

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON SEPTEMBER 14, 2000

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, September 14, 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:** Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular session held on August 24, 2000, be approved.

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

**3. CITIZEN COMMENTS:** Veteran of Foreign Wars and American Legion representatives Charles Staab and Stanley Dreiling informed the Commission the Moving Wall will be arriving in Hays on September 23<sup>rd</sup>. Ceremonies will be held throughout the week honoring war veterans.

Henry Schwaller IV moved, Larry Schmidt seconded, that given the length of the agenda this evening, that adjournment be at 11:00 p.m. this evening.

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

Wayne Billinger

Henry Schwaller IV moved, Larry Schmidt seconded, that **Item 19 (Parade Restrictions)** be tabled indefinitely.

Commissioner Billinger stated he didn't want it tabled indefinitely; it's a safety concern that should be addressed soon.

The Mayor called for the vote.

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

No: Wayne Billinger

Henry Schwaller IV moved, Larry Schmidt seconded, that **Item 15 (1999 Audit Report)** be tabled until the next meeting.

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

Howard Rome moved, Henry Schwaller IV seconded, that **Item 6 (32<sup>nd</sup>/33<sup>rd</sup> Street Intersection)** be tabled until the next meeting so that area residents may be given appropriate notice that this issue will be discussed again.

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

**4. CONSENT ITEMS:** Wayne Billinger moved, Henry Schwaller IV seconded, that the consent items be voted upon separately.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt

Howard Rome  
Wayne Billinger

**A.** Wayne Billinger moved, Henry Schwaller IV seconded, that the Mayor be authorized to sign a lease for Municipal Park with “Pheasants Forever” from September 27 through October 1, 2000.

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

**B.** Wayne Billinger moved, Henry Schwaller IV seconded, that a Cereal Malt Beverage License for “September Jam 2000”, Hays Municipal Park, be approved.

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

**C.** APAC – Kansas, Inc. Shears Division has requested the closing of 10<sup>th</sup> Street just to the east of the Hays Car Care in the 400 block of East 10<sup>th</sup> Street. Accident information does not indicate an excessive accident rate; however, there are many near misses at the corner of 10<sup>th</sup> and Milner Streets. Property owners in the area support a decision to close the street, as there is very little through traffic. The Traffic Advisory Committee has recommended that a mid-block barricade be constructed on the 400 block of East 10<sup>th</sup> Street.

Henry Schwaller IV moved, Larry Schmidt seconded, that the Traffic Advisory Committee recommendation to barricade 10<sup>th</sup> Street between Allen and Milner Streets be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt

Howard Rome  
Wayne Billinger

### **OLD BUSINESS**

**5. HALL STREET IMPROVEMENT REVIEW:** Kurt Hassler, Director of Engineering, stated KDOT had some concerns with the City's plan of constructing Hall Street as a four lane between 27<sup>th</sup> and 12<sup>th</sup> Street and a three lane between 12<sup>th</sup> and 8<sup>th</sup> Street. Charles Schwinger, Bucher, Willis and Ratliff engineer, conducted a Hall Street Corridor Study prepared under the Traffic Engineering Assistance Program. BWR has the contract with KDOT to perform TEAP studies across the state of Kansas.

The TEAP study recommends the reconstruction of Hall Street as a three-lane street, with the construction of a roundabout at the intersection of 12<sup>th</sup>/Elm/Hall. No homes would need to be purchased with the construction of a roundabout. The study also recommends signalization of the intersection of 27<sup>th</sup> Street and Hall Street.

John Watson, 509 West 12<sup>th</sup> Street, stated he is in favor of construction Hall Street to a four-lane road for safety purposes. This would be the best choice now and for future growth. He also feels there would not be enough room for a roundabout without affecting three pieces of property.

Nancy Summers, 1301 Elm, stated she supports a three-lane road. She is in favor of a roundabout for controlling the flow of traffic but is concerned that trucks will not be able to navigate a roundabout without cutting curbs and destroying the landscaping.

Preston Gilson, 502 West 12<sup>th</sup> Street, stated he could support the three-lane option for Hall Street, but didn't think the roundabout would solve the traffic problems at the intersection of 12<sup>th</sup>, Hall, and Elm Streets.

Mike Seibel, 527 West 24<sup>th</sup> Street, stated he supports a four-lane roadway for Hall Street. The City should construct the street one time, do it right, and get it over with, not go back in future years and do it all over again. Mr. Seibel stated

he has driven roundabouts with a 16-foot truck. The roundabout did handle traffic very well, but he was nervous driving it.

Charlie Eakins, Director of Transportation for USD 489, stated USD 489 would like to have bus-parking setback for loading and unloading students in front of O'Loughlin Elementary School.

Henry Schwaller IV moved, Troy Hickman seconded for purposes of discussion, that the City progress on the Hall Street Project, by making Hall Street a three-lane roadway from 27<sup>th</sup> Street to 8<sup>th</sup> Street, and a reverse S curve installed in place of a roundabout.

Mayor Hickman stated a four-lane roadway is the best long-term solution. If a three-lane is constructed, enough right-of-way should be acquired to the west so that at a future date a fourth lane could be installed. The intersection at 27<sup>th</sup> & Hall Street should be a four-lane even if Hall is constructed as a three lane.

Commissioner Rome stated a property owner who is concerned about the roundabout practically coming up on her front porch has contacted him. He favors a four-lane; the City should do it the right way and be finished with it.

Commissioner Billinger stated that installation of a roundabout would be dangerous to pedestrian traffic.

Commissioner Schmidt stated the BWR study takes into count future traffic flows and future traffic growth. The study should be accepted in its entirety and Hall and Elm Streets should be constructed the way the professionals are telling us to do it. He favors the roundabout, but would consider the reversed S curve.

Commissioner Billinger asked if the City chose to stay with four-lane, would it jeopardize state funding?

Mr. Hassler stated the State agreed with the BWR report; if the City chooses to go with some other option, there is still a chance for funding. Any other option has to be taken back to KDOT for their approval. If KDOT totally disagrees with whatever the City presents, they would not fund it.

Commissioner Schmidt asked how much difference in cost there would be between three-lane and four-lane.

Mr. Hassler stated a ballpark figure would probably be \$300,000 to \$400,000 less to do a three-lane.

Larry Gould, chairman of the Hays-Ellis County Planning Commission, stated the Planning Commission stands by its recommendation to construct Hall Street as a four-lane. Even though KDOT are the experts, he is not sure they know what is best for the City of Hays.

Commissioner Schwaller called for the vote.

Ayes: Henry Schwaller IV

Larry Schmidt

No: Troy Hickman

Howard Rome

Wayne Billinger

Troy Hickman moved, Wayne Billinger seconded, that staff proceed with plans to construct Hall Street as a four-lane from 27<sup>th</sup> Street to 12<sup>th</sup> Street and a three-lane from 12<sup>th</sup> Street to 8<sup>th</sup> Street as originally voted upon.

Commissioner Schwaller asked that the Commission reconsider its past action; it does not make sense to have a four-lane turn into a three-lane at one of the worst intersections. It should be either a four-lane all the way or three-lane all the way. He supports a three-lane all the way.

Commissioner Schmidt stated Hall Street would never be the kind of roadway the other Commissioners envision it to be because of the railroad tracks. Three lanes will handle the traffic and it is more affordable.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

**6. 32<sup>ND</sup>/33<sup>RD</sup> STREET INTERSECTION:** This item was tabled until the next Commission meeting.

**7. OFF-STREET PARKING ORDINANCE:** Wayne Billinger moved, Howard Rome seconded, that an ordinance amending the City's zoning regulations reducing parking space requirements for business, commercial and industrial users, be approved.

Commissioner Schmidt stated that rather than changing the ordinance, a variance should be requested to deal with exceptions.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

Howard Rome

**8. TRAFFIC ADVISORY COMMITTEE REORGANIZATION:** City Manager Hannes Zacharias stated the reorganization would make the TAC a committee comprised of citizens versus the present makeup, which is a combination of citizens and City staff. There would be one Planning Commissioner, one USD 489 representative and five City of Hays residents all serving two-year terms.

To place an item on the TAC agenda, an application form would need to be returned to the recording secretary three weeks prior to the regularly scheduled meeting. Prior to considering any traffic related request, a report shall be prepared by the City Engineering Department giving detailed information regarding the affected area and giving an opinion on the request. Actions taken by TAC will be submitted on a form, which will be submitted to the City Commission under the Consent Agenda for final approval.

Commissioner Schwaller asked if it would be possible for citizens to file an application over the Internet at our web-site.

City Manager Zacharias stated that it would be possible once our web-site is up and running.

Commissioner Schwaller stated that there should be another variable that allows for unique situations, even though it would go against the Manual on Uniform Traffic Code Devices.

Commissioner Schmidt stated TAC should be made up of six citizens, the Planning Commissioner should merely be an adviser, and he should be a non-voting member.

Commissioner Billinger felt a representative of the Police Department and one other City staff person would be a great resource. If they don't have voting power, they should at least be an advisory member.

City Manager Zacharias stated they would be there in an advisory capacity, if some situation requires their involvement they will be consulted.

Henry Schwaller IV moved, Howard Rome seconded, that the revised policy regarding the makeup and procedures of the Traffic Advisory Committee, be approved. Those changes are to have one Planning Commission representative, one USD 489 representative, and five City of Hays residents all serving two year terms. Citizens will be able to file an application online at the City web-site at such time as it is available, and deviations from the MUTCD shall be considered.

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

Henry Schwaller IV moved, Troy Hickman seconded, that Items 12 and 16 be discussed next.

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

**12. SET SPECIAL ASSESSMENT HEARING REGARDING ALLEY PAVEMENT, BLOCK 88-D, GOTTSCHALK ADDITION:** Gilbert Schippers, Gib's Auto Supply, 621 East 13<sup>th</sup> Street, initiated steps to establish a special

assessment district for the paving of the existing public alley within Block 88-D, Gottschalk Addition.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 346, being a resolution setting October 12, 2000, 7:30 p.m. as the date and time for a public hearing regarding a special assessment district for alley improvements in Block 88-D, Gottschalk Addition, be approved.

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

**16. GENERAL OBLIGATION AND INTERNAL IMPROVEMENT BONDS: A.**

Dave Arteberry, and Kyle Patina, representing George K. Baum and Co. discussed the final steps the City needs to take in regards to the issuance of \$2,450,000 in General Obligation Bonds. The proceeds from these bonds will be used to retire General Obligation temporary notes and provide for long term financing for improvements at the airport. The major projects include 27<sup>th</sup> Street improvements, preliminary engineering cost for Vine Street improvements, the financing cost of the Public Works office building addition, sidewalk ramps and 41<sup>st</sup> Street Plaza benefit district.

Henry Schwaller IV moved, Howard Rome seconded, that Ordinance No. 3539, being an ordinance authorizing the issuance and delivery of \$2,450,000 principal amount of General Obligation Internal Improvement Bonds, Series 2000-A, of the City of Hays, Kansas; providing for the levy and collection of an annual tax and special assessments for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto.

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

Wayne Billinger

**B.** The following bids were received for the General Improvement Bonds, Series 2000-A:

**INTEREST RATE**

Country Club Bank                      5.080386%  
Kansas City, MO

Prudential Securities                      5.1130%  
Dallas, TX

U.S. Bancorp Piper Jaffray              5.114903%  
Minneapolis, MN

United Missouri Bank                      5.158838%  
Kansas City, MO

Henry Schwaller IV moved, Howard Rome seconded, that the bid from Country Club Bank, Kansas City, MO, with an interest rate of 5.080386% be accepted and that Resolution No. 345, being a resolution authorizing the delivery of \$2,450,000 of General Obligation Internal Improvement Bonds, Series 2000-A, be approved.

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

**9. TALLGRASS FIRST ADDITION-PHASE II CONSTRUCTION CONTRACTS:**

Kurt Hassler, Director of Engineering, stated bids exceeded the engineer's estimate. Only one bid was received for street improvements. APAC-Kansas, Shears Division, Allied Branch bid \$80,583.10, which is \$7,342.10 over the engineer's estimate. Two bids were received for the Sanitary Sewer and Water

Distribution system; the low bid from J Corp was in the amount of \$67,437.50, which is \$989.00 over the engineer's estimate.

Teresa Gillen of Baughman Company, P.A. stated the bids might be higher due to fluctuations in bid item prices and contractors bid according to their work schedules. Baughman Company would like to see the bids accepted; they don't feel the bids are unreasonable.

John Bird, City Attorney, stated the engineer has the right to amend their estimate, which is what Baughman Company is doing.

Troy Hickman moved, Wayne Billinger seconded, that the bid from APAC-Kansas, Shears Division, Allied Branch for street improvements in the amount of \$80,583.10, and the bid from J Corp for Sanitary Sewer and Water Distribution Systems in the amount of \$67,437.50, be accepted.

Commissioner Schmidt stated he is against 31-foot streets so he will not vote to accept the bids.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

**10. POSTPONEMENT OF 2000 SLURRY SEAL PROJECTS:** City Engineer Kurt Hassler stated slurry seal needs to be placed down when the temperature is above 60 degrees. It is getting too late in the year to bid this project and Mr. Hassler requested that this year's project be combined with next year's project. He also felt few contractors would bid on the project since it is so late. The project is late this year due to the selection process for the consultant.

Wayne Billinger moved, Howard Rome seconded, that the 2000 Slurry Seal Project be delayed until 2001 and those projects be bid as early as possible.

Commissioner Schwaller stated he would be voting no. This is the third time in the last two months that the City has lost its focus. The ADA ramp project and Vine Street improvements have been delayed or put off for next year. Basic

city services are not being provided to citizens, but we continue to raise the mill levy.

The other Commissioners agreed with the frustration of not getting the projects done.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

**11. ARTERIAL AND COLLECTOR STREET DESIGNATIONS:** City Engineer Kurt Hassler presented information about the classification of streets within the City of Hays. The Engineering Department will utilize this classification to help make recommendations for street signal lights, stop signs, yield signs, and school crossing signals in accordance with the Manual on Uniform Traffic Control Devices.

Troy Hickman moved, Wayne Billinger seconded, that the recommendation of the Traffic Advisory Committee and the Hays-Ellis County Planning Commission regarding the designation of arterial and collector streets be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Wayne Billinger

No: Howard Rome

**13. CORRIDOR MANAGEMENT AGREEMENTS:** Henry Schwaller IV moved, Larry Schmidt seconded, that the following items be approved:

**A.** The Mayor be authorized to sign an agreement with KDOT to design and construct a median on Vine Street from 26<sup>th</sup> Street to 27<sup>th</sup> Street (KDOT Total - \$21,010)

**B.** The Mayor be authorized to sign an agreement with KDOT regarding design and construction of 43<sup>rd</sup> Street, west of Vine (KDOT Total - \$102,718)

**C.** The Mayor be authorized to sign an agreement with KDOT regarding the design and construction of 45<sup>th</sup> Street, west of Vine (KDOT Total - \$51,990.35)

**D.** The Mayor be authorized to sign an agreement with KDOT regarding the acquisition of right-of-way on 43<sup>rd</sup> Street, east of Vine (KDOT Total - \$100,000)

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**14. REQUEST TO USE CITY RIGHT-OF-WAY:** The City of Hays has contacted Harold Beckam, owner of Ad-Bench-er several times to notify him that benches located in the city right-of-way need to be removed. Mr. Beckam has stated to the City Manager that he was working with a local person to have the benches removed. Mr. Beckam was given a deadline of July 24, 2000, to remove the benches. As of August 24, 2000, four benches were still on city right-of-way.

Mr. Beckam appeared before the Commission and stated these benches provide a valuable service for senior citizens, but wants to work with the City. They are not in any place where they will obstruct traffic.

Commissioner Schwaller stated the City of Hays does not want anything on city public right-of-way. Perhaps Mr. Beckam can rent land that is adjacent to the right-of-way.

**15. 1999 AUDIT REPORT:** This item was tabled until the next Commission meeting.

**17. FAA GRANT ACCEPTANCE:** A grant offer from the Federal Aviation Administration has been received for improvements to the Hays Regional Airport. The grant is for \$217,810. The City of Hays share is \$24,201, which will come from donated land given to the airport some years ago from the Pauline Mosher estate. The grant will purchase Tracts V, W, and X for future expansion and the fencing of these tracts.

Henry Schwaller IV moved, Larry Schmidt seconded, that the Mayor be authorized to sign an agreement with the Federal Aviation Administration for the purchase of land at the Hays Regional Airport and accept a grant from FAA in the amount of \$217,810.

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

**22. EXECUTIVE SESSION:** Henry Schwaller IV moved, Troy Hickman seconded, that the Governing Body adjourn to executive session at 10:47 p.m. for 10 minutes to discuss union negotiations. The executive session will include the Commissioners, the City Manager, the Assistant City Manager, and the City Attorney.

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

Mayor Hickman called the meeting back to order at 10:57 p.m. He stated no action was taken during executive session.

Wayne Billinger moved, Troy Hickman seconded, that a preliminary agreement be accepted with the Service Employees Union Local 513. The agreement states the City agrees to contribute \$5,425 per covered City employee for health insurance in 2001.

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

City Manager Zacharias stated the SEIU members still need to accept this agreement.

**18. REPLAT OF AUBEL-BICKLE PARK:** The old Municipal Park restrooms are to be installed at Aubel-Bickle Park between the skate park and the shelter house. The 29<sup>th</sup> Street right-of-way has not been vacated and the restroom would be partially located within this right-of-way.

Jeff Boyle, Park Director, stated future plans include full development of the entire area of this park into a community type park with full amenities. Mr. Boyle requested this street be vacated along with 28<sup>th</sup> Street and the three alleys, which are still right-of-ways within Aubel-Bickle Park.

Larry Schmidt moved, Howard Rome seconded, that Aubel-Bickle Park be replatted.

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

**20. KANSAS LEAGUE OF MUNICIPALITIES DELEGATES:** Henry Schwaller IV moved, Troy Hickman seconded, that Hannes Zacharias, Henry Schwaller IV, Troy Hickman, and Wayne Billinger be designated as delegates from the City of Hays for the League of Kansas Municipalities 2000 Conference. Susie Billinger will be the alternate.

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

**21. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias stated there have been quite a few requests for Noise Permits since FHSU has resumed classes and with the upcoming Oktoberfest.

**23. ADD-ON ITEMS:** The City of Hays has the first right to purchase any hangars that come up for sale. City Manager Zacharias stated the Airport Board recommends the City not exercise its right to purchase hangars F-3 and C-4.

Henry Schwaller IV moved, Howard Rome seconded, that the City of Hays not exercise its right of first refusal to acquire hangars F-3 and C-4 at the Hays Regional Airport.

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

Commissioner Billinger stated he was sorry the Commission didn't take any action on **Item 19 Parade Restrictions**. Throwing candy out of moving vehicles during parades is very dangerous. He would like to see candy distributed in a safer manner and requested City staff visit with parade participants about this.

Commissioner Schmidt stated he is getting feedback that citizens are confused about what the City is doing regarding water issues.

Larry Schmidt moved, Troy Hickman seconded, that this Commission make a statement they are committed to the South Russell option and all other investigations should be stopped until the South Russell option has come to a conclusion.

Mayor Hickman stated the South Russell option is the primary focus and rough drafts regarding agreements should be available soon regarding that option. If the decision is to change course and not go forth with the Schoenchen Well Field Rehabilitation it should be decided tonight. The drillers are at the South Russell field right now and will probably make it to the Schoenchen Well Field before the next Commission meeting. He is concerned about funding being available to do both projects and the State's view on how the Schoenchen well fields may solve some of our needs right now and not recognize the City of Hays needs to pursue new water resources.

City Manager Zacharias stated the contracts for the Schoenchen Well Field Rehabilitation Project are out. Money has been spent to get engineering work on Phase I completed. Discussions have been held about reducing the expense of our existing well sites. The Commission directed Black and Veatch to do an engineering study of where future wells in the Schoenchen Well Field might be located. They were to come up with cost estimates; this can be stopped if that is what the Commission decides to do.

Commissioner Rome stated he wanted it stopped and all efforts should be focused on the South Russell Well Field.

Commissioner Schwaller stated he has heard the water presentation many times of the past several years. There has never been a distinct geological description of what they are doing. It doesn't address the issues of water flow, draw down, or the construction of the current wells.

City Manager Zacharias stated Jeff Henson of Black and Veatch has done the preliminary research. Part of the study is to get definitive flows.

Commissioner Schwaller stated the project hasn't been described well enough to proceed with the project.

The Mayor called for the vote.

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

No: Wayne Billinger

Thereupon the Governing Body adjourned.

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

Clerk of the Board