

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON DECEMBER 12, 1996

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, December 12, 1996, at 7:30 p.m.

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

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

2. MINUTES: Jayne Clarke said the minutes state that she voted yes on Option C designating the fourth vote getter in the April Election to fill the unexpired term of Commissioner Phelps; she actually voted no.

Eber Phelps moved, Sharon Leikam seconded, that the minutes of the November 26, 1996, regular session, be approved as corrected.

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

3. CITIZEN COMMENTS: Ray Winters asked if any town meetings were scheduled in regard to placing the question of a new library on the ballot in April, 1997. City Manager Zacharias said the Library Board has not asked the City to consider that issue. It will probably be discussed at the first meeting in January, 1997. A town meeting could be considered at that time.

4. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Phelps commended Joe Englert and his staff for being in total compliance with Federal Aviation Regulations Part 139, the

Airport Certification Specifications, and the Airport Operating Certificate following a recent inspection by the FAA.

Commissioner Leikam mentioned that Hays was listed in the ICMA newsletter as being an All-America City.

5. CONSENT ITEMS: There were no consent items.

6. COMMUNITY CENTER COMPLEX SITE PLAN: City Manager Zacharias stated the total cost for the development of a site master plan for the Community Center Complex at 13th and Harvest Street is not to exceed \$9,800. Funds are available for this project in the 1997 Budget.

Larry Gould and Dan Schippers, representing the Strategic Planning Committee, addressed the Commission regarding the site plan for the proposed Community Center Complex. Mr. Gould stated this site has recently become available due to the soon to be platted area owned by Lusk Developers of Wichita. This area, along with the existing park land adjacent to the west, provides a site of a little over 19 acres in size.

Sharon Leikam moved, Jayne Clarke seconded, that the City Manager be authorized to sign an agreement with Stecklein and Brungardt/Gould Evans Architects to perform site planning services for the Community Center Complex located at 13th and Harvest Street, at a cost not to exceed \$9,800.

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

7. REZONING APPLICATION: The Hays-Ellis County Planning Commission has approved a request for rezoning a tract of land located north of 33rd Street between Barclay and Indian Trail, from "A-L" Agricultural to "R-4" Multi-Family Dwelling District. The land is the proposed site of a 56-unit apartment complex. Developer Tracy Taylor, representing Cohen-Esrey, and Ken Havner, attorney for the Developer, were present and reviewed the plans. Mr. Taylor said his company has been in business for 27 years and has over 7,000 apartment complexes located in the

Midwest. His company focuses on non-metropolitan areas that are doing well in economic development. Their market approach is family oriented. The apartment complex will have an on-site manager. The rental contract will have stringent requirements, not allowing anything to detract from the appearance of the units or the neighborhood. Although, the City requires one and one-half parking stalls per unit, they are proposing to have two parking stalls available per unit. He said meetings were held involving citizens residing in the area adjacent to the proposed units. Extra steps were taken to address concerns of neighbors.

Mr. Taylor said 48 units will be linked to the federal tax credit program, and will be rented to people within an income range of \$20,000 to \$23,000. The other eight units will be available to people with a higher income. He said timing is crucial; to receive the tax credit, the Project must be launched by December 31, 1996. He noted that his company has followed necessary steps to get the Project launched and has not asked for any exceptions. If the Project is not underway by, December 31, 1996, the tax credit will not be available and the Project will be cancelled.

Joe Briney, Kendall Curry, Rhonda Geist, Mary Sturdy and Lee Ann Zimmerman were among the residents who were present, and strongly protested the apartment complex. Their main concerns were an increase of traffic in an area already suffering from traffic problems, and the prospect of the de-valuation of their homes due to an apartment complex in the neighborhood.

Commissioner Clarke felt the apartment complex and the traffic problem were two separate issues. The traffic problem needs to be addressed regardless of whether the apartment complex is built or not. East 33rd Street is a border between the City and the County, and a portion of it is only a half street.

Consideration was given to paving the entire street. City Manager Zacharias said the street could be paved and paid by the City-at-large. The developer would have to pay for the street improvement plus interest when the property is annexed and

platted.

Discussion took place regarding delaying a decision until the next meeting. Mr. Taylor said if a decision is not reached tonight, the Project will end. He felt his company went through the proper channels and asked for no favors. They did their best to accommodate the concerns of the area residents.

Attorney Ken Havner said the zoning request was in compliance, it is down zoning, not up zoning. This Project is a quality project, and the developer has met all the requirements. The Planning Commission explored this issue thoroughly before making a decision.

Jayne Clarke moved, Eber Phelps seconded, that the north half of East 33rd Street from Barclay Drive to near Wal-Mart be constructed with the caveat that it be paid through a Special Assessment District, or paid by the developer at the time of platting. Also that a traffic study be conducted in this area, including Barclay and Indian Trail. The motion being contingent upon the approval of the rezoning.

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

Jayne Clarke moved, Eber Phelps seconded, that Ordinance No. 3393, being an ordinance rezoning a tract of land situated in the north half (1/2) of Section 27, Township Thirteen (13) South, Range Eighteen (18) west of the Sixth Principal Meridian, Ellis County, Kansas, more generally located north of 33rd Street, between Barclay and Indian Trail, City of Hays, Ellis County, Kansas, from "A-L" Agriculture to "R-4" Multi-Family Dwelling District, be approved.

Commissioner Leikam said she will vote no because she has a concern over the place of entrance to the apartment complex. She feels the entrance is in a potential dangerous location and will cause traffic accidents.

Vote: Ayes: Daniel Rupp

Eber Phelps
Jayne Clarke

No: Sharon Leikam
Errol Wuertz

8. PRELIMINARY PLAT: Jayne Clarke moved, Eber Phelps moved, that the preliminary plat submitted for Hays Sundance Addition, be approved.

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

9. CONTRACT AMENDMENT: A contract was signed in September 1996 for engineering services for 41st Street Plaza Second Addition for a total price of \$45,000. This proposed amendment to the engineering contract with Bucher, Willis and Ratliff reduces this amount not to exceed to \$40,473.50.

Sharon Leikam moved, Eber Phelps seconded, that the Mayor sign an addendum to a contract reducing the contract amount to \$40,473.50 with Bucher, Willis and Ratliff for engineering services on 41st Street Plaza 2nd Addition.

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

10. WATER AND SEWER STUDY: Camp, Dresser and McKee of Kansas City, Missouri have been chosen to perform a water and sewer master plan study for a total cost not to exceed \$319,721.72. Funds for this study have been budgeted in 1995 and 1996. Also, funds were set aside in the 1996 Budget for a portion of the GIS. Those funds, along with monies left over from the painting of the water tower, will pay for this extensive evaluation of our system.

This study is needed to be effective in our long term capital improvements to the water and sewer system. The in-

depth study will initially investigate the effects of the Lusk Development on existing infrastructure. City Manager Zacharias recommended the Mayor be authorized to sign a contract with this firm.

Sharon Leikam moved, Errol Wuertz seconded, that the Mayor be authorized to sign a contract with Camp, Dresser and McKee of Kansas City, Missouri to perform a water and sewer master plan study for a total cost not to exceed \$319,721.72.

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

11. RADIO PURCHASE: The Hays Police Department and all emergency personnel are on the new 800 Series communication system. The Public Works Department and all other departments in the City of Hays operate on a 400 Series radio system. Without passing through central dispatch, the various departments cannot communicate with each other during disasters. To convert all radios to the 800 Series would cost \$170,000. By contrast, to upgrade the existing 400 Series system to a usable system for all the other departments would cost approximately \$30,556. Funds available for this radio purchase will come from money saved on the water tower painting, approximately \$124,000 in water capital. City Manager Zacharias recommended the City upgrade its 400 Radio Series at a cost of \$30,556 and earmark \$93,000 for upgrading the AS/400 mainframe, purchase micro computers for various departments, developing a wide area network for all City departments, and provide adequate computer training for all personnel.

Captain Jim Purdy, Hays Police Department, spoke on the operation of the 800 Series. Captain Purdy stated the intent was to eventually purchase 800 radio system equipment for all Public Works Department vehicles, however, he realizes the price is quite high.

Errol Wuertz moved, Jayne Clarke seconded, that the purchase of 400 Series radios totaling \$30,556, for Public Works and other City Departments, be approved.

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

City Manager Zacharias said if there are no objections, the remaining \$93,000 cash will be carried over to 1997, and will be used to update the AS400, and other computer needs. There were no objections.

12. 12TH STREET RECONSTRUCTION: Bids were received for the 12th Street reconstruction and Fort Street railroad crossing from the following:

Wes-Kan \$231,956.15	12th Street	Base Bid	
		Alternate #1	3,884.50
	Fort Street RR	Base Bid	34,029.00
Allied \$316,342.80	12th Street	Base	Bid
		Alternate #1	4,254.00
	Fort Street RR	Base Bid	35,210.00

Eber Phelps moved, Jayne Clarke seconded, that the bid from Wes-Kan in the amount of \$269,869.65, for 12th Street reconstruction and the Fort Street railroad crossing, be approved.

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

13. ENGINEERING CONTRACTS: Jayne Clarke moved, Sharon Leikam seconded, that the Mayor be authorized to sign addendums to existing agreements with Bucher, Willis and Ratliff and Black & Veatch for annual engineering services, not to exceed \$25,000 per contract.

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

14. PRO SHOP LEASE: Proposals for the operations of the Pro Shop at the Fort Hays Golf Course for the next three years were received from the following:

Jason K. Bell: Monthly compensation - \$1,400 per month
Richard Guffey: Monthly compensation - \$1,400 per month (1st year), \$1,300 per month (2nd year), and \$1,200 per month (last 14 months).
Pro Golf Discount: Monthly compensation - \$1,200 per month.

The Fort Hays Municipal Golf Course Advisory Board reviewed the proposals and recommends the contract be awarded to Jason K. Bell for 38 months. The board feels Mr. Bell will provide the best management of the Golf Course.

Sharon Leikam moved, Errol Wuertz seconded, that the proposal from Jason K. Bell for pro-shop operations at the Fort Hays Golf Course, for a total monthly compensation of \$1,400 from the City of Hays, be approved.

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

15. HANGAR SITE LEASE: Edmund S. Moore has requested permission to construct a new hangar at the Hays Municipal Airport. The FAA has approved this proposed construction and

the Airport Advisory Board does not have any objection. Mr. Moore understands he must conform with city building codes and obtain a building permit.

Errol Wuertz moved, Eber Phelps seconded, that a five year lease to Edmund S. Moore to allow for the construction of an airplane hangar, be approved.

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

16. AUDIT SERVICES: Eber Phelps moved, Jayne Clarke seconded, that the proposal submitted by Adams, Brown, Beran and Ball to perform the 1996 Audit for a cost of \$14,150, be approved.

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

17. COALITION APPOINTMENT: Jayne Clarke moved, Errol Wuertz seconded, that Sharon Leikam be appointed as representative to the Ellis County Coalition for Economic Development for 1997.

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

18. ADD-ON ITEMS: City Manager Zacharias requested the Mayor be authorized to sign an agreement for the Law Enforcement Center lease for 1997. This lease states that there is not any exchange of money. Space, utilities, and janitorial services are provided in exchange for dispatching services for the Ellis County. The County also provides computer support for the Police Department and houses prisoners for the City.

Sharon Leikam moved, Errol Wuertz seconded, that the Law Enforcement lease for 1997 be approved.

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

Mr. Zacharias stated the new fire truck for the Airport has been delivered and training will start soon. Also, Harries Motors, the vendor for the Avis Car Rental is being replaced by Tiger Corporation.

Commissioner Wuertz stated he would like to see the Planning Commission address the issue of high density growth area in the Comprehensive Plan.

Commissioner Phelps reported that a rotation of troops from the 388th Reserve Unit will occur this weekend, with one group leaving for overseas duty and one group returning home.

Mayor Rupp also commended the 388th Reserve Unit for the outstanding quality of the personnel.

Thereupon the Governing Body adjourned.

Submitted

by: _____

Clerk of the Board