

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 24, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, April 24, 1997, at 7:30 p.m.

Roll Call: Present: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

2. MINUTES: Sharon Leikam moved, Wayne Billinger seconded, that the minutes of the April 10, 1997, regular session, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias distributed a graph to the Commission that indicated sales tax revenue is approximately \$23,000 higher this year compared to the same time period last year. City Manager Zacharias also pointed out that water consumption is stable and revenue is comparable to 1996.

Troy Hickman moved, Sharon Leikam seconded, that the Financial Statement for the month of March, 1997, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

4. CITIZEN PARTICIPATION PROGRAM: Stan Dreiling was welcomed

to the Commission meeting by the Mayor.

5. CITIZEN COMMENTS: Luella Barber and Kay Gottschalk, instructors of English IV/Community Involvement at Hays High School, invited the Commissioners to the Earth Day Fair to be held on Friday, April 25, 1997. Kelly Strecker, student, reported on the various activities to be conducted during the Fair.

6. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Hickman complimented the Police Department for their efforts in hosting a recent seminar for police chiefs from northwest Kansas and also the Citizen Academy.

Mayor Clarke asked the City Manager when the KLINK Resurfacing Project for US 183 would begin. City Manager Zacharias stated \$150,000 is available as soon as we get an approved project. Temporary work will be done this summer.

7. CONSENT ITEMS: Wayne Billinger moved, Troy Hickman seconded, that the following consent items be approved.

- A. Cereal Malt Beverage License for Patricia Ann Schlyer for Frank Stramel Softball Complex
- B. Action on this item was postponed to a future meeting.
- C. Mayor's appointments to Boards and Committees:

Board of Zoning Appeals

Eileen Deges Curl - Three year term expiring May 1,
2000

Library Board

Dave Coen - Four year term expiring April 30, 2001

Kent Steward - Four year term expiring April 30, 2001

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

8. CITY COMMITTEE REPORTS: Wilma Schmeller, president of the Hays Library Board, addressed the Commission. Mrs. Schmeller stated the Library's purpose is to assemble, preserve, and administer an organized collection of books and related educational and recreational materials in order to promote the communication of ideas, aid and enlighten citizenship, and to enrich personal lives. Mrs. Schmeller summarized the various activities and programs of the Library.

9. POOL OPERATION REPORTS: Hays Recreation Commission Superintendent Rick Claiborn reported that the Recreation Commission plans to operate all four pools through the summer of 1997. Municipal and Massey Pools will remain open until such time that a new pool is built, or until they cease to function efficiently. Wilson Pool will need to be made ADA accessible, and interior work will need to be completed on the existing building. Basic and routine repairs will be made to Sunrise Pool. Mr. Claiborn also stated there will be a slight increase in fees this summer due to the increase in the minimum wage.

Commissioner Leikam asked if scholarships would be available for use of the pools this summer. Mr. Claiborn stated that the Scholarship Policy was revised in August 1996, and it was decided to not offer scholarships for pool use.

10. WELLHEAD PROTECTION: Anne Millhollen, co-chairman of the Wellhead Protection Committee, addressed the Commission regarding the purpose and intent of the Wellhead Protection Committee and its efforts to protect water supplies. The WHPC was established in 1990 as a joint City-County committee with the mission of drafting and presenting to the City and County a wellhead protection program.

Paul Montoia, Well Field Manager, stated the Wellhead Protection Plan should be updated as needed and a comprehensive review should be done every three years beginning in 1998. The WHPC is a partnership within Ellis County, and will include representatives from each incorporated city within the county, and agencies with an interest in water pollution prevention. The WHPC is seeking the Commission's formal approval to endorse

the outline of the reconstituted Wellhead Protection Committee.

Wayne Billinger moved, Sharon Leikam seconded, the City of Hays endorse the outline for the formal organization of the Wellhead Protection Committee.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Howard Rome moved, Troy Hickman seconded, that Anne Millhollen be appointed as the City of Hays representative to serve on the Wellhead Protection Committee for a two year term.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

Mr. Montoia reported he has been notified that a grant for \$10,000 is being awarded to the City of Hays for wellhead protection activities. Sixty percent of the grant is being picked up by the Environmental Protection Agency and the Kansas Department of Health and Environment, and forty percent will be picked up by the City of Hays. Staff time is being considered as the City's forty percent, therefore, additional funds will not be requested. Mr. Montoia requested the City Manager be authorized to sign the Grant Agreement.

Sharon Leikam moved, Wayne Billinger seconded, that the City Manager be authorized to sign a Grant Agreement with the Environmental Protection Agency and the Kansas Department of Health and Environment for \$10,000 to be used by the Wellhead Protection Committee.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

11. PLAT APPROVAL: Community Development Coordinator Kent Laas presented the final plat of D & M Development located on old Highway 40 By-pass. The area was previously a storage yard for an oil field business. Lots 1 and 2 are not currently served with water, and this fact is made known in the plat and dedication papers. Until public water supply is made available to these lots, major structural improvements will not be possible. This area is also in the 100 year flood plain and any major improvements must be elevated or flood proofed. The Planning Commission voted 9-0 in favor of accepting the plat.

Sharon Leikam moved, Troy Hickman seconded, that the City accept the rights-of-way and easements associated with D & M Development Addition to the City of Hays, Kansas.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

12. ANNEXATION ORDINANCE: City Manager Zacharias recommended to the Commission that the ordinance authorizing the annexation of the roadway right-of-way of Commerce Parkway into the city limits be accepted. This follows the approval by the Ellis County Commission authorizing such annexation.

Sharon Leikam moved, Wayne Billinger seconded, that Ordinance No. 3402, being an ordinance annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

13. SPECIAL ASSESSMENT HEARING DATE: City Manager Zacharias noted that the public hearing for the special assessments on 41st Street Plaza First Addition, Columbine Drive, and Sykes Boulevard was to be held this evening. Due to computer problems at the Hays Daily News, the official notice was not published ten days in advance of the hearing. Therefore, the City Commission must reschedule the public hearing for May 8, 1997.

Troy Hickman moved, Sharon Leikam seconded, that Resolution No. 240, being a resolution providing notice of public hearing to be conducted by the Governing Body of the City of Hays on the 8th day of May, 1997, at 7:30 p.m. to consider proposed assessments for 41st Street Plaza First Addition, Columbine Drive, and Sykes Boulevard, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

14. ANNEXATION OF RIGHT-OF-WAY: In 1994 the area north of I-70 was annexed to the City of Hays. A special assessment district was created, to finance water and sewer improvements to the area. At that time the City Commission decided to annex only the properties affected, excluding the rights-of-way for Highway 183, Mopar Drive, and 41st Street. This was done with the full knowledge of the existing property owners. The decision at that time was to delay annexation of the roadway rights-of-way until such time the City was able to afford maintenance of these roadways and/or interest from property owners to create a special assessment district to improve roadways along Mopar Drive and 41st Street.

Recent concerns raised by some property owners in the area indicate the City should take over these roadways to increase the maintenance levels and provide a better roadway system to the area. Long-standing City policy has been that even if areas are annexed into the City, unless roadways are improved to City standards, they are not maintained by the City.

The decision of whether or not to annex the roadways north of I-70 has primarily been based upon financing. If the Commission would decide to annex this area, it is recommended the City provide maintenance only to those streets that currently meet City standards. At present, none of the streets in the area meet current city standards. Currently, maintenance is provided by Ellis County on Mopar Drive and 41st Street. The Kansas Department of Transportation maintains Highway 183. Upon annexation, maintenance for the roadways transfers to the City. The City does provide for snow removal.

If the Commission feels the City is in a position to be able to afford maintenance of these roadways, it may be appropriate to annex this area. An alternate strategy for annexation may be at such time when adjoining property owners to 41st Street or Mopar Drive establish a benefit district to make improvements to these roadway to City standards. At that point, the Commission could annex the area, accept additional right-of-way needed to construct streets, and create a special assessment district to finance these improvements. Until such time as adjacent property owners are willing to create a special assessment district, it may be appropriate to hold off annexation.

Commissioner Rome asked if this annexation would need to be done soon in order to plan for development north of I-70.

Commissioner Billinger stated that since that area is developing, there may soon be a consensus to create a special assessment district, and at that time the City could pursue acquiring the rights-of way.

City Manager Zacharias stated there is not unanimous support at this time to create a special assessment district for Mopar Drive and 41st Street. To create a special district for Highway 183 could be more problematic in that surrounding property owners could be forced to pay for what is a pretty good road right now.

Commissioner Hickman asked whether the property owners could contract with the City to do some special maintenance for

them, even though the roads are now maintained by the county and KDOT. City Manager Zacharias stated that would be possible, however, the City may not be as competitive as other contractors.

Mayor Clarke stated she did not want to set a precedent by changing our existing policy. The property owners have the option of creating a special assessment district and paying for their streets just like everyone else has done in the past.

No action was taken.

At this point in the meeting, former City Commissioner Errol Wuertz was recognized with a plaque for his service on the City Commission for the past two years.

15. SPRING CLEAN-UP: Spring clean-up was a long standing program in the City of Hays until 1995. The program was discontinued in 1995 due to the rising solid waste fees. At that time, the City instituted a special pickup program that allows any resident to contract with the City for the removal of solid waste for a fee. Over the last few years, sanitation rates have nearly doubled to \$11.50 per month to cover solid waste disposal. Reinstating spring clean-up would raise that fee approximately \$.90 more per month.

During the years that spring clean-up was in place, City staff noted many inequities in the system. There were many examples where existing City customers placed no items for collection, and many times property owners who were not City customers abused the service requiring several dump truck loads of material to be moved from the property. Some residents have expressed concern over increasing solid waste fees to pay for a system they do not use. Others, however, felt that such an increase would be appropriate if it cleans up the community.

Spring clean-up would often take our full compliment of street department employees 1 1/2 months to complete the program. Thus, their services were not used in repairing streets during the best season to do so.

Commissioner Billinger agreed there was an equity problem in regard to who uses the spring clean-up. He stated he would

like to see this done on a contract basis with a private entity.

Commissioner Hickman stated he felt the special pickup program works fairly well. Maybe we need to advertise this a little better. Recently, the City has started enforcing our property maintenance program more rigorously. Commissioner Hickman stated he feels we should delay restarting the spring clean-up until we can see if the two existing methods for maintaining property work. Spring clean-up would reduce the incentive of the other two programs.

Commissioner Leikam agreed the special pick-up program needs to be better advertised. She concurred with Commissioner Hickman's statements. Commissioner Leikam encouraged organizations to form committees to adopt a mile or a block and pickup trash. Also, the option of having a private entity provide some form of special clean-up should be explored.

No action was taken.

16. CHANGE ORDERS: Wayne Billinger moved, Sharon Leikam seconded, that Change Order No. 2 (final) for 1996 Street and Water Improvements to Sykes Boulevard, for a deduct of \$1,075, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

17. BIG CREEK/PRAIRIE ACRES AGREEMENT: Last September the City Commission authorized the Mayor to sign two agreements dealing with the payment of arrearages for both Big Creek Sewer Improvement District and Prairie Acres Sewer Improvement District. These agreements were reviewed by the Improvement Districts Boards who found some adjustments needed to be made in order to accommodate their existing customers. The most significant difference is in the division of the two documents into four individual documents. The second major difference is the allowance for Prairie Acres Sewer Improvement District to pay their arrearage over a five year period with interest. The

documents also show an increase in arrearages due to the ongoing dispute.

Howard Rome moved, Troy Hickman seconded, that the Mayor be authorized to sign agreements with Big Creek Sewer Improvement District and Prairie Acres Sewer Improvement District for payment of arrearages and for Supplemental Agreements to their existing contract.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

18. SMOKY HILL BIDS: Only one bid was received for the well rehabilitation of Smoky Wells No. 8, 11, 12, and 18. Layne Inc. from Wichita submitted a bid for a total of \$31,922.48 or \$7,980.62 per well. This includes phosphate treatment for all of the wells, however, the bid will be adjusted to \$4,427.68 per well if phosphate treatment is not required. Staff recommends the bid be accepted.

Sharon Leikam moved, Howard Rome seconded, that the bid from Layne Inc., Wichita, Kansas, in the amount of \$7,980.62 per well for a total cost of \$31,922.48, be approved.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

19. STOP SIGN: City Manager Zacharias displayed an overhead showing a map and traffic count for the area surrounding 29th Street and Barclay Drive. The traffic count indicates that most of the through traffic is on Indian Trail. Residents on Barclay have requested stop signs to slow speeding traffic along that street. The Traffic Advisory Committee recommends that stop signs not be placed on Barclay Drive and 29th Street. The Traffic Advisory manual states stop signs are not typically used to deter speeding.

Commissioner Rome said records indicate that there have not been enough accidents to warrant placing a stop sign. Do we need to wait for an accident to take action.

Commissioner Leikam disagrees with the idea that a stop sign does not slow down traffic. Commissioner Leikam has personally observed the speeding in that area and it is frightening. She would like to see stop signs placed there at least temporarily and see if speeding is deterred.

Commissioner Billinger stated he has observed the area also and would favor placing stop signs there.

Commissioner Hickman stated he studied the accident reports in that area, and he does not feel that stop signs would have prevented the accidents from happening. However, if the neighborhood feels strongly that speeding traffic would be slowed down by placing a stop sign, he would favor placing stop signs there and would like to reevaluate the situation in six months.

Errol Wuertz, 2720 Barclay Drive, encouraged the Commission to consider placing stop signs. He has witnessed numerous speeding vehicles in the area.

Rhona Geist, 2905 Barclay Drive, stated that when the Hays Sundance complex is completed at 33rd Street and Barclay Drive, traffic will increase. The curves are dangerous and there are quite a few children in the area. Mrs. Geist encouraged the Commission to place the stop signs.

Don Legleiter, 3203 Barclay Drive, stated he felt a stop sign would slow down the traffic, and we should not wait until there is a bad accident to place a stop sign at the intersection.

Howard Rome moved, Sharon Leikam seconded, that four-way stop signs be placed at the intersection of 29th Street and Barclay Drive, with a review of the traffic patterns in six months.

Vote: Ayes: Jayne Clarke
Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

20. ADD-ON ITEMS: Commissioner Leikam reported on recent conservation programs presented by Paul Montoia and herself to the local elementary schools on Earth Day.

Commissioner Leikam requested the City Manager schedule Pete Collins from Eagle Communications for an appearance before the Commission to discuss a tier rate schedule for Cable TV services.

Commissioner Rome stated the City of Great Bend has a movable sign that indicates the speed of approaching vehicles. Commissioner Rome wondered if the City would find such a sign useful. City Manager Zacharias stated the Police Chief has already discussed this with him. The cost of the units are quite high, however, the purchase of one could be discussed during the budget process.

Commissioner Rome requested staff research the issue of placing more street lights along 13th Street between Vine Street and Oak Street. City Manager Zacharias stated the neighborhood in that area was surveyed several years ago. The general consensus at that time was the people living along 13th Street did not want bright lights glaring into their homes. However, staff could resurvey that area again and bring back to the Commission cost estimates for additional lights.

Commissioner Hickman complimented Paul Montoia, Sharon Leikam, and Penny Postoak for their recent presentations to local schools regarding water conservation. He also thanked the Ellis City Commission for hosting the recent quarterly City-County meeting.

Commissioner Billinger stated he would like to speak for the entire City Commission, and say the City Commission intends to work with the Ellis County Commission in a very positive manner in the future. Between the two Commissions, great things

can be accomplished for this area.

Mayor Clarke also expressed her thanks for the recent water conservation programs at the schools. Mayor Clarke thanked Ellis County Commissioner Keith Kingsley for attending tonight's meeting.

The Mayor encouraged the other Commissioners to spend some time with the Police Department on a weekend evening. It was a learning experience and a great opportunity to see the Police Department in action.

Mayor Clarke also mentioned her concern about the litter along 41st Street between Hall Street and Thunderbird Drive.

City Manager Zacharias stated the construction workers in that area have been notified and encouraged to keep their debris from blowing. Also, a local group has recently adopted that area as an Adopt-A-Mile Project.

Mayor Clarke asked what the policy is on picking up tree limbs after a storm. Even though the City trucks have already gone through the community to pick up limbs, she feels there are still quite a few limbs in the streets creating a driving hazard. City Manager Zacharias stated that limbs falling in the street or near the roadway will be picked up after a storm. The City will not go down alleys, and discourages citizens from taking limbs from other locations in their yard and hauling them to the street. City crews can make another pass through the City to pick up any limbs that may have been missed.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board