

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 23, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, January 23, 1997, at 7:30 p.m.

Roll Call: Present: Jayne Clarke
Errol Wuertz
Sharon Leikam
Absent: Daniel Rupp

Vice-Mayor Clarke declared that a quorum was present, and called the meeting to order.

2. MINUTES: Errol Wuertz moved, Sharon Leikam seconded, that the minutes of the January 9, 1997, regular session, be approved.

Vote: Ayes: Jayne Clarke
Errol Wuertz
Sharon Leikam

3. COMMISSION VACANCY: Sharon Leikam moved, Errol Wuertz seconded, that Dr. Robert Albers be appointed to complete the unexpired term vacated by the resignation of Eber Phelps.

Vote: Ayes: Jayne Clarke
Errol Wuertz
Sharon Leikam

City Clerk Carol Sue Grabbe administered the Oath of Office to Dr. Albers.

4. FINANCIAL STATEMENT: City Manager Hannes Zacharias pointed out that total sales tax revenue for 1996 is approximately \$11,000 less than the total amount of tax collected in 1995.

Sharon Leikam moved, Robert Albers seconded, that the Financial Statement for the month of December, 1996, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers

Errol Wuertz
Sharon Leikam

5. CITIZENS COMMENTS: Terry Bruce, Vice-President of the Fort Hays Student Body, addressed the Commission regarding the FHSU Scholarship Program. Mr. Bruce presented a petition signed by FHSU students urging the Commission to reinstate the full \$100,000 funding for the Scholarship Program. Several students who have received scholarships thanked the Commission, and urged continuance of the program.

Ray Winters, citizen, questioned whether there would be a town meeting to receive comments regarding the proposed new library. Commissioner Clarke stated if the Library Bond Issue is placed on the ballot, a town meeting separate from a City Commission meeting, would most likely be held. The library issue will be Item No. 8 on the agenda, and comments will be received at that time.

6. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Wuertz commended meter reading foreman Mark Darnall for his efficient handling of a water metering problem.

City Manager Zacharias stated the City will be receiving insurance funds to replace the roof and other areas that were damaged as a result of a fire at the shelter house in Frontier Park. Commissioner Wuertz questioned why architectural services would be needed to replace the roof. Mr. Zacharias stated that in order to receive competitive bids, he felt it was necessary to secure architectural advice.

7. CONSENT ITEMS: Robert Albers moved, Sharon Leikam seconded, that fines and court costs in the amount of \$5,000.00, and water and sewer accounts in the amount of \$1,309.58, be deemed uncollectible and removed from accounts receivable.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

8. LIBRARY BOND ISSUE: Commissioner Leikam suggested this issue be tabled until the next meeting since Mayor Rupp is absent.

Voting on the issue tonight may result in a split vote.

Commissioner Clarke stated she is hearing quite a bit of feedback from the community, and she has some questions and reservations about placing the issue on a ballot. She would like to know exactly where the library will be built, what will be done with the existing library, and why the Hays Library has 30% more volumes than a library in a comparable size town. Commissioner Clarke stated she is prepared to vote no until those questions are answered. Library Director Melanie Miller stated the specific site would be announced prior to the election.

City Attorneys John Bird stated there is a clause in the deed stating should the library cease to operate in the present building, the land reverts back to Ellis County. However, that is not a final answer, there may be some other aspect that needs to be explored.

Commissioner Clarke stated there are many issues that will come before the Commission in the next three to five years. Limited dollars means that items will need to be prioritized and funds spent wisely. Programs may need to be cut from the General Fund, or the City will need to be removed from operating under the tax lid. There is a limit on what we can ask the taxpayers to pay. Commissioner Clarke feels it is the Commission's responsibility to study the many items that will need to be funded by the taxpayer. The library would not fall into Commissioner Clarke's top three items needing attention. She feels street repair, water development, and a new swimming pool have higher priorities.

Dodie Anderson, Library Board Vice-President, stated she felt the citizens of Hays should make the decision on whether or not to build a new library, not the City Commission.

Commissioner Leikam stated she is hearing taxpayers express concerns about the library spending money on a location when free land is available on East 13th Street. Commissioner Leikam feels a town meeting prior to the Commission voting on the issue would be wise. She was in favor of exploring the option of a

new library versus remodeling the present library when it was discussed two years ago. She will vote in favor of placing the issue on a ballot because she feels every citizen should have the opportunity to speak.

Commissioner Albers said he felt citizens would not vote for this issue until they have answers. Tabling this motion would result in a shorter time for education. Commissioner Albers favors adopting the resolution this evening authorizing a bond issue. If the educational process doesn't inform the voters to their satisfaction, the issue will not pass. Commissioner Albers urged the Library Board to start educating the public immediately.

Commissioner Wuertz stated he too would like Mayor Rupp's input before voting.

Errol Wuertz moved, Sharon Leikam seconded, that voting on a resolution authorizing a bond election concerning the question of whether or not to issue General Obligation Bonds to construct new library be tabled until the February 13, 1997, meeting.

Vote: Ayes: Jayne Clarke
Errol Wuertz
Sharon Leikam
No: Robert Albers

9. FHSU SCHOLARSHIP PROGRAM: City Auditor Ken Beran, representing Adams, Brown, Beran and Ball, addressed the City Commission. Mr. Beran presented data which documented declining revenue, resulting in a low cash carry-over of 1996 funds. Mr. Beran pointed out that the cash carry-over is \$80,000 less for January 1, 1997 compared to January 1, 1996. He recommends the City have enough carry-over to cover approximately three months of expenses.

Dr. Ed Hammond, president of Fort Hays State University, addressed the City Commission. Dr. Hammond summarized the Scholarship Program, stating this program has been a major factor in recruiting and retaining students. The Scholarship Program for 1997 was reduced from \$100,000 to \$82,500 during the formulation of the 1997 Budget due to declining revenue

estimates. Dr. Hammond stated that it was his understanding that if, during the mid year review, those estimates used for revenue projections were too conservative and revenue exceeded those estimates, the Commission would consider restoring funding to the full \$100,000. After reviewing the end of the year figures, Dr. Hammond feels the City has the necessary funds to restore \$17,500. He said FHSU has never solicited the Commission for any additional funding over the \$100,000. The University's share of funding for this program has increased 68 percent from the 1989-90 academic year.

Commission Albers questioned how much cash carry over the University had each year? Dr. Hammond stated the University is not allowed to have a cash carry over; excess funds are turned over to the State. Each year the University starts with a zero balance and builds from there. Scholarship funds cannot come from the University's budget; they are funded from outside sources.

Commissioner Leikam stated the City has budget constraints, and she feels the \$17,500 can be used on other items. Without additional revenue in the General Fund, funding basic services will become more difficult each year.

Commissioner Leikam asked Dr. Hammond why he did not want this item placed on the ballot, and let the voters decide if a mill levy should be assessed for scholarship funds? Dr. Hammond replied that he could not see asking the taxpayers for more money when there is over \$1,000,000 in funds that are carried over from the previous year. Secondly, the process of the City voting on this partnership is a good process to go through every year. Dr. Hammond thinks the City's General Fund cash-carry over is excessive, and the City could afford to reinstate \$17,500 for scholarships.

Commissioner Wuertz commented that initially the Commission wanted to cut funds by 50%. Taxpayers are telling him to stop funding FHSU. Funds have been cut to other agencies also. If funds are restored to FHSU, the other agencies may also be expecting to be reinstated to their full requests. Alternate

ways of funding these requests needs to be explored.

Commissioner Albers stated funding for items outside of basic services is becoming extremely difficult. Local tax sentiments are that everyone wants to pay less taxes, but they want the same services or better services. Services must be reduced. It is only fair to all of the agencies funded with tax dollars, that the Commission not reinstate the \$17,500 in scholarship funds.

No action was taken.

10. NCK TECHNICAL SCHOLARSHIP PROGRAM: Neal Cassel, Dean of the Hays campus of the North Central Kansas Technical College, appeared before the Commission requesting the establishment of a scholarship program for the school. Mr. Cassel presented information about the history of the school, enrollment, and tuition fees.

No action was taken.

11. SCHOLARSHIP BALLOT QUESTIONS: City Attorney John Bird stated there are not any specific statutory provisions to place such an issue on the ballot. Options for funding scholarships would be to either charter out of the tax lid, or skip that step completely, and submit the issue to the voters. This would give the public the opportunity to state their preference. If action is taken by the next meeting, there would be time to place the issue on the April 1, 1997, ballot.

Commissioner Clarke said since Dr. Hammond has indicated the University does not want to pursue this avenue of funding, she is inclined to not press the issue.

The Commission concurred with Commissioner Clarke's statement. No action was taken.

12. HAYS RECREATION COMMISSION: Rick Claiborn, Director of Hays Recreation Commission, addressed the Commission. Mr. Claiborn gave an overview of the programs, facilities, and administration of the Recreation Commission. Mr. Claiborn stated 1996 was one of the finest years ever. He thanked the City of Hays for their support and help throughout the year.

Mr. Claiborn requested permission for the Recreation

Commission to develop a skatepark at the Aubel-Bickle Park at 29th and Grant Street. The Optimist Club has agreed to assist with funding as one of it's projects. The estimated cost for development is \$32,000. The Recreation Commission has already raised \$22,000 in private donations to fund the skatepark. Mr. Claiborn stated he has checked with the City's insurance carrier, and there would not be any automatic rate increase due to the construction of the park. Mr. Claiborn also checked with several cities that have skateparks, and has found this to be true. The Recreation Commission is not asking the City for any funds beyond the amount already budgeted, they simply want to gain formal permission for the construction of the facility.

Miki Armstrong, Hays Recreation Commissioner, stated the development of this park won't necessarily stop the kids from skating on Main Street. Hopefully, this will help by giving the kids an alternate site. This would be a park for everyone to utilize. Young children could be taken there to learn how to skate. Glenn Teel, citizen, stated he felt the development of this park is a good idea, and should be pursued.

Errol Wuertz moved, Sharon Leikam seconded, that the Hays Recreation Commission be granted permission to construct a skatepark at Aubel-Bickle Park.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

13. WELLHEAD PROTECTION COMMITTEE: This item was postponed until the next meeting at the request of the Wellhead Protection Committee.

14. TALLGRASS ADDITION ANNEXATION: Because the applicant made a zoning change request while the area was outside of the city limits, the Ellis County Commission, at its January 13, 1997 meeting, approved a zoning change from "A-L" Agricultural to "R-1" Single Family Dwelling District. The owners are now requesting annexation to the City. The plat has been reviewed and approved by the Planning Commission.

Commissioner Wuertz asked whether this development would be considered in the long term water and sewer study. Public Works Director Elden Hammerschmidt stated this area will be studied and guidance will be given before final plans are drafted. City Manager Zacharias stated storm drainage is probably more of a concern than water and sewer lines at this time. Bucher, Willis and Ratliff, along with the Public Works Department, have reviewed plans for storm sewer drainage, and the property owners have incorporated some of the engineer's suggestions in their storm drainage designs.

Commissioner Albers asked whether there was a mechanism within the zoning process that could limit the developer's expansion, if their expansion is much faster than anticipated, and before the City could provide an alternate route for drainage? City Manager Zacharias stated the City could in effect stop any expansion by not approving either the plats or the installation of water and sewer lines, if the expansion was proceeding too fast.

Robert Albers moved, Errol Wuertz seconded, that Ordinance No. 3396, being an ordinance annexing land to the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

15. SPECIAL ASSESSMENT DISTRICTS: When Western Plains Service Corporation initiated the development of 41st Street Plaza 1st Addition, the infrastructure was planned and designed to accommodate the entire addition. However, at a point in that development, the developer chose to phase the project. The first phase consisted of Truman Circle, Washington Circle (east of Smoky Hill Drive) and Smoky Hill Drive. The second phase consisted of Washington Circle (west of Smoky Hill Drive).

Based on that approach, City staff created potential benefit districts. During the process of validating and completing the creation of these districts, it was found that

four of the lots in the second phase (Lots 5,6,7, and 13, Block 1), are served by a sanitary sewer funded in the first phase. Bond counsel advised one solution would be to have the developer submit a new petition and consider the adoption of new resolutions to correct the problem. Western Plains has submitted a new petition, and the necessary resolutions have been redrafted.

Errol Wuertz moved, Sharon Leikam seconded, that Resolution No. 227, being a resolution setting out the findings and determination of the Governing Body of the City of Hays, Kansas, on the advisability of the installation of water lines, sanitary sewer lines, and the grading, paving, curbing and guttering of Smoky Hill Drive, Truman Circle and a portion of Washington Circle all to be located in the 41st Street Plaza 1st Addition to the City of Hays, Kansas, be approved, and further that;

Resolution No. 228, being a resolution proposing the following improvements: the installation of water lines, sanitary sewer lines, and the grading, paving, curbing and guttering of Smoky Hill Drive, Truman Circle, and a portion of Washington Circle all to be located in the 41st Street Plaza 1st Addition to the City of Hays, Kansas, be approved, and further that;

Resolution No. 229, being a resolution setting out the findings and determination of the Governing Body of the City of Hays, Kansas, on the advisability of the installation of water lines, sanitary sewer lines, and the grading, paving, curbing and guttering of a portion of Washington Circle all to be located in the 41st Street Plaza 1st Addition to the City of Hays, Kansas, be approved, and further that;

Resolution No. 230, being a resolution proposing the following improvements: the installation of water lines, sanitary sewer lines, and the grading, paving, curbing and guttering of a portion of Washington Circle, all to be located in the 41st Street Plaza 1st Addition to the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

16. WEED ORDINANCE: As required by state statutes, the provision for a single notice to remove weed nuisances must be approved by the City Commission on an annual basis through approval of an ordinance. City Manager Zacharias recommends this ordinance be approved.

Sharon Leikam moved, Robert Albers seconded, that Ordinance No. 3397, being an ordinance relating to the cutting of weeds and vegetation, providing for notice, and providing for cutting by the City of Hays, and providing for charges therefor; and repealing Ordinance No. 3304 of the City of Hays, Kansas, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

17. VACUUM TRUCK BIDS: Bids for the purchase of a vacuum/sludge truck to be used by the Wastewater Treatment Plant and the Service Department were received from the following:

Doonon Truck Equipment Wichita, Kansas	\$92,746.00
Lang Diesel Hays, Kansas	89,800.00
Hays Mack Hays, Kansas	97,364.00

City Manager Zacharias noted that Lang Diesel's truck is lighter than the other trucks, therefore, staff recommends one foot be added to the length of the tank at a cost of \$995.00. This modification would increase the carrying capacity an

additional 1,500 lbs. per payload. With the increased carrying capacity, approximately 33 fewer loads of sludge per year would be hauled. The additional cost for the longer tank would pay for itself in approximately three years. \$95,000.00 has been budgeted for this purchase.

Robert Albers moved, Sharon Leikam seconded, that the bid from Lang Diesel for \$89,800.00 plus \$995.00 for modifying the tank, for a total cost of \$90,795.00, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

18. WATER METER BIDS: This is the third year of a ten year program to replace water meters in the City of Hays. Bids were received from the following:

Schlumberger Industries \$85,026.01
Wichita, Kansas

Sensus \$89,606.48
Uniontown, Pennsylvania

Elden Hammerschmidt, Director of Public Works, recommends the bid be awarded to Sensus. Schlumberger meters were installed the first year of the program, and Sensus meters were installed the second year. The pit pads on the Schlumberger meters have had to be replaced quite frequently, whereas, the pit pads on the Sensus have not caused any problems. In several high traffic locations, Schlumberger meters have had to be replaced with Sensus meters just because the Schlumberger pit pads have not held up to the demands of high traffic. Other cities are experiencing the same problems we are. Even though the Sensus meters cost a little more, Mr. Hammerschmidt feels this extra cost is justified.

Robert Albers moved, Errol Wuertz seconded, that the bid from Sensus for water meters in the amount of \$89,606.48, be approved.

Vote: Ayes: Jayne Clarke
Robert Albers
Errol Wuertz
Sharon Leikam

19. ADD-ON ITEMS: City Manager Zacharias stated he met with the League of Kansas Municipalities personnel last week. One issue the League is taking action on deals with the property tax lid. The League is taking the position that since the property tax lid cannot be removed because of the current environment in Topeka, they have endorsed the idea of extending the tax lid for four years, along with the idea of eliminating individual fund levy limits. We need to be vigilant about what is going to be happening in the property tax area, and figure out how it is going to affect cities, particularly in the General Fund. The news does not look good as far as expecting any exemptions coming in the property tax area in the near future.

Commissioner Wuertz stated he felt the Commission needed to look at the Strategic Plan and revise priorities as situations change.

Commissioner Albers said his understanding of the Strategic Plan is that it is an overall plan designed by the community. It is meant to be reviewed and updated every four years.

Commissioner Albers stated it was nice to be back on the Commission and hoped he could address some issues that needed to be dealt with in the upcoming election, such as taxes and services.

Commissioner Clarke asked City Manager Zacharias the status of the annexation of a portion of Interstate 70 to accommodate "All America City" signs. City Manager Zacharias stated he will be talking to the Kansas Department of Transportation to see if they would be willing to accept a different annexation boundary which would remove Mopar Drive and 41st Street from the annexed area. This would require the City to de-annex what has been annexed. Mr. Zacharias felt all three county commissioners would be more comfortable with the situation if we followed that route.

Thereupon the Governing Body adjourned.

Submitted by _____

Clerk of the Board