

June 9, 1994

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session, Thursday, June 9, 1994, at 7:30 p.m.

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

Absent: Eber Phelps

**2. MINUTES:** Commissioner Rupp asked that the comments made by Don Hammond of the Corps of Engineers regarding the level of flood protection below 27th Street, be added to the May 26, 1994 minutes.

Joseph Glassman moved, Dan Rupp seconded, that the minutes of the May 26, 1994 regular session, be approved, with the addition of Don Hammond's comments.

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

**3. CITIZEN COMMENTS:** There were no comments.

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Rupp questioned why the new lightening arresters, installed on City wells at a cost of \$3,121, were not installed at the same time the SCADA system was implemented. Public Works Director Leo Wellbrock stated the arresters installed along with the SCADA system were not large enough to accommodate or to prevent a blowout of the SCADA system and remote telemetry units.

Mayor Albers commented on the editorial from the Wichita Eagle regarding river clean-up plans. The Mayor stated the City of Hays has taken care of the problem along our creeks at our own expense. If the State of Kansas starts to fund river clean-up through grants, he feels the City of Hays should ask for a reimbursement on its wastewater plant improvements.

Mayor Albers asked the Commission to think about

legislation involving the selling of EPA air pollution credits to facilities having smokestacks with high emission levels. He feels that if the State of Kansas is going to mandate clean-up, we should have some legislation allowing us to take advantage of our wastewater plant and potentially sell some credits to other cities that may need them.

**5. DEVELOPMENT POLICY:** City Manager Zacharias presented additional information in regard to the proposed Development Policy. The information included a special assessment cost analysis for concrete versus asphalt, and information from other cities regarding their policy for street construction.

Commission Glassman said he felt it should be left up to the developer to decide whether to construct concrete or asphalt streets.

Commissioner Rupp said arterial streets should be concrete. Past experience indicates that asphalt arterial streets have a short life span and maintenance is costly.

Joseph Glassman moved, Daniel Rupp seconded, the the Development Policy be approved, with the stipulation that major arterial streets must be concrete and minor arterial and residential streets will require an analysis as to whether concrete will be required.

Mayor Albers said he will vote no because he feels that in the long run, the City will end up paying for these streets.

Developer Jim Desbien said he is opposed to making underground utilities mandatory. It would make low to moderate income housing unaffordable.

Commissioner Glassman amended his motion to state that underground utilities will be required only if the development does not include alleys.

Attorney Joe Jeter said in his opinion paragraph 9, page 7 of the Policy dealing with right of way reimbursement is unconstitutional. State Statute states that if the City acquires unplatted land for easements or right-of-ways through condemnation proceedings, a fair market value must be paid to the land owner. The Development Policy states that if the land

owner chooses to have the area platted, the owner must reimburse the City for these expenses.

City Attorney John Bird said he disagreed with Attorney Jeter comment that the proposed policy is unconstitutional. The City is not putting the property owner in the position of having to pay these costs. The platting of the land is what triggers the cost, which is at the total discretion of the owner.

Ed Stehno, property owner, said he is opposed to the policy states that the City may acquire up to 100 feet of the property for right-of-way purposes. He cannot find another City which has such a policy. He feels that in reality the landowner has no control; the City can condemn the land and take the 100 feet. Commissioner Glassman said the City can take only the portion of land necessary for the right-of-way.

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

**6. GAS FRANCHISE FEES:** Daniel Rupp expressed opposition to the increase of the gas franchise tax from 1.5% to 3%, due the regressive element of the rate structure.

Joseph Glassman moved, Sharon Leikam seconded, that the Agreement between the City of Hays and Midwest Energy, raising the gas franchise tax from 1.5% to 3%, be approved.

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

**7. WATER SUPPLY TASK FORCE REPORT:** Laverne Squier, Coalition for Economic Development Director, and Bob Vincent of Groundwater Associates, Inc., addressed the City Commission regarding the recommendations to upgrade the Smoky Wellfield. City staff and engineers have developed a proposal to rehabilitate the wellfield to alleviate the problems of spacing, high concentrations of iron and manganese in the water, and resulting bacteria that has collected in the well formations.

They recommend that six wells be relocated, two wells be rehabilitated, and four wells be abandoned. This will also result in an approximate \$21,000 reduction in operating and maintenance costs annually. The proposed project would be divided into two phases. Phase I would include preparing plans and specifications, bidding, drilling of test holes and wells, collecting water samples, and conducting pump tests. The estimated costs for this Phase I is \$45,172. Phase II would be presented to the City Commission after the completion of Phase I.

Joseph Glassman moved, Sharon Leikam seconded, that \$45,172 be approved for the implementation of Phase I of the Smoky Well Rehabilitation Project.

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

**8. PROPERTY TAX ABATEMENT:** Lavern Squier, Director of the Coalition for Economic Development, presented facts relating to the impact on the local community generated by A-1 Plank.

Charles Reese, representing Midwest Energy, read a statement from Kenneth Braun, Chairman of the Board. Mr. Braun, a Certified Public Accountant, has analyzed the information provided to him. He concludes that A-1 Plank will have a positive economic impact and be a true benefit to the community. He recommends that the City Commission endorse A-1 Plank's request for a 100% ten year tax abatement.

Dale Allenbaugh, President of A-1 Plank, introduced his family to the City Commission. He detailed the growth already experienced by his company and the commitment of his family to Hays. A-1 Plank is requesting the tax abatement to maximize their growth and fulfill their expectations. Continued growth will increase their economic impact on Hays.

Mr. Allenbaugh presented a \$5,000 check for the recently adopted Strategic Plan to the City of Hays. A-1 Plank plans to donate \$5,000 annually to show their commitment to the Hays

community.

The Commission individually thanked the Allenbaugh family for moving their families and business to Hays.

City Manager Zacharias stated that A-1 Plank would need to conform to the policy requirement of annual reporting and job justification.

Joseph Glassman moved, Dan Rupp seconded, that the property tax abatement for A-1 Plank and Scaffolding Manufacturing, Inc., be granted, as per the City's existing policy.

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

**9. LOCAL AGENCY BUDGET REQUESTS:** The Commission decided to postpone the presentations by the Ellis County Historical Society, Ellis County Coalition for Economic Development, Ellis County Humane Society, Fort Hays State University Scholarship Program, and WKACD ACCESS Transportation. The Commission will be reviewing these requests in July when they are working on the budget.

**10. ENTERPRISE ZONE:** The Ellis County Coalition for Economic Development is requesting that the City Commission pass a resolution designating Ellis County as a non-metropolitan region under the Kansas Enterprise Zone Act. This designation will enable businesses, which create new jobs in the county, to be eligible for enhanced incentives.

Dan Rupp moved, Joe Glassman seconded, that Resolution No. 146, being a Resolution of Support for the Regional Strategic Plan and Requesting that the Secretary of Commerce & Housing designate the County of Ellis as a Non-Metropolitan Region, be approved.

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

**11. VACATION OF EASEMENT ORDINANCE:** Joseph Glassman moved, Sharon Leikam seconded, that Ordinance No. 3314, being an ordinance vacating the utility easement at 2912 Roosevelt, be approved.

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

**12. VACATION OF EASEMENT:** Joseph Glassman moved, Sharon Leikam seconded, that Ordinance No. 3315, being an ordinance vacating a partial release on the utility easement at 3300 Thunderbird Drive, be approved.

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

**13. CHANGE ORDER:** Commissioners Rupp and Glassman stated they felt that the items in Change Order No. 5 (final) to the Wastewater Treatment Plant, totaling \$7,092, should have been included in the original work done at the plant. They felt that Black & Veatch Engineering should pick up the costs associated with this change order.

Joseph Glassman moved, Dan Rupp seconded, that City Manager Zacharias be directed to write a letter to Black & Veatch requesting they donate \$7,092 to the Strategic Plan for Hays, as a good will gesture.

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

**14. CHANGE ORDER:** Due to extensive corrosion, the digester

cover at the Wastewater Treatment Plant, needs to be replaced at a cost of \$69,975. City Manager Zacharias pointed out that this digester was rebid and the costs were lower than last years bid.

Joseph Glassman moved, Sharon Leikam seconded, that Change Order No. 2, for replacement of the digester cover at the Wastewater Treatment Plant, be approved.

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

**15. WATER TOWER ISSUES:** Commissioner Rupp recommended that the new water tower north of I-70 be painted the same color as the Canterbury water tower, and the name "Hays City" be painted on it. He felt it was important to maintain the historical picture of Hays for tourists traveling through the area.

Commissioner Glassman stated that he liked the color of the Canterbury water tower, but disagreed with painting the name of "Hays City" on it. He felt that there is nothing else in Hays that goes by the name of Hays City.

Daniel Rupp moved, Sharon Leikam seconded, that the new water tower north of I-70 be painted green and the name "Hays City" be painted on it.

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

This issue will be on the agenda of the next City Commission meeting.

**16. PROPERTY MAINTENANCE VIOLATION RESOLUTIONS:** City Manager Zacharias stated the City of Hays has received a letter from Robert Schlyer, Ellis County Health Nurse, indicating the residences located at 215 East 11th St., 219 East 11th St., and 212 East 11th St., are a health hazard.

Joseph Glassman moved, Daniel Rupp seconded, that Resolution No. 147, Resolution No. 148, and Resolution No. 149, being resolutions authorizing the City of Hays to abate

nuisances at 215 East 11th St., 219 East 11th St., and 212 East 11th St., be approved.

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

**17. APPOINTMENTS:** Mayor Albers reported that he has not been able to contact all of the people he would like to have serve on the Strategic Plan Finance Task Force. Dan Schippers and David Meckenstock have agreed to be on the committee. Mayor Albers stated he would like to be the Commission representative. He would also like to have the surrounding communities and Ellis County represented. He is also requesting two exofficio members, Lavern Squier and Hannes Zacharias, be appointed. He hopes to have the remainder contacted by the next Commission Meeting.

Sharon Leikam moved, Joseph Glassman seconded, that Dan Schippers, David Meckenstock, Robert Albers, Lavern Squier, and Hannes Zacharias, be appointed to the Strategic Plan Finance Task Force.

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

**18. EXECUTIVE SESSION:** Joseph Glassman moved, Sharon Leikam seconded, that the Commission recess to executive session to discuss employee negotiations for ten minutes, returning at 9:25 p.m.

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

Mayor Albers called the meeting back to order at 9:25 p.m. He stated that employee negotiations were discussed during the executive session. No action is necessary.

**19. ADD-ON ITEMS:** Commissioner Glassman reported on his

recent trip to Washington D.C. He attended an award ceremony for the 388th MEDCOM unit of the Hays National Guard and met with Senator Robert Dole.

Commissioner Rupp complimented City staff on the improvements to brick streets in downtown Hays.

Mayor Albers commented that he noticed a local tree remover was selling some of his equipment. He asked City staff to pursue the possibility of the City negotiating for the purchase of this equipment. He stated the City has quite a few trees that need to be removed. Also, it may be possible to rent the equipment to other cities.

Thereupon the Governing Body adjourned.

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

Clerk of the Board