

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 26, 1997

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, June 26, 1997, at 7:30 p.m.

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

**2. MINUTES:** Commissioner Rome asked that a description of Alternate No. 1 for the 33rd Street Improvement Project be included in the minutes. Alternate No. 1 includes the removal and replacement of a 12' wide section of concrete pavement approximately 875 feet in length along the centerline between Broadway and Indian Trail.

Commissioner Billinger said he would like his comment regarding the Humane Society funding to state that he would like to continue the additional allocation of \$1,000 per month out of the 1997 Budget, and then in October reevaluate the projected deficit for the year. He would also be interested in seeing if there are any other parties interested in providing animal control.

Commissioner Billinger corrected his motion in regard to the Humane Society funding to state that an additional \$7,000 in funding to the Humane Society for 1997 be authorized, with the stipulation that Humane Society representatives appear before the Commission in October, 1997, for a budget review, and that staff determine if parties other than the Humane Society are interested in submitting bids to contract for animal control.

Sharon Leikam moved, Troy Hickman seconded, that the minutes of the June 17, 1997, regular session, be approved as

corrected.

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

**3. FINANCIAL STATEMENT:** Assistant City Manager Penny Postoak pointed out that sales tax revenue for the first five months of 1997 is approximately \$50,000 ahead of the same time period last year.

Mayor Clarke also asked whether the additional allocation of funds to the Humane Society would cause a budget violation.

City Clerk Susie Grabbe stated that any line item within the General Fund could be exceeded, but not the total General Fund.

Mayor Clarke noted that substantially less revenue in local alcohol liquor tax has been received, and also Golf Course revenue is higher than projected. Mrs. Grabbe stated that alcohol liquor tax revenue is received four times a year. The May Financial Statement reflects only one payment. Howard Rome moved, Wayne Billinger seconded, that the Financial Statement for the month of May, 1997, be approved.

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

**4. CITIZEN PARTICIPATION PROGRAM:** There were no citizens present to participate in the Program.

**5. CITIZEN COMMENTS:** Mark James, Executive Director of High Plains Independence Inc., 701 Main Street, addressed the Commission. Mr. James informed the Commission of the services provided to the mentally ill at High Plains Independence. High Plains Independence is requesting consideration of funding from the City.

Mayor Clarke stated the information will be disbursed to

the Commission and they will take the matter under advisement.

**6. COMMISSION INFORMATIONAL MEMORANDUM:** Assistant Manager Postoak reminded the Commissioners of the upcoming tours of city departments, and the budget work sessions slated for July 14th and 15th.

Mayor Clarke questioned the minutes of the May 29, 1997, special meeting of the Hays Recreation Commission. She noted that the vote concerning the addition of benefits to full time positions in 1998 had two abstentions. Mayor Clarke asked if anyone was present who knew if they were abstentions or votes of no. Assistant Manager Postoak stated she would check this out.

Commissioner Leikam asked if we knew the status of the vote on Senate Bill 442, the Internet Tax Freedom Act.

Assistant Manager Postoak stated a fax was received late last evening requesting information be sent to the Senate regarding concerns. Action was to be taken today. Due to the short notice, no action was taken, however, staff will find out the status of the vote and report back.

**7. CONSENT ITEMS:** Mayor Clarke asked if the Commission felt a City Commissioner should be appointed to the Pool Task Force.

Commissioner Hickman asked if that person would serve as an ex-officio member. Mayor Clarke stated she did not think he or she would.

Commissioner Billinger stated he was comfortable with hearing the report from the Pool Task Force and acting on it.

Commissioner Leikam stated she felt the Pool Task Force Committee was directed to bring forth a recommendation, the Commission would look at the recommendation and then take action.

Mayor Clarke stated that was fine with her, she just wanted to gather input on how the other Commissioners felt. The Mayor also noted that one position representing the day care community has not been officially accepted at this time.

Sharon Leikam moved, Howard Rome seconded, that the following Mayor's recommended appointments be approved, and

further, a cereal malt beverage license for Hays Kiwanis Club for the Wild West Fest Beer Garden be approved, and the Mayor be authorized to sign a lease agreement with High Plains Street Machines for park land immediately south of the National Guard Armory for July 12 through July 13, 1997.

Pool Task Force:

Chris Hauck  
Marilyn Marshall  
Mark Hantla  
Connie Tabor  
Kathy Spicer - USD 489  
Stan Unruh - Hays Medical Center  
Rege Klitzke - Fort Hays State  
Dick Bedard - Community at Large  
Rick Claiborne - Ex-officio  
John Shaver - Ex-officio

ADA Committee:

Larry Surmeier - 3 year appointment  
expiring May 1, 2000  
Amy Finch - 3 year appointment  
expiring May 1, 2000

Golf Course Advisory:

Don Dreiling - 3 year appointment  
expiring July 1, 2000  
Doris Groff - 3 year appointment  
expiring July 1, 2000

CVB Advisory Committee:

Lorraine Howerton - unexpired term ending  
December 1, 1999

Mayor Clarke said a representative from the Day Care Community will also be appointed to the Pool Task Force.

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

Sharon Leikam

**8. CITY COMMITTEE REPORTS:** Terry Mannell, vice-chairman, and Jana Jordan, Convention and Visitors Bureau Director, addressed the Commission. Mr. Mannell stated the CVB's mission statement is to market the City of Hays to overnight visitors, conventions, and special events. Motel receipts of approximately \$8,000,000 translates into \$237,000 into transient guest tax collected. Mr. Mannell also stated the Twilight Tours are being conducted again this year and is one of the CVB's most successful programs. When the Sternberg Museum is opened, tourism will increase and the CVB plans on having information located at the museum showcasing other points of interest in the area.

Commissioner Rome asked if there would be enough available motel rooms for the Shrine Bowl to be held on July 26th.

Mrs. Jordan stated motels will be full on Friday and Saturday. Approximately 10,000 visitors are expected and the CVB is working closely with area communities to find rooms for the visitors.

**9. 31 FOOT STREETS FOR NEW DEVELOPMENTS:** Assistant Manager Postoak stated the Planning Commission voted 8-0 (one member absent) to recommend to the City Commission to modify the current Development Policy to allow 31' in addition to the existing 40' (back of curb to back of curb) paving for residential streets at the discretion of the developer and retain parking on both sides of the street.

Larry Gould, chairman of the Planning Commission, stated this option is one way to provide more affordable housing in the City of Hays. This recommendation is not to replace the existing 40' requirement, but an addition to the policy. A survey was sent to 12 cities. Eight of the cities responded and indicated they allow street widths 28' to 31' back of curb to back of curb. Throughout the country, narrow streets are being allowed as part of the development policy.

Commission Rome asked what advantages could be seen by allowing 31' streets? Mr. Gould stated narrow streets would

slow down traffic. Overly wide streets are intrusive in some areas and lead to big open spaces that aren't useful. Narrow streets can create esthetics. Wide streets require more clearing and grading and destroy natural landscape. Land development costs are higher with wider streets. Narrow streets provide less run off in regard to storm water management and require less maintenance and avoid the wasting of resources.

Commissioner Leikam asked what are the disadvantages of 31' streets? Mr. Gould stated people would be able to drive faster on wider streets. From some people's point of view, narrow streets would make developments more neighborhood and people friendly and they may not like that.

Community Development Coordinator Kent Laas stated if this is made an option, it could become the standard, however, during plat approval, the Commission could demand wider street widths for collector streets.

Mayor Clarke stated sometimes there are things that you cannot plan for, no matter how well you plan, a street ends up carrying more traffic than was planned for and ends up serving as a collector street.

Mr. Laas stated the City would have ample right of way that would accommodate additional width if required.

Commissioner Leikam asked if we would need to be concerned about emergency vehicles? Are the savings on a narrow street worth it? A developer informed her \$900 a year is the approximate savings. A caveat might be to have developers make a request for 31' streets on every development.

Mr. Gould stated if the Planning Commission sees something that doesn't look quite right on a plat, they will require the developer to change to the 40' width. It will be very important for the Planning Commission and the City Commission to be vigilant and careful in reviewing those plats.

Commissioner Leikam said in reading through the Planning Commission minutes she noted that there were a number of valid concerns raised by members of the Planning Commission regarding 31' streets, but every member voted in favor of 31' streets. She

questioned why all members voted in favor. The City needs to be very vigilant, or there could be some real problems. Mr. Gould said he felt the minutes reflect the dynamics of consensus. The members raised some very valid concerns, and there was a response to those concerns. After continued discussion, the members felt it was worth the risk to allow developers to try this option as a start to provide affordable housing.

Mr. Laas said there is a cost benefit in terms of getting more lots within the subdivision.

Commissioner Rome said smaller lots may force children to play in the street.

Mr. Gould said in an addition to make affordable housing, quality of life needs to be considered as opposed to moving automobiles. He said the vision is to create the old type neighborhoods with front porches. Commissioner Billinger said that neighborhood vision was part of the 1960's. Evenings were free, but with both the husband and spouse working, he doubts that lifestyle will ever return. Also, if the land is available, why not use the space. He received many calls in opposition to 31' streets.

Mr. Gould said all the Planning Commission is asking is for a chance to do this pilot project. It may be a mistake, but we can learn more from mistakes than successes.

Commissioner Hickman said he attended the Planning Commission meeting and felt he had a little more back ground. The 31' street issue was raised to encourage affordable housing. If we accept this recommendation, he does not believe every developer will build 31' streets. Developers will only build what they can sell. The market will determine the size of streets. He believes if the citizens of Hays were polled about housing, the overwhelming answer would be we need affordable housing, but not in my neighborhood. Not everyone can afford the housing options we have available today. No one will be forced to live on a 31' street, but it is a option for those who have been unable to afford to own a home. Commissioner Hickman said he felt if 31' streets are allowed, sidewalks

should be a requirement.

Commissioner Hickman moved that the City Commission accept the recommendation of the Planning Commission to allow 31' street as an option to developers.

The motion died, due to the lack of a second to the motion.

Jim Desbien, developer representing Western Plains Service Corporation, said he was concerned about the lack of a second. He said he believes people are actually commingling affordable housing with 31' streets. They are a separate issue. As a developer, he has intentions of developing land with 31' streets, and 40' streets as well.

Mr. Desbien said smaller streets do make a difference in the overall cost. This is a start in creating affordable homes. His firm is committed to creating affordable housing, but it may not be possible without 31' streets.

Mr. Gould said smaller streets create an overall saving to the entire City. Smaller streets save in the amount of water and sewer line, and less stormwater management. He said the Planning Commission has tried to create affordable housing, he invites the City Commission to give suggestions to the Planning Commission regarding a method to create affordable housing.

**10. STREET CLOSING FOR WILD WEST FESTIVAL 1997:** Tom Meiers representing the Wild West Festival displayed an overhead showing the streets the Wild West Fest Committee is requesting be closed for the duration of the festival, July 2 through July 6, 1997. Mr. Meiers also stated the electrical outlets have been installed and thanked the Commission for their cooperation in seeing this project to completion.

Commissioner Rome stated he has looked at the electrical boxes that were installed and they are hardly noticeable.

Assistant City Manager Postoak stated they are large enough to be seen and are not a safety hazard.

Howard Rome moved, Sharon Leikam seconded, that the request from the Wild West Festival Committee for street closings July 2 through July 6, 1997, be approved.

Vote: Ayes: Jayne Clarke

Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

**11. REGIONAL RECYCLING TASK FORCE:** Bob Helm, representing Midwest Energy and Phil Moore, representing USD 489, addressed the Commission. In December, 1996, the Regional Recycling Task Force was established to investigate the possibility of recycling commercial and industrial paper waste. The Task Force is comprised of representatives from the City of Hays, Hays Medical Center, Midwest Energy, USD 489, Fort Hays State University, and the private sector. A pilot program began in March, 1997, and lasted for three months. City refuse crews collected and processed paper waste. Each entity was charged \$55 per ton plus \$1000 each to pay for the retrofit on the refuse truck. From the information gained in the pilot program, the group is now recommending that a commercial and industrial paper recycling program be formally authorized by the City of Hays.

The Task Force is officially requesting the City of Hays to consider authorizing the Regional Recycling Task Force with representation appointed by the initial entities involved. The Task Force anticipates asking for ex-officio representation from the commercial/industrial sector as well as commercial refuse haulers and other municipalities in the area.

Mayor Clarke asked if this is a request to be an official City committee with City appointments. Mr. Helm stated that is their intention.

Mayor Clarke asked if there has been any consideration as to the length of terms and how the staggering would occur.

Assistant City Post oak stated that typically terms are three years. To start initially, if the Committee consists of ten members, then three people would have one year terms, three people would have two terms, and four people would have three year terms, and thereafter each term would be for three years.

Mayor Clarke stated she is not opposed to making this group

a City committee, however, she would like to see the details worked out first.

Commissioner Hickman stated the Task Force made the statement they would like representatives appointed by the initial entities involved. Commissioner Hickman questioned if those appointments should be made by the Mayor.

Assistant City Manager Postoak stated that recommendations should be made by the Mayor, however, this list was just a suggestion from the Task Force.

Mr. Helm stated the initial group in the Task Force has invested time and money and has some experience in the operation. The Task Force would like to see some representation from the initial entities along with other appointments that may come from the Commission. There is also an opportunity to receive some grants, which may help dovetail this program with the City of Hays "Blue Bag" residential program.

The consensus of the Commission was to direct staff to proceed with working out the details and return to the Commission on July 10th for formal authorization as a City committee.

**12. INSURANCE BIDS:** Two bids were received for insurance coverage from July 1, 1997, through July 1, 1998. Insurance Planning's bid for liability, property, and workers compensation coverage. Kansas Municipal Insurance Trust (KMIT) bid for workers compensation only. The bid from KMIT for workers compensation is \$10,000 higher than Insurance Planning's bid.

Rich Kraemer, agent for Insurance Planning, stated that within the Insurance Planning office, they requested bids from six different companies and received bids from four. Mr. Kraemer stated they did shop for the best deal and as a result insurance premiums will drop by approximately 25 percent.

Commissioner Hickman commented that with the KMIT bid, the City would be part of a pool, and with Insurance Planning's bid, the City would not be in a pool, which he feels give the City more control over internal costs.

Howard Rome moved, Troy Hickman seconded, that the proposal

submitted by Insurance Planning to purchase auto liability, property, and workers compensation insurance for a total premium cost of \$151,092, be accepted.

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

**13. CITIZEN CALL-IN INFORMATION:** Assistant Manager Postoak stated in her research regarding a citizen call-in program for the City Commission meetings, she found four cities that have such a program and only two are our size. The cost of initiating such a program would be minimal, but depending on how the program is structured, the citizen call-in portion could end up being a timely portion of the Commission meeting. If this program is pursued, staff's recommendation would be to set a designated time period either right before the meeting starts or right after the meeting is called to order. Staff does not recommend certain items be chosen to allow for call-in comments specifically for those items. Citizens may be upset about which items are chosen and which are not, also citizens have no way of knowing what time the item will occur.

Commissioner Leikam stated we do not have many participants in our Citizen Participation Program because of the live TV coverage. Commissioner Leikam is concerned about the time factor, will citizens identify themselves, will calls be screened, and will non-agenda items be discussed? Commissioner Leikam suggested that the phone numbers of the Commissioners be posted on TV prior to or after the meeting. She is not opposed to trying this out, but does not feel there will be many call-ins.

Commissioner Hickman stated if our motive was to make meetings more accessible for citizens who have time conflicts or are disabled, we could tape the call-in prior to the meeting and played back at the meeting. We could then control the time factor.

Commissioner Billinger stated another approach would be to have the phone line available and if a citizen would call in prior to any action taken, their comments could be read by the Mayor. The intent is to be more available for citizen input.

Mayor Clarke stated her personal preference is to talk to people one on one about issues, ideas, and concerns. Citizens are welcome to call her at home, through her E-mail, or visit with her when she is out in public.

Commissioner Rome agreed with Mayor Clarke's statement. His preference is to keep things the way they are.

Commissioner Leikam stated she felt to have the Mayor read call-ins would be very disruptive during the meeting. The Hays Daily News does a good job of informing the public about the issues on the agenda and citizens could contact a Commissioner prior to the meeting.

The consensus of the Commission was to not activate a citizen call-in program.

**14. KDOT US 183 IMPROVEMENTS:** Assistant Manager Postoak stated this agreement allows KDOT to maintain their road that is partially within city limits. Annexed property adjoining Highway 183 on south Vine Street includes some of the highway right of way. This agreement gives KDOT permission to go on City property to complete the project.

Howard Rome moved, Wayne Billinger seconded, that Resolution No. 253, being a resolution authorizing the Mayor and City Clerk to enter into an agreement with KDOT to obtain State aid for the improvement of City connecting links on the State Highway System, be approved.

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

**15. REPLAT OF SOUTHBOROUGH:** The Hays-Ellis County Planning Commission has approved the replat of a portion of Southborough Heights Addition. In the early 80's this area was platted to

accommodate a number of businesses. Three of the four planned structures were constructed shortly thereafter. The fourth building was never constructed. The current owners wish to market the remaining property in a manner whereby one of the current owners can acquire additional property adjacent to his building. This would also create an additional lot.

Sharon Leikam moved, Troy Hickman seconded, that the replat of a portion of Southborough Heights Addition be approved.

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

**16. ADD-ON ITEMS:** Commissioner Rome expressed his concern about the construction on West 12th Street taking so long. Commissioner Rome requested staff check into this matter.

Commissioner Rome also asked if the property owned by the First Assembly of God Church in the 1200 block of East 33rd is not developed within the ten years that the City has paid for the special assessments, would the City still be able to recoup the costs? City Attorney John Bird said yes, they would have to pay at the end of the ten years even if they have not developed the property.

Commissioner Hickman stated he was contacted by a citizen about the confusion of traffic lanes along Hall Street north of 27th Street. Commissioner Hickman also thanked the Police Department for allowing him to ride with them on Friday evening. It was an educational and enriching experience.

Assistant Manager Postoak stated a Hall Street Study is included in the Capital Improvement Plan.

Mayor Clarke asked the other Commissioners their feelings on the Citizen Participation Program. There have been very few participants and Mayor Clarke would like to see the Program dropped.

The consensus of the Commission was to discontinue the Program.

Thereupon the Governing Body adjourned.

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