

October 13, 1994

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, October 13, 1994, at 7:30 p.m.

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

2. MINUTES: Eber Phelps moved, Joseph Glassman seconded, that the minutes of the September 22, 1994, regular session, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Leikam commended Police Chief Lawrence Younger for receiving a lifetime membership to the Kansas Peace Officers Association.

Commissioner Phelps asked when the additional nine hole expansion project at the Golf Course would be completed. Assistant City Manager said grass will be planted in the spring of 1995. The additional nine holes should be usable by August of 1995.

Commissioner Phelps asked for additional information regarding the Convention and Tourism Marketing Grant Program. City Manager Zacharias said the grant will provide funds to various entities that will promote further tourism activities in the community. CVB Director Jana Jordan will present more information concerning the Grant Program at a future Commission meeting.

Commissioner Glassman asked the City Manager to comment on the CDBG Grant application for waterline improvements. City

Manager Zacharias said the City did not receive funding for 1994. It appears that priority was given to cities in need of ADA improvements, and community needs in smaller cities. We may wish to apply for ADA improvement funds in 1995. Commissioner Rupp said it would be well worth our while to continue to apply for waterline improvements, or combine both ADA improvements and waterline improvements in the grant application.

Commissioner Glassman asked for an update on the Canterbury Street Project. Bucher, Willis and Ratliff Engineer John Youll said Pavers Inc. have revised their construction schedule. According to the new schedule, all concrete should be poured and cured by October 26, 1994. City Manager Zacharias added that the City will invoke liquidated damages if the Project is not completed on schedule.

City Manager Zacharias presented Mayor Albers with two awards which the City received at the League of Kansas Municipalities Conference held in September, 1994. The first award was presented to the City by the Kansas Ready Mix Concrete Association for improvements to the 27th and Vine Street Intersection. Allied, Inc. was the contractor, and Bucher, Willis and Ratliff was the engineer firm for the project. The second award was the Kansas Public Improvement Award presented to one city in the 5,000 to 20,000 population category. This award was for the Wastewater Treatment Plant Improvement Project and the Reclaimed Pipeline Project. BRB Contractors, Inc., Topeka, Kansas, was the contractor and the engineering firms were Black and Veatch and Bucher, Willis and Ratliff. City Manager Zacharias said this is a very prestigious award and the first time the City of Hays has received the award.

5. RECYCLING AGREEMENT: City Manager Zacharias presented the proposed recycling agreement with L & R Recycling for a city-wide recycling program that was discussed at the last meeting. The agreement contains some minor revisions, as discussed at the September 22, 1994 meeting, clarifying that the agreement is subject to the annual appropriation of funds by the City of Hays.

Leroy Rohr, of L & R Recycling, said the anticipated start time for the Recycling Program is January, 1995. It has taken longer than anticipated to obtain a facility and meet all EPA requirements.

Joseph Glassman moved, Daniel Rupp seconded, that the Mayor be authorized to sign a three year agreement with L & R Recycling to conduct a city-wide recycling program.

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

6. PUBLIC HEARING: Mayor Albers opened a public hearing in regard to an application from Hays International Mailing Services, Inc., for a \$200,000 Community Development Block Grant.

Randy Hrabe, Executive Director of Northwest Kansas Planning and Development Commission, said the grant funds will be used to purchase new equipment. The Company presently has 104 full-time employees, and an additional 37 jobs will be created over the next 18 months.

Their being no further comments, Mayor Albers closed the public hearing.

Daniel Rupp moved, Eber Phelps seconded, that Resolution No. 156, being a resolution authorizing the Mayor to sign a CDBG Grant application from Hays International Mailing Services, Inc. for a \$200,000 CDBG Grant, be approved.

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

Eber Phelps moved, Sharon Leikam seconded, that Resolution No. 157, being a Resolution of Residential Antidisplacement and Relocation Assistance Plan under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, be approved.

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

7. REPORT: City Manager Zacharias, Mayor Albers, Commissioners Leikam, Glassman, and Phelps reported on their recent trip to Washington, D. C. to attend the Congressional Conference. A Congressional Staff Reception was hosted by the City of Hays. The cost of the reception was shared by thirteen sponsors. City Manager Zacharias said the event gave City officials the opportunity to have one on one conversations with the staff of Senators Dole and Kassebaum and Congressman Roberts. The topics discussed included, the proposed Northwest Passage, Essential Air Service, ADA Requirements, health care, Safe Drinking Water Act, unfunded mandates, as well as other legislative issues.

City Manager Zacharias said the meetings gave City officials the opportunity to dispel misinformation and half truths regarding the Edwards County issue and other issues.

The group also traveled to Reading, Pennsylvania to meet with representative of Yuasa Exide, and to tour the Yuasa Exide Plant.

8. COUNTY WIDE SALES TAX: City Manager Zacharias presented a Resolution approved by the Board of Ellis County Commissioners providing for the County of Ellis, Kansas to submit to the qualified electors of Ellis County the question of levying a county wide retailer's sales tax in the amount of 1/2 percent (.50%) in Ellis County from January 1, 1995, through December 31, 1999, as authorized by K.S.A. 1980 Supp. 12-187, et seq. with the revenue received from said tax to be pledged for the successful location of a new aircraft manufacturing facility within Ellis County as determined and authorized by the Governing Body of Ellis County. Said election shall occur on the 8th day of November, 1994.

Commissioner Glassman and Mayor Albers both indicated they wished the proposed tax was for ten years instead of five.

Joseph Glassman moved, Sharon Leikam seconded, that City Commission of the City of Hays endorse a county wide sales tax to assist in the payment of infrastructure and incentives for Cessna Aircraft.

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

9. CHARTER ORDINANCE ELECTION: City Manager Zacharias said the City has been notified by County Clerk Peggy McCullick that the petition calling for a referendum on Hays City Charter Ordinance No. 17 as passed by the Hays City Commission on July 28, 1994, contained an adequate number of valid signatures to authorize a referendum on this issue.

Commissioner Glassman said at the time the Charter Ordinance was being considered, he had some concerns, but voted in favor of it anyway. He said that was a mistake on his part. He felt the ordinance should have been more specific about how the additional funds would be used. There may be a time in the future when it will be necessary to consider the Charter Ordinance again, but the Ordinance needs to be more specific.

Commissioner Phelps said he was in favor of the Ordinance and his decision still stands. He agrees the Ordinance should have been more specific, but there was not an opportunity to get to that point because of the Cessna issue taking precedent.

Commissioner Phelps questioned the method use to circulate the petition. Several individuals who signed the petition said they were told if they don't want their taxes to triple, sign this petition.

Mayor Albers also voiced a concern over the method used to circulate the petition. He said he does not have a problem with the issue being put on the ballot, but feels those who do not favor the Charter Ordinance should be ready to decide what City services they wish to have reduced or eliminated.

Commissioner Leikam said some of the individuals that

signed the petition told her they really did not understand what they were signing. She would hope that if the issue comes up in the future, the citizens of Hays will want to continue to have adequate City services and vote in a positive manner.

Commissioner Rupp said the potential of Cessna locating in Hays is a vital opportunity for Hays. Including the Charter Ordinance along with the sales tax issue would only confuse the voters.

No action was taken on the Charter Ordinance issue, but the Commission agreed to have the issue on the agenda for discussion in January, 1995.

10. GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS: Roger Edgar, Financial Advisor, of George K. Baum and Company, was present and gave the results of a Bond Sale held at 3:00 p.m., Thursday, October 13, 1994 as follows:

\$965,000

General Obligation Improvement Bonds

Series 1994 A

<u>Bidder</u>	<u>Net Interest Cost</u>	<u>Interest Rate</u>
Country Club Bank	\$ 374,312.69	5.441548%
George K. Baum and Company	375,692.44	5.4535%
Bank IV	375,836.06	5.45876
United Missouri Bank	379,535.54	5.513919%
Commerce Bank of Kansas	381,453.72	5.4478%
Piper Jaffray	383,620.24	5.571089%

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3324, being an ordinance authorizing the issuance and delivery of \$965,000 principal amount of General Obligation Internal Improvement Bonds, Series 1994-A, of the City of Hays, Kansas; providing for the levy and collection of a annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto, be approved.

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

Joseph Glassman moved, Sharon Leikam seconded, that Resolution No. 154, being a resolution prescribing the form and details of and authorizing the delivery of \$965,000 principal amount of General Obligation Internal Improvement Bonds, Series 1994-A of the City of Hays, Kansas, to Country Club Bank, Kansas City, Missouri, at an interest rate of 5.441548%, previously authorizing by Ordinance No. 3324 of the City; and making certain covenants with respect thereto, be approved.

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

11. GENERAL OBLIGATION AIRPORT IMPROVEMENT BONDS:

Mayor Albers opened a public hearing in regard to the issuance of \$325,000 in General Obligation Airport Improvement Bonds, Series 1994-B.

Their being no comments, Mayor Albers closed the public hearing.

Mr. Edgar gave the results of the Airport Improvement Bond Sale as follows:

\$325,000		
General Obligation Airport Improvement Bonds		
Series 1994-B		
<u>Bidder</u>	<u>Net Interest Cost</u>	<u>Interest Rate</u>
Bank IV	\$ 132,294.64	5.67994%
George K. Baum and Company	133,823.47	5.7526%
Piper Jaffray	139,904.14	6.0182%

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3325, being an ordinance authorizing the issuance and delivery of \$325,000 principal amount of General Obligation

Airport Improvement Bonds, Series 1994 B, of the City of Hays, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto, be approved.

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

Joseph Glassman moved, Sharon Leikam seconded, that Resolution No. 155, being a Resolution prescribing the form and details of and authorizing the delivery of \$325,000 principal amount of General Obligation Airport Improvement Bonds, Series 1994-B, of the City of Hays, Kansas to Bank IV, Wichita, Kansas for an interest rate of 5.67994%, previously authorizing by Ordinance No. 3325 of the City; and making certain covenants with respect thereto, be approved.

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

12. LAND ANNEXATION: Jeff Seibel, representing his father, Darrell Seibel, was present concerning the proposed annexation, rezoning and final platting of property owned by Darrell Seibel located on the north edge of 27th Street west of Canterbury containing approximately 2.9 acres.

Along with Mr. Seibel appeared Robert Brooks, who proposes to build an assisted living complex at that location. Mr. Brooks said Sterling House owns assisted living complexes in a number of other cities. The complex allows elderly citizens who are unable to live alone, but are not candidates for a rest home, to live independently with some assistance.

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3326, being an ordinance authorizing the annexation of 1.973

acres of property located north of 27 Street and west of Canterbury, presently owned by Darrell and Marilyn Seibel, be approved.

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

Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3327, being an ordinance rezoning a tract of land situated north of 27th Street and east of Barclay Drive, and west of the proposed Sternberg Boulevard from "A-L" Agricultural District to "R-4" Multi-Family Dwelling District, be approved.

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

City Manager Zacharias said under the existing ordinance, seven percent of the platted property should be donated to the City in terms of greenspace. This would amount to .2 acres of property. It was felt that this small amount of land would be difficult to maintain by the City and would have little value to the community as a whole. Thus, it was recommended by City staff and Mr. Seibel that the open space dedication be delayed until all of lots one through seven are platted. In this way, it is hoped that the City could obtain enough property along the existing creek to meet the goals and objectives set forth in the Strategic Plan to accommodate a hiking/biking trail from Sternberg Museum to Fort Hays State University. Mr. Seibel has indicated that he intends to plat lots two thru seven of the Addition all at one time in the near future. At that time, the entire seven percent of property would be taken in lieu of cash for greenspace dedication and hopefully be configured to accommodate the hiking-biking path.

It is recommended the City accept this postponement of greenspace dedication on the following three conditions:

1. The proposed agreement is sufficient to insure the City's grantee of land transfer at a future date.

2. That lots two thru seven will be finally platted in one action.

3. The property to be dedicated to the City with the final plat configured in such a way to accommodate a hiking/biking path, and be of sufficient width to accommodate maintenance activities.

Mr. Seibel said his father is not in agreement with the third requirement. He has a great privacy and liability concern. A hiking/biking path would allow public usage behind all the homes on Barclay Drive.

City Attorney Bird asked Mr. Seibel to amend the dedication documents to reflect the wishes of his father.

Eber Phelps moved, Sharon Leikam seconded, that the City of Hays accept a "future" dedication or reservation of open space for this property in lieu of immediate cash set aside for such open space, provided that lots two thru seven be annexed at the same time, and such action takes place within three years.

Commissioner Rupp proposed a friendly amendment to the motion, providing for City staff to continue negotiating with Mr. Seibel to provide for a linear park. The amendment was accepted by Commissioner Phelps and Leikam.

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

13. WHEATLAND DRIVE: Assistant Public Director Elden Hammerschmidt said the City has received cost estimates for various options concerning improvements to Wheatland Drive. After reviewing the options, it is recommend that the City proceed as originally planned. This plan calls for a concrete half street on the west side of Wheatland Drive from 17th Street

to 21st Street, the cost of which will be assessed to the property owners. The County will then add an additional 14 feet of asphalt pavement to the east side between 17th Street and 21st Street. The County will also pave the area from 21st Street north to 25th Street with asphalt. The design and engineering for this project has been completed and the project is ready to be bid.

Joseph Glassman moved, Daniel Rupp seconded, that the agreement between the City of Hays and Ellis County be modified to clarify that the City will put in concrete in place of asphalt on the west side of Wheatland Drive.

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

14. CHANGE ORDER NO. 1-SANITARY SEWER, I-70 UTILITIES: Sharon Leikam moved, Daniel Rupp seconded, that Change Order No. 1 (final) to the Sanitary Sewer, I-70 Utilities Project, which reflects a deduction of \$1,126.23, be approved.

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

15. CLARIFIER BIDS: Bids were opened on September 15, 1994 for sandblasting and painting Primary No. 1 at the Wastewater Treatment Plant. The only bid received was from BRB Contractors in the amount of \$28,000.

Wastewater Plant Superintendent Steve Leiker recommended that the bid be rejected since only \$20,000 was budgeted for the project. He recommended that the \$20,000 budgeted in 1994 for this project be carried over into 1995 and the project be rebid along with the painting of Final Clarifier No. 1.

Joseph Glassman moved, Eber Phelps seconded, that the bid from BRB Contractor for sandblasting and painting Primary No. 1,

be rejected, and the budgeted funds be encumbered in the 1995 Budget.

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

16. UNION PACIFIC LEASE AGREEMENT: City Manager Zacharias said the proposed Lease Agreement with Union Pacific Railroad is for easements to accommodate an existing sewer line west of Vine Street to Riley.

Commissioner Rupp asked if the various lease agreements with the Union Pacific Railroad could be combined. City Manager Zacharias said he would see if that is possible.

Commissioner Rupp said he is still upset with Union Pacific regarding repairs to the Elm Street Crossing. It has been almost two years since the first request was made to have the Elm Street Crossing repaired. City Manager Zacharias said he totally agrees, but the City has very little leverage. City Attorney Bird said reducing the train speed limit does get their attention.

It was the consensus of the Commission to postpone signing the agreement until information regarding combining this agreement with other Union Pacific agreement can be obtained.

17. BEER LICENSE: Eber Phelps moved, Joseph Glassman seconded, that a Cereal Malt Beverage License for to U-Save Foods, 2704 Vine Street, be approved.

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

18. ADD-ON ITEMS: City Manager Zacharias said Mr. Ron Sherard of KDOT has contacted Bucher, Willis and Ratliff in regard to five inches of asphalt on Commerce Parkway north of the interchange ramps to 27th Street to be constructed in the

future. Mr. Sherard thought it might be cost effective to have the additional five inches of asphalt constructed at this time since the asphalt contractor would be on site. The estimated cost for the additional asphalt is \$27,000.

KDOT has indicated they are not interest in adding the additional asphalt to the project and paid on a 80-20 split.

It was the consensus of the Commission that the area is in the County and should be funded by the County.

City Manager Zacharias thanked KMA Productions for the live broadcasts of the Commission Meeting.

Commissioner Rupp asked City staff to address the number of dead trees in the City. Taking care of the trees now may prevent further damage or injury.

Commissioner Rupp asked City staff to review the policy regarding City employees supporting political candidates. City Attorney John Bird said there is no such policy in existence today.

Commissioner Leikam commended Wayne Billing for the BID receiving the Governor's award for outstanding design activity.

Commissioner Leikam commended the downtown merchants for the clean up efforts, particularly along 10th Street.

Thereupon the Governing Body adjourned.

Submitted by_____

Clerk of the Board