traffic engineer consult with the City.

Interim Manager Stites stated she has been contacted by the Hays Recreation Commission about scheduling a meeting with the City Commission to discuss the 2001 pool season and their plans in regard to the Park and Recreation Master Plan activities. She will work with HRC to schedule a date after the first of the year.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_

Clerk of the Board