

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 27, 1997

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays met in regular session, Thursday, March 27, 1997, at 7:30 p.m.

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

2. MINUTES: Jayne Clarke moved, Sharon Leikam seconded, that the minutes of the regular session, held on March 13, 1997, be approved.

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

3. FINANCIAL STATEMENT: City Manager Hannes Zacharias reported sales tax collections to date are approximately \$50,000 above collections for the same time period in 1996.

Jayne Clarke moved, Errol Wuertz seconded, that the Financial Statement for February 1997, be approved.

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

4. CITIZEN PARTICIPATION PROGRAM: Mayor Rupp welcomed Steve Miller to the Commission meeting.

5. CITIZEN COMMENTS: Wilbur Koger, Black & Veatch engineer from the Denver office, introduced himself to the Commission. Mr. Wilbur Koger replaced Wayne Gresh who transferred to another region.

Ray Winters, citizen, addressed the Commission. He expressed his concern about rising taxes and the democratic process.

6. COMMISSION INFORMATIONAL MEMORANDUM: Commissioner Wuertz requested the Traffic Advisory Committee to reconsider placing a stop sign at 29th Street and Barclay Drive.

7. CONSENT ITEMS: There were no consent items.

8. WESTRIDGE ADDITION ANNEXATION: City Manager Zacharias reported that Westridge Addition is not contiguous with the city limits, therefore, a resolution is needed requesting the Ellis County Commission to approve the proposed annexation.

Commission Albers expressed his concern that future property owners be aware that additional street assessments could be levied against the property when streets bordering the area are developed.

City Manager Zacharias said language stating property owners could not protest the establishment of future special assessments is normally included in the plat. This plat has already been approved by the Ellis County Commission, and it may not be possible to modify the plat at this time. Before the property is annexed, it is possible language may be added to a revised plat. Staff will research this possibility.

Robert Albers moved, Sharon Leikam seconded, that Resolution No. 239, being a resolution regarding annexing land to the City of Hays, Kansas, be approved.

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

9. 41st STREET PLAZA SECOND ADDITION DEVELOPMENT: City Manager Zacharias reviewed the proposed improvements which include water lines, sanitary sewer lines, storm sewer lines, and the grading, paving, curbing and guttering of 42nd Street and a portion of Smoky Hill Drive. The engineer's estimate for all improvements is \$473,000, with the City-at-Large portion being approximately 27% of the total cost.

The City pays 95% of sewer laterals and 100% of trunk lines and other costs associated with storm sewers. The Commission discussed changing the Developmental Policy to have developers pay for laterals within their subdivision. City staff was asked to survey other cities and report their findings at the next meeting.

Sharon Leikam moved, Robert Albers seconded, that Resolution No. 237, 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, sewer lines, storm sewer and the grading, paving, curbing and guttering of 42nd Street and a portion of Smoky Hill Drive all to be located in the 41st Street Plaza Second Addition to the City of Hays, Kansas, be approved.

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

Jayne Clarke moved, Robert Albers seconded, that Resolution No. 238, being a resolution authorizing and ordering the installation of water lines, sanitary sewer lines, storm sewer, grading, paving, curbing and guttering of 42nd Street and a portion of Smoky Hill Drive, all to be located in the 41st Street Plaza Second Addition to the City of Hays, Kansas, be approved.

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

Jayne Clarke moved, Errol Wuertz seconded, that a contract with Bucher, Willis and Ratliff for engineering design and construction inspection of storm sewers in 41st Street Plaza Second Addition, in the amount of \$12,300, be approved.

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

10. VINE STREET ENGINEERING: Mayor Rupp stated he felt the cost of the contract to provide an engineering study, design and construction services for the Vine Street temporary improvement in the amount of \$34,000 was high. If this were the costs for a long term project it would be acceptable.

City Manager Zacharias stated what this cost does include is an investigation of various options for an interim repair. If the City would choose to do a rut fill and slurry seal instead of milling and overlay, the cost would be less.

Public Works Director Elden Hammerschmidt stated these costs include a study and evaluation process and design services. It also includes an application process to KDOT because KLINK funds will be used plus advertising and qualifying bids.

Mayor Rupp stated he would prefer to have some milling done with an overlay and not have any engineering costs included in this temporary project.

Mr. Hammerschmidt stated he would like to be able to negotiate with contractors to get the job done, however, this would not be in accordance with the City's usual policy of taking bids. KDOT may not approve of the negotiation process; this possibility will have to be explored.

The Commission tabled this contract until Mr. Hammerschmidt checks with KDOT concerning the options available to the City.

The Commission discussed a contract from Bucher, Willis and Ratliff to provide engineering design services for the Vine Street Reconstruction Project. This will be a multi-year project and contract in the amount of \$150,450. The contract amount may need to be adjusted if the City decides, after the study is completed, to do more than remove and replace the pavement as it now exists. Also the scope has limited design time for extensive storm sewer design. That also will be determined after the study phase is completed.

The scope does include coordination with KDOT to develop the plan and tie in the beautification portion with the street improvements. It does not include design for the median beautification project. Because the project will be constructed as a KDOT project, the inspection services cannot be part of this contract. Inspection services will be a component of the KDOT project and involve a selection process. The project will be paid from General Obligation Bonds and Federal Highway Program Funds administered by KDOT.

Sharon Leikam moved, Errol Wuertz seconded, that a contract with Bucher, Willis and Ratliff for engineering design services for the Vine Street Reconstruction Project, in the amount of \$150,450, be approved.

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

11. COMMERCE PARKWAY ANNEXATION: Public Works Director Elden Hammerschmidt reviewed the map of Commerce Parkway indicating the right-of-way that must be annexed into the city limits.

City Attorney John Bird said the action needed on this issue is for the City of Hays to petition for annexation. The Commission is required to authorize the execution of the petition and consent for annexation. After the County does the

same thing, it will come back to the City Commission. At that time, a resolution will be adopted to ask the County to approve the final annexation.

Jayne Clarke moved, Robert Albers seconded, that the Mayor be authorized to sign a petition and consent for annexation of Commerce Parkway right-of-way from Highway 40 north to I-70.

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

12. CHANGE ORDER: Errol Wuertz moved, Sharon Leikam seconded, that Change Order No. 1 (Final) for 1996 Street Improvements, Micro-Surface & Slurry Seal Improvements, for a total deduction of \$15,383.30, be approved.

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

13. CAPITAL IMPROVEMENT PLAN REVIEW: Assistant City Manager Penny Postoak, assisted by Public Works Director Elden Hammerschmidt, gave a report on the City of Hays Five Year Capital Improvement Plan. Major projects for 1997 include paving of Commerce Parkway from I-70 to Highway 40 at an estimated cost of \$2,505,535. This Project will be funded by the City of Hays, Ellis County, and the Kansas Department of Transportation. The City's cost is estimated to be \$456,713, and will be financed with General Obligation Bonds.

The Vine Street Reconstruction Project and the Vine Street Beautification Project from 27th Street to Interstate 70 have been pushed back to 1999 due to the availability of federal funds. It will be necessary to do some interim repairs to Vine Street at an estimated cost of \$307,000. The Project will be financed by \$157,000 in City of Hays General Obligation Bonds, and a \$150,000 KLINK funds.

14. CONTRACTOR LICENSING ORDINANCE: Current City ordinance requires Block and Associates testing for contractor licensing instead of local exams. State statutes on contractor licensing have been changed to allow not only Block & Associates testing, but also testing from International Conference of Building Officials (ICBO). Currently, our ordinance does not provide for licensing using the ICBO exam. The ordinance needs to be changed to reflect State Statutes and what has become normal procedure.

The Trades Board has reviewed this issue and voted unanimously to recommended the ordinance be changed to reflect the allowance of both Block & Associates and ICBO testing as a condition for licensers.

Jayne Clarke moved, Sharon Leikam seconded, that Ordinance No. 3399, being an ordinance amending Sec. 6-31 (h)(4) of Article II, Chapter 6, of the Code of Ordinances of the City of Hays, Kansas, as amended by Ordinance No. 3264, to include ICBO testing for licensers, be approved.

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

15. AIRPORT LEASES: Sharon Leikam moved, Robert Albers seconded, that the Mayor be authorized to sign an agreement leasing Hangar Space G-9 to MacAir Corporation for an annual cost of \$630.

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

Errol Wuertz moved, Sharon Leikam seconded, that the City Manager be authorized to sign a Terminal Space Lease agreement with MacAir Corporation for a monthly fee of \$75.

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

16. ADD-ON ITEMS: City Manager Zacharias requested the Commission pass a resolution authorizing the City to abate nuisances located at 417 East 15th Street. Inspections of the property revealed metal, unsightly vegetation and large piles of miscellaneous debris on the property in violation of Ordinance No. 3252. The property owners have been given appropriate notification and have failed to clean up the property.

Jayne Clarke moved, Sharon Leikam seconded, that Resolution No. 236, being a resolution authorizing the City of Hays or its designated agent to abate nuisances located at 417 East 15th Street, be approved.

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

Commissioner Leikam thanked Mayor Rupp for his 24 years of service as a City Commissioner, and also thanked Commissioner Albers for filling the vacancy on the Commission when Eber Phelps was elected state representative.

Commissioner Albers also thanked Mayor Rupp and his family for his service. Commissioner Albers restated comments made at earlier Commission meetings regarding property taxes and the level of services requested by citizens. Citizens want to pay less taxes but are not willing to give up the level of services they are receiving. Property taxes will not come down until citizens are willing to do with less services.

Commissioner Clarke expressed her appreciation to Commissioner Albers for his service. Commissioner Clarke mentioned this would be the last meeting Mayor Rupp will be attending. She reviewed Mayor Rupp's 24 years of consecutive

service. Commissioner Clarke presented Mayor Rupp with a plaque and a scrapbook, and on behalf of the citizens of Hays thanked Mayor Rupp for his dedicated service.

Mayor Rupp expressed his thanks to the Commissioners, City staff, past Commissioners, and his family for all the support he has received.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board