

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON NOVEMBER 9, 1995

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

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

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

Mayor Leikam welcomed Boy Scout Troop 101 to the meeting.

**2. MINUTES:** Jayne Clarke moved, Eber Phelps seconded, that the minutes of the October 26, 1995, regular session, be approved.

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

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

**4. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Rupp noted that the contractor for the 41st Street Project has exceeded the time allotted for the Project. He asked if there is a penalty clause. City Manager Zacharias said yes, the contractor is being assessed \$500 a day for each day beyond the contract deadline.

Commissioner Phelps questioned the aesthetics of the cracked concrete at the Airport resulting from the work done by GLC Contractors. City Manager Zacharias agreed that the cracked concrete is unsightly. He said 90 percent of the Project is paid by the Federal Aviation Administration. They have inspected the the Project, and they feel the Project meets the contract requirements.

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

**6. LEGISLATIVE REVIEW:** Representative Delbert Gross was present, and reported on 1996 State legislative issues.

Representative Gross said in the past, he has supported the tax lid. However, he now opposes a tax lid. The election of Governor Graves, who opposes a tax lid, shows the people of Kansas have spoken. It may be time to give local government officials the opportunity to control taxing power. Areas of particular concern to Representative Gross are police, fire, and road departments. Drug traffic is on the increase and is filtering into small communities. The only way small communities will be able to control the drug problem is to increase law enforcement. He predicts the tax lid will not be lifted because this is an election year and legislatures will not want to be labeled as "tax and spend".

Commissioner Rupp asked Representative Gross to remind his colleagues when economic development issues arise, cities are expected to offer incentives to acquire industries. These incentives cost money. If we are going to grow as state, this growth has to be accommodated.

Commissioner Clark said she understands the Legislature may propose an amendment to the State Constitution that would impose a spending lid on the State, cities and counties. Representative Gross said he is opposed to a spending lid. If a spending lid were in place, there would be limits placed on large purchases and capital expenditures. For example, if a spending lid would have been in place, the City would not have been able to purchase the R-9 Ranch.

City Manager Zacharias reported on a meeting regarding Essential Air Services. Legislation has been passed, but not signed by the President, reducing Essential Air Service funding by one-third. Under this funding cut, dual-hub airports would receive funding for only one route.

Greg Stephens, vice president of Air Midwest, has indicated that ridership was sufficient to sustain air service for 30 to 60 days even without Essential Air funding. All cities involved have joined forces to attempt to preserve air service. It was

suggested that the Essential Air Service Contract be shortened to expire in the spring of 1996 instead of October of 1996. This plan would give Air Midwest an opportunity to experiment with airline fares and scheduling to accommodate the lack of funding of Essential Air Service. City Manager Zacharias said Air Midwest is very hopeful that they can sustain air service at current levels, and perhaps improved levels without Essential Air Service funding. They are very willing to work with all cities involved. Further discussions regarding the air service will take place at future meetings.

**7. REZONING ORDINANCE:** Eber Phelps moved, Jayne Clarke seconded, that Ordinance No. 3354, being an ordinance rezoning a tract of land situated in Lots Thirteen (13), Fourteen (14), and Fifteen (15), Block Eight (8), Golden Belt Sixth Addition, from "C-1" Neighborhood Shopping District to "C-2" General Commercial District, more generally located at 2203 East 13th Street, City of Hays, Ellis County, Kansas, be approved.

City Manager Zacharias said this land is located on 13th Street between Golden Belt Drive and Western Plains Drive. The areas adjacent to the property are presently zoned "C-2". Ben and Kim Staab own the land, and plan to construct a building to be used as a beauty salon and a machine shop.

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

**8. WATER USE REPORTS:** City Manager Zacharias presented graphs illustrating water well usage in the Smoky and Big Creek alluvial. He stated that the overall water usage in 1995 is less than 1994, even though the summer of 1995 was driest on record since 1867. Smoky well records indicate static water levels in 1992 reached a record low, and have gradually increased from that point to 1995. The Big Creek wells remained stable even in 1992. Overall, the static well readings are remaining steady at this point. The State monitoring well shows a slight drop, and this well will be monitored closely.

**9. ADD-ON ITEMS:** City Manager Zacharias told the Commission that he has received information from George K. Baum & Company and also Bank 1V regarding refinancing our Water and Sewer Revenue Bonds and Sales Tax Bonds issued in 1992. An overall saving of \$400,000 could be obtained. If there are no objections, he will pursue this refinancing. The Commission favored pursuing the refinancing issue.

Commissioner Clarke thanked Representative Gross for coming tonight. She suggested having a monthly or at least a quarterly update on legislative issues.

Commissioner Rupp commended the Boy Scouts in attendance. He said in light of our earlier discussions regarding drug control, the Boy Scouts do a great amount in terms of education on the dangers of drug consumption.

Mayor Leikam recognized four Fort Hays State University students majoring in social work who were in attendance at the meeting.

Mayor Leikam asked the City Attorney to review the Cable TV contract regarding hours of service. She recently received a call from a person who said he recently called the Cable TV office and received an answering service. Response to cable problems is extremely slow. City Attorney Bird said he would need to review the franchise agreement. He believed there are provisions allowing for the cancellation of the franchise agreement under certain circumstances regarding quality of service. He suggested contacting the City Manager or himself if the Cable Company does not respond to problems to the customers satisfaction.

Thereupon the Governing Body adjourned.

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