

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 12, 2000

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, October 12, 2000 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: Wayne Billinger stated that he was mistakenly identified as the Mayor at the last meeting under the "Call to Order by Chairman".

Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular session held on September 28, 2000, as corrected, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT ITEMS: Wayne Billinger moved, Howard Rome seconded, that the following mayoral committee appointments be approved:

A. ADA Committee – LeNelma Johnson – unexpired term ending May 1, 2002

Airport Advisory Board – Jenny Allenbaugh – unexpired term ending April 30, 2001

Hays Recreation Committee – Nancy Jeter – unexpired term becoming effective November 1, 2000 and expiring August 1, 2003

B. A cereal malt beverage license for Wal-Mart Super Center, 4301 Vine Street, be approved.

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

OLD BUSINESS

5. REPORT FROM CITY ENGINEER ON CITY PROJECTS: A. SIDEWALK

STUDY: The Engineering Department completed a comprehensive map of the sidewalk system for the entire City of Hays. The survey indicates the following:

- Existing sidewalk 794,637 feet
- Areas with no sidewalk 289,276 feet
- Accessible ramps installed 2,370
- Accessible ramp needs to be installed 1,504
- Accessible ramp needs to be re-installed 24
- Sidewalk barriers 3,376
- Curbed driveway crossing sidewalk 1,462

Kurt Hassler, Director of Engineering, stated that the survey identified a lot of barriers in between ramps. The barriers include utility poles and fire hydrants placed in sidewalks and over grown trees and shrubs. Utility companies are agreeable to moving utility poles that do not allow three feet of clearance as required by ADA standards.

Howard Rome moved, Wayne Billinger seconded, that staff be directed to draft a policy that will address how the City of Hays will remove sidewalk barriers over a three-year period.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome

Wayne Billinger

B. 25TH AND MAIN STREET TREES: Kurt Hassler, Director of Engineering, has begun discussions with the property owner at 101 West 25th regarding the removal of trees on the east side of their home. Four trees will need to be removed to improve the line of sight. Mr. Hassler has contacted a local firm to provide survey information to determine whether the trees are located on private property or City right-of-way. Once the survey is completed, Mr. Hassler will meet with the homeowners to develop an agreement for the removal of the trees.

C. FORT STREET PARKING: Engineering staff has contacted two contractors about providing bids to add additional parking stalls along Fort Street. To date, no bids have been received. Kurt Hassler, Director of Engineering has also been in contact with the owner of The Wild Rose, 109 West 7th Street about leasing parking stalls along the alley. The Post Office is also in negotiations with the owner of The Wild Rose.

Commissioner Rome stated that irregardless of how the negotiations turn out regarding leasing parking stalls along the alley on the east side of Fort Street, he would like to see the parking on the west side of Fort Street in front of the Joe Copeland residence dropped.

D. 22ND AND MACARTHUR REPORT – ROOSEVELT SCHOOL CROSSING SIGNAL: Roosevelt School officials and the City's Engineering Department have worked out and agreed upon a plan to provide safe routes to and from school. The plan involves the removal of several crosswalks, relocation of some school signs, and the addition of a couple of flashing school speed limit signs. One of the items recommended is the installation of two sets of crosswalk lights at 22nd & MacArthur and 22nd & Donald. These lights are installed in the pavement and are activated by pedestrians trying to cross the street. The school has indicated they will leave the existing crossing guards at both locations to help children cross at the intersection.

The estimated cost for these improvements is \$50,000. This includes 18 new crosswalk signs, two sets of flashing crosswalk lights, two additional flashing

speed limit signs, and miscellaneous concrete and electrical work. City employees will do the necessary labor.

City Manager Hannes Zacharias stated the Commissioners needed to decide if the money should be taken from cash carryover in the General Fund or if some other project should be put on hold in order to complete this project.

Staff was directed to get firm cost estimates before a decision is made.

6. HANGAR TRANSFER AT HAYS REGIONAL AIRPORT: R. P. Nixon Operations would like to transfer ownership of the hangar on Lot E-5 to Dan and Judy Nixon. Airport Manager Terry Urban and the Airport Advisory Board recommended the City of Hays not pursue the purchase of this hangar and approve the transfer of ownership.

Henry Schwaller IV moved, Larry Schmidt seconded, that the request to transfer ownership of a hangar located on Lot E-5 from R. P. Nixon Operations to Dan and Judy Nixon be approved.

Commissioner Billinger stated he would like to have a written document stating the seller of the hangar is in agreement with the transfer. The only documentation received is from the buyer of the hangar.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

NEW BUSINESS

7. HOUSING TASK FORCE REPORT: Herb Songer, chairman of the Housing Task Force, and Harlan Murphy, committee member, presented a report on housing needs in the City of Hays. The HTF began its work in April 1999. Their mission was to find out if Hays had enough affordable housing and if enough did not exist, what could/should City government do to address the problem.

In general, the major problem in housing in the Hays area is the lack of long-term planning to anticipate housing needs. The community does not provide enough resources for this long-term planning process to be effective and is sometimes inflexible in its planning process to accommodate demand changes in the marketplace.

According to previous U.S. Chamber of Commerce ACCRA Reports, housing in Hays costs more per square foot to construct than houses constructed throughout Kansas or many other regions in the nation. This problem cuts across many facets of the housing market. Problems appear to gravitate, however, around certain key factors including limited local competition in securing building materials, installation of public infrastructure (water, sewer, streets, etc.), employing building contractors and subcontractors and available land. This issue has resulted in a significant lack of multi-family and owner-occupied single family low-income housing. Additionally, there is a significant need for moderate-income housing apartments, duplexes, and four-plexes that are two/three bedroom units with garages to accommodate future growth.

The existing rental housing market is at a substandard quality according to existing housing codes. Additionally, the Hays area has not taken full advantage of existing federal and state programs in easing these housing needs within the area.

The HTF has established these recommendations in the hope that the City Commission will implement them:

- A.** Create an institution within six months involving a public/private partnership to monitor and develop a long-range plan and advocate for housing needs in the Hays area.
- B.** Provide that development and housing costs in the next five years be at or below costs of similar units built in other comparable Kansas communities.
- C.** Take full advantage of federal and state programs to facilitate the building of low-income multi-family housing.
- D.** Within the next year, conduct an annual survey of all major employers in the Hays area, determining the housing needs for their employees.

E. Within the next two years, establish a process to ensure that all rental housing within the Hays area meets current minimum housing codes for health and safety.

F. Within the next 12 months obtain the needed planning resources to properly update the housing needs of the Hays area.

G. Within the next two years develop an educational program informing the public on the costs for housing and realistic expectations for affordability.

H. Within the next 12 months, develop a process that ensures coordination of the City five-year Capital Improvement Plan in conjunction with the long-term housing plan, yet maintaining flexibility in the placement of such infrastructure to accommodate unknown housing and development needs.

Henry Schwaller IV moved, Howard Rome seconded, that the final report from the Housing Task Force regarding long-term housing issues be accepted and the Housing Task Force be commended for their excellent work.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

8. LIBRARY SPACE REPORT: Beth Bowerman, chairperson of the Hays Public Library Board and Melanie Miller, director of the Hays Public Library, reported on space needs at the library.

The present library was built in 1966. The Hays Public Library Board proposes expanding the square footage of the building with the addition of a three-floor structure on the south side of the existing library. The addition will add 11,000 square feet to the library. A foundation is being established for fund raising and hopefully grants will be received to offset some of the expansion costs.

Commissioner Schwaller stated that while the City of Hays has been diligent in allocating funds to the library through the budget process, it is time for

the community to make a new commitment to enlarging this library and making it available for the next generation.

Mrs. Bowerman stated that it would probably take 18 months to educate the public, secure voter approval, take bids, and complete financing details before the expansion could commence. Mrs. Bowerman estimated the cost of the expansion to be approximately \$2,300,000.

Commissioner Schwaller stated this proposal is adequate but austere; it is within our budget.

9. BLOCK 88-D, GOTTSCHALK ADDITION SPECIAL ASSESSMENT: A.

Mayor Hickman opened a public hearing regarding the creation of a special assessment district to grade, pave, and improve the unpaved alley within Block 88-D, Gottschalk Addition.

Gilbert Schippers, owner of Gib's Auto Supply, 621 East 13th Street, addressed the problem of poor drainage in the alley between the 600 block of East 13th Street and the 600 block East 15th Street and vehicles using the alley to access Montgomery Street to the west . Mr. Schippers would like to establish a special assessment district for the paving of the alley. Kent Laas, Community Development Coordinator, informed Mr. Schippers the most expedient approach to this matter would be to present a Public Hearing Resolution to the City Commission to initiate the special assessment process.

Several homeowners in the area protested this improvement. Their feeling is that this improvement would not benefit them in any way and would cause a financial hardship. Walter Legleiter, who owns the property at 618 East 15th Street asked if this improvement could legally be forced on the residential homeowners in the area.

City Attorney John Bird stated the procedure is to conduct this hearing and if the advisability resolution is adopted and the Commission passes a resolution within 180 days finding it advisable to make the improvements, it can be protested. Notice would be given to all the affected owners. If a written protest with 51% or more signatures of the property owners or by owners of more than ½ of the total district area is filed within 20 days, the project does not go forward.

Commissioner Schwaller suggested the City grade the alley on an on-going basis and use a mixture of clay and river rock that would form a hard surface in lieu of paving.

Pete Rohleder, owner of property at 607 East 13th Street, stated he felt this project should have more information as to costs and other possible options before being voted upon.

Mr. Schippers stated a meeting was held in City Hall. All of the property owners were invited to attend; Mr. Schippers called them personally to invite them. The figures were available at that time.

Howard Rome moved, Wayne Billinger seconded, that the public hearing be closed.

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

Commissioner Schmidt stated the estimated cost of this project, \$83,716.50, would add about \$370 per year per parcel to property taxes. This would be a big burden on property owners.

Commissioner Billinger suggested that this issue be placed on the next Commission meeting agenda to allow for more time for both sides to present information.

Public Works Director Elden Hammerschmidt stated the City has graded the alley many times, but the flatness of the alley makes it difficult to channel the water so that it doesn't drain through Mr. Schippers' property.

Mayor Hickman stated there appears to be a discrepancy of needs between the businesses and the residential homes.

Wayne Billinger moved, Howard Rome seconded, that the public hearing be closed.

Vote: Ayes: Troy Hickman
Henry Schwaller IV

Larry Schmidt
Howard Rome
Wayne Billinger

Wayne Billinger moved that this item be placed on the next meeting's agenda. The motion died for lack of a second.

Henry Schwaller IV moved, Troy Hickman seconded, that a resolution be adopted establishing a special assessment district to grade, pave, and improve the unpaved alley within Block 88-D of Gottschalk Addition.

Commissioner Billinger stated he would vote against the resolution because he would like to allow extra time for both sides to present their case before a vote is taken.

Commissioner Schwaller stated he would be voting for the resolution in order to keep it alive in order to look at other options as well, rather than kill the resolution forever.

Commissioner Schmidt stated he would vote no because he didn't see how this could ever benefit the residential homes in that area; the cost is too high.

Commissioner Rome stated he agreed the cost was too high for property owners.

The Mayor called for the vote.

Vote: Ayes:

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

Wayne Billinger moved that City staff work on appropriate signage to not allow traffic going west to enter the alley between 13th and 15th Street off Vine. The motion died for lack of a second.

Henry Schwaller IV moved that staff be directed to spend up to \$5,000 for gravel and clay screenings to build up the alley to aid the water drainage. The motion died for lack of a second.

City staff was directed to check costs on gravel and clay screenings and how long it might last.

10. DOWNTOWN ISSUES: A. DOWNTOWN NEIGHBORHOOD REVITALIZATION DISTRICT PLAN: The revised draft of the Neighborhood Revitalization Plan requires an architectural review process for those who want to apply for a rebate on higher property taxes that are a result of improvements done to the property. The inclusion of “Design Review Standards and Procedures” is a major addition and is intended to complement the pending Downtown Development Corporation’s efforts.

Another change is Section 3 – Authorization and Findings, which allows the Board to grant an applicant a certificate of compatibility if certain requirements are met. There is a hearing and appeals process. The criteria for the amount of refund a commercial property would derive from this process would be a 95% return for a ten-year basis. Residential property would have a de-escalating stair step structure. Part of the revisions include a redefinition of the boundaries.

City Manager Zacharias stated the Downtown Development Corporation has not seen these guidelines yet, but feels they will agree with the changes.

Commissioner Schwaller stated the language in the Authorization and Findings section is not clear and should be more specific.

The Commissioners would like the Downtown Development Corporation to define a historic district within the designated district. The historic district would have more stringent rehabilitation requirements.

The Commission discussed making minor changes to the language in the Criteria for Determination of Eligibility before acceptance of the Plan.

B. Henry Schwaller IV moved, Howard Rome seconded that the transfer of \$100,000 from the Hays Foundation to the Downtown Development Corporation, be approved.

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

Henry Schwaller IV moved, Larry Schmidt seconded that Item 17 (Propane Tank Ordinance Change) be discussed next.

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

17. Propane Tank Ordinance Change: Fire Chief Roger Rife said he received a request from A-1 Plank and Scaffolding, Inc. for a variance from current city code to place a 300-500 gallon tank at their facility located at 500 Commerce Parkway.

The present ordinance restricts the storage of liquefied gases within the city limits of Hays with the exception of 100 gallon propane gas cylinders used for outdoor grills and roofing contractors.

Upon inspection of the A-1 Plank facility, a 500 gallon propane tank was discovered located at the southeast corner of the main building approximately 52' from the wood storage and 59' from the main building. The location of the tank is in direct violation of City Code. A-1 Plank has indicated that if a variance were allowed, they would be willing to comply with the guidelines of the Uniform Fire Code concerning the location of such tanks.

Wayne Billinger moved, Howard Rome seconded, that City staff be directed to prepare a draft ordinance for review which provides for a variance allowing for the placement of propane tanks in certain situations.

Vote: Ayes: Troy Hickman
Henry Schwaller IV

Larry Schmidt
Howard Rome
Wayne Billinger

11. RUNWAY 16-34 CONTRACT: Airport Manager Terry Urban presented an Agreement with Bucher, Willis, & Ratliff to extend Runway 16-34 400 feet and Parallel Taxiway M 400 feet. During this Project, the MALSR lighting system, the Glide Slope and the south PAPI's will be relocated. The amount of the contract totals \$55,550.00. These services will be eligible for federal participation (90% FAA/10% City) with the exception of the relocation of the glide slope and the PAPI's which will be relocated at the City's expenses. The relocation is necessary to make way for the crosswind runway.

Mr. Urban noted that this upfront design work would be done at the City's risk because the FAA Grant has not been awarded yet. Hopefully, the Grant will be awarded early in 2001.

Howard Rome moved, Wayne Billinger seconded, that the City enter into a contract with Bucher, Willis & Ratliff in the amount of \$55,550 for the design for the extension of the Runway and Parallel Taxiway M.

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

12. VINE STREET BEAUTIFICATION INSPECTION ENGINEERING

SERVICES: Engineer Hassler reported that on April 27, 2000, the City Commission accepted a recommendation to hire Bucher, Willis & Ratliff to conduct construction administration activities for the Vine Street. Engineer Hassler said he has been informed by KDOT that there must be a signed contract for the construction administration portion of the Vine Street Project before the Project can be advertised for bidding. The bid opening is scheduled for November 15, 2000.

Mr. Hassler said the engineering contract amount for reconstruction of the roadway is \$320,972.61, and the beautification contract amount is \$69,662.88.

City Attorney Bird said he has reviewed the contract and has some minor changes that can be resolved by visiting with Bucher, Willis & Ratliff engineer John Youll.

Henry Schwaller IV moved, Wayne Billinger seconded, that the City enter into a contract with Bucher, Willis & Ratliff for engineering services for the Vine Street Reconstruction Project totaling \$320,972.61 and the Vine Street Beautification Project totaling \$69,662.88, subject to review and approval of the City Attorney.

13. ADA CURB CUTS: Engineer Hassler said bids were opened for the 2000 Curb-cut Project. The result of the bid opening is as follows:

APAC-Kansas Inc.	\$268,254.24
J-Corp	\$224,883.80
Engineer's Estimate	\$301,178.30

Wayne Billinger moved, Howard Rome seconded for purposes of discussion that the bid from J-Corp totaling \$224,883.80, for the 2000 Curb-cut Project, be approved.

Commissioner Rome asked Steve Pfannenstiel, representing J-Corp, the status of the Cart Path Project at the Golf Course. Mr. Pfannenstiel said the repairs for the damages due to poor construction should be complete by late October or early November.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Larry Schmidt

Commissioner Schwaller stepped out of the meeting for a short time and did not vote on the above issue.

14. REPORT FROM CITY ENGINEER ON CITY PROJECTS:

A. 2001 ENGINEERING SELECTION

Engineer Hassler said the firm of Cook, Flatt & Stroebel (CFS) was selected to perform engineering services for the 2000 CIP Projects. In July 2000, the City was informed that the engineer scheduled to do the work had accepted a position with another firm. At that time, another engineer with CFS handled the City's projects. The new engineer is very capable, but does not have as much experience as the original engineer.

It is now time for the City to choose an engineer for next year's CIP. The Engineering Department has developed another RFP that can be sent out to solicit engineering services, or the current contract with CFS could be extended for 2001.

Commissioner Rome said he would like more consideration or points given to the local engineering firms. Mr. Hassler said all firms interviewed were committed to being available. More important than availability was familiarity with the area.

Henry Schwaller moved, Larry Schmidt seconded, that an RFP for engineering services for the 2001 Capital Improvement Plan be sent to various engineering firms, and the same selection committee used for the 2000 Project be selected again.

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

B. ENGINEERING SOFTWARE:

Wayne Billinger moved, Larry Schmidt seconded, that City staff be authorized to issue a Request for Proposal for infrastructure management software for street pavement, sanitary sewer, and water distribution/collection system.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome
Wayne Billinger

15. RECYCLING ISSUES: Public Works Director Elden Hammerschmidt and Assistant Public Works Director Brenda Cary updated the Commission on several upcoming recycling issues.

A. Mr. Hammerschmidt presented an Intergovernmental Agreement for the purchase from Ellis County of approximately five acres of land along the south side of 55th Street, west of Hall Street, at a cost of \$1.00 for the construction of a solid waste/recycling facility. He noted the Agreement with Ellis County also includes the acceptance of a small area of land that Ellis County owns, located north of the railroad tracts west of Vine Street. City owned property where the old City water plant was located borders it on the north side. The City property is still utilized and has a 500,000-gallon below ground water reservoir on it. The reservoir is in use and is linked to the reservoirs east of Vine at the current water plant location.

Henry Schwaller moved, Larry Schmidt seconded, that an Intergovernmental Agreement with Ellis County for land acquisition for construction of a recycling center, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

B. Mr. Hammerschmidt reviewed the solid waste activity schedule for construction of the recycling facility. The target date for completion of the building is March 20, 2001 (weather permitting).

C. An amendment to a Grant Agreement was presented from the Kansas Department of Health and Environment extending the Round 7 Solid Waste Grant for construction of the recycling facility. This amendment will secure \$80,000 for the recycling facility until March 31, 2000.

Wayne Billinger moved, Henry Schwaller seconded, that an Amendment to the Grant Agreement extending the Recycling Grant until March 31, 2000, be approved.

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

D. Bids were received for architectural services for the construction of a Solid Waste/Recycling facility from the following firms:

Bucher, Willis & Ratliff	\$18,000
Stecklein and Brungardt	\$39,200
Woods & Starr	\$16,500

Wayne Billinger moved, Howard Rome seconded, that the bid from Woods & Starr in the amount of \$16,500, for architectural services for the construction of a Recycling Facility, be accepted.

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

E. Public Works Director Hammerschmidt said there was some concern expressed at the last meeting concerning the recent purchase of a forklift for use at the new recycling facility which is scheduled to be completed March, 2001.

Mr. Hammerschmidt said although the forklift was not budgeted for 2000, it was evident that it would be necessary to have a forklift at the new recycling facility. After a recent purchase of a vehicle for the Solid Waste Superintendent from Surplus Property for less than the amount budgeted, it was decided to use the remaining budgeted dollars for the purchase of a forklift. An electric forklift was found at Surplus Property for \$3,000. City staff did considerable research and found this forklift to be in good condition and a good price.

Commissioner Schmidt said every time the City is able to save money does not mean that they should go out and spend it on something else. The money should be put away. Equipment purchases should be channeled through the budget process.

Mr. Hammerschmidt said if the Commission was not comfortable with the purchase, the item may be returned to Surplus Property.

Larry Schmidt moved, Henry Schwaller seconded, that the forklift purchased from Surplus Property should be returned.

Vote: Ayes: Troy Hickman

Henry Schwaller

Larry Schmidt

Wayne Billinger

No: Howard Rome

16. REVIEW OF NON-ARCHITECT PLANS BY ICBO OFFICIALS: This item was tabled.

18. COMMISSION INFORMATIONAL MEMORANDUM: There were no items.

19. EXECUTIVE SESSION: This item was tabled.

20. ADD-ON ITEMS: City Manager Zacharias announced that the new codified ordinance books have arrive. The new code needs to be formally accepted by Ordinance.

Howard Rome moved, Larry Schmidt seconded, that Ordinance No. 3540, being an Ordinance adopting the City of Hays Municipal Code, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

Commissioner Schmidt said he understood that the City Attorney and City Commissioners received a letter from John Werth and his attorney regarding his hangar at the Hays Regional Airport. He wondered if this issue was being addressed. City Attorney Bird said he sent the letter on to the City Manager

recommending that a meeting be set up with all the parties involved. City Attorney Bird asked that any future correspondence regarding this issue be forwarded to him.

Commissioner Schmidt said on the weekend of September 30, 2000, a City of Hays Police Patrol car was parked in the handicapped parking stall at the Golden Ox Café. He asked if this has been looked into. City Manager Zacharias said this issue is being investigated and a report will be forthcoming.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board