

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JANUARY 9, 1997

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session, Thursday, January 9, 1997, 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, Jayne Clarke seconded, that the minutes of the December 26, 1996, regular session, be approved.

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

**3. CITIZEN COMMENTS:** Ray Winters, citizen, questioned whether there would be a town meeting to receive comments regarding the proposed new library. Library Director Melanie Miller said public meetings regarding the new library were held in 1992, and in the spring of 1996. If there is a desire, another meeting could be held.

Several students from Fort Hays State University spoke to the Commission in defense of the City funding of the Fort Hays State University Scholarship Program. It was their understanding that if sales tax collections were better than anticipated, the City may wish to fund the full \$100,000 instead of \$82,500 as budgeted. They urged the Commission to consider funding the full \$100,000, if 1996 sales tax collections exceed funds collected in 1995.

A Resolution passed by the Student Senate supporting the

Scholarship Program at the \$100,000 level was presented to the Commission.

**4. COMMISSION INFORMATIONAL MEMORANDUM:** There were no comments.

**5. CONSENT ITEMS:** There were no comments.

**6. COALITION REPORT:** Lavern Squier, Director of the Ellis County Coalition for Economic Development, gave a report on the activities of the Coalition during 1996. He said Hays has come far in addressing community issues. Some of the highlights of the past year include:

Development of a Public Wholesale Water Supply District to manage the operations of the R-9 Ranch,

Addressed housing issues including availability and pricing,

Developed a Home Page web site for Hays and Ellis County,

Recruited 12 new doctors, bringing the total number of doctors in Hays to 72.

Mr. Squier said Hays has experienced a 16.2 percent employment growth as a percentage this past year. Hays is listed in the top ten state average for the low employment and wealth index.

The Coalition plans to continue marketing efforts to include multigroup marketing.

**7. LIBRARY BOND ISSUE:** Melanie Miller, Director of the Hays Public Library, and Wilma Schmeller, Chairman of the Library Board, appeared before the Commission with a request to place a Library Bond Issue on the April 1, 1997 ballot. Ms. Miller said for the eighth consecutive year the Hays Library has had the highest per capita use in the state among public libraries its size or larger. She cited inadequate space, poor lighting, inadequate accessibility for the disabled, poor heating and ventilation, a leaky roof, and insufficient parking, as reasons why a new library should be constructed.

Ms. Miller said a site analysis and needs assessment was

conducted by Richard Waters of Denton Texas. The report identified there was a need of 8,000 additional square feet, and considerable renovation to the present facility. The report confirmed that expansion was not a viable option. Negative soil tests prevent adding an additional floor to the facility. Horizontal expansion is impossible.

Architects Alan Stecklein, and Don Beck, Beck and Associates, Oklahoma City, Oklahoma, were present. Mr. Beck reviewed a conceptual design plan of a library facility that would meet the criteria for a new library. The estimated cost of this facility is \$6.5 million.

Citizen John Pyle, 3103 Thunderbird Drive, asked if the Library Board has given consideration to what might happen if the voters turn down the Bond Issue. Ms. Miller said certain services and materials will have to be curtailed. The ADA requirements will have to be met. A plan of improvements costing up to \$2,000,000 would have to be implemented over a period of years.

Commissioner Clarke said this is a beautiful facility. The perception among community members is there is not much support for a new library. She encouraged the Library Board and all those in support of the issue to get the information presented tonight to the citizens of Hays.

Action on the proposed Library Bond Issue was tabled until the next meeting.

**8. ENGINEERING AGREEMENT:** City Manager Zacharias said this item was postponed from the last Commission meeting to determine ways in which engineering costs to provide technical street pavement specifications could be recouped by the developers. Recouping these costs directly from developers will be difficult. It may be appropriate to increase plating fees, which would help to defray the engineering expenses.

The City Manager said the engineering work for these specifications is needed. The City does not have generic street specifications to give to developers that choose not to use Bucher, Willis and Ratliff. Such specifications are noted as

being available in our Subdivision Regulations. Thus, we must have such specifications on file, or modify our regulations to require developers to use only Bucher, Willis and Ratliff for engineering services.

Mayor Rupp said he was very adamant about recouping the engineering costs. If the developer wants the option to choose their own engineer, they should pay the cost.

Errol Wuertz moved, Sharon Leikam seconded, that an Agreement between the City of Hays and Bucher, Willis and Ratliff totaling \$4,700, to provide technical street pavement specifications be approved, and a new plating fee schedule be established.

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

Nay: Daniel Rupp

**9. PROPERTY TAX QUESTION:** City Manager Zacharias presented information regarding a levy of 1.5 mills by the City of Wichita dedicated to Wichita University. He reported that in 1963, the Kansas Legislature passed Senate Bill No. 151 authorizing the City of Wichita to place on the ballot a proposition to levy 1.5 mills to assist Wichita State University. In May of 1963, the proposition was placed before the Wichita voters and passed by a wide margin.

Funds generated by this levy were used to retire and pay the interest on general obligation bonds issued by Wichita University. The balance of funds was used by the Board of Trustees of Wichita State University for the purposes designated by the Governing Body of the City of Wichita. These additional funds were placed into a "community service project fund" to help the City finance short one-time research projects, technical assistance, and other academic services. Proposals for the use of these funds originated from the City Commission, City Manager or any City department. Following approval by the City Manager, proposals would then be submitted to the

University President. Following the President's approval, the projects would be implemented.

In 1987, the long range planning task force on Economic Development initiatives in Wichita and Sedgwick County advanced the idea of extending the 1.5 mill levy to all of Sedgwick County. In June of 1987, Sedgwick County passed a Home Rule Resolution stating 1.5 mills would be levied within the County to be used by Wichita State University. The resolution was subject to surviving a 60 day protest period provision within which not less than five percent of the qualified electors in the County filed a petition stating the issue must be placed on the ballot. No such petition was filed.

Following the effective date of the Home Rule Resolution, the City of Wichita and Sedgwick County entered into a formal agreement stating that the County would levy 1.5 mills, and the City of Wichita would discontinue its 1.5 mill levy so that Wichita residents would not be double taxed. The agreement stated that each entity would retain control over its proportional positions of funds raised through the mill levy. The purpose of the tax was expanded to support and enhance research, educational programs, and facilities at Wichita State University. It should be noted that the 1.5 mills is outside the property tax lid.

Commissioner Clarke asked if the City of Hays could levy a certain amount, and turn it over to the Fort Hays State University Endowment Fund. City Attorney John Bird said before he answered the question, he needed to research the issue. The City could probably set up a similar type mechanism. The key issue will be whether or not the City can get outside the tax lid. Commissioner Clarke said if we could not get outside the tax lid, there would be no sense in levying dollars designated to FHSU because it would really hurt the General Fund.

Commissioner Leikam favored placing a levy for FHSU on the April 1, 1997 ballot if the City can legally do so. Mayor Rupp said he would prefer to wait for final revenue figures before making a decision. Commissioner Leikam said she has no problem

waiting until the next meeting, but looking down the road, the General Fund does not look good. Mayor Rupp said revenue and expenditures projections can be misleading, we can estimate a three percent increase in revenues, and a five percent increase in expenditures, in reality these projections could be more or less.

Commissioner Clarke said even if the cash carry-over in the General Fund is greater than anticipated, we should remember that no dollars were budgeted in the General Fund for street repair in 1997. Streets are still one of the main concerns of the citizens. Street repair needs to be a priority.

Fort Hays State University President Ed Hammond was present, and told the Commission that Fort Hays State University is not asking the City to place the mill levy question on the ballot at this time. The agreement FHSU made with the City following the 1997 Budget session was if sales tax revenue in 1996 came in above the amount collected in 1995, the City would look at funding the Scholarship Fund the full \$100,000, otherwise FHSU would adhere to the decision made by the City. Mrs. Clarke stated there was no "agreement" made by the Commission, only a commitment to discuss the issue.

President Hammond said he is not opposed to looking at the dedicated mill levy option, but he does not feel it is necessary at this time. He feels confident the resources will be there, sales tax revenue will be above estimates.

President Hammond said a levy outside the tax lid for FHSU will not solve the street problem. The lack of money for street repair will have to be dealt with as a separate issue. A charter ordinance exempting police, fire, and street maintenance could be a solution.

Commissioner Clarke said she is aware that a separate levy for FHSU will not solve the street issue, but what she is hearing from citizens is to stop funding FHSU and the social service agencies, then deal with a charter ordinance exempting streets if necessary.

Commissioner Wuertz pointed out that a separate mill levy

dedicated to FHSU Scholarships would be a reliable funding source. It would take the guesswork out of whether the University would be funded each year.

Commissioner Rupp said in light of the Resolution passed by the FHSU Student Senate, he wanted to point out that the annexation of Fort Hays State University caused the City to lose approximately \$30,000 annually in revenue. Hopefully, in time sales tax will increase due to the annexation, but at this point the annexation was not a gift, it was an expense to the City.

Commissioner Leikam wanted to point out that in the past, the City Commission has always supported the Scholarship Program, but with the decline of City revenue, it is necessary to prioritize City expenses.

The Commission directed the City Manager to research the mill levy ballot issue for Fort Hays State University, and make a report at the next meeting. Commissioner Wuertz said he would like to know exactly how the City of Manhattan is funding Kansas State University.

**10. ANNEXATIONS:** City Manager Zacharias said this issue regarding annexation of a portion of Interstate 70 to accommodate "All America City" signs was postponed from the last Commission meeting to obtain a clearer understanding on the maintenance requirements from Ellis County concerning 41st Street and Mopar Drive located on the west side of Vine Street in the proposed annexed area. City staff met with County Commissioners on Monday, January 6, 1997. The County Commission indicated the County would continue to maintain these streets if the City decides to annex this portion of the State's right-of-way. A three year letter of understanding has been drafted indicating the County will not be responsible for improving these roadways beyond the current standards (absent normal wear and tear), and the City will maintain these roadways if they are improved by the City in the future.

Additionally, the Kansas Department of Transportation agrees to maintain I-70 at the State's expense. Thus, the City will occur no additional maintenance responsibility by virtue of

this annexation.

Eber Phelps moved, Jayne Clarke seconded, that Ordinance No. 3395, being an ordinance annexing a portion of Interstate 70 to accommodate "All American City" signs, and the Mayor be authorized to sign a letter of agreement between the City of Hays and the Kansas Department of Transportation regarding maintenance of Interstate 70, be approved, and additionally, the City Manager be authorized to sign a three year maintenance agreement with Ellis County.

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

City Manager Zacharias noted that the annexation of Tallgrass Addition was tabled.

**11. PRELIMINARY PLAT:** Building Inspector Kent Laas presented a preliminary plat of Tallgrass Addition to the City of Hays. The preliminary plat was unanimously approved by the Planning Commission. Inspector Laas said as presented, this plat has some far-reaching implications and impact of existing and future circulation patterns. Specifically, Wheatland is not anticipated to extend to 13th Street. Instead, 17th Street/Tallgrass, is proposed to serve as the collector connection between Wheatland and 13th Street. That being the case, it is reasonable to expect Tallgrass to extend south of 13th Street, thus avoiding an intersection misalignment such as exists at 32nd/33rd and Vine Street.

**12. TRAFFICWAY ORDINANCE:** Sharon Leikam moved, Errol Wuertz seconded, that Ordinance No. 3394, being an ordinance designating 12th Street from the west city limits to Elm Street, including the intersection, in the City of Hays, Kansas, as a main trafficway, be approved.

City Manager Zacharias noted that this ordinance is necessary to finance the street with General Obligation Bonds.

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

**13. POLICE CAR BIDS:** Hays Ford Toyota was the sole bidder for the purchase of three replacement patrol cars. The total bid for three vehicles is \$50,352.15, including trade-in. This bid is within the budgeted figure of \$55,000.

Jayne Clarke moved, Sharon Leikam seconded, that the bid totaling \$50,352.15, from Hays Ford Toyota for three replacement patrol cars to be used by the Police Department, be approved.

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

**14. AMENDMENT TO KDOT AGREEMENT:** This amendment to the Main Street Bridge Agreement allows the Kansas Department of Transportation to be inspectors on the Main Street Bridge Painting Project instead of hiring Bucher, Willis and Ratliff to do the inspection. There will be no expense to the City to have KDOT do the inspection.

Sharon Leikam moved, Errol Wuertz seconded that an amendment to the Main Street Bridge Contract, be approved.

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

**15. PARKING REPORT:** Leroy Riedel, owner of Master Cleaners located at 24th & Vine was present regarding a sight problem for vehicles entering Vine Street from 24th Street. Mr. Riedel has agreed to move the handicapped parking stalls three stalls to the north to eliminate the sight problem.

The Commission agreed that eliminating the three stalls should solve the sight problem. They thanked Mr. Riedel for being so cooperative.

**16. ADD-ON ITEMS:** Errol Wuertz presented a Certificate of Appreciation that he had accepted on behalf of the City Commission from the Ellis County Historical Society.

The Commission extended best wishes to Commissioner Phelps who has resigned as of this meeting to serve as State Representative of the 111th District.

Commissioner Phelps said he anticipated tonight with mixed emotions. He thanked his fellow City Commissioners, department heads, the City Attorney, and the City Manager for making his tenure as a City Commissioner most enjoyable. He feels the City has a great group of employees, and in his opinion, City Manager Zacharias is the best city manager in the State of Kansas. He thanked the voters of Hays for their support and confidence.

He said if he had the opportunity to be a City Commissioner all over again, he would do it in a "heartbeat". Much has been accomplished in the community during the past six years which he alone does not take credit for. The accomplishments were a cooperative effort involving the Governing Body, City staff, and the citizens of Hays.

Thereupon the Governing Body adjourned.

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

Clerk of the Board

