

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 28, 1996

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, March 28, 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. She noted that Assistant City Manager Linton Bartlett is sitting in for the City Manager who is absent.

2. MINUTES: Jayne Clarke moved, Daniel Rupp seconded, that the minutes of the March 14, 1996, regular session, be approved.

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

3. FINANCIAL STATEMENT: Jayne Clarke moved, Eber Phelps seconded, that the Financial Statement for February, 1996, be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Rupp questioned why the City is having to pay \$8,500 for engineering fees to paint the Main Street Bridge. Public Works Director Elden Hammerschmidt said this project is cost shared with the

Kansas Department of Transportation. Plans and specifications are part of the criteria required by KDOT. If we want the funds, we have no choice but to comply.

6. CONSENT ITEMS: Eber Phelps moved, Jayne Clarke seconded, that Kathy Spicer be appointed to the Strategic Planning Implementation Committee, and Norma Noone be appointed to the Business Improvement District.

Commissioner Wuertz questioned the outcome of a meeting regarding the reconstruction of Canterbury Drive from 22nd Street to 12th Street. Public Works Director Hammerschmidt said the property owners along the east side of Canterbury favored closing the street entirely during construction after the area from 22nd to 21st is complete. This would allow for a deduct of \$17,200 to the contract.

Vote: Ayes: Sharon Leikam

Daniel Rupp

Eber Phelps

Jayne Clarke

Errol Wuertz

7. COLUMBINE DRIVE DRAINAGE STUDY: Bucher, Willis and Ratliff Engineer John Youll was present and reported on Phase A of the Columbine Drive Drainage Study. This portion of the study includes determining if a drainage ditch that would parallel Columbine Drive could adequately carry the anticipated runoff.

Engineer Youll said calculations have determined that a 2 foot to 2.5 foot deep ditch with an 8 foot or 10 foot bottom will handle a ten year frequency storm for this drainage area. He recommended that a ditch be constructed along the west side of Columbine Drive to carry the runoff through the project area. This will allow for the development of the land on the east side of the street. When development occurs north of Oakmont or west of Columbine, a storm sewer should be constructed.

Commissioner Rupp asked how much additional cost would be involved in building the ditch now, and a storm sewer sometime in the future. Mr. Youll said he does not have actual costs, but he estimated the storm sewer to be quite expensive.

Commissioner Rupp questioned whether it may be more cost efficient to install a storm sewer immediately. Engineer Youll said consideration was given to installing a storm sewer now, however, the question was how long will it be before development occurs on the west side of Columbine, and the storm sewer is utilized. It would not be cost efficient to install the storm sewer now, and not use it for approximately fifteen to twenty years.

Commissioner Rupp asked who would bear the cost of the drainage ditch. Assistant City Manager Bartlett said at this point, we do not have that answer. It may be a "wash"; part of the dirt removed for the drainage ditch may be used for back filling the street. If the cost of the ditch is significant, the cost issue will need to be addressed. The development policy states that storm sewer costs are paid by the City-at-large.

Assistant City Manager Bartlett said unless there are objections, the engineers will proceed with the street design. No objections were expressed by the Commissioners.

8. MANUFACTURED HOUSING CODE REPORT: Assistant City Manager Bartlett said Assistant Building Inspector Ron Michaelsen has done some preliminary research on a comparison between the HUD Code and ANSI Standards for manufactured housing. Just today, the City received a 166 page document that compares the two codes. City staff would like to table this report until the next meeting. This will give City staff adequate time to make a meaningful comparison. The Commission agreed to table the issue.

9. TAXI ORDINANCE: Assistant City Manager Bartlett said the recent start-up of the new taxi service in the community presented an opportunity to review the City's ordinance pertaining to taxi cabs since many sections of the ordinance date back to 1954. The proposed changes include changing inspection requirements from monthly to every six months, provides for an annual license fee of \$10.00 in addition to a fee of \$10.00 per vehicle, adds language more clearly spelling

out the ramifications of violations of the Ordinance, and states more specifically the reasons for which a taxi cab driver's license may be revoked.

It is recommended that Section 27-9 of the Ordinance dealing with Commission approval of a taxi license be deleted. It was felt that approval of a Taxi Cab License should be done by the City Manager instead of the City Commission in order to streamline the process, and to conform with other business licenses issued by the City, which are typically issued by the City Clerk or the City Manager.

Debbie Ford and Cindy Thayer, owners of Economy Cab, were present and objected to deleting Section 27-9 which addresses Commission approval. Ms. Ford pointed out that when they started their taxi service they had to come before the Commission and be serious about the business. Their concern was that if Section 27-9 is removed, anyone can get a taxi license. She pointed out that even after one year and seven months, they are still basically a one car operation. Requiring a proposed taxi cab operation to come before the Commission allows them, as well as the general public, the opportunity to voice concerns regarding another taxi operation.

Ms. Ford presented a petition from customers requesting that approval of a taxi license remain at the discretion of the City Commission.

Commissioner Clarke mentioned that she has a philosophical problem with government regulating businesses.

Commissioner Rupp said he recognized the importance of the taxi service, and the City is fortunate to have such a service. He would like to have some mechanism of protection for the survival of the service. If there is a need to have additional taxi services, he would not be opposed to competition.

Errol Wuertz moved, Daniel Rupp seconded, that the recommended revisions to the Taxi Cab Ordinance, be approved, with the stipulation that Section 27-9 remain a part of the Ordinance.

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

10. BALLFIELD IMPROVEMENT BIDS: Assistant City Manager Bartlett said bids were received for the second phase of the Ballfield Improvement Project. Rick Claiborn, Superintendent of the Hays Recreation Commission, appeared and explained that the facilities to be constructed include a shop addition at Speier Complex, a new concession building at the Stramel Complex, including a new women's restroom and conversion of the old concession stand to an umpire shack. The project at Speier Field will provide the Hays Recreation Commission with both a restroom and running water in their shop facility. The low bidder for this Project was Paul-Wertenberger Construction. The other bidder was Commercial Builders, Inc.

Paul-Wertenberger's bid of \$160,600, and the previous bid for fence work are within the total amount agreed upon between the City and the Hays Recreation Commission per the Interlocal Cooperative Agreement.

Daniel Rupp moved, Eber Phelps seconded, that the bid from Paul-Wertenberger Construction, totaling \$160,600, for improvements at Speier and Stramel ball fields, be accepted.

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

11. SLUDGE DRYING BEDS BIDS: Bids were received for the improvement of the sludge drying beds at the Wastewater Treatment Plant as follows:

Wes-Kan Construction	\$63,753.00
Hays, Kansas	

Allied, Inc. \$93,148.00
Hays, Kansas

Engineer's Estimate \$84,995.00

Daniel Rupp moved, Eber Phelps seconded, that the bid from Wes-Kan Construction, totaling \$63,753.00, to improve the sludge drying beds at the Wastewater Treatment Plant, be approved.

Commissioner Wuertz said he will vote no because he drove by the Wastewater Plant and saw Wastewater Treatment Plant personnel using a tractor to clean out the drying beds. Commissioner Rupp said a wet summer or winter can justify the cost of the project. To remove the sludge by hand can be a very tedious, time consuming job.

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

No: Errol Wuertz

12. CLARIFIER PROJECT CHANGE ORDER: Public Works Director Elden Hammerschidt said Change Order No. 1, in the amount of \$2,000, is due to the discovery of corrosion damage to the scraper support and weir plates on the Primary Clarifier during the cleaning operation included in the Contract. Originally, the Change Order was for more dollars, but the cost has been negotiated down due to the contractor exceeding the allotted number of days in the contract. In lieu of charging liquidated damages to the contractor, the cost has been reduced by approximately \$1,500.

Daniel Rupp moved, Jayne Clarke seconded, that Change Order No. 1, totaling \$2,000, to the Clarifier Painting Project, be approved.

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

Errol Wuertz

13. PARK MOWER BIDS: Bids for a 10 1/2 foot cut commercial mower were received on March 19, 1996, as follows:

Excel Industries, Inc. Hesston, Kansas	\$20,979.00
Modern Distributing Co. Wichita, Kansas	\$28,377.00
Robison's Lawn & Golf Wichita, Kansas	\$27,729.28

The bid from Excel Industries and Modern Distribution did not meet specifications. Parks Director John Shaver recommended the bid be awarded to Modern Distributing.

Errol Wuertz moved, Jayne Clarke seconded, that the bid from Modern Distributing for a mower to be used by the Park Department, be approved.

Commissioner Rupp questioned the specifications and wondered if the specifications were written specifically for a Toro mower. Park Director Shaver said the bid specifications were comprised of specifications from several mowers. He said two of the bids were very similar. The Toro was chosen because the City already has one Toro in operation, and it has proven to be a low maintenance, quality mower. Like mowers would reduce the parts inventory.

Commissioner Rupp said if that is the case, you may as well not go through the bidding process. The bidding process should be fair and competitive.

Jude Gottschalk, owner of Gottschalk Equipment Sales, Hays, Kansas, said he received an invitation to bid, but did not waste his time filling out the bid form. In his opinion, only one mower could meet the specifications. He felt that a better effort should be made to purchase equipment locally.

Vote: No: Sharon Leikam
Daniel Rupp
Eber Phelps

Jayne Clarke

Errol Wuertz

Assistant City Manager asked the Commission if they wished to rebid the mower. He said some valid points have been raised, but there has to be some specifications. It would not be fair to the equipment operators to use equipment that is below standards necessary to do the job.

The Commission decided to reject all bids and rebid the mower with broader ranges included in the specifications.

City Attorney John Bird suggested establishing a ranking system from the most important requirement to the least important. Operating and maintenance costs could be included in the ranking system.

Daniel Rupp moved, Errol Wuertz seconded, that the mower bids be rejected, and rebid.

Vote: Ayes: Sharon Leikam

Daniel Rupp

Eber Phelps

Jayne Clarke

Errol Wuertz

14. AIRPORT MOWER BIDS: Bids were received for a mower to be used at the Hays Municipal Airport as follows:

Central Prairie Implement \$11,200.00
Hays, Kansas

Modern Distributing Company \$12,628.00
Hays, Kansas

Robinson's Lawn & Golf, Inc. \$11,585.15
Wichita, Kansas

Excel Industries, Inc. \$14,950.00
Hesston, Kansas

D.C. Wholesale \$8,925.00
Hays, Kansas

Turf Tech \$12,916.00
Lenexa, Kansas

Daniel Rupp moved, Jayne Clarke seconded, that the low bid from Central Prairie Implement totaling \$11,200.00, for a mower to be used at the Airport, be approved.

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

15. POLICE VEHICLE BIDS: Bids, less trade-in, for three replacement patrol cars were received on March 21, 1996, as follows:

Olathe Ford Olathe, Kansas	\$49,590.00
Hays Ford Toyota Hays, Kansas	\$50,694.95
Paul MacDonald Chevrolet Hays, Kansas	\$63,800.00

Police Chief Lawrence Younger is recommending the low bid from Olathe Ford, totaling \$49,590.00, be accepted. The Police Department believes it is important to get the three new vehicles as soon as possible due to the high mileage on the existing patrol vehicles which could result in significant maintenance costs as the mileage continues to build. The advantage of the bid from Olathe Ford is they have the vehicles in stock, whereas the bid from Hays Ford indicated a delivery time of 120-150 days. The vehicles from Olathe Ford could be delivered immediately.

Assistant City Manager Linton Bartlett noted that the bid exceeds the amount budgeted by \$4,590.00. The Police Department plans to compensate for the overage by purchasing three new radar units instead of six, as previously planned.

A lengthy debate took place regarding the purchase of the vehicles. Paul Larsen, representing Hays Ford Toyota, was present and indicated that he found the present vehicles in good condition, and does not see a problem with waiting the 120 to 150 days for the new vehicles.

Police Chief Lawrence Younger said Mr. Larsen told him that unless an original purchase order was received by the Ford Manufacturer no later than March 29, 1996, the manufacturer would not guarantee that more police vehicles would be built. Mr. Larsen said he received confirmation from the manufacturer that they will guarantee delivery within 120 to 150 days if an original purchase order was received by March 29, 1996.

The Commission's desire was to purchase the vehicles locally. Chief Younger also preferred to purchase locally. The debate was whether or not Ford would actually be able to fill the order, and what would happen if the Ford manufacturer failed to produce the vehicles.

Eber Phelps moved, Daniel Rupp seconded, that the bid from Hays Ford Toyota, totaling \$50,694.95, including trade-in, for three police cars, be accepted, contingent upon being provided with a written commitment from the Ford manufacturing company, to deliver the vehicles within 150 days from the date of order, contingent upon the local dealer agreeing to accept the trade-ins as offered, and as tendered at the time, absent any major casualty damages to the units. Written consent from the Ford manufacturer must be delivered on or before April 1, 1996. If the commitment cannot be made as stated, the bid will be awarded to Olathe Ford.

Mr. Larsen said he will deliver a written commitment from the Ford manufacturer. However, he did not know if the commitment will meet line by line the expectations of the motion. City Attorney Bird said that is a risk you will take. If the commitment is not exactly as stated in the motion, the City will not be able to accept the bid.

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

16. RANS, INC. ANNEXATION: Assistant City Manager Bartlett said the proposed ordinance would annex 34.79 acres of property

currently owned by RANS, Inc. into the City limits. This annexation is being pursued in conjunction with an agreement passed in January of this year whereby the City is agreeing to pay up to \$31,000 for the construction of an 8" sewer line to service the RANS, Inc. expansion.

Daniel Rupp moved, Errol Wuertz seconded, that Ordinance No. 3363, being an ordinance annexing land into the city limits of Hays, Kansas, be approved.

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

17. ADD-ON ITEMS: Assistant City Manager Bartlett thanked City staff for the time and effort involved in preparation for Senator Dole's visit.

The Assistant City Manager and Commissioners extended congratulations to the Fort Hays State Tigers, NCAA Division II Champions.

Mayor Leikam pointed out that the plane in which Senator Dole was a passenger was a 727 Plane, and did land at the Hays Municipal Airport. She extended thanks to the City of Salina for providing stairs and sewer dumping equipment necessary for the landing.

Mayor Leikam read a note from Greg Stephens, of U.S. Air Express, stating that the Fly-Hays campaign is paying off. February, 1996, was a record boarding month of 311 passengers, a 78 percent increase over February, 1995.

Thereupon the Governing Body adjourned.

Submitted by: _____
Clerk of the Board

