

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 25, 2001

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, October 25, 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: Dick Bedard moved, Sunell Koerner seconded, that the minutes from the regular meeting held on October 11, 2001, be approved.

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

3. FINANCIAL STATEMENT: City Clerk Susie Berger stated sales tax collections are \$99,000 ahead of last year for the same time period. Revenues are tracking a little above normal and expenditures are comparable to last year.

Troy Hickman moved, Larry Schmidt seconded, that the Financial Statement for September 2001, be approved.

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

4. HAYS EMPLOYEE SERVICE AWARDS: Mayor Schwaller presented 10-year service awards to the following City of Hays employees:

Howard Barnes	Steve Barnes
Elinda Bauer	Douglas Randa
Brian Roe	Dennis Schmidt
Karen Stramel	Ed Weber
Mark Windholz	

Mayor Schwaller thanked the employees for the years of service and dedication to the City of Hays.

5. CITIZEN COMMENTS: Susan Nebel addressed the Commission regarding an upcoming fund raiser for the Hays Fire Department and the Ellis County Rural Fire Department. The Mark Key Band will be performing a benefit concert at the Wild Rose on November 9th. Donations collected that evening will be given to the Fire Department and Ellis County Rural Fire Department.

6. CONSENT ITEMS: Dick Bedard moved, Sunell Koerner seconded, that the following consent items be approved:

A. The Mayor be authorized to sign an ordinance for the partial vacation of an existing utility easement at 2025 Metro Lane as approved at the October 11, 2001 City Commission meeting.

B. Recognize the placement of Carol Solko on the Sister Cities Advisory Board as an ex-officio member.

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

NEW BUSINESS

7. REVIEW OF CITY STAFF ACTIVITIES IN REFERENCE TO SECURITY ISSUES: Interim Manager Dorothy Stites addressed the Commission regarding

the implementation of security procedures proposed by the City Security Committee. This is a new ad hoc committee that will address security-related issues within our City government. The City is still actively involved with the Local Emergency Planning Committee and the Ellis County Emergency Management Team and will continue working with those committees.

Ms. Stites stated that effective November 1st, all City employees would be required to wear a photo identification badge while on the job. Perimeter fencing will be installed around the Water Treatment Plant, tours will be suspended, and the roads leading to the Water Treatment Plant will be fenced off to prevent public access. Doors will be secured and visitors will be required to wear badges.

The Federal Aviation Agency has mandated that no parking be allowed within 300 feet of an airport terminal entrance. This has resulted in temporary parking in a dirt field. Hopefully, funding will be available on a 90%-10% match to improve the temporary parking.

8. 13th STREET PROPOSED IMPROVEMENTS: A.B.C.D. Director of Engineering Kurt Hassler stated the Traffic Advisory Committee has made a recommendation to re-stripe 13th Street from Milner Street to Hall Street from the current 2-lane configuration to a 3-lane configuration with a dedicated center turn lane. A 3-lane configuration helps the traffic flow. To accommodate 3-lanes, it will be necessary to change the parking in the 200 and 300 block of West 13th Street from angle to parallel. This will result in a loss of 18 parking stalls.

TAC recommended that stop signs on 13th Street at the Ash Street intersection be removed and that stop signs be placed on Ash Street instead, stopping northbound traffic on the one-way Ash Street, allowing 13th Street traffic to travel through the intersection without stopping.

Mayor Schwaller stated his concern is that it is a lot easier to angle park than it is to parallel park.

Mr. Hassler stated it is easier to angle park, but parallel parking is safer, especially when pulling out into traffic.

Henry Schwaller IV moved, Larry Schmidt seconded, that the Traffic Advisory Recommendation to re-stripe 13th Street from Milner Street to Hall Street from the current 2-lane configuration to a 3-lane configuration with a dedicated center turn lane be approved, and that the parking in the 200 and 300 block of West 13th Street be changed from angle to parallel.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Commissioner Hickman stated his concern about switching stop signs at the 13th and Ash Street intersection is the slope of the brick street. It will be difficult to stop and restart driving during snow and icy conditions.

Mr. Hassler stated with proper plowing that won't be a problem.

Mayor Schwaller stated he also is concerned about the safety issue. It will be a painful transition to change the stop signs because the current placements of the stop signs have been that way for a long time.

Dick Bedard moved, Sunell Koerner seconded, that the stop signs on 13th Street at the Ash Street intersection be removed and that stop signs be placed on Ash Street at that same intersection.

Vote: Ayes: Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

No: Henry Schwaller IV

9. COTTONWOOD/COUNTRY LANE PROPOSED IMPROVEMENTS: City Engineer Kurt Hassler stated two temporary speed humps at a cost of \$4500 each were installed on Country Lane and have been evaluated to see if they were accomplishing the goal of slowing down traffic. The humps have performed very well. Traffic counts and speed data were gathered at those locations prior to the installation of speed humps and again after the speed humps had been in

place several months. The speed humps decreased traffic by about 100-125 vehicles per day and reduced the average speed by 4 mph to 31 mph.

The Traffic Advisory Committee made the following recommendations to the City Commission:

- A. Install one additional speed hump on Country Lane
- B. Do not install any speed humps on Cottonwood Lane
- C. Install a three-way stop sign at the intersection of 29th Street and Cottonwood Lane.
- D. Increase the speed limit on Cottonwood Lane and Country Lane from 20 mph to 25 mph.
- E. Install sidewalks along Cottonwood Lane and Country Lane

Mayor Schwaller stated that on other streets with sidewalks, pedestrians don't use them and considering the length of those two streets, it would cost a considerable amount of money to install sidewalks. Specific directions were given at the January 25, 2001 Commission meeting to purchase four speed humps. Nothing was done until he called the City Manager after the residents in the area notified him that the speed humps have not been installed. The Commission requested these speed humps be installed and he wants to see the process carried through. He will not vote for any of the recommended changes; he wants staff to do what was decided back in January.

Commissioner Schmidt agreed with the Mayor. The four speed humps should be installed, then an evaluation made as to how the four humps have affected traffic.

The consensus of the Commission was to not take any action on the TAC recommendations until the remaining two humps have been installed and evaluated.

10. RECYCLING CONTRACT WITH STUTZMAN REFUSE DISPOSAL: The original contract with Stutzman has been extended until the Solid Waste Department could get the City compactor up and running and the baling operation in full swing. Stutzman will continue to transport, sort, and process the blue bags containing glass, #1 and #2 plastics, tin, and aluminum cans.

The new contract is similar to the one offered earlier this summer. The use of the compactor is the only major change along with a clause that allows the City to use Stutzman for paper processing in the event the City has a long-term problem with the baler.

Troy Hickman moved, Larry Schmidt seconded, that the Mayor be authorized to sign a contract with Stutzman Refuse Disposal, Inc. for processing of co-mingled blue bag products involving our recycling program for a period of one year.

Vote: Ayes: Henry Schwaller Jr.

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

11. AMENDMENT TO THE SNOW AND ICE ORDINANCE: Director of Public Works Elden Hammerschmidt and Brenda Cary, Asst. Director of Public Works, reviewed proposed deletions and additions to the Snow and Ice Ordinance. They have worked closely with the Fire Department, Police Department, and EMS to develop the proposed changes.

Ms. Cary stated that the Emergency Snow Route should be extended to include Main Street from 183 Alternate to 27th Street, instead of stopping on 16th Street. Ash and Fort Streets from 8th Street to 27th Street could then be eliminated. She also recommended the addition of Downing Avenue from General Hays Road to Vine Street. The other streets would still be plowed, however, the Emergency Snow Routes would get first priority.

Mayor Schwaller stated he would like to keep Ash and Fort Streets as part of the Emergency Snow Route.

Commissioner Bedard stated he would like to have 41st Street west of Thunderbird Drive to US 183 Bypass included in the Emergency Snow Route.

Ms. Cary stated that one of the proposed changes is to give the City Manager the authority to declare a winter storm traffic emergency instead of the Mayor. The mayoral position changes each year and on-going training will need

to occur each year to make sure the Mayor is aware of the process. From an operational perspective, staff functions under the direction of the City Manager.

The City Manager will implement phases depending upon the severity of the winter storm. The first phase prohibits parking a vehicle on a designated emergency snow route. The second phase makes it mandatory that a vehicle be equipped with tire chains or be a four-wheel drive vehicle. The third phase makes it unlawful to operate any vehicle upon any street except those vehicles designated by the City Manager as snow clearing/removal or emergency vehicles. These phases do not necessarily need to be done in order. This would be at the discretion of the City Manager.

Commissioner Koerner suggested that in Section B of the proposed ordinance, which states the City Manager may declare an emergency whenever snow has accumulated to a depth of four (4) inches, that the four (4) inches be eliminated. She felt that because of drifting snow, the four-inch criteria might not fit all situations.

Troy Hickman moved, Sunell Koerner seconded, that the proposed changes to Section 10.20.190 (parking, operation of vehicles upon streets during traffic emergencies and upon streets designated as emergency snow routes), Section 12.20.10 (removal by owner – penalty for failure to remove), Section 12.20.020 (removal by City), be approved as recommended by staff, except the recommendation to eliminate Ash and Fort Streets not be approved, and that 41st Street west of Thunderbird Lane to US 183 Bypass be added to the Emergency Snow Route, and the proposed change stating a four (4) inch criteria for declaration of an emergency be eliminated.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

12. TRANSFER OF HAYS PUBLIC LIBRARY PROPERTY: Sunell Koerner moved, Larry Schmidt seconded, that the discussion of this item be tabled until the next Commission meeting.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Dick Bedard

Absent: Troy Hickman

Agenda Items 15 and 16 were discussed next.

15. ORDINANCE REZONING LOTS 1,3,5,7,9,11,13,15,17 IN BLOCKS 4 & 5, H.P.WILSON ADDITION OF THE CITY OF HAYS FROM “C-O” AND “R-4” TO “C-2”: This zoning is for the former Hadley Campus of Hays Medical Center that is now owned by Hadley Redevelopment LLC located on East 7th Street from Oak Street to Allen Street. With this change, all of the property within Blocks 4 & 5 will have the same zoning.

Troy Hickman moved, Larry Schmidt seconded, that Ordinance No. 3566, being an ordinance rezoning a tract of land situated in Lots 1,3,5,7,9,11,13,15,17, Blocks 4 and 5, in H. P. Wilson Addition to the City of Hays, Ellis County, Kansas, from “C-O” Office and Institution District and “R-4” Multi-Family Dwelling District to “C-2” General Commercial and Service District, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

16. ORDINANCE AMENDING THE CURRENT “C-2” ZONING REGULATIONS THAT WOULD ALLOW DORMITORY/RESIDENCE HALL WITH A SPECIAL USE PERMIT: The Hays-Ellis County Planning Commission recommended the addition of Dormitory/Residence Halls as a Special Use within the “C-2” Zoning District to read: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging, with or without meals, is provided.

Henry Schwaller IV moved, Dick Bedard seconded, that Ordinance No. 3567, being an ordinance amending the Zoning and Subdivision Regulations of the City of Hays, Kansas, as adopted by reference by Ordinance No. 2458 of the Code of Ordinances of the City of Hays, Kansas, on October 25, 1973, and as thereafter amended, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

13. REVIEW AND DISCUSS POSSIBLE SALE OPPORTUNITIES INVOLVING

THE R-9 RANCH: City Attorney John Bird reviewed the events leading up to the purchase of the R-9 Ranch in September 1994 at a cost of \$4.2 million. Mr. Bird stressed that the decision to buy the Ranch was not made hastily. Hundreds of hours of investigation were spent by himself, other staff members, and experts. In February 1996, the City of Russell bought an 18% share of the R-9 at a cost of \$600,000.

The R-9 Ranch was and is now the largest contiguous source of water rights in western Kansas. The Ranch consists of approximately 6,700 acres of land located in Edwards County. There are 6,211 acre-feet of certified water appropriation rights on the Ranch.

Mr. Bird stated that in the search for water sources, the City of Hays found that it was not welcome in Trego County, Graham County, or Ellis County. The areas the City was looking at were also the areas that the City considers part of our commercial trade area. The Ranch did not represent a significant portion of our trade base. The City realized that if someone was going to be upset, it was better to do it farther away.

When Russell decided to join the City of Hays, they constituted an attractive political partner because of their Republican credentials. This made for a good fit with Democratic-leaning Hays. The City knew it would need regulatory approval wherever it went. Through the years, the City has had to deal with both

Democratic and Republican administrations. Hays and Russell also have similar short-term and long-term water needs.

The sale price negotiated for the Ranch involved a favorable lease arrangement. For the first five years of the lease, \$90,000 plus taxes was paid each year. The lease was renegotiated in 2001 for \$275,000 annually.

Mr. Bird stated that up until the time the City purchased the R-9, the water regulators in the State of Kansas treated the City of Hays with disdain. They had no bureaucratic empathy for our search for water. After the City purchased the Ranch, it became apparent that we had their attention. In Mr. Bird's opinion, the only reason the City has made any headway on other water projects and received cooperation from the State is because they do not want the City to develop this Ranch as a water source.

The Ranch is 70 miles from Hays and the Water Transfer Act would be triggered if the City decided to remove water from there. The State of Kansas is concerned that once the City has gone through the Water Transfer Act process, which has never happened in Kansas, this would establish a template for other cities to do so. The City of Hays is the first entity that has the financial ability to stand toe to toe with the State of Kansas on legal issues that are still unclear in the Water Transfer Act. The State would have to prove their power. Once that is done, Wichita, Topeka, and Kansas City would be in a lot better position to extend into other areas of the state or across state lines for water sources.

Mr. Bird stated that if the Ranch is sold, that bargaining power would be lost. The Ranch led to the formation of Public Wholesale Water Supply District #15. The Ranch has always been an integral part of the District's operations, to the extent that Hays and Russell have turned over the management of the Ranch to the District.

Commissioner Hickman stated the District's sole mission from both communities is to find new water sources. The representatives of the Districts are volunteers that are trying to serve the interest of two different communities. Even though as individuals there may not be 100% agreement with the recommendations; it needs to be taken into consideration where they are

coming from. There has been a lot of bad blood that has occurred. You can blame that on the District, you can blame it on members of the public, you can blame it on the press, but ultimately, it is our responsibility to give policy direction. The community, as well as this Commission, is divided on the issue of whether we need the water today. The City is also getting different messages from different state agencies as well.

Commission Hickman questioned whether the District and the two cities could recover from the bad blood and the confusion that has caused so much strife. Russell has some major water issues they need to address in the near future and they are looking to the City of Hays to see what the City is going to do. It is not fair to them to keep them in limbo and have them possibly miss opportunities for their community. This Commission does not have the gumption to pull together and be united in any direction on this matter. Out of fairness to everyone involved, the City should take a time-out and cut the strings. Russell has been a great partner and friend in other economic development activities. They should be allowed to pursue other water options on their own. The District has done a great job, but in Commissioner Hickman's opinion, they have been crippled by this Commission's debate.

Troy Hickman moved that the contract with Public Wholesale Water Supply District #15 be cancelled, that the City of Hays ask the District to go into retirement effective December 31, 2001, that at some point in time the District be revived to work with Hays and Russell, and that this Commission table any discussion or debate on any water projects for the next 18 months.

Mayor Schwaller stated that we shouldn't sell this Commission or the Russell City Council short. Water has been identified as the top objective of this Commission for 2002. Water has been a priority for this community for almost ten years. Three things need to be done before any action is taken. First, this City Commission must meet with the Russell City Council immediately. It is important to dispel the myth that our community or any member of this Commission wants to take over the District. We must underscore the importance of our relationship with Russell. Second, the City of Hays has to develop a

comprehensive water plan. It is imperative that the City has a plan that states how much water we need, why we need it and when we need it, and to some degree what are we willing to pay for it. The City should have a task force studying our water needs. Thirdly, we must erase some of the myths regarding the South Russell Project. We were told it was the best project right now and much time has been put into the Project. Commissioner Schwaller agreed that a lot of time has been put into the project, but it is not the best project. There has been confusion since April about minimum stream flow and whether or not we can pump during times of drought. The Commission was told that the District was 150% confident that it was a workable project. The Commission was told that it was necessary to move as quickly as possible to get the State Revolving Loan in place, and now he understands the Revolving Loan is not as time sensitive as earlier stated. All these issues do not stack up and have fallen down. If the City continues with the South Russell Water Project, it needs to stand on its own. Kanopolis should not be thrown into the mix. Hays and Russell need to make sure that every penny that is spent is spent wisely. All of the expenses associated with this Project have been paid out of City of Hays sales tax revenue. The South Russell Project will use 20 years of our sales tax revenue. If the Project fails, we will have nothing for our investment and nothing to sell. The Ranch represents a political alliance, is a bargaining chip in Topeka, and is a hard asset that could be sold.

Mayor Schwaller stated that some citizens have questioned the District and there are times that have been tense, but we have found out there is more to this project than anyone knew. If Russell wants to buy in and continue with the Project, they should write a check for \$300,000, their share of the project cost to date. Mayor Schwaller stated this is meant more for the District members than the Russell City Council. The District members are not aware of the political pressure the City Commission is under. He disagreed with Commission Hickman's statement about this Commission not having the ability and stamina to make this Project work.

Commissioner Bedard stated he is in favor of the Project and he seconded Commissioner Hickman's motion. He has heard nothing but criticism for PWWSD #15 from Mayor Schwaller and Commissioner Schmidt. Now is their opportunity to get out, to stop the Project.

Commissioner Schmidt stated he didn't want to stop the search for water, but this Project should be stopped until assurances were given that it was done right. An independent person looked at the Project and said it wasn't done right. A commissioner is elected to watch the taxpayer's money. The District will run the Project, but the Commission controls the money. The City of Hays does not need the water today. There is enough water available for 10-15 years, possibly even 20 years at our current rate of growth. We have the time to take an orderly look at what we want to do. If the Ranch is such a good deal, why aren't we pumping that water up here? The Water Transfer Act is the only thing that stands in our way. It wouldn't cost much more than this Project and produce more water. We jumped into the Dakota Wellfield, spent some money, found out that wasn't too good and jumped back out. We shouldn't jump into the South Russell Project. \$107,000 has been spent on legal fees and \$7,000 on hydrology. That is doing a project backwards. The State has told us we don't have the hydrology in that area to even apply for water rights. This Project would be worthless in times of drought. We would get little or nothing out of our \$26 million investment. We need to take the time to look at other options. If the members of the District don't want to take the time to study other options, other people could be appointed to the board. He agreed with Mayor Schwaller that this Commission should meet with the Russell City Council.

Commissioner Bedard stated that if Commissioner Hickman's motion doesn't pass, he doesn't want to hear all the criticism he has heard the past six months. If the motion does pass, then he would consider stopping the sales tax in January 2002.

City Attorney John Bird stated it would take both cities to be in agreement about disbanding the District. The sales tax could only be stopped by a vote of the people at the next general election, which is April 2003.

Commissioner Schmidt stated he not for disbanding the District. If they don't want to look at other options, new members could be appointed that would. We should not wait for 18 months to look for new water sources. He will be voting against Commissioner Hickman's motion.

Commissioner Hickman stated the argument has been made that we should do the wishes of the two city bodies, which consists of 12 members collectively. There have been 10 votes to go forward with this Project.

Commissioner Koerner stated she is not willing to stop the search for new water supplies. In 1992, that was the charge from the citizens of this community. It doesn't matter how long it takes or what kind of battles we have to overcome. She agreed that this Commission should meet with Russell.

Commissioner Hickman stated he didn't think we should quit searching for water. He didn't think this body is going to come together on a decision. There seems to be evidence that this body doesn't trust the District, yet they are representing us. John Bird is the attorney for both the City and the District and felt he could vouch that there are no misdealings taking place.

Mr. Bird stated he has attended almost every meeting of the District. The debates being held in this chamber took place years ago. The District considered dozens of different water alternatives. Each alternative was rated politically and by water quality and quantity. The City does have a water plan. Commissioner Schmidt's statement that the South Russell Project is worthless and can't be done is not borne out by the objective facts. There are imperfections in the Project and they need to be resolved. Mr. Vincent's report did not say this plan is no good; he said the basic concept is good, but can be improved.

Mr. Bird stated the District has already lost one of its quality members with the resignation of Dr. Bob Albers. Others will be lost. The District voted to go forward with the loan application; if the President does what he is obligated to do, he should apply for that loan before the deadline. However, the message being given is that Hays is not going to stay the course on the Project. This Commission needs to make a decision. In Mr. Bird's opinion, the District is so

crippled by the dissention on this Commission and the things that have been said about the Project. It has been said in these chambers that the City doesn't need the water. When the citizens voted on the sales tax, the message was the City does need water. Water doesn't follow growth; growth follows water. Cities located themselves where there is water. When companies consider various Kansas cities for relocation, they don't look at Hays because we don't have water. This community is known for being short of water.

Mr. Bird stated the District is not some puppet; it is legally an independent body. It has the right to make policy decision of its own after the two Commissions have given direction to the District. The Russell City Council voted unanimously 7-0 in favor of the Project and this Commission voted 3-2 in favor. Russell is of the impression that one vote switch from Hays and this Project goes down the tubes. Mr. Bird stated that he thinks this Commission is wasting the taxpayer's money right now.

Commissioner Schmidt stated that if the City spends \$26 million, the City would still be on top of the drought list. The South Russell Project is not drought proof.

Mr. Bird stated companies looking for cities to relocate look at raw numbers; how much water is available now, how much water is in the planning stage, how is the water treated, and so forth. The City may never get off some artificial bureaucratic drought list. That is not the issue; the issue is water in the tap. Until you can prove to an economic development prospect that you have water coming, they are not going to spend the kind of money they have to spend to relocate. This Commission discussed going to a reservoir. The District also debated that many times. Atrazine pollution threatens existing reservoirs in Kansas from which cities draw their water. The events of September 11th should tell us something about the vulnerability of this country from the insane acts of a few. An open water reservoir is a tempting target. When a project is designed, possible failure has to be considered, and if it fails, how badly does it fail? There is a failure rate on the South Russell Project, but it is not 100%. There are times

when that Project statistically will not produce water. This Project is only one portion of the City's water plan.

Commissioner Koerner stated that this Commission has voted 3-2 to go forward with the Project. She is confused as to why we keep discussing this. Mr. Vincent's report has to be looked at objectively and then we need to ask how can this Project be improved.

Mr. Bird stated the cost of improving the Project, which is approximately \$60,000, should be borne by the engineer on the Project, not the City of Hays or the City of Russell, or the District. That is part of the cost of designing the Project.

Mr. Bird stated he felt that when this Commission did not appoint the District's recommended person to replace Dr. Albers on the Board, that is where a lot of the problem started.

Commissioner Koerner stated the City Commission has the right to appoint that person. She is sorry if they are unhappy with the person she nominated, but Jim Aubel has the technical background that would be helpful in this Project.

Mayor Schwaller stated he has merely asked to have the facts clarified. The one part of this whole Project that has not been looked at is hydrogeology. Why would you look at the political ramifications and the cost and not hire a hydrogeologist? The City does not have a water plan; yes, we have a document, but we don't have one that is accepted by the State and one that is even known by the community.

Commissioner Schmidt stated he and Mayor Schwaller were looked at as the bad guys for asking questions. When the answers came back in their favor, they were looked at as villains. That kind of treatment has made him distrustful of the District.

Commissioner Koerner stated neither side should get offended that anybody is asking questions. The City of Russell voting to boycott for 30 days doesn't show a whole lot of trust in this governing body either.

Commissioner Hickman stated if trust has broken down on both sides, why should we continue?

Commissioner Koerner felt that by sitting down and talking with the Russell City Council, maybe that trust could be restored.

Mayor Schwaller stated some fundamental questions need to be asked. What he is asking is for the Russell Council to take a technical look at this Project and the Project needs to be redesigned. If it is going to be built, it should be built right. As it is now, it is not on the right path.

Mayor Schwaller called for the vote.

Vote: Ayes: Troy Hickman

Dick Bedard

No: Henry Schwaller IV

Larry Schmidt

Sunell Koerner

Commissioner Schmidt moved, Henry Schwaller IV seconded, that the Hays City Commission meet with the Russell City Council to discuss the possible sale of the R-9 Ranch and other water issues involving the two communities.

Commissioner Koerner stated she didn't think the City should sell the Ranch, however, she is willing to meet with Russell.

Mayor Schwaller agreed with Commissioner Koerner.

The Mayor called for the vote.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

14. AMENDMENT AND ADDITIONS TO THE WELLHEAD AND AQUIFER

PROTECTION ORDINANCE: Director of Public Works Elden Hammerschmidt stated these ordinance changes and additions would allow the City to permit monitoring wells. There would be an \$25 annual fee and would also allow the City to collect a \$500 deposit that could be used to repair any damages.

Henry Schwaller IV moved, Dick Bedard seconded, that proposed amendments to Section 8.36.010 (Definitions), adding Section 8.36.080 (Procedures and Restrictions), adding Section 8.36.090 (Performance Standards Required for Construction in the Public Right-of-Way) and adding Section 8.36.100 (Cash Deposit Record), be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

17. EXECUTIVE SESSION: Larry Schmidt moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 10:30 p.m. for 15 minutes to discuss the purchase of property acquisition. The session is to include the City Commission, the Interim City Manager, and the City Attorney.

Mayor Schwaller stated he would be voting no. From talking with various people in the community, there is a feeling that these types of issues should be discussed in open meetings.

John Bird, City Attorney, stated he didn't feel the Commission would be exposing itself to any great jeopardy by discussing this issue in open session.

Commissioner Schmidt withdrew his motion. Commissioner Hickman withdrew his second.

Interim Manager Dorothy Stites stated the property at 403 Oak has become available for sale for \$24,000. This is near the Hays Aquatic Park and Larks Ballfield and the property could be used for future parking. She asked if the Commission wanted to pursue this. The property would be paid for from the pool sales tax revenue.

Commissioner Bedard stated this would help in the long-term parking plan and he would have no problem with purchasing the property with sales tax money.

Mr. Bird stated if it was the consensus of the Commission, he would negotiate the best deal he could and present that at a later meeting.

The consensus was to have Mr. Bird negotiate.

18. COMMISSION INFORMATIONAL MEMORANDUM: Director of Engineering Kurt Hassler stated he has given KDOT a drawing of the proposed changes involving the construction of a left-hand turning lane into Northridge Plaza.

Commissioner Koerner asked what would happen to funds allocated to the cart paths at the Golf Course if the money is not spent this year.

Interim Manager Stites stated that unless the funds were encumbered by a contract, the funds would revert to the General Fund.

19. ADD-ON ITEMS: Interim Manager Stites stated that Anderson and Associates have received 40-45 applications for the City Manager position. An executive session will be scheduled November 20th to go over the applications.

Director of Engineering Kurt Hassler stated the parts are in for the in pavement crosswalk lights and will be installed as soon as possible.

Mayor Schwaller asked staff for an update on the alley behind the Methodist Church on West 7th Street. The alley is in terrible condition and he would like to know what the City options are.

Mr. Hassler stated Midwest Energy would be doing work in that alley and part of it will be upgraded. He will report back to the Commission at a later date.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board

