

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON SEPTEMBER 27, 2001

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, September 27, 2001 at 7:30 p.m.

Roll Call: Present: Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Absent: Henry Schwaller IV

Vice-Mayor Larry Schmidt declared that a quorum was present and called the meeting to order.

**2. MINUTES:** Dick Bedard moved, Troy Hickman seconded, that the minutes of the regular meeting held on September 13, 2001, be approved.

Vote: Ayes: Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**3. FINANCIAL STATEMENT:** Mayor Schwaller joined the meeting during the financial report.

Troy Hickman moved, Dick Bedard seconded, that the Financial Statement for August 2001, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**4. CITIZEN COMMENTS:** Mayor Schwaller invited the public to view Leon Staab's artwork that is on display in the Commission chambers. The display will

be in place for three months; there will be a new showing commencing in January.

**5. CONSENT ITEMS:** Troy Hickman moved, Sunell Koerner seconded, that the following items be approved:

**A.** Resolutions Nos. 383 and 384, being resolutions regarding annexing land to the City of Hays, and

**B.** The Mayor be authorized to sign an agreement with Randall Braden to rent T-hangar #B-14 at the Hays Regional Airport.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

### **OLD BUSINESS**

**6. NUISANCE ABATEMENT:** Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 385, being a resolution authorizing the City of Hays or its designated agent to abate nuisances located on the property at 105 East 16<sup>th</sup> Street, be approved.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Tom Loker, Chief Building Official for the Fire and Inspection Department, stated the second nuisance abatement is for Cottonwood Trailer Park, 700 East 6<sup>th</sup> Street, that is owned by Annicott Advantage. Mr. Loker stated that trash hasn't been picked up for several weeks at the park, due to the owners not paying their bill. The City received the first complaints in early 2001. The owner paid his past due trash collection bill and service was resumed. This is the

second occurrence of them not staying current with their bill. The park is in a deteriorating condition. In addition to the numerous bags of trash strewed around the park, there is debris consisting of old tires, wood, refrigerators, water heaters, and mattresses. Several of the trailers are abandoned and/or in a dilapidated condition with broken windows, doors, etc. Some of the occupied units are without electricity or water.

Mayor Schwaller stated the firm that owns this park is in bankruptcy proceedings. They are based in Florida and Arizona. They have been in default on their water bill and have not paid their annual trailer license fee. The City should take the necessary steps to make this park habitable for the people who live there.

City Attorney John Bird stated his investigation has revealed that Annicott's charter is defunct in Kansas; they are in bankruptcy. The way they have set up their corporate structure shields them from any direct responsibility. He recommended the City proceed against them on all fronts. He has conferred with the County Attorney, who plans to prosecute for non-payment of taxes. The state statutes address this issue better than City ordinances, however he recommended the nuisance resolution be passed.

Glen Teel, 1208 Motz, stated he has purchased some of the trailers and is in the process of making them livable. According to Mr. Teel, Annicott has wired money this week to pay the past due bill for trash collection and service should resume this week.

Larry Schmidt moved, Troy Hickman seconded, that Resolution No. 386, being a resolution authorizing the City of Hays or its designated agent to abate nuisances located on the property at 700 East 6<sup>th</sup> Street, be approved.

Mayor Schwaller stated he would abstain from voting because he has worked with the management to help get this property cleaned up.

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

Abstain: Henry Schwaller IV

**NEW BUSINESS**

**7. SURPLUS BRICK DISTRIBUTION:** Dick Bedard moved, Henry Schwaller IV seconded, that an estimated 1,540 bricks be donated to the TMP-Marian Parent, Teacher, Friends Board for creation of a pathway in the grotto area of the school.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**8. AUBEL-BICKLE IRRIGATION BIDS:** Bids for the installation of the irrigation system for Aibel-Bickle Park were received from the following:

Eaton Landscaping Ellis, KS	\$91,000.00
Riedel's Garden Center Hays, KS	98,860.00
Wetlands Irrigation McPherson, KS	99,500.00
Goodheart Landscape Colby, KS	139,536.00

Jeff Boyle, Park Director, stated the bid from Eaton Landscaping did not meet the specifications. The Park and Recreation Steering Committee recommend the bid from Wetlands Irrigation, McPherson, be accepted. Wetlands performed excellent overall work on the pool project. Riedel's Garden

Center was not recommended due to their poor service history as well as below average quality of installation. Both projects that the City previously had contracted with Riedel's have been poorly designed and installed. Mr. Boyle checked on over 40 references that were given by Darran Riedel, the owner of Riedel's Garden Center; the majority of the references were not good.

Commissioner Bedard stated he has spoken with Mr. Riedel and he assured him that there would be no problems with his response time. Commissioner Bedard felt that a local vendor should be selected.

Mayor Schwaller stated he felt Riedel's should get one more chance to prove themselves. They have done quite a lot of nice landscaping work in the community.

Randy Clinkscales, member of the Park and Recreation Steering Committee, stated the concern of the Committee was that the dollars be spent wisely in a fashion that is more likely to be successful. He also stated that if the City wasn't going to give any credit for references, they should not be asked for in the Request for Proposal.

Mr. Boyle stated he could not get any assistance from Riedel's when problems developed along the railway corridor irrigation system. The Pratt-Optimist Soccer Fields require weekly repair for various problems. He wants to give the citizens a good irrigation system; he does not want to be at Aibel-Bickle Park with a backhoe every two weeks digging up grass that was just planted.

Darran Riedel, owner of Riedel's Garden Center, stated his firm does 97% of the landscaping in this community. He agreed there were problems at the soccer fields. That project was put in according to specs. Effluent water is used at that location and the valves that are installed are cheaper valves. The dirt work was done after the system was installed; that is backwards. As to the references, Mr. Riedel stated he chose a variety of the different types of work his firm has done, both residential and commercial. He could have gone through all of them and selected only the ones he felt would be favorable to him, but he did not.

Interim Manager Dorothy Stites stated the City could put parameters for review in the contract, plus retainage of funds until the project is completed to our satisfaction.

Larry Schmidt moved, Dick Bedard seconded, that the bid from Riedel's Garden City, Hays, Kansas, in the amount of \$98,860, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

**9. AUBEL-BICKLE SOIL PREPARATION AND SEEDING:** Bids for soil preparation and seeding at Aubel-Bickle Park were received from the following:

Riedel's Garden City	\$20,560
Hays, KS	

Turf Tuf	31,600
Garden City, KS	

Jeff Boyle, Park Director, stated that due to the poor quality of work performed by Riedel's Garden Center on various City projects, he recommended the bid be given to Turf Tuf. He has received very good reports on work performed by Turf Tuf.

Darran Riedel stated that Riedel's has sub-contracted with M & D of Hays to do the grade work, and they have done seeding for other large projects in Hays.

Commissioner Bedard stated he would like a local vendor to get the bid.

Dick Bedard moved, Troy Hickman seconded, that the bid from Riedel's Garden Center, Hays, Kansas, in the amount of \$20,560, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman  
Sunell Koerner  
Dick Bedard

**10. WATER METER REPLACEMENT PURCHASE:** Don Larson, Service Division Superintendent, recommended that the City Commission accept the sole source quote from Invensys for water meter replacements and new water tap connections. The City of Hays is in the seventh year of a 10-year meter replacement program. The Invensys meters have a proven track record in our system with very little replacement or maintenance.

Troy Hickman moved, Sunell Koerner seconded, that the quote from Invensys for meters for taps and turn-ons in the amount of \$10,485.76, and the quote for water meters for the meter replacement program in the amount of \$61,580.21, for a total cost of \$72,065.97, be accepted.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt  
Troy Hickman  
Sunell Koerner  
Dick Bedard

**11. MURAL BRIDGE PAINTING PROJECT:** Anne Millhollen, representing the Wellhead Protection Committee, and Paul Montoia, Wellfield Planner, reported on the Mural Bridge Painting Project.

The Hays Arts Council presented the bridge painting “collage” concept to the Kansas Arts Council for funding as a Technical Assistance Grant. The application was accepted and bridges at 27<sup>th</sup> & Donald, 22<sup>nd</sup> & General Custer, and 13<sup>th</sup> & Chetolah Creek will be painted with drawings submitted by middle school students.

A 20% match of funds or payment-in-kind services will be provided by a Wal-Mart Environmental Grant. There will not be any cost to the City.

**12. SOUTH RUSSELL WATER PROJECT REVIEW:** Bob Vincent, Groundwater Associates, Inc., presented a final report involving an independent review of the South Russell Water Project.

The proposed South Russell Water Project includes the eventual construction of ten vertical wells, one horizontal collector well, a water treatment plant, and the necessary pipeline to transmit the water to Hays. It is proposed to initially construct sufficient facilities to produce two million gallons per day (2 mgd), and then expand it to 7 mgd as needed. All of this work would be completed by Public Wholesale Water Supply District #15, and the water then sold to the City of Hays, eventually Russell, and possibly other water users in the area.

Mr. Vincent reported that the South Russell Water Project can supply a significant volume of water for use, but will have to be treated or blended with treated water to produce a potable supply. This would not be a drought proof supply since both the vertical and horizontal wells will be subject to the minimum desirable streamflow (MDS) requirements established for the Smoky Hill River. However, completion of the proposed expansion of the existing Schoenchen wellfield could go a long way in alleviating this situation.

The geology and hydrology as presented by Black and Veatch (the engineering firm on this project) is basically correct. However, Black and Veatch needs to complete a final report that includes all of the available information and clarifies existing reports. Additional information will be needed by the Division of Water Resources (DWR) to approve the existing applications.

The total amount of water that can actually be removed from the area will depend on the number and type of diversion points installed, the amount of water that is pumped each day, and the number of days that DWR allows the wells to be pumped. This latter point will be determined by the MDS since both the horizontal collector well and the vertical wells will be subject to it. The basic difference in the two types of wells is that a collector well can pump a much larger volume of water, but without a waiver from DWR, it cannot be pumped in the three summer months.

According to the spreadsheets prepared from the U. S. Geological Survey MDS data at Ellsworth from 1929 through 1999, the wells could be operated an average of 301 days per year. Based on the engineer's most recent calculations,

2.4 mgd of water would need to be pumped to obtain 2.0 mgd of potable water through the treatment plant (a loss of 18 percent). Two mgd equals 2240 acre-feet per year, but an average of only 1811 acre-feet could be produced because of MDS restrictions, and during the driest year in the last 70 years (1991), only 570 acre-feet could have been produced. However, attempting to pump 7 mgd of potable water would equate to 7841 acre-feet per year, but an average of only 6369 acre-feet could be produced. The driest year (1991) would allow only 1773 acre-feet to be produced and the well to be pumped only 98 days.

The difference in Hays' water needs and the capability of the South Russell wellfield would have to come from the existing supplies that are not restricted by the MDS requirements. Hays' existing water rights total 3675 acre-feet plus the temporary stripper wells (551 acre-feet), which will eventually be terminated. It has been estimated that out of the 3675 acre-feet, there is a firm supply through a drought period of 2630 acre-feet. This is not enough to meet the projected needs of approximately 7000 acre-feet in the year 2040.

Included in the firm supply of 2630 acre-feet is 1000 acre-feet from the Schoenchen Smoky Hill River valley. The certified water rights are 2285 acre-feet. If the wellfield were to be expanded east by 1-½ miles and west ½ mile, additional water may be pumped when needed. This would create a 3-mile long wellfield rather than the existing 1-mile wellfield. The wells would be further apart from each other and not create as much drawdown in the aquifer. The engineers have estimated that this expansion could add another 1000 acre-feet of firm supply. This would then provide a firm supply of 3630 acre-feet, and it would cover the expected drought periods of non-use of the South Russell Water Project.

The initial three sites presently proposed to install production wells are PW-3, PW-4, and PW-6. PW-3 and PW-4 should make satisfactory wells. The site selected for PW-6 is not adequate because of the limited saturated thickness of only 26'. It appears that a better site could probably be located immediately to the south-southwest.

Layne Christensen investigated the PW-3 site and determined that a collector well could be installed there. The vertical test well installed here was pumped at 545 gpm for 72 hours. Their report on this site shows a T value of 68000 g/d/ft and a storativity value of 0.2, and these values are typical of good water table aquifers. The engineers have determined that a horizontal collector well at this site would take about 80% of the pumped water from the river while pumping 2 mgd. Mr. Vincent agreed these figures are reasonable and the hydrology looks good, however, he questioned a need for a vertical well at the same site as a collector well. In a year when the collector well could operate every day and produce 2240 acre-feet of water, it is estimated that 1800 acre-feet would come from surface water and 440 acre-feet from ground water.

The vertical wells, when completed on suitable well sites, will be able to produce 500 acre-feet per year throughout this stretch of river valley, though this may require two wells per site. The collector well should be able to produce up to about 1825 acre-feet per year when pumping at a rate of 2mgd, and up to 2240 acre-feet if it could be pumped everyday, which is doubtful in most years. To get in the average 1800 acre-feet range will require a waiver from DWR to allow pumping during the summer months.

The iron and manganese content is excessive at all sites. Anytime the total of these two elements is over 0.35 ppm, they will cause well plugging problems. Because of the poor quality of water and the limited saturated thickness, Mr. Vincent recommended that none of the vertical wells be pumped at a rate higher than 350 gpm. The surface water quality is better than the ground water quality.

Mr. Vincent recommended that the engineer be authorized to complete a final report on the South Russell Water Project. This report should include all of the raw data available, conclusions, and the options available for the District with the estimated costs. To complete a comprehensive report, additional drilling will be needed to gain information at PW-6, PW-7, and PW-8. Firm plans need to be arrived at so that the decision makers in Hays and Russell can make good decisions. The adopted plan will then need to be submitted to DWR for their

approval. And until there is an understanding (not necessarily final approval) with DWR, it is risky to proceed very far with this project.

Mayor Schwaller stated he is against this project and after reading Mr. Vincent's report, more so. He questioned how a project could be designed with only 2 out of the 10 wells being suitable for production.

Mr. Vincent stated that with sufficient investigation a water supply could be found. From what he has seen so far, there are good sand deposits, and it is his feeling that there are better sites.

Mayor Schwaller asked what percent drought proof this wellfield would be given MDS and the connectivity to the aquifer and surface.

Mr. Vincent stated that based on averages, the wells could be pumped 301 days per year. DWR is the agency that will tell you to shut the wells off; however, it may be possible to work out a plan with DWR. DWR will listen to a plan and will try to work with a utility, but right now they don't have a plan to work with.

Commissioner Schmidt stated this project is being done backwards. A letter from the PWWSD #15 attorney, David Traster to David Pope, Division of Water Resources, dated June 29, 2001, only now asks Mr. Pope for the things needed to do this project. Engineering is being completed, well sites chosen, and only now is PWWSD #15 asking DWR to start working on things that should have been done before the project got any further than a few test wells. It is very risky to continue spending money on this project.

Commissioner Hickman asked Mr. Vincent what he thought was the probability of finding better well sites and is this a good project to pursue to enhance both communities' supply.

Mr. Vincent stated that from what he has seen on the log, six to eight good well sites could be found. He felt this water is worth going after. There is a significant volume of water there, but it needs to be made drought proof by improving what is already in place. It is up to other entities to determine if it is worth the cost, not him.

Commissioner Koerner asked if this project would be a good stepping stone to eventually draw water from either Wilson Lake or Kanopolis Lake?

Mr. Vincent responded that he didn't feel he should answer that question. It is out of his area of expertise.

Commissioner Bedard asked Mr. Vincent to explain drought proof.

Mr. Vincent stated that in this wellfield, it means that the wellfield cannot be pumped during a drought because of the MDS. The Schoenchen wellfield is drought proof because it can be pumped right through a drought; however, it is limited by the total amount of water rights owned by the City of Hays. The South Russell Water Project would add to the supply of water, but during a drought it couldn't be used. The City would have to fall back on existing supplies. While the South Russell wellfield is being pumped, you wouldn't need to pump the other wellfields.

Commissioner Bedard suggested Mr. Vincent go to work for PWWSD #15 to aid in finding 6–8 additional well sites.

Mayor Schwaller stated that if the City of Hays wants to experience significant growth and recruit industries, his concern is that 15-20 years down the line, this particular project may stifle growth because it will not be able to supply the water if there is a drought. He felt it would be a better idea to build a pipeline to either Lake Wilson or Lake Kanopolis.

Mr. Vincent stated that if the project is designed right up front and allows for sufficient pipeline size, the pipeline could be extended at a later date.

Commissioner Hickman stated this project would not be the ultimate answer to our water problems, nor is it the perfect answer. It could be done without using all the sales tax dollars. Some of those dollars could be spent on other things like operation and maintenance costs for this project and other projects such as the expansion of the Schoenchen wellfield. The proposed project could be expanded when the opportunity presents itself.

Jeff Hensen, Black and Veatch engineer, stated that a lot of the decisions PWWSD #15 acted on were because of recommendations he made. He stands behind those recommendations. Black & Veatch was limited by their schedule

and land access. Many spots were drilled in locations where there was access in order to make the April 2003 deadline. He admitted that in hindsight, better decisions could have been made. Black and Veatch would be willing to work with Mr. Vincent to find the best possible sites.

Mayor Schwaller stated two things were heard tonight. One, there is no plan. Secondly, the heart of the water project is the well. To date, the District has spent \$1.156 million and paid itself in office administration \$34,800. The question isn't about finding better wells, its wondering why the good people of the District would allow themselves to be shackled by a schedule, by monetary limitations that were never discussed in this chamber and by not having access to land to design a project. In 1992, when City wells were pumping air in the Schoenchen wellfield, a ranch in Edwards County was bought that we will never use and are now contemplating selling it. Mr. Vincent advised against buying the ranch. He is very concerned that the City is going to progress with this project and then expand it. This is not the project that was discussed in April or June. It has morphed to take advantage of complaints, to keep moving ahead and we still plan on building it the way it is designed today. The project would have been built the way it was laid out because the engineers were pressed for time, there wasn't enough money and there wasn't access to the proper land. A \$25 million dollar failure would have been built. The District acted in good faith; however, the leadership is not here. The District should continue, but until there is an accounting of where this money is going, he suggested the work recede to the design stage as recommended by Mr. Vincent and no more funds be issued to the District for office expenses. We should not proceed. A lot of money has been spent and a very shoddy product has been delivered. One-year sales tax money has been spent and now we have to do a rework.

Commissioner Schmidt stated the only reason an April 2003 time limit was put on the project was because this project was intended to be our drought protection and now we find out that it is not drought proof. Our present wells can sustain growth for the next 10-15 years using our normal growth rate. We don't need to rush into anything. Let's look at other options in the next few years.

There is no reason to rush into this project. We have to pay for the water once it is brought into our system, but who is going to pay for it? It will automatically increase our rates. We have to pay for it if we use it or not. He could support finishing design engineering and tying up loose ends. At that point, we should be looking at other available options. There is enough water in Kanopolis and Wilson that the water from South Russell will not be necessary. One point of diversion would be cheaper than 10-12 wells from the South Russell option. The quality of the water is poor. The reason the water is sitting down there is because no one else wants it. We need to work with our state agencies to find a viable source that we could put on line in the next three to five years.

Commissioner Koerner stated we need to have a plan in place. Maybe we need to put some new people on the committee or add some new members. We can't say that we don't need the water today. We do need it today. In 1992, when we were running out of water we needed it. In 1983 we almost used all of our water rights.

Commissioner Bedard stated he felt the water is worth going after. No one is going to come to Hays if we can't supply water. He is in full support of the District. If we have to eventually go to Wilson or Kanopolis, the transmission line would be in place.

Mayor Schwaller stated he felt that water drawn from either Wilson or Kanopolis would be better value. There are drawbacks to each. For dollars spent for what you get, Wilson and Kanopolis are better value. Those two lakes are drought resistant and the water quality is easier to control.

Troy Hickman moved, Dick Bedard seconded, that PWWSD #15 continue with their progress, that they consider appointing Bob Vincent as a consultant to further explore well site development and ask them to continually provide updates as to their progress and development.

Mayor Schwaller stated he would be voting no. He felt the scope of the work should be limited, the operating expenses need to be limited to Black and Veatch and Bob Vincent. No more legal fees, no more office administration, no

more miscellaneous. The motion should also include offering the K-9 Ranch for sale.

Commissioner Schmidt agreed with Mayor Schwaller.

Commissioner Hickman stated he would not amend his motion.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman

Sunell Koerner

Dick Bedard

No: Henry Schwaller IV

Larry Schmidt

**13. COMMISSION INFORMATIONAL MEMORANDUM:** Mayor Schwaller referred to a memo from City Engineer Kurt Hassler. Mayor Schwaller is not concerned about the Vine Street drainage but is concerned that the road surface is cupped and holds water. He requested staff look into this.

**14. ADD-ON ITEMS:** Henry Schwaller IV moved, Troy Hickman seconded, that the Mayor be authorized to sign a lease with the Hays Area Chamber of Commerce for Frontier Park from October 4-6, 2001, and approve a Cereal Malt Beverage license for the Chamber of Commerce for the 2001 Oktoberfest event in Frontier Park.

Vote: Ayes: Henry Schwaller IV

Larry Schmidt

Troy Hickman

Sunell Koerner

Dick Bedard

Commissioner Koerner stated she would like to have some follow-up information of the golf cart paths and the Hays Municipal Airport parking lot. She would also like to nominate Jim Aubel to replace Dr. Bob Albers on the PWWSD #15 board.

Commissioner Schmidt stated he would like to discuss easements at the next Commission meeting, specifically the easements along East 13<sup>th</sup> Street and how the City determines where easements will lay.

Henry Schwaller IV moved, Sunell Koerner seconded, that Jim Aubel be appointed to serve the unexpired term of Dr. Bob Albers on the PWWSD #15 board.

Commissioner Hickman stated the District recommended Curt Longpine be appointed to this position because of his long-term interest in the project. He would support their recommendation.

Vote: Ayes: Henry Schwaller

Larry Schmidt

Sunell Koerner

No: Troy Hickman

Dick Bedard

Mayor Schwaller requested staff prepare a listing of street repair priorities for 2002.

Thereupon the Governing Body adjourned.

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

Clerk of the Board