

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON APRIL 11, 1996

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, April 11, 1996, 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. REORGANIZATION OF GOVERNING BODY:** Prior to the reorganization of the Governing Body, Mayor Leikam thanked the citizens of Hays, City staff, her fellow Commissioners, and her family for the opportunity of serving as Mayor this past year. Mayor Leikam moved, Jayne Clarke seconded, that Daniel Rupp be nominated for Mayor of the City of Hays.

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

Abstain: Daniel Rupp

Jayne Clarke moved, Errol Wuertz seconded, that Eber Phelps be nominated for Vice Mayor of the City of Hays.

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

Mayor Rupp thanked Sharon Leikam for her service this past year as Mayor and presented Mrs. Leikam a gavel. Mr. Rupp also recognized Brenda Cary, recently hired as Assistant Public Works Director.

**3. MINUTES:** Eber Phelps moved, Jayne Clarke seconded, that the minutes of the March 28, 1996, regular session, be approved.

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

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

**5. COMMISSION INFORMATIONAL MEMORANDUM:** Mayor Rupp commended Steve Leiker and the Wastewater Pollution Control staff for the 1996 Class V plant award nomination by the Hays KDHE office.

**6. CONSENT ITEMS:** Errol Wuertz moved, Sharon Leikam seconded, that a one day Cereal Malt Beverage License for the Knights of Columbus, for May 5, 1996, at 1800 Milner Street, be approved.

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

**7. ZONING ORDINANCE:** Kent Laas, Chief Building Inspector, and Ron Michaelsen, Building Inspector, presented a comparison of standards between ANSI 119.1 and HUD for mobile homes. The HUD standard was adopted nationwide in 1976. Prior to 1976, some mobile home manufacturers voluntarily complied with the ANSI standard. Mr. Michaelsen believes there are major differences between the ANSI and HUD standards in the areas of minimum material, structural, transportation, and exiting requirements. When these differences are taken as a whole, the result is potentially great between the two types of units. The Planning Commission has proposed changes to the Zoning and Subdivision Regulations that would prohibit moving a pre-HUD mobile home into or to another location within the City of Hays. A pre-HUD mobile home could be sold, however, it would have to remain at the same site. City staff's recommendation would be to concur with the Planning Commission recommendation.

Van Witthuhn, managing partner of Countryside Estates,

stated the issue is health and safety. Mr. Witthun kept those two factors in mind when he researched the comparison of standards. Mr. Witthuhn has not come across any study, survey, or any information that indicates that there is a problem with manufactured homes built to the ANSI standard. Not all pre-HUD homes have the ANSI sticker, but he feels those homes with the ANSI sticker are safe. The ANSI standard was developed by the National Fire Protection Association. Mr. Witthuhn feels that after comparing 166 pages of codes, there are little or no health or safety issues identified between the two standards. If ANSI standard manufactured homes were not allowed to be moved into Hays, Hays would be the first city in Kansas to prohibit them. Mr. Witthuhn stated he felt it is unfair to rule out manufactured homes meeting the ANSI standard and requested that ANSI standard homes be allowed in the City of Hays.

City Manager Hannes Zacharias questioned why the ANSI standard was not adopted by HUD in 1976. Mr. Witthuhn stated that basically it was with minor revisions.

Mayor Rupp stated he would like to back the staff recommendation, however, he had not heard any convincing arguments to prohibit pre-HUD manufactured homes.

Mr. Laas stated the decision to ban pre-HUD manufactured homes was based on their interpretation of safety and health.

Larry Gould, chairman of the Planning Commission, stated Senate Bill No. 23 directed cities to modify changes to rezoning regulations. Senate Bill No. 23 suggests that the 1976 HUD code is what cities should be following. Mr. Gould stated that logically the HUD code is an improvement over the ANSI code, otherwise, the ANSI code would have been sufficient.

City Attorney John Bird stated that political entities could not discriminate against some class without reason. One reason would be if an objective difference was found, such as health and safety. The question is are the differences based on quality or are there some features inherently wrong and unsafe. If differences are unsafe per say, they should not be allowed.

Mr. Gould stated that he felt a compromise was in order.

Mr. Gould would not like to see the rest of the ordinance held up due to disagreement over this one section. Mr. Gould felt that if some sort of policing approach was taken by the Building Inspection Department when an ANSI stickered home was moved into or to another location in Hays, this would address health and safety concerns. Mr. Zacharias stated City staff could not commit to this due to staff limitations. City staff could only verify if an ANSI sticker exists on the home or not. Homes manufactured without the ANSI or HUD standards would not be allowed to move into or within the City of Hays and the three mile area.

Jayne Clarke moved, Errol Wuertz seconded, that the ordinance recommended by the Hays Planning Commission regarding changes to the Hays Zoning and Subdivision Regulations be accepted, with the exception that manufactures homes meeting the ANSI or HUD standards be allowed into or be moved within the City of Hays and the three mile area.

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

**8. NOISE ORDINANCE EXEMPTION:** Mr. Edward Brungardt appeared before the Commission requesting an exemption from the Noise Ordinance. The American Cancer Society is planning the 2nd Annual Relay for Life for June 28-29, 1996. The event is to be held at Felten Middle School from 6:00 p.m. on Friday evening until 10:00 a.m. on Saturday morning. There will be music throughout the night, and the volume will be lowered shortly after 10.00 p.m. Friday evening. Letters to neighboring homes will be distributed the week before the event to inform the area residents about the relay and encourage them to join the activities.

Sharon Leikam expressed concern about the noise affecting the residents of the surrounding neighborhood. City Manager Hannes Zacharias stated that if the exemption is granted and a

resident complains, there would not be anything the City could do because they would be exempt. However, Mr. Zacharias feels the Cancer Society volunteers would work with the City to hold down the noise.

Eber Phelps moved, Jayne Clarke seconded, that the American Cancer Society be exempt from the Noise Ordinance on June 28-29, 1996, for the Second Annual Relay for Life.

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

**9. PRINTING BIDS:** The Hays Convention and Visitors Bureau received bids for the printing of 125,000 brochures and other promotional material from the following:

Consolidated Printing - Salina, KS	\$10,495.00
Northwestern Printers - Hays, KS	\$11,684.00

Sharon Leikam moved, Errol Wuertz seconded, that the bid from Consolidated Printers of Salina, Kansas, in the amount of \$10,495 for 125,000 brochures, for printing the Hays Visitors Guide and other promotional material, be approved:

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

**10. CANTERBURY REPAVING AND ASH STREET RAILROAD CROSSING BIDS:**

City Manager Zacharias and Public Works Director Elden Hammerschmidt presented information regarding the repaving of Canterbury and the construction of a new railroad crossing on Ash Street. The total amount budgeted for these projects in the 1996 Budget is \$714,000 and comes from a combination of bonding authority and funds from the Special Highway Fund. The total cost for the improvements with Alternate No. 1 is \$826,800. Alternate No. 1 would extend the project limit from 13th Street to 12th Street. The difference of \$112,800 is recommended to

come from the \$175,000 for 12th, Elm, and Hall Street intersection improvements. This recommendation is made knowing that the alignment of this intersection is still very much in doubt and that virtually all recommendations for the realignment in this area exceed the \$175,000 currently budgeted.

Eber Phelps moved, Errol Wuertz seconded, that the bid from Allied, Inc., Hays, Kansas, in the amount of \$722,500, and other project costs in the amount of \$104,300, for a total cost of \$826,800, be approved for the Canterbury Repaving, including Alternate No. 1, and Ash Street Railroad Crossing Projects, be approved.

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

**11. WATER PLANT AERATOR REPAIRS:** Public Works Director Hammerschmidt presented information to the Commission regarding the emergency repair of the aerator at the Water Treatment Plant. The aeration structure for the east primary basin collapsed on March 10, 1996. The aerator is primarily responsible for removing VOC's from the water allowing some of the City wells with VOC compounds to be used as part of the City water supply. The estimated cost for this repair is \$120,826. Funds are available in the Water Reserve Account.

Errol Wuertz moved, Sharon Leikam seconded, that the Commission authorize the expenditure of up to \$120,826 for the repair of the aerator at the Water Treatment Plant.

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

**12. INFORMATION CITY "AGENDA FOR ACTION":** Information City Advisory Group (ICAG) representative Brad Boyer reviewed the draft report for the 1996-1997 Agenda for Action. This Agenda

for Action created by the volunteer ICAG is the beginning of the implementation of a specific objective outlined in the 1994 Strategic Plan for the City of Hays. ICAG will provide education, opportunities for collaboration and platforms for brainstorming and planning. IGAG will also act as a resource, a clearinghouse of ideas and in an advisory capacity to the community. This Agenda is offered to the citizens of Hays for their input. It is organized with an initial narrative section describing the vision, short term goals, history, where we are now, and where we want to go. Copies of the Agenda will be available at the Public Library and City Hall. A comment sheet is attached for public input. A public meeting will be held at Fort Hays State University Memorial Union on April 23, 1996, at 7:00 p.m. to answer questions.

**13. OVERNIGHT STAY AT FRONTIER PARK:** Errol Wuertz moved, Eber Phelps seconded, that the request from the 388th Medical Logistics Battalion to use Frontier Park on a 24 hour basis from May 3 through May 5, 1996, be approved.

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

**14. BUDGET CALENDAR:** City Manager Zacharias reviewed proposed dates for the 1997 Budget preparation. The meetings will be held in the Commission chambers starting at 7:00 p.m. Tours of the various departments will also be held in July.

**15. ADD-ON ITEMS:** City Manager Zacharias distributed copies of the proposed changes in the Taxi Ordinance that were approved at the last Commission meeting. The language that was modified deals with the City Manager giving approval to taxi cab license applications and determine compliance. The City Manager would then report his findings to the Commission, who would then approve or deny the application. No action was necessary.

Public Works Director Hammerschmidt reminded citizens that yard waste can be disposed free of charge at the Hays Landfill

Compost.

Eber Phelps commended Sharon Leikam for doing a good job as Mayor this past year and wished Mayor Rupp good luck in the coming year.

Mayor Rupp stated he has noticed several exposed gas meters in various areas of Hays. Mr. Rupp requested the City Manager to visit with representatives of Midwest Energy to see if anything could be done about these meters. Mr. Rupp also stated he has had quite a few requests from citizens to reinstate the Spring Clean-Up and feels this is something the Commission needs to study.

Thereupon the Governing Body adjourned.

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

Clerk of the Board