

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JUNE 22, 1995

1. CALL TO ORDER: The Governing Body of the City of Hays met in regular session, at City Hall, Thursday, June 22, 1995, at 7:30 p.m.

Roll Call: Present: Sharon Leikam
Daniel Rupp
Eber Phelps
Jayne Clarke
Errol Wuertz

Mayor Leikam declared that a quorum was present, and called the meeting to order.

2. MINUTES: Eber Phelps moved, Daniel Rupp seconded, that the minutes of the June 8, 1995, meeting, be approved.

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

3. FINANCIAL STATEMENT: Daniel Rupp moved, Errol Wuertz seconded, that the Financial Statement for May 1995, be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. COMMISSION INFORMATIONAL MEMORANDUM: Errol Wuertz asked the City Manager how the Community Center Complex Task Force Committee was going to fund architectural fees. City Manager Hannes Zacharias said \$15,000 in 1994 cash carry-over, along with a \$5,000 donation from A-1 Plank will be used to pay the architect fees.

Mayor Leikam commented on the letter from the Kansas Department of Health and Environment regarding the monitoring of lead and copper in our water supply. City Manager Zacharias stated that we had budgeted \$50,000 in 1995 for this monitoring. However, the City of Hays has completed two consecutive six month monitoring periods with very low lead and copper values. The EPA has recently modified their regulations regarding the frequency of monitoring. Due to the low levels in the City of Hays water supply, the City has qualified for reduced monitoring every three years, instead of annually. Mr. Zacharias pointed out that these regulations could change, but it appears that the City would not have to spend the \$50,000 budgeted.

6. CONSENT ITEMS: Daniel Rupp moved, Jayne Clarke seconded, that the following items be approved.

COMMITTEE APPOINTMENTS

Human Resource Advisory Committee - Three year term
expiring June 30, 1998

Barbara Wasinger

Harlan Murphy

Steve Baumrucker

Golf Course Advisory Committee - Three year term expiring
July 1, 1998

Marilyn Wasinger

Cereal Malt Beverage License - Wild West Festival, Inc.

Lease Agreement- Municipal Park Lease for July 14 through
July 16, 1995, by High Plains Street Machines.

Vote: Ayes: Sharon Leikam

Daniel Rupp

Eber Phelps

Jayne Clarke

Errol Wuertz

7. HAYS BEAUTIFICATION COMMITTEE AWARDS: Virgil Howe, representing the Hays Beautification Committee, presented Verlin and Elaine Pfannenstiel, owners of CERV's Conoco and Convenience Store, and Dr. David Berry owner of a dental office with plaques

recognizing them as winners of the 1995 Commercial Improvement Award.

8. K-9 RANCH WATER CONTRACT: City Manager Zacharias reviewed the proposed agreement with Russell to jointly own the R-9 Ranch. The proposed agreement stipulates the City of Russell will pay the City of Hays \$600,000 for "yet to be certified" water rights on the R-9 and \$19,440 for 18% of the brokerage fees. Additionally, ownership, all income, expenses, and water rights shall be proportioned on a 82% Hays, 18% Russell basis.

Neil Farmer, Mayor of the City of Russell, presented a check to the City Commission for \$619,440, as stipulated in the agreement.

Daniel Rupp moved, Eber Phelps seconded, that the Agreement with Russell to Jointly Own R-9 Ranch, be approved, and further, that Resolution No. 177, being a resolution authorizing the City Manager of the City of Hays, Kansas to execute documents to effect transfer of property, be approved.

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

9. WILD WEST FEST-95 LEASE AND CURFEW EXEMPTION: Wayne Rouse and Tom Meiers, representing the Wild West Festival Committee, appeared before the Commission requesting the Wild West Festival be exempt from No. 21-10(a) pertaining to late night curfews within the Municipal Park from June 29 through July 5, 1995.

Eber Phelps moved, Errol Wuertz seconded, that the Lease with Wild West Festival, Inc. for use of Frontier and Municipal Park, for June 30 through July 4th, 1995, be approved, and further, that the Wild West Festival be exempt from No. 21-10(a) from June 29 through July 4, 1995.

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

Errol Wuertz

10. INTERLOCAL AGREEMENT: Rick Claiborn, superintendent of the Hays Recreation Commission, addressed the City Commission regarding the possibility of utilizing a long term lease to finance capital improvements to the Hays Recreation facilities. The Recreation Commission is requesting the City of Hays to enter into an agreement with a local financial institution to fund the improvements. The Hays Recreation Commission would in turn enter into an interlocal agreement with the City of Hays to fund that debt. Due to legal constraints, the Recreation Commission cannot own property or enter into any financial agreements on their own. The debt would be completely paid by the Recreation Commission through their mill levy. The City would have no obligation to repay this debt.

Mr. Claiborn reviewed the improvements that would cost approximately \$250,000, if done in one package. A savings of approximately \$50,000 would be realized if the improvements are done in one year, rather than over a nine year span.

City Manager Zacharias stated he felt this project was very low risk and he recommended the City of Hays cooperate with the Hays Recreation Commission to facilitate the long term debt of financing improvements to the various recreation facilities.

Daniel Rupp moved, Jayne Clarke seconded, that the request from the Hays Recreation Commission to develop an interlocal agreement with the City of Hays to finance improvements to various recreational areas, be approved.

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

11. BUDGET REQUEST: Ron Straight, representing Development Services of Northwest Kansas, appeared before the City Commission. Mr. Straight reviewed the history of the van operation and the 1996 projected budget. DSNWK is requesting \$13,985 from the City of Hays and Ellis County. However, Ellis

County has already cut his request to \$11,000 and DSNWK is asking the City of Hays to pick up the difference of \$2,985, raising the City share to \$16,970.

City Manager Zacharias stated he felt it was unfair that the City would be asked to pick up more than their share when the County has a mill levy to fund this service.

Commissioner Rupp stated he felt Mr. Straight should again approach the County Commission and convey to them that the citizens of Hays are also members of Ellis County and pay a large part of the County's budget. Mr. Rupp feels the County should pay a sum equal to the City since the County has a mill levy for this purpose, while the City of Hays does not.

12. VINE STREET SURFACING: City Manager Zacharias reviewed the Vine Street surfacing and intersection improvements from 13th Street to 22nd Street. Mr. Zacharias recommended the base bid from Allied, Inc., in the amount of \$305,962.45, be increased to allow for construction of Alternate No. 5, for an additional \$49,482.80, making the total project cost \$355,445.25.

Eber Phelps moved, Jayne Clarke seconded, that the low bid for resurfacing of Vine Street from Allied, Inc., to include Alternate No. 5, in the amount of \$355,445.25, be approved.

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

13. RAILROAD CROSSING AGREEMENT: City Manager Zacharias reviewed the proposed contract with Union Pacific Railroad Company which requires the City of Hays to pay Union Pacific \$9,000 for improvements to the railroad crossing at Ash Street.

Commissioner Rupp voiced his concern with past problems the City has had with Union Pacific. He is not satisfied with the work that was done on the Elm Street crossing. Mr. Rupp feels Union Pacific needs to correct the problems at the Elm Street crossing before we agree to this proposed contract.

Mr. Zacharias recommended the City Commission approve this

contract for repairs to the Ash Street crossing, and further, that he contact Senator Dole and Congressman Roberts staff to inform them of the problems the City is having with Union Pacific.

Errol Wuertz moved, Daniel Rupp seconded, that Resolution No. 175, being a resolution authorizing the City of Hays to enter into an agreement with Union Pacific Railroad for improvements to the Ash Street Railroad crossing, with the caveat that this is agreement is subject to Union Pacific making proper repairs to the Elm Street crossing.

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

14. ANNEXATION: City Manager Zacharias and City Attorney John Bird reviewed the two ordinances and one resolution annexing Fort Hays State University property into the City of Hays. Mr. Bird explained that the two ordinances are for the property that is contiguous to the City of Hays. The one resolution is for property that is not contiguous to the City and the County has to make a finding that the annexation is not contrary to any other corporate interest. This is merely a formality; the resolution will be presented to the County, requesting the County to make a finding. After the finding, there will be a third ordinance annexing the property.

Commissioner Wuertz stated that he had voted against the annexation at the May 11, 1995, meeting because of his concerns regarding fire inspections. Since that time, Mark Bannister of FHSU has researched the Local Emergency Planning Committee mandates requiring inspections, and has satisfied any concerns he had. He will vote in favor of the annexation at this time.

Mayor Leikam also made a statement that even though she voted against the annexation, she realizes that this is a step in the right direction, and she will also be voting for the annexation.

Errol Wuertz moved, Jayne Clarke seconded, that Ordinance No. 3345 and 3346 and Resolution No. 176, pertaining to the annexation of Fort Hays State University property, be approved.

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

15. REZONING: Building Inspector Kent Laas reported on the Hays-Ellis County Planning Commission recommendations to deny rezoning the east 225 feet of Lot 13, Block 5, Golden Belt Eight Addition, more commonly known as 22nd Street and Canterbury Drive. Mr. Laas reported that numerous complaints were received by neighbors in that area. After reviewing and studying the situation, the Planning Commission recommended that rezoning be denied.

Daniel Rupp moved, Eber Phelps seconded, that the recommendations of the Hays-Ellis County Planning Commission to deny rezoning the east 225 feet of Lot 13, Block 5, Golden Belt Eight Addition, from the current C-0 Office-Institution category use district to C-1 Neighborhood Shopping District, be approved.

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

16. TEMPORARY NOTES: Jayne Clarke stated that she would be abstaining from the vote because her husband is the Chief Financial Officer and a Director of Emprise Bank.

Eber Phelps moved, Daniel Rupp seconded, that the the bid from Emprise Bank for \$290,000 in General Obligation Municipal Temporary Notes for 41st Street Plaza, First Addition Project Series 1995-C, at an interest rate of 4.25% , with a net interest cost of \$21,568.75, be approved, and further that Resolution No. 178, being a resolution authorizing the issuance and delivery of \$290,000 principal amount of Temporary Notes

(41st Street Plaza, First Addition Project), Series 1995 C, of the City of Hays, Kansas, for the purpose of temporarily financing a portion of the cost of certain internal improvements of the City; and prescribing the terms and details of said Notes, be approved.

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

Abstain: Jayne Clarke

17. INSURANCE BIDS: Rich Kraemer of Insurance Planning reviewed current and proposed insurance policies for the City Commission. Mr. Kraemer recommended the City of Hays purchase Public Officials Liability, Law Errors & Omissions, and General Liability from St. Paul Insurance Co. at a cost of \$66,306. He further recommended the City stay with Employers Mutual for Buildings and Contents, Inland Marine (Equipment), Commercial Auto, and Boiler/Machinery at a cost of \$60,292. Workers Compensation, costing \$118,341, would cost the same with either company. Mr. Kraemer pointed out that due to the low amount of claims, it is possible that a dividend estimated to be \$20,000 or greater could be received. Total insurance costs are \$244,939, however, with the possible \$20,000 dividend applied, the total amount would be \$224,939.

City Manager Zacharias stated that even though the total package price from St. Paul is \$231,913, compared to the combined St. Paul and Employers Mutual policy price of \$244,939, he feels confident the City will receive the \$20,000 dividend from Employers Mutual for low workmen compensation claims. This would then lower the combined package price to \$224,939. Mr. Zacharias feels even though there is a risk factor involved, it is minimal.

Daniel Rupp moved, Errol Wuertz seconded, that the City of Hays accept the recommendations of Mr. Kraemer and purchase liability insurance from St. Paul and workers compensation, building, contents, equipment, auto, and machinery insurance

from Employers Mutual.

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

18. ADD-ON ITEMS: City Manager Zacharias reported the Hays Amateur Radio Club is requesting a curfew exemption at Frontier Park for June 24, 1995. The club is having an annual event whereby they set up a 24 hour communication process and would be in violation of the City curfew ordinance.

Eber Phelps moved, Daniel Rupp seconded, that the Hays Amateur Radio Club be exempt of Code No. 21-10(a) on the night of June 24, 1995.

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

Errol Wuertz voiced a complaint he had received from a citizen regarding the mowing along Vine Street. After inspecting the situation, he suggested that City crews do a better job mowing around signs, benches, etc.

Mayor Leikam made a statement regarding the defeat of the recent sales tax issue. Mrs. Leikam stressed that she and all the Commissioners will do their very best to continue in a forward manner because they believe in Hays. Mrs. Leikam also asked that any other people who might have a plan for the future of Hays please step forward and work with the rest of the community to develop a plan.

Thereupon the Governing Body adjourned.

Submitted

by: _____

Clerk of the Board