

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 10, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, July 10, 1997, at 7:30 p.m.

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

2. MINUTES: Commissioner Leikam stated she wanted the minutes of the June 26, 1997, meeting to state that her remarks during the portion of the meeting concerning the citizen call-in to include the statement that all of the news media does a good job of informing the public about issues on the agenda.

Mayor Clarke stated that she, not Commissioner Leikam, asked the question about the disadvantages of 31 foot streets.

Commissioner Billinger stated his comment regarding funding to the Humane Society was to correct the minutes, not the motion, at the June 12, 1997 meeting.

Sharon Leikam moved, Howard Rome seconded, that the minutes of the June 26, 1997, regular session, be approved as corrected.

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

3. CITIZEN COMMENTS: Elden Hammerschmidt, Public Works Director, congratulated the community of Hays for the excellent participation in the Blue Bag Recycling Program. The Program is completing its second year, and participation is continuing to climb to approximately 80 percent of our sanitation customers.

4. COMMISSION INFORMATION MEMORANDUM: City Manager Hannes

Zacharias reminded the Commissioners of the 1998 Budget review sessions to be held July 14 and 15, 1997. The public is invited to attend.

5. CONSENT ITEMS: Wayne Billinger moved, Troy Hickman seconded, that the Mayor be authorized to sign a Real Estate Lease for the Municipal Park for the "97 Rumble Fest" scheduled for July 13, 1997, and further, the following Mayoral appointments be approved:

Hays Beautification Committee:

Dr. Virgil Howe - 3 year reappointment ending August 1, 2000

JoAnn Fleharty - 3 year reappointment ending August 1, 2000

Marianna Beach - 3 year reappointment ending August 1, 2000

Pool Task Force Committee:

Gail Wickham - representing the Day Care Community

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

Agenda Item No. 13 was presented at this time.

13. GENERAL OBLIGATION BOND: Dave Arteberry, representing George K. Baum and Company, and Randy Irely, representing Gilmore and Bell, were present to give the results of a \$952,100 General Obligation Internal Improvement Bond Sale, Series 1997-A which was conducted at 3:00 p.m. today. The results of the bid opening are as follows:

Commerce Bank 4.895406 %
Kansas City, MO

Country Club Bank Kansas City, MO	4.9720065 %
Midwest Capital Management Kansas City, MO	4.95742 %
United Missouri Bank Kansas City, MO	4.895340 %
Piper Jaffray Minneapolis, MN	5.013499 %

Mr. Irely stated there are three steps that need to be taken this evening. One would be to adopt a resolution to accept the bid, the second would be to adopt the ordinance that authorized the issuance of the bonds, and the third step would be to adopt the resolution setting out the details and terms of the bonds.

Commissioner Billinger asked what savings would be realized? Mr. Irely stated this bond sale is replacing temporary notes which are issued for two years or less to finance construction costs. This is being done to convert to long term permanent financing.

Mayor Clarke stated that what the City is buying is the stability of an interest rate for a long term versus the play in the market for a short term period.

Sharon Leikam moved, Wayne Billinger seconded, that the bid from United Missouri Bank, with an interest rate of 4.895340 % for the issuance of \$952,100 in General Obligation Bonds, be accepted.

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

Wayne Billinger moved, Troy Hickman seconded, that Ordinance No. 3408, being an ordinance authorizing the issuance

and delivery of \$952,100 principal amount of General Obligation Internal Improvement Bonds Series 1997-A, of the City of Hays, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; and making certain covenants with respect thereto, be approved.

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

Howard Rome moved, Troy Hickman seconded, that Resolution No. 253, being a resolution prescribing the form and details of and authorizing the delivery of \$952,100 principal amount of General Obligation Internal Improvement Bonds, Series 1997-A, of the City of Hays, Kansas, previously authorized by Ordinance No. 3408 of the City; and making certain covenants with respect thereto, be approved.

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

6. CABLE TV PRESENTATION: Pete Collins, manager of Eagle Communications, was present and explained new technologies in the cable industry. The new technology will allow the cable system to deliver more channels and TV stations to transmit Digital HDTV. The DC technology will allow each channel or groups of channels to be turned on and off at the subscribers TV sets. Currently, a converter for digital compression costs \$450 per television set. HDTV will cause the consumer to replace their television set, or purchase an expensive conversion device. He predicted a ten year transition period before consumers are compelled to make the switch.

Mr. Collins said cable TV services to schools include free cable TV to all schools, internet access, modulators for local

origination within the schools, and high speed data exchange between schools.

Services to hospitals include high speed data exchange between the hospital and doctor's offices, and dedicated fiber links for home health care.

Mr. Collins said Hays Cable TV has no plans to offer tiered services at this time. Tiered services would require a decision as to what channels to include in the lowest tier. It is inevitable that someone would be dissatisfied with the choice of channels included in the tiers. Current services offered by Hays Cable TV include a total of 52 channels consisting of 45 channels of basic services, two local channels, and five optional pay TV channels.

Commissioner Leikam expressed a concern for the elderly and citizens on a fixed income. She received calls from citizens who are requesting three or four channels at a lower rate. There must be some way to offer a few channels at a lower rate. Mr. Collins said the cities that do offer tiers, less than five percent take advantage of the lower tier.

Discussion took place regarding government regulation of cable rates. City Attorney John Bird said he did not recommend that the City get involved in Cable rate regulation. The dollars involved in the process would have a minimal influence over rates. Mayor Clarke asked how cities actually regulate their cable companies. Attorney Bird said he did not know of any cities in this area who regulate rates. City Manager Zacharias said the FCC requires a high threshold. As long as the Cable Company stays within the perimeters or benchmark, there is not much a City can do about rates.

In summary, Mr. Collins said his company did not want to tier at this time. It would be expensive and benefit a small percentage of subscribers. Tiering will be available under the new technology.

7. BUDGET REQUEST: Brad Boyer and Jay Gillette, representing the Information City Advisory Group, addressed the Commission. Mr. Boyer noted all of the first year goals of the Information

City Initiative were met or even exceeded. Highlights include a nationally award winning Web Page designed by Ellis High School, the creation and filling of a new Hays City Information Officer position, posting of Hays City committees meetings schedule on the Internet; and dozens of new information related jobs opened in Hays and Victoria.

Jay Gillette reviewed the short term goals for 1997-1998. They include:

A pilot project for a networked database among human resource and social service agencies.

A pilot project to reallocate used computers to non-profit entities.

Cablecast/broadcast joint city/county meetings.

Link 50% of public officials county-wide with Email addresses.

List 100 area business/institutions in a resource database of technologies and professionals available in Ellis County.

Dedicate 20% of job responsibility of a Hays City staff member to leadership of the Information City Initiative and act as liaison with other information communities around the world.

Cooperate with regional community in hosting an Information Fair with \$3000 in underwriting and grant writing costs from the City of Hays.

Mayor Clarke asked how is the best way to let people know that you have an Email address? Mr. Boyer stated Email addresses can be put on your letterhead and business card, also a public official could take advantage of the current InfoCity.net or Ellis County.org site on the Internet which

could have that information available.

Mr. Gillette stated newspapers could publish Email addresses, and utility bills could have the information printed on them.

Mayor Clarke complimented the ICAG group for the organization and excellent format the group used in presenting their report. She stated she was intrigued with the idea of a community informational fair.

Commissioner Leikam asked if ICAG has requested funds from Ellis County for a fair and would this be a one time request? Mr. Gillette stated they will be asking for matching funds. Mr. Boyer stated since this is an ongoing advisory group they would be requesting funds on a regular basis.

Commissioner Rome asked if they were receiving any funding from the private sector, either monetary or services? Mr. Boyer stated the members of ICAG have donated thousands of dollars of professional consulting fees, however, no funding has been received. The City of Hays has assisted in mailings, television/radio time has been donated, and staff time has been donated by various entities.

Commissioner Hickman asked how ICAG would attempt to obtain used computers for reallocation? Mr. Boyer stated the group has been given the opportunity to be a pilot program for reallocating used computers from an agency. The details have not been completely worked out at this time, so Mr. Boyer did not want to publicly state the agency or the details.

City Manager Zacharias asked if it would be possible to amend the short term goals to include some request for dedication of staff time from other institutions that equally share in the advancement of information in the community? Mr. Boyer stated that many other organizations, both public and private, have made a commitment to dedicate staff time.

City Manager Zacharias asked if ICAG is planning on making this same presentation to Ellis County, Hays Medical Center, USD 489? Mr. Gillette stated they will approach those entities on behalf of ICAG activities. However, the City is not the same,

the City holds a leadership position. The City would demonstrate their leadership by allocating 20% of the job responsibility of a staff member to leadership of the Information City Initiative.

Commissioner Leikam stated her Email address, along with other ICAG members, was not on the membership list. Mr. Boyer stated it should be brought to the attention of City staff.

8. NOISE ORDINANCE REVIEW: At the request of Commissioner Hickman, staff researched noise ordinances from several other cities. City Manager Zacharias stated our current ordinance is similar to ordinances of other cities. Under the present noise/nuisance ordinance, officer discretion is used when a noise disturbance is reported. Both the Hays Municipal Court judge and prosecuting attorney have ruled that if the noise could be heard past the property line, curb line or alley line, offenders can be charged under the ordinance. Neither the Police Department or Hays Municipal Court have had problems enforcing the ordinance as written. If guidelines were set for decibel or distance, measurements would then need to be taken or a decibel meter purchased, and the officer's discretion could not be used.

At present, upon receipt of a complaint, officers make contact with the owner or renter and ask that the volume be turned down. This occurs even when it is clear the disturbance is closer than the curb, property line or the offending car stereo. If a decibel or distance measurement were used, the argument might be that the noise is too loud but within the ranges set by the ordinance and therefore, the disturbance continues.

It is the recommendation of the Hays Police Department that the noise/nuisance ordinance continue as presently written.

Commissioner Hickman asked if it would be appropriate to have decibel levels stated in the ordinance that would apply when we have requests for a noise variance? City Manager Zacharias said the ordinance does not allow for any variance. As a matter of precedence, organizations can request that they

do not have to comply with the ordinance. If we allowed a variance during a specified time, they could conceivably violate the noise ordinance excessively. If a complaint was received, and the organization has received a waiver, the City could not enforce the ordinance. One possibility would be to state in an ordinance the decibel level that could not be exceeded.

Commissioner Billinger stated our current ordinance should probably state that officer discretion can be used.

Mayor Clarke asked if we have ever had a problem with any of the organizations who have approached the Commission regarding this issue? Police Chief Younger said the Police Department has had no problems with the groups who have approached the Commission in regard to a noise variance.

Commissioner Billinger stated Hutchinson has an ordinance that states if the officer can hear the noise from 100' away, they would be in violation. No meter is used.

Commissioner Leikam stated she did not like the idea of having a decibel level in the ordinance. She does not see a need to change what we have been doing.

Mayor Clarke thinks we should use common sense in dealing with noise problems. The way we are handling noise complaints now seems to be working and there is not a need to change the ordinance.

Commissioner Billinger agreed that if we do not have a problem we should continue with what we are doing now.

City Attorney John Bird stated the Police Department has the ability to issue a lawful order to shut things down if they see a danger to health and welfare or if a public disturbance is occurring. Police officers are, in essence, mediators. When two people disagree with each other, they are not there just to write a ticket, but to also mediate.

No action was taken.

9. REGIONAL RECYCLING RESOLUTION: This item was cancelled.

10. CHANGE ORDER: Change Order No. 1, Roof Replacement, Frontier Shelter Park, is for an additional \$3000 to be used for replacement of the fireplace in this facility that was destroyed

by vandals earlier this year. Staff recommends the Change Order by approved.

Sharon Leikam moved, Troy Hickman seconded, that Change Order No. 1, Roof Replacement, Frontier Park Shelter, in the amount of \$3000 for repairing the original fireplace, be accepted.

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

11. CHANGE ORDER: This change order is to accept a bid from Wes-Kan Construction to provide for the paving of west Frontier Park roads for a total cost of \$50,596.25. This work will be change ordered into the 12th Street Reconstruction project.

Sharon Leikam moved, Howard Rome seconded, that a change order to provide for the paving of west Frontier Park roads with Wes-Kan Construction for a total cost of \$50,596.25, be accepted.

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

12. VINE STREET TEMPORARY IMPROVEMENTS: Public Works Director Elden Hammerschmidt stated Bucher, Willis and Ratliff has reviewed the bid from Allied Construction for this project. They are the contractors doing the KDOT project on Highway 183 north of Hays. The City was able to save dollars by using KDOT specifications and plans, rather than do our own. The project is a cost/share project. Half of the project will be paid by the State of Kansas. Allied has proposed beginning the project July 21, with the completion date of approximately September 15.

Commissioner Billinger asked how will traffic be rerouted? Mr. Hammerschmidt stated traffic should be able to flow through one lane while the other lane is being milled. Wide loads may

need to be rerouted. Signage will be placed to indicate rerouting where necessary.

Mayor Clarke asked how this would affect traffic on July 25 and 26th, when the Shrine Bowl is to be held? Mr. Hammerschmidt stated that if milling starts on July 21, they would hopefully be done by the July 25. They will try to accommodate the Saturday activity by not working if possible. However, weather changes could affect their schedule.

Troy Hickman moved, Wayne Billinger seconded, that the bid from Allied Construction for temporary repairs to Vine Street from 27th Street to I-70, in the amount of \$190,764.96, be accepted.

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

14. ADD-ON ITEMS: City Manager Zacharias stated copies of the 1998 Budget are ready for review by the Commission. Budget work sessions will be held next Monday and Tuesday evening starting at 7:00.

Commissioner Leikam recommended that City staff review the dog leash ordinance. The present ordinance states that dogs must to be in the owners control, but not necessarily on a leash. People do not realize that dogs without leashes can be dangerous. There was an incident during the Wild West Fest in which horses were spooked by a dog, although this dog was on a leash.

Commissioner Rome asked the City Manager for an update on the proposed Sundance Apartments. The City Manager said construction is scheduled to begin this fall.

Commissioner Billinger mentioned the danger of parade participants passing out candy to children. He fears a child will be hit by a vehicle. He would like something done to prevent that from happening.

Commissioner Clarke questioned whether there is sufficient

signage to direct people to Lewis Field Stadium for the Shrine Bowl which will be held in a couple of weeks. She asked City staff to investigate the issue.

Thereupon the Governing Body adjourned.

Clerk of the Board