

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 23, 2019

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 23, 2019 at 6:30 p.m.

Roll Call: Present: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

Mayor Schwaller declared a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular meeting held on May 9, 2019; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended April 30, 2019.

Month-to-date general fund sales tax collections were at \$531,126, which was an increase of \$4,636 or .88% as compared to last year. Year-to-date general fund sales tax collections are at \$2,397,499 up \$82,698 or 3.57%. The six month average is at 2.93% which is a 4.6% increase when compared to a year ago.

The portfolio of certificates of deposit on April 30, 2019 totaled \$57,750,000 with a weighted average interest rate of 2.46% up .91% from a year ago. The total balance of the Money Market account on April 30, 2019 was \$3,000,000 with a current yield of .90%. Total investments are up \$1,443,000 when compared to this time last year as we took our final draw on the revolving loan for the reconstruction of the waste water facility.

Ron Mellick moved, Shaun Musil seconded, to approve the Financial Statement for the month of April, 2019 as presented.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: The following appointment was recommended at the May 9, 2019 City Commission meeting and is now being presented for approval.

Hays Convention and Visitors Bureau Advisory Committee – three-year term

John Griffith (Comfort Inn & Suites North) – unexpired term to expire December 1, 2021 (1st term)

Shaun Musil moved, Sandy Jacobs seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

NEW BUSINESS

6. AIRPORT MACK GRANITE 42FR TRUCK/PLOW – AWARD OF BID AND

GRANT APPLICATION: Jesse Rohr, Director of Public Works, reported that a plan to purchase snow removal equipment (SRE) for the Airport has been on the Airport Capital Improvement Plan (ACIP) for several years. In August 2018, the Federal Aviation Administration (FAA) provided notification indicating their intent to fund the project.

Bids for the acquisition of airport snow removal equipment were opened on April 16, 2019. This includes a dump truck, 16' front-mounted plow, and a

material spreader. The low and only bid from Bruckner Truck Sales Inc., of Hays, was for a total price of \$308,320. The FAA covers 90% of the cost out of the entitlement funds available to the Airport. The other 10% will be funded out of the Airport AIP fund.

Mr. Rohr added that one question raised during the process was the extreme difference between the engineer's estimate of \$185,000 and the actual low bid of \$308,320. The recommendation letter from Burns & McDonnell Engineering Company, Inc. stated the reasons for this disparity and how the estimate was arrived at. It has been determined that pricing received prior to the bid opening was inaccurate due to three major factors: unfamiliarity with airport equipment, Buy American Certification requirements, and a thriving sales market. Based on these factors, it appears due diligence was given to the engineers estimate.

Burns & McDonnell Engineering Company, Inc. was required to perform a single-bid analysis to satisfy the requirements of the FAA. This process included contacting non-bidders and determining the reasons for no bid. The proposal had to be deemed "fair and reasonable" for the equipment. It had to be shown that the specifications did not exclude any potential bidders for the equipment. Reasons for no-bid were unfamiliarity with airport equipment, Buy American Certification requirements, and a thriving sales market. Ultimately, this all led to a bid price of \$308,320.

Staff recommends awarding a bid that would not include the material spreader. The truck-mounted spreader is too large of a piece of equipment for the needs of the airport. A pick-up mounted spreader would be utilized rather than a truck mounted spreader. By not including the spreader, that reduces the bid price to \$271,039 with the City share being \$27,103.90.

Sandy Jacobs moved, Ron Mellick seconded, contingent upon FAA awarding a grant for federal funding, to accept the bid from Bruckner Truck Sales Inc. in the amount of \$271,039 with the City share being \$27,103.90, for the purchase of one Mack Granite 42FR truck and 16' snow plow for the Hays Regional Airport; authorize staff to submit a grant application to FAA for Federal

Assistance in funding this project; and authorize the City Manager to take all actions necessary to carry out this project including the execution of the FAA Grant when offered.

Vice-Mayor Musil asked if the FAA funding would be lost if we do not purchase the truck. Mr. Rohr stated that the purchase of the truck is not necessarily tied to the funding, but there is a need for the snow removal equipment at the Airport. He added that we have the funding available because of the Airport reaching 10,000 enplanements in previous years.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

7. CONTRACT SEWER CLEANING AND CCTV INSPECTION – AWARD OF

BID: Jeff Crispin, Director of Water Resources, reported that the Department of Water Resources initiated a multi-year program to clean sewer mains in 2013 to ensure proper operation and maintenance of the collection system. Problems that can be caused by the lack of sewer cleaning include: sewer backups, manhole overflows, public exposure to raw sewage, and regulatory fines.

Staff received three proposals for the 2019 program and recommends accepting the low bid to perform light cleaning and video inspection of 105,759 linear feet of sanitary sewer at the unit price of \$.91 a linear foot for 8” pipe from Pro-Pipe not to exceed \$150,000. Mr. Crispin clarified that staff is asking for approval for Pro-Pipe to perform light cleaning for the project at a cost of \$97,854.51 with additional approval to spend up to the budget of \$150,000 for medium and heavy cleaning as well as removal of taps and roots that are unknown at this time. The 2019 program consists of performing the 2014 area again and to continue the five year cleaning cycle. Pro-Pipe was awarded the 2016 and 2018 contracts and staff has been very pleased with their performance.

Ron Mellick moved, Shaun Musil seconded, to authorize the City Manager to enter into a contract with Pro-Pipe to perform light cleaning and video

inspection of 105,759 linear feet of sanitary sewer at a price of \$97,854.51 with a budget not to exceed \$150,000, to be funded from the Repairs and Maintenance line item in the Water Reclamation & Reuse budget.

Commissioner Phelps asked what would determine the implementation of a fine for not properly cleaning the sewer lines. Mr. Crispin stated we could be fined for what is being discharged from the Wastewater Treatment Facility because of certain things coming through. Overflow of sewage due to lack of cleaning of sewer lines could also cause fines to be assessed if that sewage reaches a waterway.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

8. WATER RESOURCES DUMP TRUCK – AWARD OF BID: Jeff Crispin, Director of Water Resources, stated the 2019 Budget included \$130,000 for the purchase of one 4x2 Dump Truck for the Department of Water Resources Maintenance Department. Four bids were opened on April 23, 2019. The recommended low bid of \$101,717 from Summit Truck Group of Salina, Kansas is below the budget amount of \$130,000 and meets the required specifications.

Sandy Jacobs moved, Ron Mellick seconded, to award the bid for the purchase of one new Model HV607 International Truck with the Henderson Mark E Body from Summit Truck Group of Salina, Kansas in the amount of \$101,717 to be funded out of New Equipment Reserve.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

9. NORTH VINE CORRIDOR IMPROVEMENTS – DISCUSSION OF 37TH STREET/SKYLINE/41ST STREET CONNECTION: John Braun, Project Manager,

presented a detailed review of the North Vine corridor improvements, more specifically the 37th/Skyline/41st connection. He reviewed the options explored, as well as the underlying factors that led to the choice of this layout.

Mr. Braun stated the cost of this project is \$9.3 million with \$6 million of that to be funded through a Federal Build Grant and the remainder to be funded from a 2% transient guest tax.

Mr. Braun reviewed three options: close 41st Street, reroute 41st Street between Baymont Inn and the Phillips 66 gas station, or connect 37th Street to Skyline. He explained that since the 2012 Comprehensive Plan, the 37th and Skyline connection has been the chosen plan and the desired connection to Vine Street. This option allows for the best traffic flow, facilitates future development of adjacent properties, and does not impact existing businesses. He reviewed the pros and cons to extend 37th across Skyline Draw & Connect Skyline to 41st Street.

PROS

- Convenient Access to Vine Street from residential neighborhood
- Extending Skyline to 41st will better facilitate development of Stehno Property
- Improved traffic circulation
- Limits Right of Way acquisition to vacant properties/no taking of active business properties
- Less utility conflicts

CONS

- Higher construction cost than simply closing 41st Street
- More traffic on 37th Street west of Skyline
- More area of right of way to acquire

Mr. Braun also reviewed questions he has heard from residents recently.

- Why another thoroughfare? – *37th will not become another arterial. It will simply provide access to Vine.*
- Will the City acquire additional right of way and widen 37th Street? – *No.*

- Will the City remove parking on 37th Street? – *No. 37th Street is wide enough to handle current and future traffic volumes and parking along both sides.*
- Skyline cannot handle two-way traffic? – *Skyline handles two-way traffic just fine now, and will continue to do so in the future.*
- Will there be more traffic on 37th Street? – *More traffic is likely, but it will not be significantly more. Most people will continue using 33rd and 41st Streets as they do now.*
- 37th is not wide enough to handle more traffic? – *37th is the same width as 33rd Street, which handles significantly more traffic.*
- Truck traffic will increase? – *It is unlikely that trucks will access the area. There will be signs prohibiting truck traffic.*
- Is another bridge over Skyline Draw worth the expense? – *The box culvert through Skyline Draw is estimated to cost \$30K.*
- Does the current \$9.3M project cost include 37th and Skyline Streets– *Yes.*

Ryan Rymer, who lives at 114 West 37th Street, presented a petition with more than 100 signatures from residents of Hays that are against any connection of Skyline or 37th to Vine Street. Mr. Rymer, of the Hays 37th Street Association stated the group's chief concern is keeping the neighborhood safe from increased traffic. His presentation included information about traffic volume, crash frequency, crime, and other possible design options.

Daniel LaBarge, who lives at 200 West 37th Street, also gave a presentation expressing concerns regarding this proposal. He stated allowing Vine Street traffic to access the residential site of 37th Street does nothing to benefit Hays, it does allow 37th Street to become an arterial road with a straight unimpeded access from Vine Street to Hall Street. He asked that the City look into the Leaking Underground Storage Tank (LUST) trust fund to remediate the contamination on the Phillips 66 gas station ground to maintain the existing storm water and traffic patterns in the area at a cheaper cost, and eliminate the possibility of ground water contamination. He agreed that 41st Street needs to be

connected to Vine Street and they have seen other design options that do just that. They do not want to see their safe, quiet, residential neighborhood change.

Commissioner Mellick asked Project Manager, John Braun, if there would be flooding concerns with the box culvert in the ditch from Skyline to Vine Street. Mr. Braun stated there have been no issues with the box culvert that is under 41st Street and the design would be the same.

Bill Wasinger, who lives at 214 West 37th Street, commented that he does not think the box culvert would be big enough to handle large volumes of water. He also commented that Willow, Fort Street, and Skyline were all designed to go to 41st Street and those three streets would do that without making an arterial street out of 37th Street.

Commissioner Jacobs stated that she appreciates their comments, but she does not believe people will come down 37th Street from Hall Street when they have the opportunity to go around 41st Street with no stop signs.

Randy Jordan, Brian Ralph, Myrna Jordan, and Jordan Munsch also voiced their concerns about increased traffic, safety issues, and loss in property values.

Commissioner Mellick stated that 37th Street residents may be happy Skyline Drive doesn't currently connect to Vine Street, but others he has heard from on surrounding streets are in favor of the 37th Street project. He added that the residents at 32nd and 33rd would like the residents on 37th Street to help shoulder and share a little of the traffic load that they have.

Commissioner Jacobs stated that she has listened to each person who has contacted her, she has driven up and down those streets, she has done her homework, done fact-finding, and done a lot of soul-searching. She added that she trusts the City staff, the engineers, and the people who are bringing these plans before us to recommend what is best. With that said, she stated that she hasn't changed her mind about the value of the project and she is suggesting we move forward as planned.

Vice-Mayor Musil stated that he is not in favor of this proposal. He moved to support the option of rerouting 41st Street between the Phillips 66 gas station and Baymont Inn.

The motion died for lack of a second.

Commissioner Phelps recalled previous street projects in which residents feared an increase in traffic, accidents, and a decrease in property values. He stated in his opinion, with the proposed design of this project, he does not think it will happen.

Mayor Schwaller stated that it is possible that all of those things could happen, but the probability is low. He added that there are pros and cons to all of the options, and there are really no clear alternatives that will benefit everyone.

10. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps stated that he had the honor of delivering the commencement address at NCK Tech and congratulated all of the graduates in Hays and their parents.

Commissioner Jacobs thanked everyone for coming to the meeting and suggested they consider running for office. She also requested that Senator Rick Billinger and Representative Barb Wasinger be invited to update the Commission on the legislative session.

Mayor Schwaller thanked everyone for attending the meeting and for their input.

The meeting was adjourned at 8:17 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk