

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON OCTOBER 24, 1996

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, October 24, 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 October 10, 1996, regular session, be approved.

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

3. FINANCIAL STATEMENT: Jayne Clarke moved, Errol Wuertz seconded, that the Financial Statement for the month of September, 1996, be approved.

City Manager Zacharias noted that sales tax collections to date are about \$1,000 above last year's collections for the same time period.

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

4. CITIZEN COMMENTS: Ron Hubbs, 3307 Thunderbird Drive, asked the Commission why the spring cleanup was discontinued.

Commissioner Leikam said the cost of a spring cleanup became prohibitive. Commissioner Phelps said City crews spent a great amount of time on the spring cleanup. It took city personnel away from street repairs and general city maintenance.

Mr. Hubbs said a total of \$100,900 was budgeted for travel and training, which Mr. Hubbs considered to be mini vacations for employees. This money could be used to finance a spring cleanup.

Mayor Rupp informed Mr. Hubbs that not all of the amounts budgeted for travel and training will be spent. Travel and training is necessary for certification of employees and education. The Convention and Visitor's Bureau travel and training funds are received from transient guest taxes, not property tax dollars. These dollars are used to promote tourism, and thus increase our sales tax base. Mr. Hubbs said the City Manager has given himself a hidden pay raise by calling it a car allowance. Mayor Rupp said the City Manager's car allowance is in lieu of being provided with a City vehicle. He uses his personal car for city business and should be compensated for it.

5. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

6. CONSENT ITEMS: There were no consent items for approval.

7. SERVICE AWARDS: Mayor Rupp recognized and presented service awards to Morris Denning for 25 years of service; and Daniel Roberts, Charles Rupp, Brian Scoby, and Donald Stejskal for ten years of service to the City of Hays.

8. ANNEXATIONS: An Ordinance annexing 2.131 acres of property owned by Randy Schlitter located on US Alternate 183 into the City of Hays was presented. A portion of this property was recently annexed. These particular acres were accidentally omitted from the legal description. The County Commission approved this annexation at their October 14, 1996 meeting.

Jayne Clarke moved, Sharon Leikam seconded, that Ordinance No, 3390, being an ordinance annexing 2.131 acres of property owned by Randy Schlitter, be approved.

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

An ordinance annexing 4.5 acres owned by Verlin Pfannenstiel located on East 33rd Street into the City of Hays was presented. This property involves the construction of a housing unit, assuming all rezoning, plating, and other development requirements are approved. This property can be annexed without County Commission consent by virtue of the fact that it is contiguous with the existing city limits.

Tracy Taylor, developer and President of Cohen-Esrey Housing Partners, Kansas City, Missouri, spoke to Commissioners about plans for a 56-unit apartment complex located east of Walmart.

Mr. Taylor said Cohen-Esrey focuses on non-metropolitan areas that are doing well in economic development. They recently completed a 97-unit housing development in Dodge City, and are about to begin a housing development in Independence, Kansas. Their approach is family-oriented; their market does not cater to university students or senior citizens. He emphasized their company is sensitive to existing landlords, and seeks to address the concerns of prospective neighbors.

Cohen-Esrey utilizes a federal tax credit program with ties to the Internal Revenue Service. A household income not exceeding \$20,000 to \$23,000 would qualify for lower monthly rent (about \$400 for a two-bedroom unit). Some units would not be linked to the tax credit program and would be available for people with higher incomes.

Mr. Taylor said Cohen-Esrey will not ask for a property tax abatement, but does hope to obtain a Community Development Block Grant. Deadlines on the tax-credit program have prompted Cohen-Esrey to get the project launched before the end of the year.

Eber Phelps moved, Sharon Leikam seconded, that Ordinance No. 3391, being an ordinance annexing 4.5 acres of property

owned by Verlin Pfannenstiel located on US Alternate 183 into the City of Hays, be approved.

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

9. ADA TRANSITION PLAN: In April of 1995, the Hays City Commission appointed an ADA Advisory Committee to work with City staff in preparing a self-evaluation report along with a transition plan for the City of Hays. To assist them in completing this charge, the Committee followed the guidelines of the "ADA Title II Action Guide for State and Local Governments". In addition, the organization of Living Independently in Northwest Kansas (LINK) was contacted to perform surveys of all City facilities which the Committee used to prepare a compliance checklist for those same facilities.

The ADA Advisory Committee has completed these tasks in addition to composing formal policies relating to a Grievance Procedure and Program Accessibility for the City of Hays. The final step of this process was a public hearing which was held Thursday, October 17, 1996, at City Hall, to hear complaints, suggestions, etc., from citizens regarding the proposed documents.

The Committee is recommending the ADA Self Evaluation and Transition Plan and public notice document be adopted by the City Commission.

ADA Committee members Eddie Tejada, I. B. Dent and Tom Robinson were present to review the Plan. Mr. Tejada said the ADA Accessibility Survey conducted by LINK has been thoroughly reviewed by the Committee. Recommendations were made in regard to accessibility changes and modifications, and the documented changes have been completed. Time tables were established for physical and program modifications to insure functional accessibility.

Mr. Dent said Personnel Director Susie Billinger deserves

much credit for the Plan being in place; she has done a tremendous amount of work towards getting the Plan completed. He also thanked Kent Laas and his staff, and Park Director John Shaver for their contribution to the Plan.

Mr. Robinson said a task force has been created to establish a data base for curb cuts. The compliance checklist was to be completed by January of 1997, however, he asked for an extension from January 1, 1997 to February 15, 1997.

Eber Phelps moved, Sharon Leikam seconded, that the City's American with Disabilities Act (ADA) Self Evaluation Report and Transition Plan, be approved, with an extension granted for completion of the compliance checklist to February 15, 1997, instead of January 1, 1997.

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

10. UNION CONTRACTS: Hays Firefighters Local 2119, Service Employees Local 513, and the Fraternal Order of Police Lodge 48, have submitted signed agreements for the City Commission's consideration. All entities have agreed to three year contracts expiring December 31, 1999, with the stipulation that health insurance will be discussed on an annual basis, along with one additional opener by each party, if notice is given to the other party prior to March 1. In addition, wages will become an annual opener if the Cost of Living Index (CPI) exceeds five percent in a calendar year. The Pay Plan allows for a 2 1/2 percent increase per year on an employee's anniversary date, subject to receiving a satisfactory evaluation.

All three agreements basically codify what was agreed to last summer during the negotiation process, and the monetary issued agreed upon through the adoption of the 1997 Budget. Some of the primary changes addressing all three contracts include: (1) a new section which outlines the Family Medical Leave Act; (2) clarification on the celebration of Christmas Eve

in the section on holidays; (4) an increase in the total health insurance budget for 1997 from \$563,000 to \$567,000 based on the number of full-time budgeted employees.

Jayne Clarke moved, Errol Wuertz seconded, that Memorandum of Agreements with the Fraternal Order of Police Lodge 48, Hays Firefighters Local 2119, and Hays Service Employees Local 513, be approved for a three year period.

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

11. DAKOTA STUDY: The City of Hays, in search of new water sources, applied for 860 acre feet of water rights in the Dakota Aquifer in 1992. Paul Montoia, Well Field Planner, said these water rights need to be certified. Under the Kansas Water Appropriation Act, after a perfection period, all new points of diversion must provide the State of Kansas with a safe yield study, or a study which proves to the Chief Engineer that the aquifer can yield in the long term the amount of water being requested.

Proposals for a safe yield study were received from Black & Veatch Engineers and the Kansas Geological Survey (KGS). In City staff's opinion, Dr. P. Allen Macfarlane with the Kansas Geological Survey is the best choice because of his background with the Dakota Aquifer.

The total cost of this project is \$81,519.00 over a two year period. The City's cost for the study will be approximately 30 percent (\$24,549.00).

Jayne Clarke moved, Sharon Leikam seconded, that City staff be authorized to develop a contract with the Kansas Geological Survey to conduct a safe yield study for the City's Dakota Wellfield.

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

12. COMMUNITY CENTER COMPLEX: City Manager Zacharias said the Community and Learning Center Complex Task Force and the Strategic Planning Implementation Committee have requested the Commission join them on a tour of the library and recreation facilities in the City.

The Commission set November 16 and November 23, 1996, as possible dates for the tour. City Manager Zacharias said he would discuss those dates with committee members and report back.

13. SALARY ADJUSTMENT: Under the current pay plan, all City employees are evaluated annually, and are eligible for a five percent increase in pay every two years. City Manager Zacharias noted that he has completed his fourth year of employment, and is eligible for a five percent salary increase. He said he wanted to dispel any possible rumors regarding his salary. He said he would never recommend a salary increase for himself, and certainly not a \$22,000 increase, as stated by Ron Hubbs earlier in this meeting. A salary increase is at the total discretion of the City Commission. His present salary is \$58,500; a five percent increase would be approximately \$2,925.00 per year. He said this is a bi-annual increase.

Jayne Clarke moved, Sharon Leikam seconded, that the City Manager's salary be increased by five percent, retroactive to September 25, 1996.

Mayor Rupp commented relative to Mr. Hubb's concern about travel and car allowance. The car allowance saved the purchase of a new vehicle. For all practical purposes, the City Manager is probably undercompensated for the use of his personal car.

Mayor Rupp said the Commissioners have done an individual evaluation of the City Manager, and discussed his strengths as well as his shortcomings, although there were very few

shortcomings.

Commissioner Leikam said she appreciates the City Manager, he is always available to address her concerns.

Commissioner Wuertz noted that the City Manager has a wealth of information, his questions have always been answered.

Commissioner Clarke said she does not think the public can appreciate the number of hours the City Manager works in a week's time, and the number of night events he attends. She appreciates his devotion to the City.

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

Mayor Rupp asked City staff to review the City signage requirements, and examine the height requirements. Signage can detract from the environment.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board