

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 14, 1997

**1. CALL TO ORDER:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, August 14, 1997, at 7:30 p.m.

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

Absent: Wayne Billinger

**2. MINUTES:** Sharon Leikam moved, Howard Rome seconded, that the minutes of the July 24, 1997, regular session, be approved.

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

**3. CITIZEN COMMENTS:** Henry Herrman, 3104 Tam O'Shanter Drive, urged the Commission to locate a fire station in the northwest part of Hays.

**4. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Hannes Zacharias stated the Pool Task Force will be visiting pools in Manhattan, Lawrence, and Oakley this coming weekend. The Commissioners are invited to attend.

**5. CONSENT ITEMS:** Howard Rome moved, Sharon Leikam seconded, that the Commission accept a lease with Sykes Enterprises, Inc., for use of a portion of the Municipal Park located at 4th & Oak Streets for Saturday, September 13, 1997. Commissioner Hickman stated he will abstain because he is employed by Sykes Enterprises.

Vote: Ayes: Jayne Clarke  
Howard Rome  
Sharon Leikam

Abstain: Troy Hickman

**6. BUDGET HEARING:** Mayor Clarke opened the public hearing to receive comments regarding the proposed 1998 Budget.

Mary Ann Thompson, president of the Humane Society of the High Plains, addressed the Commission regarding funding in 1998. Ms. Thompson stressed that City funding is not for payment of the Humane Society Building building, but for operating costs. The building was donated by Paul Miller. Ms. Thompson also asked if the City will be taking bids on animal control services or continue to contract with the Humane Society. The Humane Society would like to plan its budget for 1998, however, not knowing whether or not they will do animal control for the City puts them in a bind. Mayor Clarke stated that in the near future the Commission needs to make a decision on this matter.

Commissioner Rome stated the City should go ahead and set aside the funds for the Humane Society. Mayor Clarke stated this is a public hearing on the budget, and the issue should be discussed outside of the budget hearing.

Ed Brungardt, 1306 Western Plains, addressed the Commission regarding the cuts in social services. Mr. Brungardt feels these cuts should not have been made, and he suggested some of the funding from economic development be used to replace the funding cuts made to social service agencies. Many of the services provided by these agencies are needed to help out the poor, elderly, and disadvantaged in our community.

Mayor Clarke stated she has heard comments regarding the resource juvenile officer and the hiring of three additional firemen and would like to clear up any misunderstanding. The juvenile officer is intended to handle the increasing requests from schools and other organizations for presentations ranging from general safety to physical abuse. The purpose of this position would be to have the resource juvenile officer specifically trained to work with juveniles, address and present meaningful information, and coordinate the increasing requests for community education.

The hiring of three additional firemen would be to assist with fire and building inspections, accident call-outs in the

city and county, in addition to their regular duties as a fireman. With the expected growth of Hays, there will need to be an additional fire station built sometime in the future. The Commission choose to gradually add firemen so that at the time a new fire station is built, personnel will be trained and the transition will be easier.

Mayor Clarke said this budget is a budget of compromise. Some requests were denied completely or only partially funded. She thanked City staff, department heads and Commission members for their time and input.

Commissioner Leikam concurred with the Mayor's remarks. She stated it was a hard decision to make cuts to funding for social service agencies, however, cuts needed to be made to fund basic city services.

Commissioner Rome stated hiring three additional firemen is the first step in the process of establishing a second fire station.

Commissioner Hickman stated that if sales tax revenue is higher than estimated, he would like the Commission to consider restoring the funding for social service agencies to their full request.

Theresa Davidson, principal of Hays High School, addressed the Commission regarding regarding support for the resource/juvenile officer position to be funded in 1998. Mrs. Davidson stated she feels it is important for students to get to know police officers in a positive way. That officer will not be taking care of discipline at the school. In times of need or crisis situations, that individual will be knowledgeable with the school buildings layouts and will be used for assistance.

There being no further comments, Mayor Clarke closed the public hearing.

**7. BUDGET ADOPTION:** Sharon Leikam moved, Troy Hickman seconded, that Ordinance No. 3415, being an ordinance approving, adopting and appropriating by fund the budget of the City of Hays, Kansas, for the year beginning January 1, 1998, be approved.

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

**8. FUNDING REQUEST FOR 1997:** Carol Eddy, representing the Hays Beautification Committee, stated the Committee has raised almost \$7,000 from private sources to fund new Christmas decorations for downtown Hays. The Committee is requesting that \$7,000 in leftover funds from the 1997 Budget that were to be allocated to the Business Improvement District, which disbanded in 1997, be reallocated for Christmas decorations.

The Fly-Hays Committee has also requested that any remaining funds be reallocated to continue Fly-Hays promotion activities.

Sharon Leikam moved, Troy Hickman seconded, that \$7,000 of 1997 BID funding be reallocated to the purchase of holiday decorations for downtown Hays, and the remaining \$500 be reallocated to the Fly-Hays campaign.

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

**9. 46TH STREET ADDITION AFFORDABLE HOUSING:** James Desbien and Ron Wente, representing Western Plains Service Corporation and Golden Belt Banking, addressed the Commission regarding affordable housing in Hays. In order to provide affordable housing in the 46th Street Addition, Mr. Desbien is requesting that the Commission consider allowing 31 foot streets and "R-3N" zoning. "R-3N" zoning would allow higher density in traditional neighborhoods. Western Plains would also require the annexation of 46th Street Addition, and the extension of city services.

The estimated costs of bringing streets, sewer and water from 41st Street Plaza 2nd Addition to 46th Street Addition will be approximately \$215,000 and will be the responsibility of Western Plains.

When the area between the two additions is developed, Western Plains is requesting the City to agree to allow these costs as part of their 30% developer's share. Western Plains is also requesting that they be allowed to provide an alley grade surface from the north end of Smoky Hill Drive on 42nd Street to the 46th Street Addition. This secondary access would be chained, and used only by public/emergency personnel until the next area between the two additions is developed, at which time Smoky Hill Drive will be paved. Madison Drive would be paved from 41st Street to 46th Street, and would provide access to the 46th Street Addition.

Mr. Wente stated there is a need for affordable housing in Hays and they are trying to meet that need. The package as presented has been studied by City staff, the Planning Commission, and engineers.

Mr. Desbien stated affordable housing, in his opinion, is between \$75,000 to \$85,000, and those are the kind of homes that would be built in the 46th Street Addition. There would be approximately 47 lots in the addition, with most of them being 60 foot lots.

Mr. Desbien stated they are not requesting any action be taken this evening, they are merely presenting information at this time. They are looking for a consensus of the Commission as to whether they are on the right track.

Commissioner Rome stated we do need affordable housing and he appreciates Western Plains efforts at providing it.

**10. NEW "R-3N" ZONING DISTRICT:** Kent Laas, Community Development Coordinator, stated "R-3N" zoning would be a new classification added to the Zoning and Subdivision Regulations. This classification is similar to the existing "R-3" Two Family District classification, with several exceptions. The minimum side yard is reduced from seven feet to five feet, front yard

setbacks are reduced by five feet to twenty feet, and rear yard setbacks are reduced from twenty-five feet to fifteen feet. The Board of Zoning Appeals may grant a "special use" permit to allow retail sales of convenience goods and services in a "R-3N" zoning district. The Planning Commission has reviewed this and depending on the outcome of the Commission's deliberation, this issue would go before the County Commission.

Mayor Clarke asked what would happen if the "R-3N" zoning district is approved, but 31 foot streets were not approved?

Mr. Laas stated that would have no effect. It would still be a viable option and could be used anywhere within our community.

Howard Rome moved, Sharon Leikam seconded, that City staff prepare an ordinance creating a "R-3N" zoning district.

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

**11. 31 FOOT STREETS FOR NEW DEVELOPMENT:**

Commissioner Leikam stated there are many people in the community opposed to 31 foot streets. Commissioner Billinger has indicated that he is opposed to 31 foot streets. Commissioner Leikam feels the 31 foot street issue should tabled until Commissioner Billinger is present.

Ron Wente, president of Golden Belt Banking, stated that if there is controversy on this issue, addressing it tonight would help get some of the facts out to the public.

Commissioner Rome stated he feels we should let Mr. Wente give his presentation this evening. This would enlighten the public and answer some questions.

Sharon Leikam moved, Jayne Clarke seconded, that this issue be tabled until the August 28, 1997, regular Commission meeting.

Vote: Ayes: Jayne Clarke  
Troy Hickman  
Sharon Leikam  
No: Howard Rome

**12. REZONING:** The proposed rezoning change is for the south 45 feet of Lot 9, and all of Lots 10, 11, and 12, Block 8, Golden Belt Eight Addition. The rezoning change would be from "R-3" Two Family Dwelling District to "R-4" Multi-Family Dwelling District. Plans are to build one 8-plex structure with a one car garage per unit on this property. The 8 unit density would be no greater than building 4 duplexes in the same space.

Sharon Leikam moved, Troy Hickman seconded, that Ordinance No. 3412, being an ordinance rezoning a tract of land situated on the south 45 feet of Lot 9, and all of Lots 10, 11, and 12, Block 8, Golden Belt Eight Addition, more generally located at 1305 through 1311 Anthony Drive, City of Hays, Ellis County, Kansas, from "R-3" Two Family Dwelling District to "R-4" Multi Family Dwelling District, be approved:

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

Howard Rome moved, Troy Hickman seconded, that the Site Plan for the south 45 feet of Lot 9, and all of Lots 10, 11, and 12, Block 8, Golden Belt Eight Addition, be approved.

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

**13. DECHANT ROAD WATER LINE EXTENSION:** Pending development in the vicinity of 17th Street and Dechant Road, along with the fact that the Kansas Department of Health and Environment is prepared to provide public water service to Heartland Academy and Dance to replace their contaminated private water well, brings this issue before the Commission. The current public water supply ends at the intersection of 17th Street and Dechant Road, which is approximately 150 feet from the property under consideration for development. The developer has agreed to contribute \$10,500 to the project, that being the amount they would have spent to connect to the existing water main on Vine

Street. KDHE is prepared to contribute \$5,000 towards the extension, leaving \$5,000 to be borne by the City-at-large.

The area in question, as well as the area to the north lacks an adequate public water supply. This could be the first step towards getting public water mains extended and connected to existing water mains on East 22nd Street. The developer is willing to grant a permanent water line easement to the City for this installation. This easement would be 25 feet along the west right-of-way of Dechant Road. Dechant Road is an under maintained roadway with only a 35 foot right-of-way. If and when it becomes advantageous for the developer to have public access to the rear of his development, he will dedicate this same 25 feet as street right-of-way and participate in the cost of paving that section of Dechant Road.

Sharon Leikam moved, Troy Hickman seconded, that the City be authorized to participate in the placement of a water line on Dechant Road, up to a cost of \$5,000.

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

**14. AUDIT REPORT:** Ken Beran, representing Adams, Brown, Beran and Ball gave the 1996 Audit Report. He stated that the City of Hays is financially sound, and received no budget or cash violations in 1996.

Mr Beran noted that during the audit of Federal Grants, three findings were noted involving the late filing of required reports, inadvertently requesting reimbursement under the wrong grant, and failure to utilize proceeds from the sale of land secured with grant proceeds in the appropriate manner. In each case, the City has taken corrective action to correct the situation. Because of the potential loss of funding from Federal Grants, an increased effort in complying with Federal Grant rules and regulations should be emphasized.

Sharon Leikam moved, Troy Hickman seconded, the the 1996 Audit Report be approved, as presented.

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

**15. CHANGE ORDER:** City Manager Zacharias reported that Change Order No. 1 (final) for Taxi-way F, and Change Order No. 1 (final) for construction of the Fire Station, and water and sewer lines for the Hays Municipal Airport, are for a total cost of \$7,421.19. This cost will be borne by the City, however, we may get some reimbursement from the FAA. That may not be forthcoming depending on the grant. The City had to reimburse the FAA for the purchase of the Sykes' property and that changed the 90/10 ratio of the grant. This change order was modified somewhat because Bucher, Willis and Ratliff did absorb some of the expense for this activity. City Manager Zacharias recommended these change orders be accepted.

Howard Rome moved, Sharon Leikam seconded, that Change Order No. 1 (final) for Taxi-way F, and Change Order No. 1 (final) for construction of the Fire Station, and water and sewer lines, for the Hays Municipal Airport, be accepted.

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

**16. CHANGE ORDER:** City Manager Zacharias presented Change Order No. 1 (final) for 41st Street Plaza Second Addition in the amount of \$1,386.13. The cost of this change order will be borne by the Special Assessment District. This change order is necessary because easements for the storm sewer have not been acquired, therefore, Alternate No. 2 in the bid documents is required. Under Alternate No. 2, the contractor will return at a later date to construct a five foot section of curb and gutter on each side of the inlets. These sections of curb and gutter were omitted to allow water to drain from the cul-de-sacs until the storm sewer is completed. Additional compacted backfill was needed on this project which was not noted in the original

engineering design. Some late revisions made to the location of service assemblies caused the difference in final quantities.

Commissioner Leikam stated she did not like the idea of this remaining unfinished due to not all of necessary easements being obtained. Commission Leikam asked whether the Commission could wait on approving this change order until someone from Western Plains Development was present to address her concerns.

Mayor Clarke stated that to delay approving this change order would only penalize the contractor, it would not get the easement issue resolved. Four lots cannot be sold until the easement is obtained and that hampers Western Plains somewhat.

Commissioner Leikam stated she did not want to penalize the contractor, but feels Western Plains Development needs to resolve this immediately.

John Youll, Bucher, Willis and Ratliff said Western Plains is trying to resolve this without getting attorneys involved.

Howard Rome moved, Troy Hickman seconded, that Change Order No. 1 (final) for 41st Street Plaza Second Addition, be accepted.

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

**17. KDOT DESIGN/BUILD SERVICES:** City Manager Zacharias recommended the Commission approve a request from KDOT to enter into an agreement for design/build services with Bucher, Willis and Ratliff for construction of improvements associated with the new KDOT facility on Highway 183 Bypass. This contract is between the City of Hays and Bucher, Willis and Ratliff, however, the full \$349,000 will be paid for by KDOT through reimbursements to the City.

One area of dispute is regarding the full amount to be reimbursed to the City for the \$9,000 associated with placing the sewer line at a 20 foot depth to accommodate future growth to the north. KDOT has agreed to pay for this charge, however,

if at any time in the next ten years should someone develop north of I-70 or in that area and take advantage of the increased depth, KDOT would get paid back. This will be stated in an agreement in the form of a letter.

Sharon Leikam moved, Troy Hickman seconded, that the request from KDOT to enter into an agreement for design/build services with Bucher, Willis and Ratliff, be approved.

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

**18. UNIFORM PUBLIC OFFENSE CODE:** City Manager Zacharias stated the most recent version of the Uniform Public Offense Code needs to be adopted so when the City goes to court, the City has a more defensible position.

Troy Hickman moved, Howard Rome seconded, that Ordinance No. 3414, being an ordinance regulating public offenses within the corporate limits of the City of Hays, Kansas, incorporating by reference the "Uniform Public Offense Code for Kansas Cities," Edition of 1997, and repealing Ordinance No. 3373 of the Code of Ordinances of the City of Hays, Kansas, be approved.

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

**19. STANDARD TRAFFIC ORDINANCE:** Troy Hickman moved, Sharon Leikam seconded, that Ordinance No. 3413, being an ordinance regulating traffic within the corporate limits of the City of Hays, Kansas, incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," Edition of 1997, providing certain penalties and repealing Ordinance No. 3374 of the Code of Ordinance of the City of Hays, Kansas, be approved.

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

**20. FINANCIAL ADVISOR AGREEMENT:** City Manager Zacharias stated this agreement is identical to the current agreement the City has with George K. Baum and Company. This agreement will be put out for bid in 1999.

Sharon Leikam moved, Troy Hickman seconded, that the City extend the Finance Advisor Service Agreement with George K. Baum and Company to December 31, 1999.

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

**21. ADD-ON ITEMS:** City Manager Zacharias stated that fire hydrants in the City are being flushed to clean out sedimentation and deposits that may be in the line. This can cause the water to be discolored, but it is necessary maintenance. City Manager Zacharias informed the Commission of the upcoming Kansas League of Municipalities Conference which will be held October 12-14 in Topeka. He urged the Commissioners to attend.

City Manager Zacharias said a program called "Light Up Hays" is being promoted by the Community Policing and Leadership Hays groups. Homes in Hays are encouraged to turn their porch lights on on alternate nights.

Commissioner Rome asked if the City Manager was asked to participate in the talks concerning the northwest passageway? Mr. Zacharias said he has not been included in any intensive talks.

Commissioner Rome asked if the City was going to go through the bidding process for animal control or whether the City would contract with the Humane Society for \$71,500. City Manager Zacharias said that decision still needs to be made, and could be an item on the next agenda.

Mayor Clarke emphasized approving the budget was merely the setting aside of dollars for services. It does not designate where that money will go.

Thereupon the Governing Body adjourned.

Submitted by \_\_\_\_\_

Clerk of the Board