

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 26, 1995

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, October 26, 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.

Mayor Leikam welcomed a Fort Hays State University news writing class and Boy Scout Troop 101 to the meeting.

2. MINUTES: Eber Phelps moved, Jayne Clarke seconded, that the minutes of the October 12, 1995, regular session, be approved.

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

3. FINANCIAL STATEMENT: Errol Wuertz moved, Jayne Clarke seconded, that the Financial Statement for September, 1995, be approved.

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

4. CITIZEN COMMENTS: Joshua James who was recently found guilty of burning the American flag in front of City Hall was present. Mr. James was accompanied by John Trembley, corrections officer for Northwest Kansas Community Corrections.

Mr. Trembly stated that Mr. James was ordered to pay restitution for the flag, court costs, and make a public apology to the City Commission.

Mr. James apologized for burning the flag. He said burning the flag was very wrong. His actions hurt people in the community, his parents and himself. He did not want people to think he was a bad person. He just used bad judgement at the time.

Commissioner Leikam told Mr. James that what he did was devastating for the whole community. The flag belongs to every citizen. She said she was glad he came tonight, but felt he was present against his will.

Commissioner Rupp said he accepted Mr. James' apology on behalf of all citizens. He hoped that Mr. James learned a lesson, and would grow from this experience rather than take it as a negative.

Commissioner Phelps concurred with Commissioner Rupp and said he would accept the apology of Mr. James if he were sincere.

5. COMMISSION INFORMATIONAL MEMORANDUM: Mayor Leikam thanked Dave Pilatus, representing the High Plains Street Machines, for their \$500 donation to be used for new trees in the Municipal Park.

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

7. SERVICE AWARDS: Mayor Leikam presented awards and certificates of appreciation for ten years of service to the following city employees:

Kurt Arnhold	Blaine Dryden
Brian Hiller	Carolyn McCollum
Ronald Rounkles	James Shaver

8. GOLF CART SHED FINANCING: Errol Wuertz moved, Daniel Rupp seconded, that Ordinance No. 3352, being an ordinance authorizing the City of Hays, Kansas, to enter into a base lease, as lessor, with Golden Belt Bank, F.S.A., as lessee; a Lease Purchase Agreement, as lessee, with Golden Belt Bank, F.S.A., as lessor, with respect to the acquisition, construction

and installation of golf cart storage buildings; and an escrow agreement by and among Golden Belt Bank, F.S.A., the City and Golden Belt Bank, F.S.A., as escrow agent, be approved.

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

9. GOLF COURSE FEES: The Fort Hays Golf Course Advisory Board voted to recommend an increase of the annual membership dues as follows:

Single: From \$200.00 to \$240.00
Couple: From \$270.00 to \$350.00
Family: From \$300.00 to \$420.00

The proposed fee structure is based on an estimated 50 additional members, and would generate approximately \$197,530 in revenue in 1996. This amount is an increase of approximately \$73,600 over estimated revenues for 1995.

Jayne Clarke moved, Daniel Rupp seconded, that the recommendation of the Golf Course Advisory Board to increase golf course fees beginning March 1, 1995, be approved.

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

10. ANNEXATION: City Manager Zacharias said Dr. JoAnn Mace has petitioned for annexation of her property located at the southwest corner of 27th Street and Canterbury Road. Prior to this, she made a request for rezoning to the Ellis County Planning Commission to have the area rezoned to a commercial status. The request was approved by the Planning Commission, but denied by the Ellis County Commission.

Ms. Mace plans to convert an existing house located on the property into an antique store. Lois Lutz and LaVaugh McGinnis, property owners near the area, were present and protested the

zoning change. There is concern among area residents that commercial zoning would allow a drinking establishment to be located on the property should Ms. Mace sell the property at a later date. City Manager Zacharias pointed out that the annexation is the only consideration at this meeting. The request for rezoning will be a separate issue at a future date.

City Manager Zacharias said City staff recommends approval of the annexation with the following stipulations:

1. Ms. Mace would be allowed to continue to use the existing septic system for the property without connecting to existing public sewers, so long as no environmental hazards are associated with the property, provided further, that in the event of a cessation of use of the septic system for one year or more, this right shall expire.
2. The property in question must be connected to City water.
3. Any existing private wells must be abandoned in order to eliminate the possibility of contamination of the aquifer by virtue of the existing septic tank.
4. Any new construction, reconstruction, or enlargement of the existing structure would not be allowed without connecting these structures to public sewer lines. This requirement does not include the construction of parking facilities, landscaping or interior remodeling.
5. Ms. Mace agrees to waive her right to protest in the creation of a special assessment district which may be put in place to provide public sewer services to her property in the future.

Commissioner Wuertz said he could not accept stipulation number one. Several years ago, property owned by Gilbert and Jude Scheck was annexed into the City against their will. They were required by the City to connect to the City sewer within 30 to 45 days, at a reported cost of \$16,000. Out of fairness, he feels Ms. Mace should be required to connect to the City sewer within 30 to 45 days.

City Manager Zacharias said he was not familiar with that particular incident. However, there are two other locations (700 East 8th and 401 Riley) that are not connected to the City sewer right now. Both locations are within 400 feet of an existing sewer, but the City has not forced them to connect to the City sewer.

Eber Phelps moved, Jayne Clarke seconded, that Ordinance No. 3353, being an ordinance annexing land to the City of Hays, Kansas, be approved, provided the agreement containing the five caveats set out by City staff has been signed.

Vote: Ayes: Sharon Leikam

Daniel Rupp

Eber Phelps

Jayne Clarke

No: Errol Wuertz

11. CAPITAL IMPROVEMENT PLAN: City Manager Zacharias reviewed the revised version of the five year Capital Improvement Plan. Many of the projects remain unchanged with one exception. Funding for the straightening of Main Street from 25th Street to 27th Street will be transferred to other projects. Staff has studied the traffic patterns in that area and agree there have not been enough accidents to warrant spending an estimated \$350,000 to straighten Main Street. Mr. Zacharias feels there are other less costly options to pursue which would mitigate the traffic problems in that area. Mr. Zacharias stated he has informed St. Joseph's Church, the owner of the property, that plans to straighten Main Street could be dropped and they may be able pursue their plans for the property. This was met with great favor by St. Joseph's Church.

The Commission, by unanimous consent approved the ammended CIP, including the elimination of the straightening of Main Street from 25th Street to 27th Street, thus reversing the decision made by the City Commission in 1992.

Mr. Zacharias reviewed the status of the ongoing 1995 projects and the upcoming 1996 projects. Bond counsel has informed the City that State statute will allow the City to bond

the Vine Street Median Beautification Project. The Special Highway Fund money previously allocated for Main Street can now be used for slurry seal projects.

12. FRONT END LOADER BID: Bids for a front end loader were received as follows:

Murphy Tractor	\$109,053.70
Great Bend, Kansas	
Victor L. Phillips	\$93,851.76
Wichita, Kansas	

Daniel Rupp moved, Errol Wuertz seconded, that the bid from Victor L. Phillips Co. for a Front End Loader for a total cost of \$93,851.76, be approved.

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

13. COMPOSTING: Elden Hammerschmidt, Public Works Director, addressed the Commission regarding the opening of an Ellis County Pilot Composting Project. Mr. Hammerschmidt reviewed the guidelines and requirements for customers who are interested in bringing yard and garden waste to the compost site. City and County crews will both be monitoring the operation.

Mr. Hammerschmidt informed the Commission of several new methods being instituted by the sanitation crews to solve various problems of collections of both trash and recyclables. He also reviewed records of tonnage being sent to the County Transfer Station for this past summer compared to the 1994 summer season. The amounts of trash disposed on the trash collection days of Monday and Tuesday for 1995 are less than comparable days in 1994. Since trash is only picked up on two days versus four days in 1994, this indicates that recycling, mulching, and composting programs have been successful.

14. ADD-ON ITEMS: City Manager Zacharias informed the Commission that the line flushing of fire hydrants within the City has been completed. He thanked the public for their

patience during this procedure. Mr. Zacharias stated the testing of the fire hydrants will be completed next spring.

Mr. Zacharias then addressed the Essential Air Service funding for next year. Basically, the same number of cities will be serviced with one-third less money. Cities will not be required to provide matching funds. The situation needs to be monitored very carefully, and he will be meeting with officials from other cities to work with them on possible solutions to this problem.

Errol Wuertz reported on a program which installs lock boxes on the homes of the elderly. In emergency situations, the elderly could be assisted easier and quicker.

Commissioner Wuertz asked Elden Hammerschmidt if he had been contacted by Sherwin Williams regarding the painting of the water tower. Mr. Hammerschmidt stated he had met with representatives of Sherwin Williams. Sherwin Williams has developed the specifications for the project. All other phases of the project will need to be done by another firm. Bucher and Willis and Ratliff is reviewing the specifications from Sherwin Williams and will be reporting back to Mr. Hammerschmidt.

Daniel Rupp questioned whether there could be a way to shield budgeted amounts for projects from bidders. He feels bidders have an advantage knowing the dollar amounts budgeted and can then bid up to that amount. City Manager Zacharias stated that if there are several bidders competing, this usually is not a problem. If only one bid is received, then that bidder would be able to bid up to the budgeted amount. He does not know of any way to prevent this and still have the budget reflect accurately what cost projections will be.

Commissioner Rupp asked if it would be possible to start planting trees along Commerce Parkway as a buffer for future development. City Manager Zacharias stated that after the roadway is developed, and water is available to the area; trees can be planted.

Mayor Leikam read a letter from Kathy Spicer, President of the USD 489 School Board, expressing her thanks to the City for

implementing the Recycling Program. The Hays School District will be starting their own program, and appreciates the assistance from all entities in local government. Mayor Leikam and the Commissioners made plans to have a work session on November 20th at 5:00 p.m. to discuss Commerce Parkway and PCE contamination.

Thereupon the Governing Body adjourned.

Submitted by: _____
Clerk of the Board