

March 9, 1995

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

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

**2. MINUTES:** Sharon Leikam moved, Eber Phelps seconded, that the minutes of the February 23, 1995, regular session, be approved.

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

**3. CITIZEN COMMENTS:** Nick Niernberger, representing the Hays Optimist Club, appeared before the Commission, along with Mr. & Mrs. Paul MacDonald. They presented the Mayor a check from Paul MacDonald Chevrolet for \$2,500. This money is to be spent for 98 trees to be planted in the Aubel-Bickle Park, the Pratt Park soccer complex, and the Fort Hays Municipal Golf Course.

Mayor Albers expressed his thanks to the MacDonalds and their employees for their generosity.

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Sharon Leikam expressed her frustration with the increase in the monthly rates for Cable TV services. She urged citizens to write their congressmen and voice their concerns.

Commissioner Phelps commented on the various requests that were approved for the Geometric Improvement Project and urged the City to apply again next year.

Commissioner Rupp asked if the architectural fees for the construction of the golf cart sheds at Fort Hays Municipal Golf Course were included in the Golf Course Budget for the first

year of the lease purchase agreement. City Manager Hannes Zacharias reported that they were.

Commissioner Rupp asked if formal bids were taken for aerial photographs of the Circle K Ranch. City Manager Zacharias stated the City did not take bids, however, he felt the price was comparable to what other firms would have charged. He said the City needed these pictures as soon as possible in order to do some preliminary planning.

Commissioner Rupp questioned why the City was paying to have an irrigation system on circle #15 at the Circle K Ranch installed. Mr. Zacharias stated it is required to have as much acreage under tillage in order to get the maximum water rights transferred to the City. Mayor Albers stated this particular piece of land did have a irrigation pivot, however, it had a blow out and the area was turning into a sand dune. He feels we need to take care of the land and not let the area deteriorate.

Mayor Albers asked what kind of an impact the requirement of curb cuts on driveways will have on the City. Mr. Zacharias stated that when the City does slurry seal improvements, it will be required to improve curb cuts at intersections as well as private driveway entrances. This will cost approximately three times what it costs to do slurry seal improvements. Mr. Zacharias stated that the City could try to assess the cost for the curb cuts to the property owners. Improving curb cuts would take approximately two-thirds of the \$80,000 slurry seal budget. The City is not required to pay for these improvements, however, it is the City's responsibility to see that it gets done.

**5. WELLHEAD PROTECTION ORDINANCE:** Anne Millhollen and Carlyle Thompson, co-chairmen of the Ellis County Wellhead Protection Committee, reviewed the proposed Wellhead Protection Ordinance with the Commissioners.

Mayor Albers expressed his appreciation to the members of this committee for the years of volunteer work they have put into this project. He stated that education will be the strongest tool we have in preserving our water supply.

Commissioner Glassman questioned Section 4.D (i) of the

Ordinance which exempts agricultural operations. He feels they should be required to follow the same restrictions as any other business. Mrs. Millhollen responded that State law exempts agricultural operations and this ordinance was written to not challenge State law. City Attorney John Bird pointed out that Section 4.D (i) merely exempts agricultural operations from filing a contingency plan with the City of Hays. They would still be held liable for any contamination.

Mrs. Millhollen pointed out that Section 4.E applies to small businesses that have small amounts of hazardous materials. Larger businesses are under the mandates of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and Occupational, Safety and Health Act (OSHA). She stated this Ordinance conforms to the Ellis County Sanitary Code regulations regarding septic tanks and new private water wells.

Commissioner Glassman stated that he felt the wording of the ordinance was vague and would present a bureaucratic nightmare. He further stated that he felt it was unfair to hold businesses responsible for managing their hazardous waste, while at the same time, the ordinance does not address residences.

Guy Windholz, Ellis County Commissioner, requested the City Commission and the Ellis County Commission review this ordinance at the next joint meeting on March 15, 1995. The Ordinance, as written, conforms with the regulations established by the Ellis County Sanitary Code regarding septic tanks and private water wells. Mr. Windholz feels there are several sections of this ordinance that need to be clarified prior to implementation.

The Commission delayed action until the next meeting on the Ordinance and requested that Mr. Thompson and Mrs. Millhollen attend City-County meeting.

**6. CVB REPORT:** Jana Jordan, director of the Convention and Visitors Bureau, reported that in 1994 the transient guest tax raised \$221,000 to be used for marketing Hays. This translates to over seven million dollars in motel receipts in Hays, and seventeen million dollars spent overall in Hays for restaurants, gas, etc. She also reported the Hays Visitors Guide is now

available in three languages. Mrs. Jordan reported on the various conventions that will be held in Hays in the next several years. She said the CVB is working with the Old Fort Hays Committee to further tourism in the area.

**7. CHANGE ORDER:** John Youll, Bucher, Willis, and Ratliff engineer, explained the various items in Change Order No. 2 relating to the installation of water lines north of I-70 and along 41st Street.

Commissioner Glassman expressed concerns about the restocking fees associated with upgrading the booster pump motors in the vault. Mr. Glassman feels the vault was not designed correctly initially and this cost should be borne by Bucher, Willis, and Ratliff. Commissioner Glassman also stated that he would abstain from voting due to the fact that his company will be a sub-contractor on this change order.

Eber Phelps moved, Daniel Rupp seconded, that Change Order No. 2 to the 1993 Water System Improvement Project, in the amount of \$72,929.23, be approved.

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

Abstain: Joseph Glassman

**8. WILSON POOL RENOVATION:** City Manager Zacharias and Park Director John Shaver reported on the renovation of Wilson Pool.

The cost of the renovation project is estimated to be \$160,300. \$65,000 was included in the 1995 Budget, and the remainder will be budgeted in 1996.

Commissioner Leikam asked if the pool could remain open this year if the renovation is delayed one year. Mr. Shaver replied that he felt the pool could operate at least one more season, possibly two.

The consensus of the Commissions was to delay the renovation until the necessary funds are saved to cover the costs.

**9. WATER METER BIDS:** Daniel Rupp moved, Joseph Glassman

seconded, that the water meter bids for the 1st year of the 10 year Water Meter Replacement and Automation Program in the following amounts, be accepted:

Schlumberger Industries	\$23,368.58
Sensus Technologies	\$ 3,299.94

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

**10. CAPITAL IMPROVEMENT PLAN REVIEW:** City Manager Zacharias reviewed the Capital Improvement Plan for the next five years and updated the Commissioners on the progress of current projects. He informed the Commissioners there would be some tough decisions ahead on how to spend the City's limited funds for street improvements. He pointed out that many of our residential streets are long overdue for rehabilitation. Special assessing these improvements is not a popular option or an option that legally can be used if property owners choose to vote against special assessments.

Commissioner Rupp pointed out the deterioration of the brick streets on 8th Street, and would like to see that project moved up the schedule to possibly 1996.

Mayor Albers stated he feels that prior to development of the water and sewer lines on Commerce Parkway commencing, the City should check out the feasibility of laying the ground work for fiber optic capability in that area. He feels the City could develop and own this fiber optic system with the possibility of having the entire City eventually on the system. He suggested checking on this option now while we are still in the planning stages for Commerce Parkway.

**11. TEMPORARY NOTES:** Bids were received from the following financial institutions for the reissuance of \$2,630,997.31 in Temporary Notes for the I-70 Utility Project, and improvements

to Canterbury Drive, Skyline Drive, and East 17th Street:

Bank IV	6.00 %
Hays, Kansas	
Commerce Bank	5.06 %
Kansas City, Missouri	
Emprise Bank	5.29 %
Hays, Kansas	
United Missouri Bank	5.10 %
Kansas City, Missouri	

The low bid from Commerce Bank, Kansas City, Missouri, at an interest rate of 5.06 percent was accepted.

Commissioner Rupp expressed concern about projects not being completed on time, and consequently the City is forced to reissue the Notes at a higher interest rate.

Joseph Glassman moved, Eber Phelps seconded, that Resolution No. 170, being a resolution authorizing and directing the issuance of Renewal Temporary Notes of the City of Hays, Kansas, in an aggregate principal amount of \$2,630,997.31 for the purpose of renewing certain outstanding municipal temporary notes of the City previously issued for the purpose of providing funds to pay the cost of certain utility and street improvements in the City, be approved.

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

**12. TEMPORARY NOTES:** Bids were received from the following financial institutions for the issuance of \$590,000 in Temporary Notes to finance the 41st Street Sanitary Sewer line and paving, curbing and guttering of a portion of Wheatland Drive, East 20th Street and East 21st Street:

Bank IV	5.70 %
Hays, Kansas	
Commerce Bank	5.29 %
Kansas City, Missouri	
Emprise Bank	5.05 %
Hays, Kansas	
Golden Belt Bank	8.20 %
Hays, Kansas	
United Missouri Bank	5.28 %
Kansas City, Missouri	

The low bid from Emprise Bank at an interest rate of 5.05 percent was accepted.

Joseph Glassman moved, Daniel Rupp seconded, that Resolution No. 171, being a resolution authorizing and directing the issuance of Temporary Notes of the City of Hays, Kansas, in an aggregate principal amount of \$590,000 for the purpose of providing funds to pay the cost of certain street and sewer improvements in the City, be approved:

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

**13. CEREAL MALT BEVERAGE LICENSE:** Sharon Leikam moved, Joseph Glassman seconded, that a Cereal Malt Beverage license for Hays Baseball Association at Larks Park, 4th & Oak Streets, be approved:

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

**14. ADD-ON ITEMS:** Mr. Zacharias reported on the effect that reduced motor vehicle tax revenue will have on the City. The next five years will see a reduction of approximately \$25,000

the first year, with the amounts increasing approximately \$25,000 per year to a total of \$125,000 in the year 2000. This loss of revenue beginning in 1996 will need to be considered when setting future budgets. Mr. Zacharias further stated that he was working with our local state representatives to limit the effect this will have on local governments.

Commissioner Phelps updated the Commissioners on the various sites that have been host to the Ellis County Coalition for Economic Development meetings. He also reported on the Citizen Police Academy which held its first meeting this evening. The citizens chosen to participate in this project will be meeting for 12 weeks. The Police Department is using volunteers from within their department to educate the citizens regarding the many aspects of the department.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_

Clerk of the Board