

February 23, 1995

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, February 23, 1995, at 7:30 p.m.

Roll Call: Present: Robert Albers

Sharon

Leikam

Daniel Rupp

Joseph Glassman

Eber Phelps

2. MINUTES: Eber Phelps moved, Sharon Leikam seconded, that the minutes of the February 9, 1995, regular session, be approved.

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

3. FINANCIAL STATEMENT: Sharon Leikam moved, Daniel Rupp seconded, that the Financial Statement for the month of January, 1995, be approved.

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

4. CITIZEN COMMENTS: Paul Baiter and Linda Brown, representing the Ellis County Fair Board, were present, and voiced their concerns over the possible conflicts that may arise with the scheduling of the Wild West Fest activities to be held in Hays in early July.

Ms. Brown said the Fair Board has received confirmation that country music star Collin Raye has been scheduled to perform during the Wild West Fest. She said this is in direct conflict with a statement made by West Fest Committee Chairman

Wayne Rouse at an earlier Commission Meeting. Mr. Rouse stated during that meeting that the West Fest would not book any type of entertainment that would be in competition with the Fair activities. Ms. Brown said the Fair Board had attempted to book Collin Raye, but due to scheduling were unable to do so. Mr. Rouse was not present to address the concerns of the Fair Board.

City Manager Hannes Zacharias and the Commissioners informed Mr. Baier and Ms. Brown that the Wild West Fest Committee is not associated with the City. They do not receive any City funds, other than a Convention and Visitors Bureau Tourism Grant for advertising. The City does not have any control over this group. They are a totally separate entity that grew out of the former "Hays Days" which was sponsored by the Chamber of Commerce. They suggested that the two groups get together and try to work out their concerns.

5. COMMISSION INFORMATIONAL MEMORANDUM: The City Manager reviewed several items from the Commission Informational Memorandum.

Commissioner Phelps asked the City Manager if he has received any correspondence regarding the continuation of funding for essential air service. City Manager Zacharias said the possibility of loss of funding for essential air service does exist. However, air traffic at the Hays Airport continues to increase; this would be in our favor should funding be terminated. Cities with less air traffic would be the first to lose flight service.

6. GOLF COURSE MAINTENANCE AGREEMENT: Neil DeWerff, Golf Course Superintendent of the Fort Hays Municipal Golf Course, appeared before the Commission. He requested that the Commission reconsider their action taken at the last meeting regarding the proposed golf course maintenance agreement between the City and himself. During that meeting, his contract was extended for a one year period, instead of a three year period, as originally proposed in the agreement.

Mr. DeWerff addressed the concerns the Commissioners expressed at that meeting. He stated that he had no knowledge

of the amount budgeted by the City for golf course operations in 1995. His proposal, of \$30,000 more than last year, was based on additional personnel, including three part-time employees and a full time employee with mechanic skills.

Mr. DeWerff said he wanted to assure the Commission that maintenance of equipment was a very high priority. He felt that his years of experience and qualified staff deserves the trust and confidence of the Commission.

Mr. DeWerff said he understood that the Request for Proposals sent out last year stated that an extension of the maintenance contract would be contemplated per the first year's performance evaluation. He believed that his 1994 performance evaluation was completed with a very satisfactory rating.

Mr. Dewerff pointed out that a one year maintenance contract can affect the quality of staff. He strongly felt that quality staff required some amount of job security.

Mr. DeWerff felt that time is of extreme essence in developing a new golf course. Problems can arise and require more that one year to correct.

Commissioner Rupp said he felt the Commission was in agreement that Mr. DeWerff was very qualified and did not question his performance. Commissioner Rupp's concern was the dollar amount of the contract. He stated he would vote against the three year contract because of budget constraints. The gap between golf course revenue and expenditures is greater than ever. A one year contract will give us the opportunity to evaluate expenditures for one more year before entering into a three year contract.

Sharon Leikam moved, Eber Phelps seconded, that the Commission reconsider their decision made at the February 9, 1995, meeting and consider extending the agreement for a three year period.

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

Commissioner Glassman said he wanted to go on record as being opposed to the fairway being seeded in anything but native grasses, and he wanted these native grasses to be watered with effluent water.

Eber Phelps moved, Sharon Leikam seconded, that a three year contract, with a yearly review clause, be awarded to Neil DeWerff for the maintenance of the Fort Hays Municipal Golf Course.

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

7. CHANGE ORDER: City Manager Zacharias said Change Order No. 1 to the Canterbury Drive Improvement Project, tabled from the last meeting, includes additional costs for quantity changes, and the addition of an expansion joint at the 22nd and Canterbury intersection.

Commissioner Glassman asked Bucher, Willis and Ratliff Engineer John Youll why the expansion joint was not part of the original construction project. Engineer Youll said an expansion joint was required at the intersection, and would have been included in the next phase of the project, south of the intersection. However, to avoid damage to the intersection during construction, it was decided to install the expansion joint on the north side of the intersection instead of the south side.

Sharon Leikam moved, Eber Phelps seconded, that Change Order No. 1 (Final), totaling \$3,430.42, with Pavers, Incorporated for the Canterbury Drive Project, be approved.

Commissioner Glassman said he can approve this Change

Order, except for the expansion joint. He feels the expansion joint should have been included in the original design.

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

No: Joseph Glassman

8. 41ST STREET SEWER LINE BIDS:

Bids were opened on February 15, 1995 for the 41st Street Sanitary Sewer Project.

The results of that bid opening are as follows:

Allied, Inc. Hays, Kansas	\$248,777.25
Wes-Kan Construction Hays, Kansas	\$399,204.60
Stevens Contractors Salina, Kansas	\$255,256.35
Engineer's Estimate	\$376,056.85

Joseph Glassman moved, Daniel Rupp seconded, that the bid from Allied, Incorporated, in the amount of \$248,777.25, for the 41st Street Sanitary Sewer Interceptor Line Project, be approved.

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

9. FINANCING FOR SEWER LINE PROJECT: Joseph Glassman moved, Daniel Rupp seconded, that Resolution No. 169, being a resolution to authorize proceedings necessary to finance the construction of a sanitary sewer extension to the City's water and sewage system, in the amount of \$310,000 in Internal General Obligation Bonds, be approved.

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

10. ENGINEERING CONTRACT: Wayne Gresh and Bill Jones, representing Black and Veatch Engineering, appeared before the Commission to review the annual contract between Black & Veatch and the City of Hays for general engineering services.

Joseph Glassman moved, Eber Phelps seconded, that the General Engineering Services Agreement Renewal for 1995, with Black and Veatch for general engineering services not to exceed \$25,000, be approved.

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

11. 1995 STREET IMPROVEMENT ENGINEERING SELECTION: City Manager Zacharias and Assistant Manager Linton Bartlett reviewed the criteria used by the Engineering Selection Committee for the 1995 Capital Improvement Program. Twenty firms were sent Request for Proposals. The three firms who responded, and were interviewed are as follows:

- Cook, Flatt & Strobel, Topeka, Kansas
- Bucher, Willis and Ratliff, Hays, Kansas
- Penco Engineering, Plainville, Kansas

The Commissioners expressed their appreciation to the members of the Committee for their volunteer help.

Eber Phelps moved, Daniel Rupp seconded, that the recommendation of the Engineering Selection Committee to negotiate a contract with Bucher, Willis and Ratliff, for the 1995 Capital Improvement Program, be accepted.

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

12. FIRE VEHICLE BID: The Fire Department received bids to replace the Deputy Chief's 1984 Chevrolet Blazer as follows:

	Without Trade	With Trade
Hays Ford-Toyota	\$24,298.65	\$21,298.65
Paul MacDonald Chevrolet	\$22,952.00	\$19,452.00

In addition to the above bids, Paul MacDonald submitted a bid on a 1994 Program vehicle. The cost without a trade was \$19,949.72. The cost with a trade was \$16,449.72. While bids were not requested for a 1994 vehicle, this vehicle does meet specifications.

City Manager Zacharias said City staff recommends that low bid of \$19,949.72 without trade-in, be accepted. The Service Department expressed interest in acquiring the 1984 Blazer to be used by the Service Department Superintendent. His present 1990 Chevrolet pick-up would then be used elsewhere in the Service Department.

Commissioner Glassman stated that he felt the City was over buying vehicles. He did not think the Service Department needed a Blazer; a pickup would be more appropriate. City Manager Zacharias said a Blazer may not be the ideal vehicle for the Service Department, but he felt funds were being used in the most efficient manner and also solving the problem of replacing vehicles in the Service Department. Funds are not available to purchase a truck, and the Blazer is available for only \$3,500.

Eber Phelps moved, Sharon Leikam seconded, that the bid from Paul MacDonald Chevrolet for a 1994 Chevrolet S-10 Blazer, in the amount of \$19,949.72, be approved, and further, that the 1984 Chevrolet Blazer currently being used in the Fire Department, be transferred to the Service Department.

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

13. R-9 RANCH AMENDMENT: City Manager Zacharias presented Addendum No. 2 to the Agreement for the purchase of the R-9 Ranch. He said that due to legislation pending in Congress regarding the capital gains tax, the former owners of the R-9 Ranch have requested the City delay the payment of the balance of the \$600,000 for water rights that are listed as certified until September 15, 1995.

City Manager Zacharias said City staff recommends that the City accept the second addendum to the agreement. He feels it would be in the best interest of the City. Even though interest will accrue at five percent on the money due for those certified water rights, those funds could be invested at a rate greater than five percent, offsetting this interest cost.

Mayor Albers said he had a problem with postponing payment so the former R-9 owners can gain a tax advantage, and at the same time they will earn interest income on the money. City Attorney John Bird said this type of situation is fairly common, and it basically is a win-win situation for both parties.

Eber Phelps moved, Daniel Rupp seconded, that the Second Addendum to the Agreement for Purchase of R-9 Ranch, regarding payment of balance due, be approved.

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

14. 1/2 CENT SALES TAX LEGISLATIVE REPORT: City Manager Zacharias updated the Commission on his efforts to attach an amendment to Senate Bill 20 to allow the City of Hays to levy an additional sales tax of up of 0.75% to fund economic development. Mr. Zacharias stated the City has no intention of

raising the tax to 0.75%, however, that was the language in the bill. The law requires cities to get voter approval before they raise the sales tax. Senate Bill 20 easily passed the House and now awaits action in the Senate.

15. ADD-ON ITEMS: Joseph Glassman moved, Sharon Leikam seconded, that a Cereal Malt Beverage license be approved for Between Innings Concession at the Frank Stramel Softball Park.

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

Joseph Glassman moved, Sharon Leikam seconded, that the Mayor's recommended appointments to the Housing Authority, be approved.

Juanita Stecklein - new term expiring February 14, 1999

Brian Atwell - unexpired term ending February 14, 1998

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

Commissioner Rupp mentioned that there has been discussion about changing and updating old ordinances. It would be beneficial to consider the cost of publication and legal fees required for an ordinance update.

Commissioner Leikam said she was upset by comments made by Robert Binder at a recent Soil Conservation Awards Banquet in regard to the Cessna proposal. She said to her knowledge no one on the Commission has said anything derogatory about farming. Farming is an asset to this community. Mr. Binder stated that farming was the number one industry in Ellis County; in reality, farming is 4.6 percent of the total employment in Ellis County. She pointed out that the City did not offer Cessna \$20,000,000 to locate in Hays. Cessna's annual payroll would have been \$20,000,00, which would have eventually increased the tax base

and provided jobs so the young people would not have to leave the community. She questioned where Mr. Binder was in October and November of 1994 when he could have voiced objection to Cessna locating in Hays.

She hopes that the City can work with the agriculture people and not against them.

Thereupon the Governing Body adjourned.

Submitted by: _____
Clerk of the Board