

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 23, 1995

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, at the usual meeting place in the City, at 7:30 p.m.

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

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

Mayor Albers announced that the Public Hearing for the Community Development Block Grant scheduled for this meeting has been cancelled.

2. MINUTES: Sharon Leikam moved, Daniel Rupp seconded, that the minutes of the March 9, 1995, regular session, be approved.

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

3. FINANCIAL STATEMENT: Joseph Glassman moved, Sharon Leikam seconded, that the Financial Statement for February, 1995, be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias said the City has received word from the Union Pacific Railroad

that the plans for the Downtown Greenspace Project located along the railroad tracks have not been approved as submitted. The Railroad Company has recommended the following:

1. The walk area be eliminated and that no benches be placed closer to the tracks than the edge of the existing parking areas.

2. That a raised median be installed in Main Street in each direction from the tracks to the 9th and 10th Street intersections.

3. That a drain be provided to prevent ponding of water in the track area between Fort Street and Main Street.

City Manager Zacharias said this is very disheartening news because we had received Union Pacific's approval at various levels. City staff feels the Railroad Company's request is very unreasonable. He noted that we have no leverage in dealing with the Railroad Company.

The Commissioners expressed frustration over the Railroad Company's attitude towards various requests made by the City of Hays. Commissioner Glassman directed City staff to draft letters to various state and federal regulatory agencies making them aware that the Union Pacific Railroad is unwilling to negotiate or compromise in any situation that we have dealt with them.

Commissioner Phelps suggested contacting the League of Kansas Municipalities, and obtain information from other cities who have been involved in beautification projects along the railroad.

Commissioner Glassman said the Trades Board has recommended that all future licensees be required to list the name of the person responsible on licenses. He recommended listing the company or corporation name, as well as the individual responsible on the license.

6. WELLHEAD PROTECTION ORDINANCE: Carlyle Thompson and John Ratzlaff, representing the Ellis County Wellhead Protection Committee, were present and reviewed the recommended changes to the proposed Wellhead Protection Ordinance. Mr. Thompson said the general tone of the Ordinance is to protect the water, and

not cause undue hardship on businesses.

Commissioner Glassman said he felt the Ordinance places an undue hardship on small business, while households are exempt from notifying the City of potential hazardous waste. He said the Ordinance was vague, and did not specifically address contaminants. Mr. Thompson said it would be extremely difficult to be more specific, that is why it is necessary to have an authorized representative enforce this Ordinance.

Commissioner Phelps said he is satisfied with the Ordinance, and he looks at it as a guideline and a beginning. It can always be modified, if necessary.

Eber Phelps moved, Daniel Rupp seconded, that Ordinance No. 3342, being an ordinance for the protection of wellheads and aquifers, establishing permitted and prohibited acts relating to same, and establish penalties for violations, be approved, with the modifications recommended by the City Commission.

Commissioner Glassman said the equality issue is what bothers him about this ordinance. It allows some people to not be held responsible. He would support this Ordinance only if it is reviewed on an annual basis.

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

7. ZONING REGULATION ORDINANCE: Eber Phelps moved, Daniel Rupp seconded, that Ordinance No. 3343, being an ordinance amending the zoning regulations of the City of Hays, Kansas, by adding to the rules and definitions section, a definition for recycling collection centers and adding the same to the use regulations under "C-2" General Commercial District, "I-1" Light Industrial District and "I-2" Heavy Industrial District, be approved.

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

8. SOLID WASTE ISSUES: Joseph Glassman moved, Daniel Rupp seconded, that a contract between the City of Hays and L & R Recycling for Hays recycling activities, be approved.

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

Leroy Rohr, representing L & R Recycling, said the Recycling Program is scheduled to begin the week of July 10, 1995. The cost is \$50.00 per ton, with a minimum guaranteed tonnage of 1,500 tons per calendar year.

Joseph Glassman moved, Daniel Rupp seconded, that \$16,500 in solid waste funds be allocated to educate Hays citizens regarding recycling.

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

City Manager Zacharias said the City will not sponsor a Spring Cleanup this year. In the past, Spring Cleanup consisted of a special collection for household waste, including large items such as couches and refrigerators. In lieu of the special collection, city crews will collect those items upon request at an additional cost to the homeowner.

Assistant Public Works Director Elden Hammerschmidt reviewed the guidelines and estimated fee schedule for the special refuse pickup. He said the special pickup will typically take place on Wednesdays of each week.

Daniel Rupp moved, Eber Phelps seconded, that the City Commission endorse the Special Solid Waste Collection Program as outlined by the Assistant Public Works Director.

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

Discussion took place regarding various options for yard waste collection. An additional collection by City crews for just yard waste would be more costly than including the yard waste collection with the regular pickup. The Commission favored abandoning collection of yard waste by the City, but were hesitant to do so without offering other options to customers. Various suggestions included continuing yard waste collection in specially tagged bags at an additional cost to the customer, discontinuing collection this summer and give the private sector the opportunity to get involved in private collections.

The Commission took no action and instructed City staff to investigate the yard waste issue further and make a recommendation at a future meeting.

9. PCE CONTAMINATION ENGINEERING PROPOSALS: City Manager Zacharias said as a result of P.C.E. contamination, the City is facing the prospect of having a major portion of Vine Street being declared a "Super Fund" Site. In order to avoid this designation, the City must agree to sign a "Consent Agreement" with the Kansas Department of Health and Environment by mid-May. Prior to making such a commitment, the true magnitude of the area and costs associated with studies and cleanup must be ascertained.

To acquire this information in a timely fashion, City staff solicited Request for Proposals to conduct a study in conjunction with KDHE. Proposals were received on March 9, 1995, and have been reviewed. Proposals were received from the following:

Industrial Compliance Inc.	\$89,471.25
Bucher, Willis & Ratliff	\$90,374.00
Black & Veatch	\$59,978.00
Alternate Approach	(\$48,967.00)

All vendors appear to be well qualified to undertake the limited scope of services. Based on the information presented in the proposals, it appears that Black and Veatch would be the appropriate vendor for such services.

Four entities, including the City have agreed to finance the cost study in the following manner:

City of Hays	\$20,000.00
Western Plains Services Corporation	\$20,000.00
Verlin Pfannenstiel	\$10,000.00
Henry Schwaller & Sons	\$10,000.00

City Manager Zacharias pointed out that all these entities, including the City of Hays, intend to make this contribution voluntarily, and do so without any admission of responsibility for the pollution. The reason for such voluntary payment lies in the need to attack the cleanup of the problem as soon as possible while avoiding unnecessary legal and engineering fees.

Black & Veatch Engineer Ed Meyer reviewed the various method to be used to investigate the PCE contamination.

Joseph Glassman moved, Daniel Rupp seconded, that a contract with Black and Veatch to define the PCE contamination, and an Interim Agreement with the Kansas Department of Health and Environment to further evaluate the contamination site, be approved.

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

10. WATER TOWER ENGINEERING: Action on accepting an engineering contract with Bucher, Willis and Ratliff to develop specifications and cost estimates to paint the one million gallon water tower was tabled. The Commission instructed the City Manager to

investigate the possibility having a paint manufacturer develop specifications to paint the water tower.

11. POOL FEES INCREASE: Rick Claiborn, director of the Hays Recreation Commission, and Glenn Staab, board member, were present to inform the Commission of a proposed rate increase in swimming pool fees. Mr. Claiborn stated that in 1994, expenditures exceeded revenues by \$16,000 for all Hays pools. This proposed increase will help to close the gap between revenue and expenditures. A fee of 50 cents is proposed for the two neighborhood pools (Massey and Sunrise), which have been free in the past. Daily admission at Wilson and Municipal pools would increase by 25 cents for all age categories. Scholarships will still be offered to low income families for Massey and Sunrise Pools, but not Wilson or the Municipal Pool.

Commissioner Glassman requested that the Recreation Commission Budget be presented to the City Commission for review prior to City budget preparation.

Joseph Glassman moved, Daniel Rupp seconded, that the increase for pool fees, as recommended by the Hays Recreation Commission, be approved.

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

12. MOWER BIDS: Bids were received for golf course greens mower from the following:

Mid-America Industrial Equipment Company (John Deere) Kansas City, Missouri	\$15,422.00
Modern Distribution Company (Toro) Wichita, Kansas	\$14,525.00
Robinson's Lawn and Golf, Inc. (Jacobsen) Wichita, Kansas	\$13,685.00

Sharon Leikam moved, Daniel Rupp seconded, that the low bid from Robinson's Lawn and Golf, Inc., in the amount of \$13,685.00, be accepted.

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

Bids for a rotary mower were received from the following:
Central Prairie Implement Company \$10,250.00
(John Deere)
Hays, Kansas

Modern Distributing Company \$11,563.00
(Toro)
Wichita, Kansas

Park Director John Shaver recommended that the bid be awarded to Modern Distribution Company, even though it was not the low bid. He said past experience has proven that the Toro requires less maintenance. A John Deere mower purchased in 1990 has had maintenance costs of \$7,000.

Joseph Glassman moved, Daniel Rupp seconded, that the low bid from Central Prairie Implement Company, be accepted.

After further discussion, Commissioner Glassman withdrew his motion, and Commissioner Rupp withdrew his second to the motion. Action on the motion was tabled to give Central Prairie Implement the opportunity to substantiate their equipment.

13. COPIER BID: Bids were received for a copier for City Hall as follows:

Northwestern Printers (Xerox)	\$32,303.60
SOS Business Supply (Canon)	\$25,300.00
Northwestern Office Supply (Sharp)	\$24,630.00
Tri-Central Office Supply (Savin)	\$27,946.61

The bids reflect the total copier cost for a four year period which includes trade-in, maintenance, and interest.

Eber Phelps moved, Sharon Leikam seconded, that the low bid from Northwestern Office Supply, be accepted.

Representatives from SOS Business Systems, Northwestern Office Supply, and Tri-Central Office Supply were present and spoke on behalf of their product.

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

14. PERSONNEL PAY PLAN STUDY: City Manager Zacharias said an agreement to update the current Pay Plan (last done in 1989) was discussed in last year's union negotiations. Proposals were received as follows:

Carl S. Becker Denver Colorado	\$11,500
David Griffith Wichita, Kansas	\$18,450
Fox Lawson Phoenix, Arizona	\$12,000
Hay Group Kansas City, Missouri	\$26,000
Public Sector Scottsdale, Arizona	\$ 7,500
Ralph Andersen Dallas, Texas	\$12,000
Ray Temple Franklin Indiana	\$20,791
WMS King of Prussia, Pennsylvania	\$24,041

The consultant recommended by City staff is Ralph Andersen and Associates for a total of \$12,000. Staff's research indicates that this company has an outstanding reputation in completing recent pay plan studies.

City Manager Zacharias noted that the contract amount for

Ralph Anderson and Associates exceeds the budgeted amount by \$2,000. However, the additional funds could be obtained by using \$2,000 of the \$5,000 budgeted for organizational training activities.

Commissioner Glassman said since every City employee is involved, the Commission should have reviewed the proposals and made the selection.

Joseph Glassman moved, Robert Albers seconded, for discussion purposes, that the City Commission review the Request for Proposals for a Pay Plan consultant.

Commissioner Leikam asked if it would be possible to postpone the Pay Plan study until the League of Kansas Municipalities is able to do the study. City Manager Zacharias said the League would not be able to begin the study until July. The Pay Plan Study was part of union negotiations. Also, we have just spent a great amount of staff time updating job descriptions; the job descriptions will soon become perishable.

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

Action on the Pay Plan consultant was tabled until the Commission had the opportunity to review the proposals.

15. CIP REVIEW: City Manager Zacharias reviewed the revised Capital Improvement Plan. He noted that curb cuts to meet ADA requirements could use up as much as 86% of the budget for a slurry seal project. The Commission may want to consider assessing the curb cuts cost back to the private property owners.

City Manager Zacharias presented a graph illustrating capital improvement debt. He noted that in the year 2004, the projected capital improvement debt will reach an all time high. This is due to delayed projects and increased interest costs. One million dollars allocated to capital improvement has less buying power today, in comparison to past years. City staff will

explore various methods of reducing the debt.

Commissioner Rupp said he would like to see some work done on the brick streets. Minor repairs now may ward off major improvements in the future.

Mayor Albers suggested that the CIP be discussed in a work session. It is of major importance, and tends to be discussed late in the agenda when time is a factor.

16. ADD-ON ITEMS: City Manager Zacharias said the City has received a request from Kris Munsch, owner of the Sip'n Spin, 207 West 10th, to have live bands in the outside bar area. No action is necessary. Mr. Munsch would have to follow the current ordinance regarding outside noise.

Commissioner Glassman said he thought it was time to pursue the Water Banking Plan again. The water swap with the Smoky Hill Country Club may be a viable option.

Commissioner Glassman suggested the renaming of the airport be discussed at a future meeting.

Mayor Albers read a prepared statement recapping his feelings, observations, and gratitude to many individuals who have been involved with City activities over the past four years. He gave a special thanks to City Manager Zacharias and Coalition Director Lavern Squier for their hard work, leadership and cooperation associated with various projects between the City, County and Economic Development Coalition.

He suggested the R-9 Ranch be renamed to include some reference to Leo Wellbrock. Leo has worked for so many years with our water problems. It would only be fitting to honor his years of work with that recognition.

Commission intern Mike Dible suggested some form of reward be offered to private citizens and businesses who offer financial assistance toward PCE contamination cleanup.

Thereupon the Governing Body adjourned.

Submitted by _____

Clerk of the Board

