

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

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session Tuesday, June 11, 1996, at 7:30 p.m.

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

Absent: Jayne Clarke

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

2. MINUTES: Eber Phelps moved, and Sharon Leikam seconded, that the minutes of the May 23, 1996, regular meeting, and the May 28, 1996, special meeting, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Phelps noted that enplanements at the Hays Municipal Airport were increasing, and asked whether USAir was pleased with the progress so far. City Manager Zacharias stated they are pleased with the increase in our enplanements and the efforts put forth by the community.

Commissioner Leikam congratulated the City Manager on his appointment to the Kansas GIS Policy Board.

Mayor Rupp thanked the people working on the All America City Committee and the people who contributed money to finance the Fort Worth trip.

Commissioner Wuertz asked about the status of the map update. City Manager Zacharias stated a revised addendum to

the contract with Bucher, Willis, and Ratliff has been prepared to include additional services for the update of water and sewer line maps as well as lots and blocks maps. Assistant Public Works Director Brenda Cary stated she hoped to be able to report back to the Commission within 30 days with a definite date that maps would be available.

5. CONSENT ITEMS: Errol Wuertz moved, Sharon Leikam seconded, that the Commission approve the Mayor's recommended appointments as follows:

Golf Course: Three year term ending July 1, 1999
Robert Hoke
Nick Niernberger

Recreation Commission: Four year term ending August 1, 2000
Ron Haag

Housing Authority: unexpired term ending February 14, 1998
Tom Robinson

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

6. SOLID WASTE FEE ORDINANCE: City Manager Zacharias stated that due to the increased tipping fees at the Ellis County Landfill, it is necessary to increase our fees by approximately 2.7 percent. The increase will be reflected on the August utility bills.

Eber Phelps moved, Sharon Leikam seconded, that Ordinance No. 3369, being an ordinance amending Section 14-25 of Article 1, Chapter 14, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3309, as passed on April 14, 1994, and as published on April 18, 1994, by increasing the refuse fees, be approved.

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

7. SPECIAL ASSESSMENTS PUBLIC HEARING: Mayor Rupp opened the public hearing to hear comments regarding the proposed special assessments for the paving, curb, and guttering of Skyline Drive, East 17th Street, East 20th Street, East 21st Street, Wheatland Avenue, and the installation of water and sewer lines, and the water tower north of Interstate 70.

Prior to hearing citizen's comments, City Manager Zacharias reviewed the benefit districts affected by the special assessments and the three ordinances which would levy the assessments. If the City Commission approves the assessment ordinances, the property owners will have 30 days in which to pay the full amount of the assessment. If not paid in 30 days, the assessments will be certified to the County Clerk, who will place them on the tax rolls to be paid over either 10 or 15 years, along with interest charges. The interest rate will be determined at the time of the bond sale. Bonds will be issued to pay for the cost of the improvement minus the amount of assessments paid in full during the 30 day time period.

Lloyd Riedel, representing the Holiday and Hampton Inns, appeared before the City Commission regarding the improvement on Skyline Drive. Mr. Riedel does not feel that the improvement will in any way benefit the two motels. The improvement abuts their property on the west side of their lot along the drainage ditch. Mr. Riedel feels the amount assessed to the motels could be better utilized to draw more people into Hays and increase sales tax and occupancy tax.

Mayor Rupp stated he realized the motels would receive very little benefit from this improvement. However, the motels receive a large benefit from the highway which runs in front of the motels, and the City at large would be paying for those improvements, not the Holiday or Hampton Inn.

Mr. Zacharias stated the improvement would be there for many years into the future and even though they could not see any benefit now, at some time in the future, they may see a benefit. Land use can change, property could be sold, and this improvement would benefit the property owner.

City Attorney John Bird stated that even though the two motels have not chosen to develop the property in a manner that would access Skyline Drive, that option would be available at any time in the future. The same formula is used to determine who pays for assessments throughout the City of Hays and this is the only fair way to spread out the assessments in an equitable manner.

Terry Blide, 103 West 37th Street, appeared before the Commission to protest his assessment. Mr. Blide stated that 75% of the property owners protested this improvement, however, the City went ahead with the improvement.

City Manager Zacharias stated a hearing was held regarding this improvement, and the property owners protested against the improvement. However, the Commission by unanimous vote decided to make the improvement in order to connect 37th and 38th Streets. Every property owner pays for improvements on two streets. The City was following the same formula that is used for every other piece of property in Hays. This improvement also aids fire and police protection.

Mayor Rupp stated this improvement will increase the value of Mr. Blide's property, and when the remainder of Skyline Drive is finished in the future, access will be available directly onto 41st Street.

Ralph Gottschalk and Merle McLaren, property owners on north Vine Street, asked what the procedures were for paying their assessments. Mr. Zacharias replied the assessments could be paid in full within 30 days from the date of official notice, or the assessments would be spread out over 10 or 15 years with interest charged on the unpaid principal. These would be placed on the tax roll, and would appear on the personal property tax statement. Mr. McLaren stated many of the property owners along

north Vine Street would prefer to have the assessments spread out over 15 years.

Mr. Gottschalk also voiced his concern about the condition of East 41st St. Mr. Zacharias stated the City is looking into the long term use of 41st Street, and a study is being conducted as to the future impact of 41st Street on Vine Street.

Jerry Juenemann questioned if future property owners decided to tie onto the water and sewer line, what would they be assessed? Mr. Zacharias said the property owners would be assessed the cost incurred to connect to the 8" distribution line, and could be required to pay to the City the portion of the distribution line leading to their property. Present owners would not be able to recoup any of their assessed costs. Indirectly, the City as a whole receives a benefit by virtue of lower taxes when future owners are required to pay for previously installed lines. Mr. Zacharias stated this issue was discussed several years ago. The individuals who wanted to have the lines installed decided to go ahead with the project, knowing that some property owners opted out of the project.

Mr. Bird stated that if all of the area was in the city limits, this problem would not have occurred. The property owners assessed for this improvement had to ask to be annexed into the city limits, and the neighboring land owners decided not to be annexed. If at some time in the future they request to tie onto these water and sewer lines, it will be required of them to be annexed.

Mayor Rupp stated the City-at-large is paying for 80% of this improvement. Mr. Bird stated that even though the assessments are quite high, the value of the property has skyrocketed. If the property should be sold, those costs can be recouped. Several property owners in the audience stated they would prefer to have the assessments spread over 15 years.

Errol Wuertz moved, Sharon Leikam seconded, that the public hearing be closed.

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

8. SPECIAL ASSESSMENT ORDINANCE: Mr. Zacharias stated there are three ordinances to be adopted and will be changed to allow unpaid assessments to be placed on the tax roll for 15 years instead of 10 years for all the street improvements, and also for the water and sewer line improvements on north Vine Street.

Eber Phelps moved, Sharon Leikam seconded, that Ordinance No. 3368, being an ordinance levying assessments on lots, pieces and parcels of land in the City of Hays, Kansas, for the purpose of paying all of the costs for improvements consisting of the installation of water and sewer lines and the installation of a water tower as part of the north Interstate 70 Utility Extension Project in the City of Hays, Kansas; and that Ordinance Nos. 3370 and 3371, being ordinances levying assessments on lots, pieces and parcels of land in the City of Hays, Kansas, for the purpose of paying all of the costs for improvements consisting of the paving, curbing, and guttering of Seventeenth Street from Harvest Road to Wheatland Drive, Skyline Drive from Thirty-seventh Street to Thirty-eighth Street, East 20th Street, East 21st Street, and Wheatland Drive in the City of Hays, Kansas; and further providing for the payment of said assessments and for the certification of unpaid assessments to the County Clerk of Ellis County, Kansas, be approved.

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

9. HEAR REQUESTS FOR 1997 FUNDING: Mayor Rupp stated the City will not take action at this time for any request. Funding will be considered during the budgetary process in July.

Tom Robinson, representing Western Kansas Association on Concerns of the Disabled, requested \$13,500 to be used in the

WKACD Access Transportation Fund.

Howard Rome, president of the Ellis County Coalition for Economic Development, and Lavern Squier, director, requested \$60,000 to assist with economic development activities.

Jerome Waltner and Kurt David, representing the Ellis County Historical Society, requested \$7,000 for their operating budget. These funds would be used to attract more visitors to the Historical Society's museum.

Herb Songer and Craig Karlin, representing Fort Hays State University, requested \$100,000 for renewal of the FHSU/City of Hays Scholarship Program of Scholastic Achievement.

Brenda Meder and Tom Bohm, representing the Hays Arts Council, requested \$4,500 to be used to assist in the support of community programming which impacts thousands of people from pre-school to senior citizens.

Nancy Selbe and Nikki Schmidt, representing the Humane Society of the High Plains, requested \$64,570 for animal control in the City of Hays.

Dr. Jay Gillette and Brad Boyer, representing the Information City Advisory Group, requested \$10,000 to implement several programs which would assist in reaching IACG's goal to become a leading Information City in a growing information economy. This request could be in the form of dollars and in kind services.

10. 13th STREET RE-STRIPING: Brenda Cary, Assistant Director of Public Works, reported one portion of the Slurry Seal Project will encompass the area on 13th Street between Main and Milner Streets. The Traffic Advisory Committee has recommended that 13th Street be re-striped to include a center turn lane after the slurry seal is applied. The cost of this add-on will be \$6,500, which includes engineering, inspection, and construction. In order to do this project and stay within the budget, the slurry seal scheduled for Sherman Avenue between 27th and 29th Streets would need to be eliminated.

Mayor Rupp said he did not want to eliminate the slurry seal of Sherman Avenue in order to do the striping on 13th

Street. The striping of 13th Street may be considered some time in the future.

Errol Wuertz moved, Sharon Leikam seconded, that the City not authorize the re-striping of 13th Street from Main Street to Milner Street.

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

11. PEEPING TOM/URINATION ORDINANCES: City Attorney John Bird stated he would be presenting information regarding a Peeping Tom/Urination Ordinance the first meeting in July. Mr. Bird wants to research this matter prior to his presentation.

12. ADD-ON ITEMS: Mr. Zacharias reported that repairs to Wilson Pool have been completed, and the pool will be open June 17th.

Mrs. Leikam thanked the businesses in our community and the Army reservists who helped with Camp Challenge this past weekend. Mrs. Leikam also expressed concern about the water losses in the Municipal Pool and Massey Pool. Mr. Zacharias stated we know the pools leak. A decision will have to be made in the future whether the city will continue to lose water every year or close the pools.

Thereupon the Governing Body adjourned.

Submitted

by: _____

Clerk of the Board