

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MAY 22, 1997

**1. CALL TO ORDER:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, May 22, 1997, at 7:30 p.m.

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

**2. MINUTES:** Sharon Leikam moved, Wayne Billinger seconded, that the minutes of the May 8, 1997, regular session, be approved.

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

**3. FINANCIAL STATEMENT:** City Manager Hannes Zacharias noted that sales tax revenue to date is higher than for the same time period last year.

Wayne Billinger moved, Troy Hickman seconded, that the Financial Statement for April, 1997, be approved.

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

**4. CITIZEN PARTICIPATION PROGRAM:** There were no participants of the program present.

**5. CITIZEN COMMENTS:** Eber Phelps, State Representative for the 111th District, updated the Commission on recent legislative action. Representative Phelps was instrumental in passing

legislation that would not require cities to annually adopt a Weed Ordinance.

Ray Winters, citizen, addressed the Commission about the replacement of the Municipal Pool. Mr. Winters feels the Pool can be repaired rather than replaced.

Charles Wilhelm, Professor of Communication Disorders at Fort Hays State University, informed the Commission that May is National Speech and Hearing Month. Mr. Wilhelm gave a brief presentation regarding the various aspects of communication disorders and distributed pamphlets to the Commission.

**6. COMMISSION INFORMATIONAL MEMORANDUM:** Brenda Cary, Assistant Director of Public Works, announced that the City of Hays received the 1997 Outstanding Recycling Program Award at the annual Kansas Recyclers Association Conference held on May 8, 1997, in Hutchinson, Kansas. Ms. Cary gave credit and thanked the citizens of Hays for the success of the Recycling Program.

City Manager Zacharias noted that water consumption is gradually increasing, and urged the citizens to continue to conserve water. Outside watering restrictions will be in effect from June 1st to September 30th. These restrictions prohibit the usage of outside watering between the hours of 12:00 noon to 7:00 p.m. Provisions for new lawns will be made if application is made for a new lawn watering permit. The Police Department will monitor and issue warnings and/or tickets for violations.

**7. CONSENT ITEMS:** Wayne Billinger moved, Sharon Leikam seconded, that a Cereal Malt Beverage License for "The Checkered Flag", 1101 Elm Street, be approved.

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

**8. CITY COMMITTEE REPORTS:** Curt Brungardt and Doug Huston, representing the Traffic Advisory Committee, gave a presentation on the organization and the purpose of the Traffic Advisory Committee.

Carol Eddy and Virgil Howe, representing the Hays Beautification Committee, reported on the various activities and projects of the Committee. Mr. Howe displayed a model of a pterodon sternbergi dinosaur, which will be located at the intersection of Commerce Parkway and East 27th Street.

Mrs. Eddy requested that some of the remaining funds from the Business Improvement District be allocated to purchase holiday decorations for downtown Hays. Mrs. Eddy asked the Commission to consider allocating funds each year to place decorations in other business areas of Hays as well. The Committee would like to branch out a little more every year into business areas other than the downtown. The Beautification Committee is willing to sponsor and coordinate this program.

Commissioner Rome asked if awards had been considered for neighborhoods that are well maintained and stand out for their beauty and landscaping. Mr. Howe stated that has not been considered, but the idea will be placed on their agenda for consideration.

Beth Bowerman and Sharon Dreher, representing the Care Council, reviewed the process used to determine funding for the social service agencies that requested funds. Applications are made directly to the Care Council, who then determines the amount of funding available for that agency. A recommendation for funding is then presented to the City Commission for approval.

Marilyn Smith and Don Dreiling, representing the Golf Course Committee, reported on the improvements made to the Hays Municipal Golf Course this past year. Donations from the community and the Men's and Ladies' Associations totaling \$122,342 have made these improvements possible. The membership and green fees have increased by approximately 30% since the back nine holes have been added to the golf course.

**9. FUNDING REQUESTS FOR 1997:**

**A. Special Park and Recreation Fund:**

Tom Meiers and Dee Schmidt, representing the Wild West Fest, requested funds in the amount of \$9,775 for the permanent

underground installation of electrical wiring for Municipal Park. Mr. Meiers stated these improvements will be beneficial to the City year around. Pete Rohleder, president of Rohleder Electric, has donated over \$4,000 in labor and materials over the last two years to the Wild West Fest Committee. The installation of electric wiring is a self-engineered project done as a service to the Community, and the Committee is recommending the City accept his bid.

Mrs. Schmidt stated this project is being done from a safety perspective. Every year electrical cords are strung everywhere. Installation of underground wiring will allow for a much more balanced system which translates to a safer system.

Mr. Meiers displayed a layout of the proposed improvements. Power to the system will be off when the Municipal Park facility is not being used. Groups needing power will need to make application to have the service turned on for their activities. The pedestals containing the circuit breaker boxes will be weatherproof, and will be placed as near to trees or shrubbery as possible to camouflage them.

Commissioner Hickman expressed his concern about the possibility of someone running into these pedestals. City Manager Zacharias stated these pedestals will be four feet tall, two feet wide, and ten inches deep. While there is always a danger of people running into one of these, it will be obvious that there is something there that people should avoid.

Commissioner Rome stated he felt the visibility of the pedestals will detract from the park.

Mrs. Schmidt said last year fuses were blown several times. The Committee is very concerned about liability. If the City wants the festival to continue, measures need to be taken to insure the safety of this festival.

Park Director John Shaver stated he felt that once power is more easily accessible to the area, more groups will be desirous of using the park.

Funding for this project is available in the 1997 Special Park and Recreation Budget. Money was budgeted to install

restrooms, however, it has recently been determined that it would cost approximately \$14,000 more than the budgeted \$26,000. Restrooms will have to be delayed until money is available either in 1998 or 1999, when water and sewer lines can be laid. The existing restroom will be taken out of service this year, because it is basically a latrine.

Troy Hickman moved, Wayne Billinger seconded, that funds from the Special Park and Recreation Fund be used to provide water and electric improvements to the Municipal Park in an amount not to exceed \$9,775 to Rohleder Electric, as a "sole source" contract.

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

**B. Re-allocate \$7,500 from BID Funding to the purchase of holiday decorations for downtown:**

Curt David, representing the disbanded BID, and Carol Eddy representing the Hays Beautification Committee, requested that a portion of remaining funds from the BID be re-allocated to purchase holiday decorations for downtown Hays. The initial intent of those funds was to be used for the downtown area. The present decorations are in bad shape and in need of replacement.

Commissioner Leikam asked if any of the merchants downtown have shown any interest in paying for a portion of the decorations. Mr. David stated he did not know of anyone who has discussed or volunteered to pay for any decorations. However, he realizes that the amount of money needed to pay for decorations will probably require merchant participation. The Beautification Committee is looking for seed money to get this project underway and into the development process.

Commissioner Billinger stated he felt some of this money should be used for a display and/or video on downtown Hays at Sternberg Museum. The Museum is expected to bring two to three hundred thousand visitors to the City, and if even a small

portion of that number visit our downtown area and the Historic Old Fort Hays, the cost of the video will be recouped.

Mayor Clarke stated she felt it makes a lot of sense to spend at least a portion of this money for downtown decorations, especially since this money was allocated to the downtown BID.

Commissioner Hickman asked if any other organizations such as the Chamber of Commerce have been approached to help out.

Mrs. Eddy stated she has talked to Bob Templeton and the Chamber does not have any money to help out. She has not talked to any other groups, because the Committee would like to get some seed money first before they start contacting various groups.

Commissioner Hickman asked just how far out into the many business areas will decorations be placed, and will every business expect to have decorations placed in their area. Mrs. Eddy stated the reason for doing this is so people do not feel the downtown area will be the only area to benefit from these funds.

Commissioner Billinger stated he would like to see a volunteer organization made up of downtown merchants to oversee things of this nature. Mr. David said that possibility is in the beginning stages right now. Hopefully, after the Sidewalk Bazaar, leadership will emerge to take over a volunteer organization.

Mayor Clarke suggested the issue be studied and defined more clearly when costs can be presented, along with the scope of the project.

Commissioner Leikam stated she is inclined to give the Beautification Committee some of the money, however, she feels it is important to have the downtown merchants share in the cost. Commissioner Leikam suggested this issue be tabled until such time as details and costs can be worked out, at which time the Beautification Committee can again approach the Commission.

Commissioner Rome stated the "Fly Hays" Program is also interested in seed money to market western flights when dual hub service is restored.

No action was taken.

**C. Consider recommendations from the Care Council regarding the allocation of Alcohol and Human Resource Funds:**

Beth Bowerman and Sharon Dreher presented information regarding the distribution of Human Resource Funds and alcohol tax dollars distribution since 1994.

Ms. Bowerman said the CARE Council spent over 200 hours reviewing applications, making site visits, interviewing agency members about their programs, and developing a funding recommendation.

The following priorities were used in evaluating the programs:

Programs that:

1. Have just started, with a need for seed money;
2. Do not have sufficient funding from other sources;
3. Do not have duplicate services in the community;
4. Enhance the image and quality of life in our City;
5. Demonstrate that dollars are spent on programs, not administration.
6. Have programs that serve City of Hays' citizens; and
7. Actively receive citizen contributions of monies and services.

The CARE Council recommends the following distribution of Human Resource Funds:

CASA of the High Plains, Inc.	\$ 3,900
First Call for Help	\$ 8,780
Foster Grandparent Program	\$ 3,620
Hays Area Children's Center	\$ 2,000
Northwest Kansas Family Shelter	\$ 7,500
Senior Companion Program	---
Sunflower Girl Scout Council	\$ 500

Total \$26,300

Due to the reduction in monies available for distribution, the CARE Council chose to fund the Foster Grandparent Program, but not the Senior Companion Program. Local grandparents are

currently part of the Topeka Grant with the intent of establishing a local program with a future grant. In order for the grant request to be successful, local support for the program must be demonstrated.

The CARE Council reviewed the alcohol tax applications, made site visits, interviewed agency members about their programs, and developed the following recommendation:

Smoky Hill Foundation for Chemical Dependency	\$13,000
Dream, Inc.	\$17,000
Regional Prevention Center	\$ 7,000
DAWN	\$12,500
Fund carry-over	\$ 500
Total	\$50,000

Ms. Bowerman said the CARE Council commends the variety and quality of services provided by the various alcohol prevention and treatment facilities in Ellis County. These agencies have an impact on Hays by improving family stability, returning individuals to the work force, and reducing other social problems.

Jim Nugent, representing DAWN, reviewed the activities of their program.

Sharon Leikam moved, Howard Rome seconded, that the recommendations from the Care Council for Human Resource funding and Special Alcohol Tax funding, be approved.

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

**10. 1998 BUDGET REQUESTS:**

**A. Public Wholesale Water Supply District No. 15**

Laverne Squier, President of the Public Wholesale Water Supply District No. 15, presented the 1997 and 1998 Budgets of the Public Water Supply District. He noted that to date the

Water District has been able to operate on the \$90,000 rental income from the R-9 Ranch. In 1998, the Budget includes \$79,000 participation in addition to the \$90,000 rental income from the City of Hays and the City of Russell. The majority of the budgeted expenses are for legal fees.

Commissioner Rome asked if the 1998 Budget amount for expenses will be sufficient. Mr. Squier said this is our best estimate at this time. It is hard to estimate the dollars necessary to cover legal fees in connection with the Water Transfer Act. No one in the State of Kansas has ever gone through the Water Transfer Act.

Commissioner Leikam questioned why the Water District is budgeting \$6,000 less in 1998 than in 1997. Mr. Squier said the Water District wanted to be as efficient with the dollars as possible. The Water District felt there was an initial burst of attorney time necessary to familiarize themselves with the situation. We are in an interim period of working into the system. In the next phase, it is anticipated that legal fees will escalate.

Commissioner Leikam wanted to go on record as saying regardless of where the City would have gone for a water source, there would have been legal fees involved.

Jeff Hensen, representing Black & Veatch, gave a summary report, as attached hereto, on the feasibility of developing a water supply from Kanopolis Reservoir to serve both the City of Hays and the City of Russell, updated cost estimates for the 1993 Wilson Reservoir study, the 1994 Kinsley Ranch study, and a review of the feasibility of development of a water supply in Graham County.

**B. Ellis County Coalition for Economic Development:**

Lavern Squier, Executive Director of the Ellis County Coalition, and Ron Wente, President of the Ellis County Coalition, made a 1998 budget request of \$60,000 to assist with economic development activities for the Ellis County Coalition. Mr. Squier noted the Coalition's budget request has remained the same for the past three years. The Coalition has been funded in

the past by the City, County, and private sector. The Coalition's goal is to keep the City and County funding at the same level and attempt to increase contributions from the private sector.

Mr. Squier gave a full report on the economic conditions of the City of Hays. Economically, the City of Hays has experienced an up surge in the 1990's.

The 1998 goals of the Coalition include development of a long range water source and dual hub air service.

**11. HAYS HIGH SCHOOL TRAFFIC REPORT:** Curt Brungardt representing the Traffic Advisory Board, presented the recommendations from the Traffic Education Safety Task Force for traffic safety related changes for the intersection at 13th and Canterbury and the general vicinity around Hays High School. The recommendations are based on the task force study and a "Hays, Kansas School Study" conducted by the Kansas Department of Transportation.

The short-term recommendations (for immediate action) include:

1. Speed limit remains at 30mph on 13th Street across from Hays High School. (KDOT Report)

2. The reduction of speed limits to 20 mph in the indicated school zone areas both before and after school. This includes the installation of school zone signs and flashing lights. (KDOT Report)

3. City provide crosswalks at the intersections of 13th and Golden Belt and 13th and Western Plains. (KDOT Report)

4. Install pedestrian crossing signs in 12 locations. (KDOT Report)

5. The Hays Police Department increases its visibility during peak traffic times of the school day.

Mayor Clarke and Commissioner Leikam voiced skepticism about whether the crosswalks would be used.

Brenda Cary reviewed the School Study Report prepared by the Kansas Department of Transportation.

The Traffic Advisory Committee recommends adoption of

KDOT's recommendation to place a "left turn yield on green" on the master arm next to the left turn signal heads for north and south bound traffic, with further study to take place during the upcoming school year.

The estimated fiscal impact of these recommendations to the City is \$6,700. Funding is currently available in the 1997 Budget.

Troy Hickman moved, Wayne Billinger seconded, that the recommendations of the Traffic Advisory Committee regarding traffic associated with Hays High School, be accepted.

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

**12. NOISE VARIANCE:** City Manager Zacharias said the American Cancer Society plans to hold a "Relay for Life" fund raiser on June 27 and 27, 1997. They are requesting a noise variance.

Sharon Leikam moved, Troy Hickman seconded, that a request for a noise variance for June 27-28, 1997, from the American Cancer Society, be accepted.

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

**13. COMPREHENSIVE PLAN - ANNUAL UPDATE:** Community Development Coordinator Kent Laas reviewed the proposed changes/amendments to the adopted Comprehensive Plan. Following a public hearing, the proposed amendments were unanimously approved by the Planning Commission.

The following items were considered:

1. Designation of 17th Street and Tallgrass Street as collector streets.

2. Designation of Tallgrass Street, south of 13th Street as a collector street.

3. Designation of Smoky Hill Drive, north of 41st Street, to 45th Street as a collector street.

4. The area north of 33rd Street and east of Indian Trail (Sundance Addition) should be designated as high density residential.

5. Designate land north of the Technical College as high density residential (northeast boundary would be I-70).

6. Designate the land on the northwest corner of 41st Street and Hall Streets, to Interstate 70 for high density residential.

Sharon Leikam moved, Howard Rome seconded, that the revisions to the Comprehensive Plan for 1997, as recommended by the Hays-Ellis County Planning Commission, be approved.

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

**14. ANNEXATIONS:**

**A. Annexation north of 33rd Street, east of Broadway**

Community Development Coordinator Laas said in order to pave the north half of 33rd Street between Broadway and Barclay, a benefit district must be created. The first step to creating a benefit district is to annex the property north of 33rd Street. The property fronting 33rd Street is owned by Verlin Pfannenstiel and the First Assembly of God Church. Both parties have signed "Consent to Annexation" forms.

Additionally, a letter was submitted from the Church requesting a delay in payment of the special assessments. Bond council Randy Irey informed the City that there is a provision in State Statute that allows for the delay in participation of payment of special assessments. The Special Assessment District would be formed, but the City would pay the assessment until the Church is ready to develop the property. At that time, the Church would have to pay back all assessments, plus interest, and pay all future assessments. Mayor Clarke asked if the

Church would pay the interest the City would have received by having the money invested instead of paying the special assessments for the Church. City Manager Zacharias said the City would not recoup the loss of interest by paying the special assessments. City Attorney Bird said the other option being that if the Church refuses to participate, the City-at-large would end up paying for that portion of the street. That is the trade-off for the Church's participation.

Mayor Clarke explained that the paving of 33rd Street was a decision of the former Commission as a result of the anticipated increase in traffic due to the construction of a housing complex on 33rd Street just east of the Church. If the two property owners did not participate, the City would have been forced to pay for the entire street.

Sharon Leikam moved, Howard Rome seconded, that Ordinance No. 3405, being an ordinance annexing land north of 33rd Street owned by Verlin Pfannenstiel, and Ordinance No. 3406, being an ordinance annexing land north of 33rd Street owned by First Assembly of God Church, be approved.

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

**B. Annexation of Southeast Corner of I-70 and 183 Bypass**

Mr. Laas said the Kansas Department of Transportation is proposing to construct an area office on this property, and is requesting to have City services. The property must be annexed in order to receive utilities. This property is not contiguous to the present city limits. Therefore, a resolution must be presented to the County Commission to consider any adverse effect the annexation may have on the County.

Ron Sherard, representing the Kansas Department of Transportation, was present and said it is anticipated that construction will begin around July 4, 1997. KDOT is presently in negotiations with the City of Hays and Bucher and Willis to

use a "design-build" concept to construct the street.

Howard Rome moved, Troy Hickman seconded, that Resolution No. 247, being a resolution annexing land located at the southeast corner of I-70 and 183 Bypass, be approved.

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

**15. TEMPORARY NOTE BID AND RESOLUTION:** Bids for the issuance of \$750,000 in Temporary Notes to finance water, sewer, and street improvements in 41st Street Plaza Second Addition, reconstruction of West 12th Street, and engineering services for reconstruction of Vine Street from 27th Street to Interstate 70 were received at 2:00 p.m. on May 22, 1997. The results are as follows:

<u>Financial Institution</u>	<u>Interest Rate</u>
UMB Investment Division	4.341429%
Midwest Capital Management	4.3642%
Emprise Bank	4.40%
Golden Belt Bank	4.62
Boatmen's Bank	4.814286%

Sharon Leikam moved, Wayne Billinger seconded, the the bid from UMB Investment Division with a net interest rate of 4.341429%, be accepted and that Resolution No. 248 authorizing the issuance of the \$750,000 in Temporary Notes, be approved.

Mayor Clarke noted that she will abstain from voting since her husband is associated with Emprise Bank.

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

Abstain: Jayne Clarke

**16. SHELTER HOUSE BIDS:** Bids for the East Frontier Park shelter house roof replacement were received on May 21, 1997.

The results of the bid opening are as follows:

Commercial Builders	\$16,900
Steve's Construction	\$22,000
Alan Pfeifer Construction	\$25,893

Engineer's Estimate	\$19,000
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City Manager Zacharias recommended that the low bid, plus an additional \$950 to repair the stone work, be accepted.

Sharon Leikam moved, Howard Rome seconded, that the bid from Commercial Builders, totaling \$17,850 (base bid plus \$950.00), be accepted.

City Manager Zacharias mentioned that insurance will cover \$10,000 of the cost, and the balance will be paid out of the Special Park and Recreation Fund.

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

**17. EXECUTIVE SESSION:** Sharon Leikam moved, Troy Hickman seconded, that the City Commission, City Attorney, City Manager, Assistant City Manager and the Assistant City Clerk recess to executive session to discuss litigation for ten minutes, returning at 12:11 a.m.

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

Mayor Clarke called the meeting back to order at 12:08 a.m., and stated that litigation was discussed during the executive session.

Sharon Leikam moved, Howard Rome seconded, that the City Manager be authorized to take the necessary measures for filing suit against Big Creek and Prairie Acres Sewer Districts for collection of the full amount of sewer service fees due to the

City of Hays.

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

**18. ADD-ON ITEMS:** Commissioner Hickman asked City staff to review the Noise Ordinance and possibly amend the Ordinance to include provisions for decibel registration of noise.

Commissioner Billinger asked City staff to consider future discussions regarding a citizen call-in time during Commission meetings to comment on agenda items.

**19. ADJOURNMENT:** Howard Rome moved, Wayne Billinger seconded, that the June 12, 1997, regular session be adjourned to Tuesday, June 17, 1997 at 7:30 p.m. in the Hays City Commission Chambers.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_  
Clerk of the Board