

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 25, 1996

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session Thursday, June 25, 1996, at 7:30 p.m.

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

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

**2. MINUTES:** Eber Phelps moved, Sharon Leikam seconded, that the minutes of the June 13, 1996, regular session, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias noted that sales tax revenue to date for 1996 is approximately \$20,000 lower than for the same period last year.

Jayne Clarke moved, Eber Phelps seconded, that the Financial Statement for the month of May, 1996, be approved.

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

**4. CITIZEN COMMENTS:** Carroll Waggoner and Clare Gustin, representing the All America City Committee, appeared before the Commission. They thanked the numerous people in our community who assisted the Committee in achieving the coveted award. Bob Templeton, director of the Chamber of Commerce, presented the

All America City Award to the City Commission. The Commission also expressed their gratitude to the many people who willingly gave of their time to achieve this award.

**5. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Wuertz questioned the status of the map update. Assistant Public Works Director Brenda Cary said a contract on computerized mapping will be presented at the next Commission meeting.

Mr. Zacharias also noted the City has won the Government Finance Officers Association award for budget presentation. He gave credit to Assistant City Manager Linton Bartlett who spent many hours fulfilling the requirements necessary to achieve the award. He said Hays is one of the few cities in Kansas to win this award.

Commissioner Phelps mentioned that Deputy Fire Chief Roger Rife gave a presentation during a Fort Hays State University class this spring which was attended by Mr. Phelps. He commended Mr. Rife on an excellent presentation.

**6. CONSENT ITEMS:** Sharon Leikam moved, Errol Wuertz seconded, that a Cereal Malt Beverage License be issued to the Hays Kiwanis Club for the Wild West Fest Beer Garden from July 3rd to July 7th, 1996.

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

**7. COMMERCIAL BEAUTIFICATION AWARD:** Virgil Howe and Margie Hammerschmidt, representing the Hays Beautification Committee, presented Commercial Beautification Awards to Quizno's, 8th & Fort Street, and Sterling House, 1801 East 27th Street.

**8. CITIZENS SURVEY:** Dr. Joe Aistrup from the Docking Institute of Public Affairs, presented the 1996 Citizen Survey to the Commission. This survey evaluates City services, City government, quality of life in Hays, taxes, the proposed community center, and the use of computers in businesses and homes. Mr. Aistrup reported that overall citizen evaluations

were very favorable. A majority of citizens support the building of a new community center, however, only 35% are willing to have taxes raised to pay for it. Forty-four percent of homes in Hays have personal computers and fifty-three percent responded they use a PC at work. Mr. Aistrup stated the City should be commended for such high marks, and recommends the City continue to emphasize service provisions, especially in the areas of getting the job done correctly the first time and providing unfavorable information in a more satisfactory manner.

City Manager Zacharias stated City employees work very hard trying to meet citizen concerns, and will continue to try to improve City services.

**9. NOISE ORDINANCE VARIANCE:** Jayne Clarke moved, Sharon Leikam seconded that Quizno's be exempt from the Noise Ordinance on Saturday, June 29, 1996 between the hours of 7:00 p.m. to 9:00 p.m.

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

**10. DEVELOPMENT POLICY AMENDMENTS:** City Manager Zacharias reviewed two proposed changes to the City's existing development policy concerning front yard easements and compaction requirements. The City's current policy allows for utilities to be placed in a rear yard easement or an alley. Easements in alleys are easy to access for maintenance and repair, however, utilities placed within a rear yard easement are more difficult to access. Many homeowners build or make plantings over existing easements, thus limiting access. To eliminate this problem, it has been proposed that rear yard easements be eliminated in lieu of 10 foot front yard easement parallel to the street right-of-way. This change would not preclude the dedication and use of alleys, if a developer would choose to use them.

The second change involves the required need for compacted

backfill for City water and sewer lines crossing underneath the street. A change in the policy is proposed to provide greater flexibility to the developer in providing appropriate compaction. The elimination of a five-year performance bond for compaction has been proposed, however, part of the development policy places a requirement on existing homeowners to be responsible for any sinkage for sidewalks or driveway approaches, passed the one year warranty period. Making contractors less liable for sinkage in these areas of sidewalk and driveway approaches should lessen development costs.

Bob Swift, representing Midwest Energy, stated electric and gas meters would be located at the sides of the house and transformers will be located within the 10 foot easement at the front of the house. Decorative shrubbery could be used by the homeowner to hide the transformers.

Eber Phelps moved, Jayne Clarke seconded, that amendments to the City's existing development policy concerning front yard easements and compaction requirements be approved.

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

**11. ANNEXATION ORDINANCE:** City Manager Zacharias reviewed a map of the 41st Street Plaza Second Addition area to be annexed into the City of Hays.

Errol Wuertz moved, Jayne Clarke seconded, that Ordinance No. 3372, being an ordinance annexing land to the City of Hays, Kansas, be approved.

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

**12. FINAL PLAT:** City Manager Zacharias reviewed the plat map of 41st Street Plaza Addition. Mr. Zacharias pointed out that

Madison Avenue will be improved to alley standard along with a strip of land on the north side of the plat, which would connect with Smoky Hill Drive. This would be a temporary secondary access to satisfy emergency access requirements until such time as the 3rd Addition of 41st Plaza was approved, annexed and improved. At that time, Madison Avenue would be paved to City standards and would connect to 45th Street. Western Plains Investment Corporation have guaranteed that they will maintain this secondary access until Madison Drive is paved up to city standards.

Mayor Rupp stressed that individuals buying lots surrounding Madison Avenue be made aware that special street assessments will be assessed against their property whenever Madison Drive is improved.

Jim Desbien, representing Western Plains Investment, stated that language will be written into deed restrictions so that property owners will be aware of the assessment.

City Manager Zacharias stated that stormwater drainage and the impact it will have on the downstream areas needs to be looked into. Mr. Zacharias recommends that along with the plat, the Commission request direction from the engineers to take a look at the stormwater situation and develop some long term strategy. Mr. Zacharias also stated that in lieu of donating land for a green space, the developers of this property will be paying a sum of money. Some of this money may be used to help pay for a drainage study. Also, easements on the property in the 41st Street Plaza 2nd Addition will be in the front of property abutting the street right of way.

Jayne Clarke moved, Eber Phelps seconded, that the final plat for the 41st Street Plaza 2nd Addition, be approved.

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

**13. CONSTRUCTION BIDS:** City Manager Zacharias reviewed the sewer, water, and street improvements in 41st Street Plaza First Addition Phase 2 project. This project includes extending the water line off Smoky Hill Drive to the west along Washington Circle. The developer wants to complete the water line along Madison Drive as part of this project, and request a Change Order be included. In order for this to happen, the City must contract with the engineer to expand his scope of services to include design and inspection. The services are for an extension of the water line at 41st and Thunderbird, west to Madison Drive, then north along Madison to the northern limits of this development. Requirements of having water lines looped are why this change is being necessitated. If this water line is put in now, it can be properly assessed against the property owners now rather than later. A bid from Allied Construction in the amount of \$113,000 was received to construct the project with the Change Order. Mr. Zacharias recommends the Commission accept the base bid this evening, and hold in abeyance the Change Order until staff has had further time to study it.

Sharon Leikam moved, Errol Wuertz seconded, that the bid from Allied Construction to construct sewer, water, and street improvements in the 41st Street Plaza First Addition Phase 2 in the amount of \$113,000, be approved.

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

**14. ENGINEERING CONTRACT AMENDMENT:** City Manager Zacharias stated the existing contract with Bucher, Willis and Ratliff to design an additional water line along 41st Street will need to

be tabled until the next meeting.

**15. COLUMBINE CONSTRUCTION BIDS:** City Manager Zacharias reviewed the Columbine Drive Street Improvements with the Commission. The amount associated with the water line will be paid by the developer with the exception of \$4,827 to be paid by the City out of Water Capital, Mains and Hydrants, for relocating a fire hydrant. Allied Construction of Hays has submitted a bid in the amount of \$180,000. Forty-nine thousand dollars of this cost will not be assessed to the property owner. It will be paid for by the developer. A portion of the cost, \$19,827.90, is associated with constructing the drainage ditch along the west side of Columbine at the City's expense. Eventually the ditch will be filled in whenever the west half of Columbine is built and a storm sewer is built. Mr. Zacharias recommends the cost for the drainage ditch be deducted from the project cost. City crews and equipment could construct the drainage ditch and have it seeded by the Natural Resources Conservation Service or KDOT, saving thousands of dollars.

Commissioner Wuertz stated he has property listed in this area and would not vote due to a possible conflict of interest.

Jayne Clarke moved, Eber Phelps seconded, that the base bid from Allied Construction in the amount of \$180,000, minus the change order for a deduct of \$19,827.90 for the drainage portion, be approved.

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

**16. ENGINEERING CONTRACT AMENDMENT:** City Manager Zacharias said the amendment to the agreement with Bucher, Willis and Ratliff involves the placement of 500 feet of 12 inch water line extending south along Commerce Parkway to the southwest corner of the building lot for Sykes Enterprises, Inc. The engineering cost for the water line is a Not-to-Exceed amount of \$6,000.

Eber Phelps moved, Sharon Leikam seconded, that the

amendment to the engineering agreement to design water lines associated with Sykes Enterprises, Inc, be approved.

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

**17. INSURANCE RENEWAL:** Rich Kraemer, representing Insurance Planning was present, and reviewed the City's insurance coverage. He reported that the total premium to be paid by the City for the various policies for the next policy year will be \$201,637 versus \$215,688 for the current policy year. This is a decrease of 6.5 percent.

The primary change being recommended in the City's coverage for the next policy year is to increase the limit of liability on the law enforcement errors and omissions and the general liability policy from \$500,000 to \$1,000,000. This change is being recommended to make sure the City is protected against liability claims brought against the City in federal court that would not be covered under the Kansas Tort Claims Act which limits liability awards against Kansas municipalities to \$500,000. Given the increased number of claims made against cities around the country in areas such as ADA compliance and other civil rights areas, it would seem reasonable to increase this coverage. This change results in an additional premium of \$4,976 which has been factored into the \$201,637 total mentioned above.

All other coverages will remain basically the same with the main reason for changes in premiums being differences in the amount of exposure covered by the policies and not in the insurance rates themselves. The City's workers compensation premium is dropping by \$16,456 due to a reduction in the experience modification and the continued positive impact of the City's deductible program, which was started approximately four years ago.

Eber Phelps moved, Jayne Clarke seconded, that the

recommended proposal presented by Insurance Planning for auto liability, property, and workers compensation insurance, be approved.

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

**18. CHANGE ORDER:** City Manager Zacharias said the proposed change order does not involve any monetary change in the overall contract due to a \$2,000 contingency being provided. The change order involves the reusing of chain line fence, additional PVC lines, and other minor adjustments.

Errol Wuertz moved, Sharon Leikam seconded, that Change Order No. 1 for the Wilson Pool Project, be approved.

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

**19. STRATEGIC PLAN RESOLUTION:** Mayor Rupp said the proposed resolution supporting the Regional Strategic Plan was prepared by the Ellis County Coalition for Economic Development and requested by the Kansas Department of Commerce and Housing to designate Ellis County as a qualified non-metropolitan region pursuant to the Kansas Enterprise Zone Act.

Eber Phelps moved, Jayne Clarke seconded, that a Resolution supporting the Regional Strategic Plan, be approved.

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

**20. ADD-ON ITEMS:** Commissioner Wuertz said he hoped that the businesses along Vine Street that have a very obvious weed problem would take pride in their property so that we do look

like an All America City.

Commissioner Clarke said she has received positive comments about the condition of the golf course. She thanked the golf course personnel for a job well done.

Commissioner Phelps commended John Shaver and Park Department personnel for the recent clean up of the tennis court area.

The Commissioners thanked all the people involved in the All America City Award, and pointed out that it was actually a community award involving the cooperation of all citizens.

Mayor Rupp said the City will be featured in the Wichita Eagle in regard to the All America City Award. Also, the All State Company will be profiling Hays as a winner of the Award.

Mayor Rupp said he has received letters of congratulation for the All America City award from the cities of Wakeeney, Russell, and the Ellis County Commissioners.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_  
Clerk of the Board