

April 14, 1994

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met, in regular session, Thursday, April 14, 1994, at 7:30 p.m.

Roll Call: Present: Eber Phelps
Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman

2. REORGANIZATION OF GOVERNING BODY: Mayor Phelps recognized a group of Boy Scouts who were in attendance to fulfill a merit badge requirement.

Mayor Phelps said serving as mayor this past year has been a very positive experience. He thanked City Manager Zacharias and the Department Heads for their time and effort to keep him informed on City issues. He also thanked fellow Commissioners for their support and cooperation to help make the year successful.

Commissioner Albers presented Mayor Phelps with a gift as a token of appreciation for his year of service.

Eber Phelps moved, Sharon Leikam seconded, that Robert Albers, be appointed as Mayor of the City of Hays.

Vote: Ayes: Eber Phelps
Sharon Leikam
Daniel Rupp
Joseph Glassman

No: Robert Albers

Eber Phelps moved, Daniel Rupp seconded, that Sharon Leikam, be appointed as Vice Mayor of the City of Hays.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

Mayor Albers recognized his wife, Lynn, and son, Wade, who

were present, and his daughter, Jennifer, for their support over the past three years. He said being a member of the City Commission has taken time away from his family, and he appreciates their patience and understanding.

Mayor Albers said he is very proud to be Mayor of the City of Hays. He would like to initiate the process of building the City to be designated as an All-American City.

Mayor Albers said he would like to create a two year budget process. This method would eliminate some cumbersome paperwork, and create a stimulus for efficiency among the department heads.

3. MINUTES: Joseph Glassman moved, Daniel Rupp seconded, that the minutes of the March 24, 1994, regular session, be approved.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

4. CITIZEN COMMENTS: Rick Claiborn, newly appointed Recreation Commission Director, introduced himself to the Commission. He said he is pleased to be part of the community, and is looking forward to working with the Commission.

Anthony Bollig, 1710 Vine, said that he was insulted and threatened by Police Officer Blaine Dryden, regarding a trespassing incident on his property.

Mayor Albers said this is a personnel issue and it will be reviewed by the City Manager. Appropriate action will be taken.

Hilary Miller, 232 Northridge Drive, gave the Commissioners a pamphlet to read dealing with the conditions of our country.

5. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias said he has suspended the Cereal Malt Beverage License issued to Duane Creamer, owner of the Golden Q, for a period of 15 days, beginning Friday, April 15, 1994 and continuing through and including Friday, April 29, 1994. Since January, 1993, through January of 1994, there have been 55 underage possession incidents at Mr. Creamer's establishment. The Police Chief has made attempts to contact Mr. Creamer regarding the number of underage

drinking incidents to no avail. Mr. Creamer was present to appeal the suspension.

Mr. Creamer asked the Commission to reconsider the suspension. He said he was not aware of the number of minor in possession violations. He said since he has owned the Golden Q, he has never been charged for selling to a minor. The Golden Q has made cash donations to youth projects in the community. He has personally donated hours of service to youth projects. It will be necessary for him to lay off employees during the suspension.

Commissioner Glassman said he was concerned by the lack of notification of the minor in possession violations. He favored a compromise in regard to the suspension.

Commissioner Leikam and Rupp strongly supported the suspension.

Dave Galindo, owner of the Sports Page, said he holds a state Drinking Establishment License, and has to abide by the rules or get shut down. Apparently, there are loop holes if you have a Cereal Malt Beverage License.

Lyle Noordhoek, Deputy District Coroner, pointed out the dangers of drinking and driving with a short slide presentation illustrating a traffic fatality that claimed the life of a 16-year-old girl.

When it appeared the suspension would not be lifted, Mr. Creamer asked that the suspension period be delayed until after school has been dismissed, at which time he will be doing some remodeling.

The Commission took no action to lift the 15 day suspension, or change the time of the suspension.

6. YARD WASTE REVIEW: City Manager Zacharias said City staff has reviewed various methods of yard waste disposal. The following are the options:

1. Continue to collect yard waste at a cost of \$11.20 per month.
2. Discontinue collecting yard waste and reduce the monthly charge to \$10.45.

3. Hire additional personnel and a truck to provide a special collection of yard waste at a monthly charge of \$12.24.
4. Do No. 1 or No. 2 and look at possibilities for composting.

The Commission directed City staff to look into the possibility of earmarking an area at the County Landfill to store yard waste. They recommended that the City not collect the yard waste, but individuals could deposit yard waste at the landfill. Another possibility would be for an individual to start a yard waste hauling service.

7. REFUSE COLLECTION RATE INCREASE ORDINANCE: City Manager Zacharias said the proposed ordinance increases the single-family residence fee from \$7.25 per month to \$11.20 per month. This ordinance also increases all other categories by a commensurate percentage.

The proposed increase is needed to generate enough revenue to meet the now existing tipping fees charged by Ellis County. These fees, if approved by May 1, 1994, will begin to appear on the June water bills. Should the City experience reductions in volumes being transferred through Ellis County, this fee could be reduced in future months.

Commissioner Rupp stated that he preferred a volume based pricing system. Under the flat rate, the charge is the same, regardless of the volume of trash.

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3309, being an ordinance amending Sec. 14-25 of Article I, Chapter 14, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3298, as passed on September 23, 1993, by increasing the refuse collection fees, be approved.

Vote: Ayes: Robert Albers
Sharon Leikam
Joseph Glassman
Eber Phelps
No: Daniel Rupp

8. FIRE ORDINANCE: City Manager Zacharias said the Fire Chief is recommending the current ordinance regarding burning regulations be amended. He has a concern that the increase in refuse collection rates, will cause citizens to revert back to backyard burning barrels.

Chief Schwartz is recommending that the ordinance change allow commercial operations to continue, eliminate burning in residential areas, and allow the Fire Department to permit outside burning under certain conditions.

The Commission directed City staff to prepare an ordinance incorporating the recommendations of the Fire Chief regarding trash burning, for approval at the next meeting.

9. DEBT FINANCING REVIEW: Roger Edgar, Financial Advisor, George K. Baum & Company, updated the Commission on the City's General Obligation Bonded Indebtedness. Mr. Edgar presented graphs illustrating the City's present debt and proposed debt, based on the adopted and proposed Capital Improvement Plan. The graphs indicated the present and proposed bonded debt is less than it was in the 1980's. Also the City's bonded debt is less than that of several peer cities in Kansas. The City can feel confident at this point that the bonded indebtedness is manageable.

Mr. Edgar suggested the City begin now to searching for additional sources of revenues to accommodate additional debt.

10. REVENUE BOND REFUNDING RESOLUTION: City Manager Zacharias said the County desires to refinance the St. John's Rest Home Industrial Revenue Bonds. Due to the fact the Rest Home resides in the City Limits, City approval is necessary.

Joseph Glassman moved, Daniel Rupp seconded, that a Resolution authorizing Ellis County to issue Industrial Revenue Bonds in the amount of \$4,650,000, for the purpose of providing funds

to advance refund the County's outstanding Health Care Facilities Improvement and Refunding Revenue Bonds, Series 1987, issued in the original aggregate principal amount of \$4,800,000, be approved.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

11. ANNEXATION ORDINANCE: City Manager Zacharias said the proposed ordinance was drafted at the request of Western Plains Service Corporation. This ordinance approves the annexation of approximately 18 acres north of 41st Street and one quarter mile west of Hall Street. This annexation is the first step to prepare this property for development.

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3310, being an ordinance annexing 41st Street Plaza 1st Addition to the City of Hays, Kansas, be approved.

Commission Rupp said he did not like the fact that Thunderbird Drive is offset. This is deviating from our policy to require arterial streets to line up. City Manager Zacharias said Thunderbird was discussed by the Planning Commission and they chose to override the policy.

Commissioner Rupp said he also does not like the fact that the City engineer also represented the developer. The City's interests are not always the same as the developer. City Attorney John Bird said in this particular situation, having the same engineer for both, did not create a problem.

Vote: Ayes: Robert Albers
Sharon Leikam
Joseph Glassman
Eber Phelps
No: Daniel Rupp

12. PLAT ACCEPTANCE: City Manager Zacharias said as the plat currently stands, there is not any open space reserved or dedicated as required by subdivision regulations. It has been

determined that a fair cash contribution in lieu of green space would be \$5,098.80.

Sharon Leikam moved, Joseph Glassman seconded, that a plat for 41st Street Plaza 1st Addition, be accepted, contingent upon the payment of \$5,098.80 cash donation in lieu of dedicated green space.

Vote: Ayes: Robert Albers
Sharon Leikam
Joseph Glassman
Eber Phelps
No: Daniel Rupp

13. ZONING CHANGE: Eber Phelps moved, Sharon Leikam seconded, that Ordinance No. 3311, being an ordinance rezoning a tract of land situated in Lots 11 through 20, Block Seven, Golden Belt Eight Addition to the City of Hays, Ellis County, Kansas, from "R-4" Multi-Family Dwelling District to "R-2" Single-Family Dwelling District, be approved.

City Manager Zacharias said this zoning request has been recommended by the Planning Commission. The property to be rezoned is located at 17th and Wheatland Drive.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

14. AIRPORT ENGINEERING SERVICES: This item was postponed.

15. FORT HAYS STATE UNIVERSITY SCHOLARSHIP PROGRAM: Dr. Jim Dawson, representing FHSU, reviewed the annual report of the City of Hays Scholarship Program. Dr. Dawson said the Scholarship Program has been very successful. The purpose of the program is to generate economic activity for the City of Hays.

Since the Scholarship Program began in 1989, there has been an 11 percent growth in the freshman class and an overall growth of 13 percent. The retainage of those students receiving the scholarship is 12.7 percent greater than the average student. Twenty-one students are participating in the Resident Hall

Reduction Program.

16. PROPERTY MAINTENANCE RESOLUTION: City Manager Zacharias said a notice was sent to the owners of the property at 510 West 23rd Street, giving them ten days to clean up the piles of debris located on that property. An inspection of the property on April 11, 1994, revealed that the owners have cleaned up some of the trash and debris. However, there are still numerous piles of limbs, trash bags, metal, and lumber scattered around the rear of the property.

City Manager Zacharias said the proposed resolution authorizes the City to abate the nuisances, and place the cost of the clean up on the tax rolls, if the property has not been cleaned up within ten days from passage of the resolution.

Robert Zimmerman, 223 East 11th complained about an appliance dealer, whose place of business is located next to his parents property. The property contains all sorts of debris and old appliances. He would like to have City staff investigate this area concerning it being a nuisance.

Daniel Rupp moved, Sharon Leikam seconded, that a Resolution declaring 510 West 23rd Street as a property maintenance nuisance, be approved.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

17. BID ACCEPTANCE: Bids were received for spare boiler parts from the following:

Wichita Burner	\$10,614.00
Wichita, Kansas	
Haynes Equipment Company	\$10,775.00
Olathe, Kansas	

Daniel Rupp moved, Sharon Leikam seconded, that the bid from Haynes Equipment Company, totaling \$10,775.00, for spare boiler parts, be accepted.

City Manager Zacharias noted that Wichita Burner provided a

lower bid, but did not include freight in the bid.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

18. QUIT CLAIM DEED: City Manager Zacharias said this problem was created many years ago when Wilson Addition was platted for development. It appears that the City's 15 foot alley lies seven feet to the north of where it should be laying according to the plat.

To eliminate this problem which affects current and future land transfers, the City Attorney has suggested that a Quit Claim Deed be granted by the City to various property owners affected. This Quit Claim Deed will not affect the actual location of the City's alley or the City's legal ability to use the existing alley for any appropriate purposes.

Joseph Glassman moved, Daniel Rupp seconded, that the City Manager be authorized to sign a Quit Claim Deed, regarding property on Milner Street.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

19. FRONTIER PARK PERMIT: Eber Phelps moved, Joseph Glassman seconded, that a Lease Agreement for the use of Frontier Park, be issued to Don Maneth, 410 West 7th, on May 6th and 7th, 1994.

Park Director John Shaver said a \$500 damage deposit will be required. If it rains, the group will not be allowed to use the park. Those people attending the Grad Feast will not be allowed to park in the park itself, except in existing parking areas.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

20. CEREAL MALT BEVERAGE LICENSE: Joseph Glassman moved, Eber Phelps seconded, that a Cereal Malt Beverage License, be approved, for Patricia Schlyer, Between Innings Concessions, located at the Frank Stramel Softball Complex.

Vote: Ayes: Robert Albers
Sharon Leikam
Daniel Rupp
Joseph Glassman
Eber Phelps

21. CLOSED SESSION: Joseph Glassman moved, Eber Phelps seconded, that the Commission recess to Executive Session for the purpose of discussing employee-employer negotiations for a period of 15 minutes.

Vote: Ayes: Robert Albers
Sharon Leikam
Joseph Glassman
Eber Phelps
No: Daniel Rupp

Mayor Albers announced that the meeting would reconvene at 10:55 p.m.

Mayor Albers called the meeting back to order at 10:55 p.m. He said employee-employer negotiations were discussed during the Executive Session. No action is necessary.

22. ADD-ON ITEMS: City Manager Zacharias made the following announcements:

- The City has received an ISTE A Grant for beautification along the railroad tracks in downtown Hays. Plans are to apply for another ICETEA Grant to fund the north Vine Street Median Improvement Project next year.
- There will be a public meeting on Tuesday, May 3, for

the final presentation by the Strategic Planning Committee.

- The League of Kansas Municipalities will hold a meeting on April 27, 1994 to discuss funding of Local Advalorem Tax as well as other state taxes.
- The purchase of the new building by the League of Kansas Municipalities did pass by an 85% margin. All member cities will be required to fund the cost of that building.

Commissioner Phelps made the following comments:

- Congratulated Mayor Albers on his appointment as Mayor.
- Mentioned that the local Army Reserve Med-Log received the Army Chief of Staff Maintenance Excellence Award for the second year in a row. The award will be presented in Washington, D.C. June 1, 1994.

Commissioner Glassman made the following comments:

- Commended former Mayor Phelps and offered congratulations to Mayor Albers and Vice Mayor Leikam.
- Asked that Frontier Park improvements be an agenda item at the next meeting.

Commissioner Rupp made the following comments:

- Asked staff to investigate placing a four-way stop at 41st and Hall Streets.
- Asked staff to enforce the motor vehicle law pertaining to Kansas residents who maintain an out-of-state license plate. Mr. Zacharias said he is working on that issue.
- Asked City staff to start repairing the brick streets, particularly 8th Street. City Manager Zacharias said seasonal help has been hired for that project, and repairs will begin soon.
- Include the issue regarding overstuffed furniture on porches and lawns as an item for discussion at the next meeting.

Commissioner Leikam made the following comments:

- Congratulated Mayor Albers and thanked former Mayor Phelps for his year of service.

Mayor Albers made the following comments:

- Congratulated Vice Mayor Leikam, and thanked Commissioner Phelps for his year of outstanding leadership.

Thereupon the Governing Body adjourned.

Clerk of the Board