

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MAY 11, 1995

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session, at City Hall, Thursday, May 11, 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:** Jayne Clarke made a correction to the April 26, 1995 minutes, Item No. 12. Clare Gustin and the Leadership Hays participants worked on the All American City application, not the Small Business Development Center.

Eber Phelps moved, Daniel Rupp seconded, that the minutes of the April 26, 1995, meeting be approved, as corrected.

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

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

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Rupp questioned City Manager Hannes Zacharias about the plugging of existing wells on the R-9 Ranch. Mr. Zacharias stated that during the last phases of negotiations, it was discovered that some wells needed to be plugged, and an agreement was negotiated to compensate for that expense. Mr. Rupp also asked the City Manager about expenses incurred for water quantity and quality investigative work associated with the R-9 Ranch. Mr. Zacharias said those expenses were for work that was done last year before

the purchase of the R-9 Ranch. There should not be any more expenses incurred as a result of the initial data collection.

Commissioner Phelps asked the City Manager if the public hearing scheduled by the Kansas Water Office for June 8, 1995, would be the start of the public hearing process regarding the R-9 Ranch. Mr. Zacharias stated that on an annual basis the Kansas Water Authority updates the Water Plan, and they go to various parts of the state to hear comments. The process for the public hearings for the Water Transfer Act regarding the R-9 Ranch will start after the City of Hays initiates the process.

**5. CONSENT ITEMS:** There were no items to be approved.

**6. VINE STREET CONTAMINATION:** Mark G. Snyder, Project Manager of Black and Veatch Waste Science, Inc. addressed the Commission regarding the PCE contamination along Vine Street. Mr. Snyder presented maps illustrating the contaminated area. He said that high levels of contamination were found in the groundwater. It may be impossible to achieve 100 percent cleanup of the pollution. The engineers are proposing a method of containing and controlling the contamination.

Two different remediation scenarios have been suggested. One entails sending water through an air stripping process and discharging it into Chetolah Creek. Under the second scenario the water would be sent through the air stripping equipment and piped to the Water Treatment Plant for reuse in the City water supply. Cost estimates for cleanup of the pollution could total \$1,500,000 depending on the process used.

No action was taken, but City Manager Zacharias said it would be more feasible to create a Tax Increment Finance District to pay the cleanup costs. When a municipality assumes responsibility, administration costs are less than if the Environmental Protection Agency were to become involved in the clean up.

City Manager Zacharias noted that a TIF is not the same as a special assessment district. This would affect all property taxpayers, not just those who are located within the contaminated area.

**7. STRATEGIC PLAN UPDATE:** The City Manager reviewed the recent meeting he attended with the Strategic Planning Implementation Committee. He discussed with the Committee how various projects are financed in the City, and also programs which are supported by the property tax and the sales tax.

Jean Ross and Dan Schippers, representing the Strategic Planning Implementation Committee, updated the City Commissioners on the progress that has been made during the last year. Mr. Schippers stated that the Strategic Planning Implementation Committee does not want to be perceived as being in competition with economic development. Both agendas provide critical yet diverse components in meeting the challenges of our City's future.

Ms. Ross requested that their Committee have more contact with the Commission in order to keep the lines of communication open while they are working on the various aspects of developing the Strategic Plan.

Mayor Leikam assured Ms. Ross that they were welcome to approach the Commission at any time to discuss any items that may arise as the Plan is developed.

**8. FORT HAYS STATE UNIVERSITY ANNEXATION:** Edward Hammond, President, and Mark Bannister, Executive Assistant to the President of Fort Hays State University, reviewed the proposed Fort Hays State University Annexation Agreement with the City Commission.

Mayor Leikam voiced her disagreement with Section 17 of the annexation agreement. Section 17 states any additional funds received on a per capita basis due to the annexation would be devoted toward funding the Fort Hays State University Scholarship Fund. Mayor Leikam stated that any other entity that petitions to be annexed does not set down any similar restrictions, or tell the City how to allocate any funds received as a result of the annexation.

Commissioner Rupp stated that since this additional revenue, estimated to be \$28,360, would be included in the \$100,000 Scholarship program, that same amount would be saved in the

General Fund.

Commissioner Clarke stated that she was in favor of annexing the University. However, she was not in favor of tying the Scholarship Program to anything in the agreement. They are two separate issues and should be kept separate. She asked President Hammond if it was the intent of the agreement to always provide that level of funding for the Scholarship Program.

President Hammond replied that the agreement was worded to insure that there would always be that amount of money available for the Scholarship Program, and the Commission would be bound to fund that amount.

John Bird, City Attorney, said if the City Commission decided they did not want to fund the Scholarship Program to the level of the extra Special Highway funds generated, then it would trigger the de-annexation portion of the agreement.

Commissioner Phelps pointed out that any additional sales tax revenue generated as a result of the new Sternberg Museum will more than offset this money.

President Hammond stated the language in the first annexation draft designated the additional Special Highway Revenue to be spent on projects beneficial to both the City and Fort Hays State University. That would not help the general operating budget of the City. This draft allocates the money to the Scholarship Program, which will benefit the General Fund.

Commissioner Wuertz voiced his concern regarding fire inspections at the University. Presently, University property is exempt from local inspections on new construction. Annual fire inspections are done jointly by the State Fire Marshall's Office and the Hays Fire Department. The Hays Fire Department does not make any recommendations, however, the Department would like to have some flexibility to do inspections of complaints. Mr. Wuertz stated that Local Emergency Planning Committee mandates require inspections.

Fire Chief Wayne Schwartz replied that LEPC inspections are not being done by the City because the University is not in the City's jurisdiction. However, they are being done by the State.

Jayne Clarke moved that the City approve the Annexation Agreement with the stipulation that the language in Section 17 be changed back to the original language. The original language designated additional Special Highway money to be used on projects mutually agreed upon by the City of Hays and Fort Hays State University. The motion died for lack of a second.

Eber Phelps moved, Daniel Rupp seconded, that the Agreement between the City of Hays, and Fort Hays State University, with the present language in Section 17, tying Special Highway revenue to the Scholarship Program, be approved.

Vote: Ayes: Daniel Rupp  
 Eber Phelps  
 Jayne Clarke  
 No: Sharon Leikam  
 Errol Wuertz

**9. CARE COUNCIL RECOMMENDATIONS:** Howard Rome and Beth Bowerman, representing the CARE Council, recommended the following distribution of alcohol tax funds:

Smoky Hill Foundation for Chemical Dependency	\$13,440.50
DREAM, Inc.	13,440.50
DAWN	11,100.00
St. Joseph's Chemical Dependency Program	<u>9,019.00</u>
TOTAL	47,000.00

The CARE Council also recommended the following allocation for 1995 Human Resource Funds:

Sunflower Girl Scout Council	\$ 500.00
First Call for Help	1,000.00
AmeriCorps	3,000.00
Foster Grandparents	3,470.00
Hays Area Children's Center	2,000.00
Senior Companion Program	3,400.00
Cancer Council of Ellis County	5,530.00
CASA of the High Plains, Inc.	6,100.00
Northwest Kansas Family Shelter	<u>10,000.00</u>
TOTAL	35,000.00

Daniel Rupp moved, Jayne Clarke seconded, that the

recommendations of the CARE Council for the distribution of Special Alcohol Tax Funds and 1995 Human Resource Funds, be approved.

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

**10. RAILWAY GREENSPACE PROJECT:** City Manager Zacharias reported on the negotiations with Union Pacific concerning two items Union Pacific would like to see included in the Railroad Greenspace Project. These two items are an inlet to help with drainage in the southwest corner of the Project, and the installation of two medians in Main Street to prevent vehicles from going around the signal arms. These two items will require additional City funding of \$3,960, and additional grant funds of \$2,840, assuming the Kansas Department of Transportation agrees to participate in the additional cost. If KDOT will not agree to participate in the inlet work, the City would pay for the entire cost of the inlet, and also the medians for a total of \$6,800.

Assistant City Manager Linton Bartlett stated that KDOT is aware of these additional restrictions placed upon this Project by Union Pacific, and he feels certain they are willing to work with us.

Eber Phelps moved, Errol Wuertz seconded, that the City proceed with the Downtown Railway Greenspace Project, with the addition of the medians and the inlets as required by Union Pacific.

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

**11. VINE STREET MEDIAN PROJECT:** City Manager Zacharias and John Shaver, Park Director, updated the City Commission on the Vine

Street Beautification Project funding. The Transportation Enhancement Project on US-183 from 27th Street to just north of I-70 has been included for funding in the 1997 Program, subject to the City's concurrence with all required federal and state procedures. The cost of the project has been estimated to be \$473,000, with \$341,000 being funded by the ISTEA grant. The City's share of the estimated cost will be \$132,000, which includes 20% of the project cost and the estimated preliminary engineering cost.

Eber Phelps moved, Errol Wuertz seconded, that the City Manager be authorized to sign the concurrence letter accepting the ISTEA grant.

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

**12. ELLIS BUILDING INSPECTION PROGRAM:** City Manager Zacharias and Building Inspector Kent Laas summarized the proposed Limited Building Inspection Agreement with the City of Ellis. If necessary, a building inspector will be available to do inspections for the City of Ellis three times a week for approximately two hours per day at a cost of \$25.00 per hour. This fee will cover salary, office overhead and travel expenses.

Daniel Rupp moved, Errol Wuertz seconded, that the City Manager be authorized to enter into an agreement with the City of Ellis to provide limited building inspection services at a cost of \$25.00 per hour.

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

**13. ADD-ON ITEMS:** Assistant Public Works Director Elden Hammerschmidt displayed the recycling brochures to be distributed door to door, and also through the mail. Mr. Zacharias stat-

ed that these brochures will also inform the public of various ways of disposing of yard waste in lieu of paying the additional \$1.05 per bag for City pickup.

Commissioner Phelps commented on the Hays Daily News editorial of May 10, 1995, concerning Luscombe Aircraft Co. He stated that many of the comments in the editorial referred to "we"; he would like to state for the public record that "we" does not include him. This editorial does not reflect his opinion.

Commissioner Rupp asked City staff to send a letter to Southwestern Bell pointing out the deterioration of replaced concrete along Fort Street, and request that action be taken to rectify the problem.

Commissioner Rupp stated that he feels staff should review the ordinance regarding the brick streets in downtown Hays. The ordinance states that all streets in the downtown area up to 17th Street shall be replaced with brick. The City has violated that ordinance when 13th Street to 20th Street was replaced with concrete. He feels the ordinance needs to comply with what we have in place.

Commissioner Rupp asked the City Manager to send a letter to Union Pacific informing them that he personally would not vote for any City funding for railroad crossing projects until the Elm Street crossing is repaired by Union Pacific.

Thereupon the Governing Body adjourned.

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