

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 14, 1996

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, March 14, 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. MINUTES: Eber Phelps moved, Daniel Rupp seconded, that the minutes of the February 22, 1996, regular session, be approved.

Vote: Ayes: Sharon Leikam

Daniel Rupp

Eber Phelps

Jayne Clarke

Errol Wuertz

3. CITIZEN COMMENTS: There were no citizen comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Wuertz congratulated Steve Leiker, Wastewater Plant Superintendent, for his efforts in producing the annual 503 Sludge Report and keeping the City of Hays in full compliance with the regulations.

Mayor Leikam commended Rick Claiborn of the Hays Recreation Commission for offering the "Night Owl Swim" every Thursday evening for the upcoming 1996 swimming season.

Mayor Leikam questioned the status of the Greenbrier Lane transfer from Smoky Hill Country Club to the City of Hays. City Manager Hannes Zacharias stated the newly appointed Smoky Hill Country Club Board of Directors wanted to study the situation

further. They are concerned about potential traffic problems generated from the Columbine Street Project.

5. CONSENT ITEMS: There were no consent items.

6. PROSPECT INCENTIVE PACKAGE: Howard Rome and Lavern Squier, representing the Ellis County Coalition for Economic Development, presented information on a third party computer support service center, which is contemplating locating in the Hays community. Mr. Squier outlined employment issues, tax incentives, facility and land issues, and private financial support. Mr. Squier stated this company would potentially bring other technology companies into the community.

City Manager Zacharias discussed various financial incentives that could be offered by the City. The City could make an initial cash contribution, waive the building permit, water tap, and sewer tap fees, rebate property taxes for five years, and convey 18 to 20 acres of land located in the Industrial Park free of charge. Street pavement within the Industrial Park could be done with Economic Development Administration funding, along with possible Ellis County assistance. The crosswind runway would also need to be closed and relocated. Mr. Zacharias said final action does not need to be made until the company publicly announces its decision.

Marion McMillan, president of the Ellis County Economic Development Corporation, stated that private donations pledged to date amount to \$1,200,000. Mr. McMillan stated the Economic Development Corporation, assuming enough private funds are available, will be in the position to handle the portion of taxes that are not covered by rebates.

7. STRATEGIC PLAN UPDATE: Robert Albers, representing the Strategic Planning Implementation Committee, and Larry Gould, representing the Community Center Complex Task Force, updated the Commission on activities to date. Recently, the Task Force toured several community centers in Colorado, and were very impressed by the excitement and enthusiasm in those communities. The Task Force is presently doing a facility inventory of available resources in Hays. Meetings are scheduled for public

input, along with other meetings to discuss the building design and possible sites. Mr. Albers stated that several objectives that were mentioned in the Strategic Planning Report are now in the process of being accomplished, i.e, our water supply, the greening of our community, and Information City.

8. ZONING REGULATIONS ORDINANCE: Kent Laas, Chief Building Inspector, and Larry Gould, chairman of the Hays Planning Commission, addressed the Commission regarding proposed changes to the Zoning and Subdivision Regulations. The proposed changes amend existing zoning regulations regarding Garden Apartment Dwelling Districts, Manufactured Home Park Residential Districts, Manufactured Home Sub-Division Residential Districts, University Districts, Business Park Districts, Commerce Park Overlay Districts, and issues regarding issuance of building permits and preparation of site plans. The Planning Commission recommends approval of the changes and is submitting the changes to the City and County Commissions for their approval. Mr. Gould stated these changes would set a standard for future development. The City would have a greater degree of control over the use of land in the City of Hays and the three mile limits surrounding the City. The process would change from an open zoning model to a planned zoning model.

Van Witthuhn, General Manager of Oakwood Homes, and a managing partner of Countryside Estates, addressed the Commission about concerns he has regarding a portion of the proposed resolution. Mr. Witthuhn does not feel that mobile homes manufactured prior to the implementation of the 1976 HUD code should be banned from either moving into a mobile park or relocating within the park. The construction standard for mobile homes that preceded the HUD code was the ANSI Code. The ANSI code was recognized and accepted throughout the United States, but compliance by manufactures was voluntary. Voluntary compliance in Kansas ended in 1973. Kansas statutes prohibit the sale or lease of a mobile home manufactured after September 1, 1973, unless the unit complies with the ANSI code. The HUD code was adopted nationwide in 1976.

Mr. Witthuhn proposes that manufactured homes built to ANSI standards be allowed into mobile homes and banning manufactured homes that were not built to any standard. Mobile homes built to ANSI standards have a sticker placed on the home. Mr. Witthuhn stated that 17 families moved into our community with homes bearing the ANSI sticker in 1995. If ANSI homes would have been banned, these families would have been forced to either secure alternate housing or choose not to move to Hays. Mr. Witthuhn stated he is concerned about the quality and safety of manufactured homes and does not want to see any unsafe or unsightly homes in his mobile home park. Mr. Witthuhn feels that homes bearing the ANSI sticker are very safe and should be allowed into our community.

Commissioner Phelps questioned Mr. Witthuhn about the difference between ANSI and HUD standards. Mr. Witthuhn stated he would need to do further research to answer that question.

Commissioner Rupp stated he did not want to impede the potential for anyone to operate housing or sell their homes, however, health and safety concerns need to be addressed.

The Commission instructed Mr. Witthuhn to do further research on the difference between the two standards and report back at a later meeting.

9. BUSINESS IMPROVEMENT DISTRICT ADMINISTRATION: Stephanie Schumacher and Joyce Frey, representing the Business Improvement District, appeared before the Commission. The Advisory Board of the BID is proposing changes to Ordinance No. 3124 dealing with the assessment and collection of fees. Currently, the Advisory Board is responsible for mailing the assessment statements, payment is sent to the City and deposited with the City Clerk. The BID is having trouble collecting delinquent fees and would like to have the ordinance changed to state that unpaid fees would constitute a debt due the City. The City Attorney would then institute a civil suit to recover unpaid fees, and a fine no greater than \$500 would be imposed.

Mrs. Schumacher stated she would like to see the statements mailed from the City Clerk's office. This would be a smoother

process if the whole operation were to be undertaken by the City. She also felt the City had more influence on collecting delinquent fees. City Attorney John Bird stated that collecting these fees would be difficult because it is not a commodity which is needed to operate a business. Also, many of the delinquent fees are from businesses that are no longer in operation. Criminalizing nonpayment of these assessments may be one manner to deal with this problem. Mr. Bird also stated he would not want to be the attorney dealing with these delinquents because many of the people are his clients. He would need to farm this out to someone else.

Mayor Leikam asked if the BID would be willing to pay for the cost of collecting these delinquent fees. Mrs. Schumacher stated she felt if it was debt to the City, all aspects of collection would be the City's responsibility. City Manager Zacharias stated there would be some additional administrative expense to handle assessment and collection of these debts. Mr. Zacharias said the Commission would have to decide if the City should take over this duty, and if the associated expenses should be paid by the City's General Fund, or the BID.

Commissioner Rupp stated he is not inclined to take over these duties, however, he would like to be able to give the BID some support to help with their collections. The Commission directed the City Attorney to research other possible avenues for collecting these debts.

10. RANS, INCORPORATED ANNEXATION: City Manager Zacharias reviewed an overhead showing the 34.9 acres currently owned by RANS, which is requesting annexation into the City. Following the adoption of a resolution, a request will be made of the Ellis County Commission to authorize the City to proceed with the annexation. Following County Commission action, an ordinance will be presented for City Commission review and adoption.

Daniel Rupp moved, Errol Wuertz seconded, that Resolution No. 200, being a resolution regarding annexing land to the City of Hays, Kansas, be approved.

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

11. COMMERCE PARKWAY CDBG GRANT AGREEMENT: City Manager Zacharias reviewed a draft agreement between the City of Hays, Ellis County, and A-1 Plank regarding the distribution of \$500,000 in CDBG grant proceeds for Commerce Parkway. Should this grant be funded, A-1 Plank is to receive cash from both the City of Hays and Ellis County in an amount equal to the difference in financing costs between a 5% state approved loan for \$485,000 and current market rates. This agreement was made so that A-1 Plank would not be penalized in their own efforts to secure CDBG funds to expand their existing facilities through the construction of a powder coating room. The proposed agreement merely codifies this relationship making clear the expectations of all parties.

Eber Phelps moved, Daniel Rupp seconded, that the Mayor be authorized to sign an agreement between the City of Hays, A-1 Plank, and Ellis County regarding the administration of CDBG funds, if awarded, to improve Commerce Parkway.

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

12. RAILROAD AGREEMENT: City Manager Zacharias reviewed the proposed agreement from Union Pacific Railroad to redo the railroad crossing at Fort Street. The total cost for this renovation is \$18,000. This amount covers the cost for materials, as well as removal of the existing railroad crossing, and does not need to be paid until the work has been completed. This \$18,000 amount compares to \$9,000 charged by the Railroad to improve the Ash Street railroad crossing this summer. The

difference between the two projects is in the length of this improvement. The Ash Street crossing was 36 feet in length, whereas the Fort Street crossing is 72 feet to accommodate sidewalk crossings to tie into the Downtown Greenspace Project.

Daniel Rupp moved, Jayne Clarke seconded, that the Mayor be authorized to sign an agreement with Union Pacific Railroad to improve the Fort Street railroad crossing.

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

13. TEMPORARY NOTES: The following bids for the reissuance of Temporary Notes in the amount of \$2,390,00 for the I-70 Utility, Canterbury, East 17th Street, Skyline Drive, and the Vine Street Slurry Seal Project were received as follows:

| | <u>Interest Rate</u> |
|--|----------------------|
| Commerce Bank Kansas City, Missouri | 4.110769% |
| Country Club Bank - K.C. MO. in association with Emprise Bank | 4.110769% |
| Golden Belt Bank Hays, Kansas | 5.90% |
| United Missouri Bank Kansas City, Missouri | 4.271538% |
| Sunflower Bank Hays, Kansas | 4.19% |

Country Club Bank/Emprise Bank and Commerce Bank tied for the low bid. Randy Ireys, Bond Counsel, advised that when two or more bids received are the same, the Governing Body may

arbitrarily chose one over the other. However, Mr. Irely has visited with representatives from both banks. With Commission approval, they request that the City award the Notes to both parties jointly. They would rather share the Notes than lose out completely.

Commissioner Jayne Clarke stated she would abstain from the vote because her husband is the Chief Financial Officer of Emprise Bank.

Daniel Rupp moved, Errol Wuertz seconded, that the low bids from Commerce Bank and Country Club Bank/Emprise Bank, for a net interest rate of 4.110769 percent, be approved.

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

Abstain: Jayne Clarke

Daniel Rupp moved, Errol Wuertz seconded, that Resolution No. 199 authorizing the issuance of \$2,930,000 in General Obligation Municipal Renewal Temporary Notes, (Utilities and Street Improvement Projects) Series 1996 A of Hays, Kansas, be approved.

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

Abstain: Jayne Clarke

14. ADD-ON ITEMS: City Manager Zacharias reported the bids approved at the January 25, 1996, City Commission meeting for the current Airport Improvement Project, were approved by the FAA. The City Manager asked for approval to sign the appropriate contracts.

Eber Phelps moved, Daniel Rupp seconded, that the City Manager be authorized to sign the contracts for bids associated with Airport Improvement Project 08-09.

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

Commissioner Rupp asked about the status of the Downtown Railway Corridor Project. City Manager Zacharias reported that plans are being finalized and bids are to be let sometime in April.

Mayor Leikam reported that she spoke with representatives from Fort Hays State University regarding the air travel for people going to Louisville for the NCAA Division II playoffs. Travel from Salina is being promoted rather than flying out of Hays. The pilot of the 727 has the option of choosing where he wants to land. A 727 could land in Hays, however, Salina has a longer runway. Salina also has a embarking ramp and toilet dumping facilities.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board