

MINUTES OF A MEETING
OF THE GOVERNING BODY
THE CITY OF HAYS, KANSAS
HELD ON APRIL 13, 1995

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, at City Hall, Thursday, April 13, 1995, at 7:30 p.m.

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

Mayor Robert Albers declared that a quorum was present and called the meeting to order.

2. SWEARING IN CEREMONY: City Clerk Susie Grabbe administered the Oath of Office to newly elected Commissioners Eber Phelps, Jayne Clarke and Errol Wuertz.

3. REORGANIZATION OF GOVERNING BODY: Daniel Rupp moved, Errol Wuertz seconded, that Sharon Leikam be nominated for Mayor of the City of Hays.

Vote: Ayes: Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz
No: Sharon Leikam

Eber Phelps moved, Jayne Clarke seconded, that Daniel Rupp be nominated for Vice Mayor of the City of Hays.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

Mayor Leikam paid tribute to outgoing Commissioners Robert Albers and Joseph Glassman by presenting them each with a gavel

that noted their years of service.

Mayor Leikam cited Commissioner Glassman for his outstanding leadership role in promoting economic development, and particularly his key role in the Cessna Proposal. He also initiated the Water Supply Task Force, and was instrumental in the development of the Water Banking Plan.

Mr. Glassman thanked his constituents for the honor of serving them. He said serving on the City Commission was a very positive and rewarding experience. He apologized for offending anyone during intense issues. He felt that he tried to look at each issue with intensity and fairness. He looked forward to remaining an active supporter of the Community, and extended God's blessing to the new Commission as they are faced with tests of leadership and hard decisions.

Mayor Leikam cited Commissioner Albers for diligence and dedication in promoting Water Conservation, much of which was done on his own time and at his own expense. He also played a key role in the Cessna Proposal and deserves credit for obtaining one million dollars in private funding pledges towards the Cessna Proposal.

Commissioner Albers thanked everyone for fond memories and wished success to the new Commission.

Mayor Leikam thanked the citizens of Hays for their trust and confidence in her in the past, and said she will continue to represent Hays and its citizens to the best of her ability. She urged citizens to become involved in City issues.

Mayor Leikam proposed that monthly City Commission work sessions be held to discuss lengthy or controversial issues. She noted that the yearly one million dollar Capital Improvement Program should be reviewed and discussed thoroughly. The commissioners were receptive to the idea. Commissioner Rupp said he had no objection to work sessions, such sessions have been held in the past. He felt the meetings should be scheduled only for a topic needing lengthy discussion, and not meet just for the sake of meeting. Such meeting should be set for the first Thursday of the month at 7:00 p.m., at the discretion of

the City Manager.

Commissioner Leikam proposed that a "Consent Agenda" be used for routine items that normally do not require discussion. These items would be approved with one motion and one vote. If there is an item on the "Consent Agenda" that a Commissioner would like to discuss, that item would be removed from the "Consent Agenda", and placed on the regular agenda for discussion. The Commissioners were in favor of the "Consent Agenda".

At this point, Luscombe Aircraft Corporation board chairman Allan McArtor, Cecil Miller, manager of the proposed plant, and other representatives, were present to address concerns of citizens regarding the location of a airplane manufacturing plant in Hays.

Mr. McArtor said Luscombe Aircraft Corporation is pleased with the relationship that has developed with the City of Hays and Ellis County regarding the proposed aircraft plant. It is a good business deal, and a model of a public/private partnership. The Ellis County Economic Development Corporation has developed a very solid investment program in Luscombe Aircraft Corporation. The investment program has many checks and balances. The private investment of 2,000,000 shares will be offered at \$2.00 a share and will be placed in local banks.

Mr. McArtor said construction of the plant is contingent upon passage of the one-half cent sales tax, and is scheduled to begin this summer. Recruitment is scheduled to take place during the summer and fall of 1995. Occupancy is targeted for early 1996.

Mr. McArtor said he has been very encouraged with the reception of the Federal Aviation Administration, and he did not foresee any problems with obtaining FAA federal certification.

City Manager Zacharias asked Mr. McArtor to address the trademark topic since it has appeared as a rather large issue in the Hays Daily News. Mr. McArtor said the type certificate for the Luscombe Model 11 E ensures that they have the legal right to build the Luscombe Aircraft. At worst, the Company may have to give itself another name, but not its planes. The possibili-

ty of having to rename the company is not considered to be an issue.

Mr. McArtor said the Private Placement Memorandum is scheduled to be published by the end of next week. The operating capital will total \$4,000,000 of new money.

Mr. McArtor said two of the original partners who were involved in the Parsons, Kansas venture have been bought out. He feels very confident that the current Board knows what they are doing.

Plant Manager Cecil Miller outlined the design plans of the aircraft. He stated that Dalfort Aviation, based in Texas, is the technical partner and will build the prototype planes.

Mr. Miller said he plans to establish an office in Hays, in the very near future, as a means of keeping lines of communication open, and would be happy to address any concerns that may arise.

4. MINUTES: Eber Phelps moved, Daniel Rupp seconded, that the minutes of the March 23, 1995, regular session, be approved.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

5. CITIZEN COMMENTS: There were no comments.

6. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

7. SOLID WASTE ISSUE: Assistant Public Works Director Elden Hammerschmidt reviewed the proposed Recycling Program. The Program would require all refuse to be bagged. Recyclable refuse will be placed in blue bags. All other refuse would be placed in bags of any color, other than blue.

Bagging trash will create a safer, and healthier environment for our collectors and all refuse workers throughout the disposal system. We have the responsibility to provide the safest working environment that we can for our employees (City's Bloodborne Pathogens Policy adopted May 26, 1994).

Additionally, bagging trash will increase the life expectancy of City refuse cans provided to customers. The cans will no longer need to be physically picked up by the refuse workers, and carried to the truck. Cans will remain stationary, reducing the number of bent cans and lids.

Mr. Hammerschmidt said recycling education programs will be conducted at various locations throughout the City. Lynn Albers has agreed to chair the education program.

Eber Phelps moved, Daniel Rupp seconded, that the Refuse and Recycling Collection Program, be approved.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

Mr. Hammerschmidt reviewed a Yard Waste Tag Program with the Commission. He explained that this program would be in lieu of total discontinuation of yard waste pickup by the City. Citizens would be able to purchase a tag for \$1.00 and attach it to a 40 pound or less bag of yard waste. The City would continue to pick up the yard waste. The dollar fee would help recoup the cost of disposal.

Mr. Hammerschmidt said details of the Tag Program have not been finalized, but he would like Commission approval of the Program, and he will continue to work on final details.

Daniel Rupp moved, Errol Wuertz seconded, that the City of Hays Yard Waste Tag Program, be approved.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

Mr. Hammerschmidt said City staff is continuing to investigate a Yard Waste Compost Program with Ellis County, and will keep the Commission informed of the progress.

8. MOWER BIDS: City Manager Zacharias said bids were received

for a rotary mower to be used by the Park Department from Central Prairie Implement Company (John Deere), in the amount of \$10,250, and from Modern Distributing Company (Toro), in the amount of \$11,563. Staff recommended the Toro mower be purchased, even though it was not the low bid, because of high maintenance cost associated with an existing John Deere mower. Action by the Commission was tabled to give the John Deere representative an opportunity to respond.

John Deere representative Tom Winkleblack stated that the present John Deere mower is used in situations which cause more than the normal amount of wear and tear. The comparison between the two mowers is not a fair comparison.

Commissioner Rupp said he feels the low bid should be accepted. We need to be conscientious of our tax dollars.

Daniel Rupp moved, Eber Phelps seconded, that the bid from Central Prairie Implement Company, totaling \$10,250, be accepted.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

9. PERSONNEL PAY PLAN STUDY: City Manager Zacharias said at the last Commission meeting, City staff recommended that a proposal totaling \$12,000 from Ralph Anderson, Dallas, Texas, to do a pay plan study, be accepted. Action on this item was tabled until Commissioners had the opportunity to review the proposals.

Errol Wuertz moved, Jayne Clarke seconded, for purposes of discussion that a contract with Ralph Anderson, totaling \$12,000, be approved.

Commissioner Phelps was hesitant to approve the proposal because it exceeded the budget amount by \$2,000. He felt that due to budget constraints, it will be necessary to reduce wherever possible, instead of exceed budget amounts.

City Manager Zacharias said delaying action on this proposal would not create a problem. The time frame necessary to re-

ceive this information for 1996 budget purposes has already expired.

Several options were suggested, such as contacting the League of Kansas Municipalities to see if they would be interested in doing the study at a later date, or have City staff do a portion of the study, along with assistance from the Docking Institute.

Commissioner Wuertz said since a decision tonight was not crucial, he would withdraw his motion. Commissioner Clarke withdrew her second to the motion. This issue will be revisited in July, 1995.

10. INTERLOCAL COOPERATION AGREEMENT: City Manager Zacharias said the Interlocal Cooperative Agreement would establish a job creation trust fund for a 1/2 cent five year County-wide retail sales tax. Monies from the trust fund would be disbursed in the form of grants for economic development.

In order for this agreement to be effective, it would be necessary for both the City and County to place their total share of sales tax proceeds into the trust fund. At this time, Ellis County has not committed to do that.

The Trust Fund would be governed by a Board of Directors comprised of the following:

City of Hays	5 representatives
Ellis County	3 representatives
City of Ellis	1 representative
City of Victoria	1 representative
City of Schoenchen	1 representative

City Manager Zacharias pointed out that this Trust Fund is not necessarily associated with Luscombe Aircraft Corporation or Rans Corporation, it is a separate issue, the purpose of which is job creation. Luscombe Corporation and Rans Corporation may or may not be recipients of grant funds.

Eber Phelps moved, Errol Wuertz seconded, that an Interlocal Cooperation Agreement establishing a job creation trust fund from a five year 1/2 cent County-wide sales tax be approved, contingent upon Ellis County's total share of the

sales tax revenue be placed into the Trust Fund.

Commissioner Wuertz questioned the wording on page 3, Section 2 stating that Grants may be available for "incentives for the creation and/or retention of employment in Ellis County". He wondered if the word incentives was too broad.

City Attorney John Bird said the perception was that the public did not want an open-ended sales tax. The intent of this language was to limit the use to economic development, but not fine tune it to the point that it may not be applicable five years from now.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

11. FHSU ANNEXATION: City Manager Zacharias reviewed a draft Annexation Agreement between Fort Hays State University and the City of Hays. Fort Hays State University President Ed Hammond and Mark Bannister were present to address issues of the agreement. A lengthy discussion took place regarding issues that the Commission felt needed further discussion. Both the City and Fort Hays State University agreed to further negotiate several issues including the following:

- the \$45,000 loss of revenue to the City's General Fund,
- the joint use of Special Gas Tax funds by the City and FHSU,
- the de-annexation clause,
- the prohibition of fire inspections by the Fire Chief.

City Manager Zacharias said the goal is to further negotiate and present a revised draft at the next meeting.

12. SURVEY CONTRACT: Eber Phelps moved, Jayne Clarke seconded, that a contract in the amount of \$2,500, with Fort Hays State University to conduct a citizens survey, be approved.

City Manager Zacharias said last year's citizen survey was to get a broad sense of how the citizenry felt about City services. This survey will be designed to focus on certain

aspects of City services.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

13. REZONING ORDINANCE: Eber Phelps moved, Jayne Clarke seconded that Ordinance No. 3344, being an ordinance rezoning a tract of land situated in lots Fifteen (15) and Seventeen (17), Block Six (6), H. P. Wilson Addition to the City of Hays, Ellis County, Kansas, from "R-4" Multi-Family Dwelling District to "C-O" Office and Institution, be approved.

City Manager Zacharias noted that the zoning change was to allow Hays Medical Center to create a parking lot adjacent to the hospital.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

14. ENGINEERING SERVICES AGREEMENT: Daniel Rupp moved, Errol Wuertz seconded, that an Engineering Agreement, for a total not to exceed amount of \$176,830, for the 1995 Street Improvement Project, be approved.

Commissioner Rupp said he would like to have City staff's recommendation concerning 12th Street prior to beginning the project. He would like to consider closing the street by constructing a cul-de-sac on the west end of the street.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

15. STRATEGIC PLAN IMPLEMENTATION COMMITTEE: Eber Phelps moved, Daniel Rupp seconded, that Robert Albers be retained on the Strategic Plan Implementation Committee, if he is willing, and that Jayne Clarke be appointed as an ex officio member.

Vote: Ayes: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

16. EXECUTIVE SESSION: Eber Phelps moved, Jayne Clarke seconded, that the Commission recess to executive session for a period of ten minutes, for the discussion of personnel matters.

Mayor Leikam said the meeting will reconvene at 11:00 p.m.

Vote: Ayes: Sharon Leikam
Eber Phelps
Jayne Clark
Errol Wuertz
No: Daniel Rupp

Mayor Leikam called the meeting back to order at 11:05 p.m. She stated that personnel matters were discussed in executive session. No action is necessary.

17. ADD-ON ITEMS: Commissioner Rupp asked Building Inspector Laas if the apartment complexes under construction on West 12th Street are within the Building Code and also above the Flood Plain. Building Inspector Laas said although the complexes are extremely close in proximity, they do meet the required code, and the buildings are above the flood plain.

Thereupon the Governing Body adjourned.

Submitted by _____
Clerk of the Board

