

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON NOVEMBER 21, 1995

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session, Thursday, November 21, 1995, at 7:30 p.m.

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

Absent: Sharon Leikam

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

**2. MINUTES:** Eber Phelps moved, Jayne Clarke seconded, that the minutes of the November 9, 1995, regular session, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Zacharias pointed out to the Commissioners that even though sales tax revenue to date for 1995 is more than for the same period last year, the total revenue for the year will probably not reach the projected \$100,000 increase over 1994. City Clerk Susie Grabbe estimated the increase to be approximately \$80,000. Mr. Zacharias also mentioned that the 1995 sewer service charges collected will probably not be as high as estimated in the budget. Offsetting this shortfall, however, is a commensurate reduction in 1995 Wastewater Treatment expenses.

Jayne Clarke moved, Errol Wuertz seconded, that the Financial Statement for the month of September, 1995, be approved.

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

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

**5. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Wuertz questioned why it was taking so long for the traffic study results to be compiled so that final design of the intersection of 13th and Canterbury Streets can be completed. Public Works Director Elden Hammerschmidt reported that he has visited with Bucher, Willis, and Ratliff engineer John Youll about this matter. These studies are being done by the State of Kansas free through their traffic assistance program, and they have been very busy. Mr. Hammerschmidt told Mr. Youll if the State cannot give us a deadline, we will have to proceed and have the engineers make their judgements from the study. Mr. Wuertz also questioned why it was taking so long to get an updated street map. Mr. Hammerschmidt said he would check into the matter.

**6. CONSENT ITEMS:** Eber Phelps moved, Jayne Clarke seconded, that the following appointments be approved:

Convention and Visitors Bureau Advisory

Chuck Bliese - term expiring December 1, 1996

Lloyd Riedel - term expiring December 1, 1996

Orrin Lovewell - term expiring December 1, 1996

Library Board

Leota Anderson - unexpired term ending April 30, 1998

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

**7. CITY REPRESENTATIVE TO COALITION BOARD:** Jayne Clarke moved, Errol Wuertz seconded, that Sharon Leikam be appointed to a one year term beginning January 1, 1996 as the City representative to the Ellis County Coalition Board of Directors for 1996. Commissioner Rupp thanked Eber Phelps for his service this past year as a City representative on the Coalition Board.

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

**8. CABLE TV FRANCHISE FEES:** City Manager Zacharias reviewed the 20 year franchise agreement with Eagle Communications for cable TV. The agreement signed in 1985 provides for a 2% franchise on all receipts generated from basic cable TV and 3% on non-basic cable TV fees. The agreement allows for a reopener in mid-term on the portion dealing with the rate of franchise fees. Eagle Communications is in the process of establishing a fiber optic network throughout the City. This network will allow Eagle Communications to provide interactive video and data transmission services to its customers in addition to basic cable TV services. Given that Eagle Communications desires to provide more than just one-way transmission of video signals, City staff recommends that a fee of 3.7% be set for both basic and non-basic cable TV. This fee is identical to the franchise fee with Southwestern Bell Telephone Company. This fee would put us in the average amount generated per capita throughout the State.

Pete Collins, representing Eagle Communications, addressed the City Commission. Mr. Collins explained the different options available to customers at the present time. He also explained Eagle Communications plans to provide two way transmission of signals to access programming that can only be accessed by satellite dishes at this time.

Commissioner Rupp stated he felt the franchise fee for non-basic cable TV should be lower than the franchise fee on the premium channels. He feels customers have no other choice if they want to have cable TV, however, they have a choice of not having the premium channels. Mr. Rupp stated citizens of Hays have been hit hard by increases in many other areas and he does not wish to add to their burden.

Commissioner Clarke stated she did not want to see an increase in fees. However, she felt that like companies

providing similar services should pay the same franchise fees.

Commissioner Rupp suggested that the contract have a clause allowing for an increase in franchise fees should Eagle Communications provide two way transmission services in the future.

City Manager Zacharias stated the contract could be worded in a manner that is appropriate. He recommended a 3% franchise fee for both basic and non-basic cable TV be set and 3.7% for everything else. He reminded the Commission that this decision would be in effect for ten years, unless Eagle Communications would consent to a modification of the franchise agreement.

Errol Wuertz moved, Jayne Clarke seconded, that a decision on raising the franchise fee for Eagle Communications, be tabled until the December 14, 1995, meeting.

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

**8. AUDIT SERVICES:** City Manager Zacharias recommended the proposed agreement with Adams, Brown, Beran, and Ball to perform audit services for the 1995 fiscal year be accepted. He said this firm was selected last year by a selection committee, and is in the second year of a three year process.

Eber Phelps moved, Jayne Clarke seconded, that the proposed agreement with Adams, Brown, Beran, and Ball to perform audit services for fiscal year 1995, for a total cost of base services not to exceed \$13,400, be approved.

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

**10. CHANGE ORDER:** Errol Wuertz moved, Eber Phelps seconded, that Change Order No. 4 (final) for 1993 Water System Improvements resulting in a total deduct of \$653.75, be approved.

Vote: Ayes: Daniel Rupp

Eber Phelps  
Jayne Clarke  
Errol Wuertz

**11. STREET SWEEPER BIDS:** Bids were received for a street sweeper from the following:

Murphy Tractor	\$83,581.00
Great Bend, Kansas	
Sellers Tractor	\$73,945.00
Salina, Kansas	

Eber Phelps moved, Errol Wuertz seconded, that a bid submitted by Sellers Tractor for a Johnston Vanguard sweeper, in the amount of \$73,945.00, be accepted.

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

**12. EASEMENT VACATION:** City Manager Zacharias informed the Commission that all of the utility companies have approved the utility easement vacation for Lot Two, Block Two, Golden Belt 7th Addition, located between Agnes and Anthony Drive, north of 13th Street, in the alley. This easement is being requested by LINK, Inc.

Jayne Clarke moved, Eber Phelps seconded, that the utility easement vacation for Lot Two, Block Two, Golden Belt 7th Addition, be approved.

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

**13. ADDENDUM TO UNION CONTRACTS:** City Manager Zacharias recommended the addendums to the existing agreements between the City of Hays and the Police, Fire, and Service Unions be accepted. These addendums are similar to one another and modify an existing agreement that expires at the end of 1996. Principle areas of the addendums include the following:

1. Increase health insurance set aside funding from

\$500,000 to \$563,000.

2. Modify sick leave language.
3. Provide general cost of living increases for all employees of 1.5% beginning December 17, 1995, with the beginning of the 1996 payroll year.

Jayne Clarke moved, Eber Phelps seconded, that the addendums to the existing contracts with Fraternal Order of Police Lodge 48, Hays Firefighters Local 2119, and Service Employees Union Local 513, be accepted.

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

**14. UNIFORM BIDS:** City Manager Zacharias recommended that a contract be signed with Western Uniform and Towel Service, Inc. Salina, Kansas, to supply uniforms for the Public Works, Parks, Inspection, and Airport Departments. Western Uniform is our current contract holder and they have been providing a good service to our employees. Of the five firms submitting proposals, Western Uniform and RUS of Wichita submitted the lowest bid. RUS, however, did not provide references as requested in the invitation to bid.

Eber Phelps moved, Jayne Clarke seconded, that the proposal submitted by Western Uniform of Salina, Kansas, to provide uniforms for a weekly cost of \$5.00 and a one time setup charge of \$13.00 per employee, be accepted.

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

**15. DENTAL INSURANCE:** City Manager Zacharias reported on the recommendation of the Health Insurance Committee meeting. The Committee is recommending the elimination of dental coverage with Delta Dental for 1996, due to low usage. This will save \$42,000. The Committee is also looking at other avenues to trim health care insurance costs for 1996, and will be reporting back

to the Commission in the future.

Eber Phelps moved, Jayne Clarke seconded, that the dental insurance coverage with Delta Dental, be cancelled at the end of 1995.

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

**16. PERSONNEL MANUAL:** City Manager Zacharias stated the City has not had a personnel manual for several years. Guidance on personnel procedures has been provided by existing union contracts. However, there was a need to develop a manual to insure that all employees are treated equally and have a clear understanding of the work rules and environment within which they work. Mr. Zacharias stated this manual has been submitted to all employees for review and comment. It is the intent to have this personnel manual completed and in effect beginning January 1, 1996. No action was required by the City Commission.

**17. METER DEPOSIT ORDINANCE:** City Manager Zacharias recommended a change in the current meter deposit ordinance which requires any water customer who moves into rental property to pay a meter deposit of \$70.00. The recommended change would amend the ordinance to not require a deposit for customers with good credit who previously owned residential property and moved into rental property while maintaining water service in their name with the City of Hays.

Jayne Clarke moved, Errol Wuertz seconded, that staff be directed to amend the city ordinance dealing with meter deposits for certain residents of rental property.

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

**18. EAS ACTIVITY:** City Manager Zacharias reported on the small communities air service subsidy reduction plan announced November 17, 1995 by the U. S. Department of Transportation.

Effective November 27, 1995, the route from Great Bend to Hays and on to Goodland will no longer be subsidized. However, we will retain the subsidy for the route from Hays to Great Bend and on to Kansas City. Mr. Zacharias reported that he is conversing on a daily basis with Mesa Air to find out how their corporation will respond to this. Mr. Zacharias stated the City has until November 30, 1995 to file comments with the Department of Transportation on the proposed reductions.

**19. ADD-ON ITEMS:** Commissioner Wuertz said he has received a number of complaints from citizens in the older section of town about sidewalks in need of repair. He asked if a sidewalk repair program could be implemented. City Manager Zacharias said he would need direction from the Commission. A problem with such a program is it must be a requirement throughout the City, not just a selected area of the City. A policy decision would need to be established regarding financing of such a program. Many older people live in the area where sidewalks need the most repair. City staff will research the issue.

Commissioner Phelps commended Hays Sculptor Pete Felten for the outstanding job done on the "Welcome Sign" located at the entrance of Commerce Parkway.

Commissioner Rupp cautioned the citizens to stop at stop signs. He has noticed many people are moving through stop signs without really stopping.

Commission Rupp asked City staff to research the possibility of reestablishing the annual spring cleanup. City Manager Zacharias said the spring cleanup was eliminated because of the cost of such a program. City staff can review the issue again early next spring.

Thereupon the Governing Body adjourned.

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

Clerk of the Board