

February 9, 1995

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session, Thursday, February 9, 1995, at 7:30 p.m.

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

Absent: Sharon Leikam

**2. MINUTES:** Eber Phelps moved, Joseph Glassman seconded, that the minutes of the January 26, 1995, regular session, be approved.

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

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

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Rupp requested an explanation of the purchase of a COBAL compiler for the Police Department. City Manager Hannes Zacharias explained that this was a nonbudgeted item, but will be paid for with \$4,500 budgeted for computer program work by Ellis County and \$1,500 from Court Funds. This compiler will be used by both the City and the County, therefore, this item will be given as a credit to the City for future computer work required from the County for other Police Department activities.

Commissioner Rupp noted that the Inspection Department has a new employee, and questioned whether there were other duties this employee could assume if the building and construction trade fell off. The City Manager explained that the new employee would be doing more random policing of code violations and certainly would be available to do other duties.

Commissioner Phelps asked the City Manager if the City has received a response regarding the Undue Burden Finding. Mr. Zacharias said the City has not received a response. He

explained that this is a way to give the City some insulation if the City is to be charged with violating the ADA ruling regarding curb cuts. This document explains the City will install curb ramps, in accordance with the recommendation in the January 1993 supplement of the American with Disabilities Act, Title II-Technical Assistance Manual, at locations currently without curb ramps during any resurfacing, reconstruction, or new construction projects. Additionally, curb ramps will be installed upon request in areas frequented by individuals with disabilities. The City of Hays plans to install 2,050 curb ramps over the next several years.

Commissioner Phelps asked if the additional \$16,000 for the Grant Application for the Vine Street Project would be included in the grant request or if that would be matching funds. Mr. Zacharias stated the \$16,000 would be in addition to the total amount requested.

**5. WATER AND SEWER RATE INCREASES:** Joseph Glassman moved, and Daniel Rupp seconded, that Ordinance No. 3330, being an ordinance amending Sec. 28-134 of Article V, Chapter 28, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3256, as passed on April 9, 1992, and as published on May 1, 1992, by increasing water rates inside and outside the City of Hays, Kansas, according to classification of usage, and Ordinance No. 3331, being an ordinance amending Sec. 28-146 of Article V, Chapter 28, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3244, as passed on September 26, 1991, and as published on October 1, 1991, by changing the sewer rates inside and outside the City of Hays, Kansas, according to classification of usage, be approved.

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

**6. WEED ABATEMENT ORDINANCE:** Joseph Glassman moved, Eber Phelps seconded, that Ordinance No. 3332, being an ordinance

relating to the cutting of weeds and vegetation, providing for notice and providing for cutting by the City of Hays, and providing for charges therefor; and repealing Ordinance No. 3304 of the City of Hays, Kansas, be approved.

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

Commissioner Sharon Leikam joined the meeting at this time.

**7. GOLF COURSE MAINTENANCE AGREEMENT:** Assistant City Manager Linton Bartlett responded to questions from the Commissioners regarding the maintenance and greenspace duties at Fort Hays Municipal Golf Course. He also recapped the procedures and bid letting done last year regarding this contract.

Commissioner Dan Rupp stated that he felt the golf course should pay its own way and wondered if there was any discussion to raise the fees. City Manager Zacharias stated that there would be increased revenue when the new nine holes are opened toward the end of this summer.

Commissioner Glassman stated that he felt this contract should only extend for one year, due to the addition of the extra nine holes, and because the City did not get any competitive bids. If at the end of the first year, all services are provided to the City's satisfaction, he would be agreeable to signing a three year contract.

Mayor Albers said he felt if the City wants to create an attractive golf course, it is necessary to have a long term relationship and place trust in the current manager. He feels that Mr. DeWerff has shown his ability in managing the course and the golfers are quite happy with his performance.

City Manager Zacharias pointed out that by signing a one year contract, the City could be renegotiating a different price next year. Mr. Zacharias also stated that the estimated cost for the City to do the work would be \$102,210.

Joseph Glassman moved, Dan Rupp seconded, that a one year contract, with the option of signing a three year contract after

the first year, for the maintenance of the Fort Hays Municipal Golf Course with Mr. Neil DeWerff, be approved.

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

**8. ELECTRICAL, PLUMBING, BUILDING, MECHANICAL, AND FIRE CODE**

**UPDATES:** Commissioner Glassman asked Building Inspector Kent Laas if block testing is required under the mechanical code. Mr. Laas said block testing is required under licensing requirements for all new licensees. Existing licensees were grandfathered at the time the code was adopted. Commissioner Glassman said he would like the Trades Board to reevaluate the grandfather clause. He has a real concern about code violations, particularly violations committed by grandfathered licensees. It appears that code violations are not taken as seriously as they should be by some contractors. There have been some life threatening situations occur recently. Block testing forces contractors to become better educated. He suggested that the Inspection Department send a monthly newsletter to all contractors to inform them of code changes and alert them of potential problems. This will help them to become more vigilant in their profession.

Daniel Rupp moved, Joseph Glassman seconded, that Ordinance No. 3333, being an ordinance amending Sec. 6-1 of Article 1, Chapter 6, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3264, as passed on August 13, 1992, and as published on August 21, 1992, by adopting by reference the Uniform Building Code, 1994 Edition, Volumes 1 through 3, together with the appendices thereto, published by the International Conference of Building Officials, be approved.

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

Joseph Glassman moved, Daniel Rupp seconded, that Ordinance No. 3334, being an ordinance amending Sec. 22-1 of Article II, Chapter 22, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3266, as passed on August 13, 1992, and as published on August 21, 1992, by adopting by reference the 1994 Edition of the Uniform Plumbing Code and the Uniform Mechanical Code, as adopted by the Annual Conference of International Association of Plumbing and Mechanical Officials, excepting Section 103.4.1 to 103.4.5.3, pertaining to cost of permits and Table 1-1, Page 13, pertaining to schedule of fees or fees under Chapter 1, administration and deleting the provisions of Section 310.1 to 310.3, Page 32, and Section 715.1 and 715.2, Page 95, of the Uniform Plumbing Code, be approved.

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

Joseph Glassman moved, Sharon Leikam seconded, that Ordinance No. 3335, being an ordinance amending Sec. 11-1, Article I, of Chapter 11, Electrical Code, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3265, as passed on August 13, 1992, and as published on August 21, 1992, by adopting by reference the National Electrical Code, Edition of 1993, (NFPA No. 70-1990), A Standard of the National Fire Protection Association for Electrical Wiring and Apparatus as recommended by the National Fire Protection Association, the same being a Standard Code for the installation of electric wiring and apparatus and available in book or pamphlet form from the National Fire Protection Association, and as amending Article 230-Services, Section F,

Service Equipment - disconnecting means, on Page 70-74, be approved.

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

Joseph Glassman moved, Daniel Rupp seconded, that Ordinance No. 3336, being an ordinance amending Chapter 13 of the Code of Ordinances of the City of Hays, Kansas, by adopting the Uniform Fire Code and Uniform Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for the issuance of permits for hazardous uses or operations, and establishing a Bureau of Fire Prevention and providing officers therefor and defining their powers and duties, and repealing Chapter 13 of the Code of Ordinances in its entirety, and Ordinance No. 3341, being an ordinance amending Chapter 12 of the Code of Ordinances of the City of Hays, Kansas, and inserting in lieu thereof Sec. 12-1 Uniform Fire Code, and repealing Chapter 12 in its entirety, be approved.

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

**9. BUILDING INSPECTION AND PERMIT FEES:** Joseph Glassman moved, Eber Phelps seconded, that the following ordinances increasing building inspection and permit fees, be approved:

Ordinance No. 3337, being an ordinance amending Sec. 6-31 of Article I, Chapter 6, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3264, as passed on August 13, 1992, and as published on August 21, 1992, by increasing the permit fees for new construction, additions to, enlargement of existing buildings and for repairing, converting, demolishing or equipping of any building or structure and for

the construction of fences and business signs.

Ordinance No. 3338, being an ordinance amending Sec. 22-20 of Article V, Chapter 22, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3266, as passed on August 13, 1992, and as published on August 21, 1992, by increasing the plumbing permit fees.

Ordinance No. 3339, being an ordinance amending Sec. 11-18 of Article V, Chapter 11, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3265, as passed on August 13, 1992, and as published on August 21, 1992, by increasing the electrical permit fees.

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

**10. CHANGE ORDER:** City Manager Zacharias said this is the first and final change order for the Canterbury Drive Project. The change order includes additional costs for quantity changes, and the addition of a expansion joint.

Commissioner Glassman said the expansion joint should have been included in the original design of the project.

Joseph Glassman moved, Daniel Rupp seconded, that approval of the Change Order be tabled until the Project engineer can be present to explain the change order.

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

**11. UNCOLLECTIBLE WATER ACCOUNTS:** Eber Phelps moved, Sharon Leikam seconded, that water and sewer accounts totaling \$656.64, be designated as uncollectible, and removed from the accounts receivable account.

City Attorney Bird explained that this is an accounting procedure. Should any of the individuals desire water service in the future, they would be required to pay the old debt.

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

**12. TAVERN REPORT:** City Manager Zacharias reviewed the bar checks during the last six months of 1994 as supplied by the Police Department. Several changes have been made in the manner in which these checks are done. The Commissioners requested that this information continue to be made available to them.

**13. SNOW REMOVAL ORDINANCE:** Commissioner Rupp asked whether the new ordinance would be enforced any more than the existing ordinance is. He feels residents should be issued tickets rather than warnings. The City Manager stated tickets would not be issued unless the Commission so directs.

Sharon Leikam moved, Robert Albers seconded, that Ordinance No. 3340, being an ordinance amending Sec. 24-80 of Article V, Chapter 24, of the Code of Ordinances of the City of Hays, to provide for the the removal of snow from sidewalks beginning 24 hours after the most recent snowfall, and repealing Ordinance No. 1637, be approved.

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

No: Daniel Rupp

**14. ADD-ON ITEMS:** Mr. Zacharias informed the Commission of a series of programs regarding water on KOOD Public Television lasting 13 weeks. On February 19th, there will be a program on the Saline River Basin.

Mr. Zacharias stated the reason the City did not pursue the COPS FAST grant was due to the fact that when this grant money is depleted, the City would have to assume full financial

responsibility. The City would rather pursue grants that could be used for capital improvements.

Commissioner Phelps reported on the Sales Tax Ad Hoc meeting, which included representatives of the City of Hays, the Ellis County Commission, the Coalition for Economic Development, and the cities of Ellis, Schoenchen, and Victoria. Discussion centered around the specifics and the potential uses of the 1/2 cent sales tax.

Mayor Albers expressed concern about this money being used for other purposes. He feels the City should stay focused on economic development and creating jobs for the future. He would like to have the City talk to the Legislature about the possibility of raising the city sales tax by 1/2 cent with voter approval.

Robert Albers moved, Joseph Glassman seconded, that the City Manager be authorized to ask the Kansas Legislature for authorization for a 1/2 cent sales tax beyond the state imposed 1% limit.

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

Commissioner Rupp felt the City should start planting trees along Commerce Parkway so the City will have a nice buffer along that street in the future. He also indicated that we should plan some buffering along East 8th Street towards the airport to improve that area.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_  
Clerk of the Board