

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON NOVEMBER 23, 1997

**1. CALL TO ORDER:** The Governing Body of the City of Hays, Kansas met in regular session, Tuesday, November 23, 1997, at 7:30 p.m.

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

Mayor Clarke declared that a quorum was present and called the meeting to order.

**2. MINUTES:** Wayne Billinger moved, Howard Rome seconded, that the minutes of the November 13, 1997, regular session, be approved.

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

**3. FINANCIAL STATEMENT:** Wayne Billinger moved, Troy Hickman seconded, that the Financial Statement for October, 1997, be approved.

City Manager Zacharias noted that sales tax collections are approximately \$105,000 ahead of last year's collections for the same time period. Overall, the revenue collections are above estimated budget amounts, and expenditures are below estimated budget amounts.

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

**4. CITIZEN COMMENTS:** Ray Winters addressed the Commission in regard to replacement of the swimming pool. He stated that Salina, Kansas, did repair their swimming pool for \$33,000, and Hays could do the same. Although, the cost might be slightly higher because the Hays pool has deteriorated more than the Salina pool. He suggested the City hold a cultural festival to raise revenue.

Mr. Winters suggested the City change the code on concrete requirements, eliminating fly ash and adding more rock. He said fly ash does not adhere and has a short life span.

**5. COMMISSION INFORMATIONAL MEMORANDUM:** Commissioner Leikam mentioned that Hays Cable TV rates will increase by \$1.23 per month. She pointed out that the City has no control over rate increases by Cable TV. Commissioner Billinger noted that a great percentage of the increase is a mandated pass through. Hays Cable TV will retain 40 cents out of the \$1.23. Commissioner Rome added that an additional channel will be available also.

**6. CONSENT ITEMS:** Wayne Billinger moved, Sharon Leikam seconded, that a Cereal Malt Beverage License for Pizza Hut, 2202 Vine, be approved.

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

Troy Hickman moved, Sharon Leikam seconded, that Wayne Billinger be appointed as the City Commission representative to the Ellis County Coalition Board of Directors for one year to replace Sharon Leikam whose term will expire.

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

**7. TOWN HALL MEETING REVIEW:** City Manager Zacharias reviewed

various issues that were discussed at a recent town hall meeting.

**8. 27th STREET (FORT TO PLAZA AVENUE) ENGINEERING AGREEMENT:**

An Engineering Contract for the improvement of 27th Street from Fort Street to Plaza Avenue was presented for consideration.

Public Works Director Elden Hammerschmidt commented on some misinformation that was reported recently in regard to the 27th Street Project. He said tonight, the Commission will not discuss the preliminary engineering report; a contract to perform the preliminary engineering will be considered.

Mr. Hammerschmidt clarified the project funding source, stating that the 27th Street Project will be financed by General Obligation Bonds. No federal or state dollars will be used to fund this project.

Mr. Hammerschmidt said the Engineering Contract has been identified in phases so the City Commission can approve or stop at the end of any given phase. He said if this project is to be completed in 1998, the preliminary engineering needs to begin immediately.

The following schedule shows the dates that must be met to keep the project on schedule:

- November 23, 1997 - Proceed with preliminary engineering
- January 9, 1998 - Preliminary design completed
- January 22, 1998 - Proceed with r/w acquisition and complete plans
- March 20, 1998 - Plans and specifications completed
- April 15, 1998 - Bid letting
- April 23, 1998 - Award project
- May 26, 1998 - Begin construction

Commissioner Billinger said the contract does not include a study for the realignment of Main Street. Mayor Clarke said about a year ago, the Commission made a commitment to Saint Joseph Church to not align Main Street with Woodrow Court. The Church wanted to know what direction to take for expansion of their cemetery. Aligning Main Street with Woodrow Court would

cut into church property that will eventually be used to expand the cemetery.

Commissioner Billinger said traffic from three directions moving on to Vine Street in such a short distance creates problems. He would like to see the realignment of Main Street issue included in the engineering study. Bucher, Willis and Ratliff Engineer John Youll said that information has already been gathered, and could be discussed again.

City Attorney Bird said the decision to not connect Main Street to Woodrow Court could be reversed; a previous Commission cannot bind a future Commission.

Sharon Leikam moved, Troy Hickman seconded, that an Engineering Contract with Bucher, Willis and Ratliff for improvements to 27th Street from Fort to Plaza Avenue, be approved, subject to legal counsel review and approval, and the engineers be authorized to proceed with the preliminary engineering phase of the Project.

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

**9. FRONTIER PARK ENGINEERING AMENDMENT:** City Manager Zacharias said additional expenses above what was originally proposed to do the construction observation were incurred during the grading and surfacing of the Frontier Park roads. He said staff requested that the project engineer come to the site and inspect the grading and compaction of the sub-surface while the road work was being completed. Since this portion of the project was being completed by City crews, staff wanted to be sure the sub-grade was correct before the overlay was applied. It is recommended that the additional expenses, totaling \$1,320.10, be accepted.

Troy Hickman moved, Wayne Billinger seconded, that the additional engineering services totaling \$1,320.10 associated with the Frontier Park Roadway Improvement Project, be approved.

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

**10. HEALTH INSURANCE:** City Manager Zacharias said in mid-September, requests for proposals for the City's Health Insurance coverage were solicited by the Employee Health Insurance Committee. Seven proposals were received. The proposals were reviewed by the Employee Health Insurance Committee. The lowest qualifying proposal was from our present insurance carrier, Positive Care, for a maximum estimated plan cost of \$549,538. The Committee unanimously recommended the continuance of administration of the City's Health Insurance Program by Positive Care of Shawnee Mission, Kansas. The employees have been satisfied with the services of Positive Care. The cost is within the amount budgeted for health care. The benefit package will remain the same, and Gerber Life will remain the City's reinsurance carrier.

Personnel Director Susie Billinger noted that 1997 has been a very good year; health claims paid by the reinsurance company (Gerber Insurance Company) are about \$100,000 under budget at this time. In 1996, Gerber Insurance paid the City over \$400,000 in aggregate claims.

City Manager Zacharias commended the Health Insurance Committee's work. They have done a very good job managing the benefit. They are not afraid to increase the deductible or modify the co-pay in order to stay within the budget limitations.

Troy Hickman moved, Howard Rome seconded, that the health insurance bid totaling a maximum cost of \$549,533, from Positive Care, Shawnee Mission, Kansas, to provide third party claim services and reinsurance for the City's self-funded health insurance program, be accepted.

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

**11. LEGISLATIVE SERVICES AGREEMENT:** City Manager Zacharias presented a Legislative Service Agreement with Jim Kaup of Logan, Riley, Carson and Kaup, L.C. This contract is similar to the one approved last year to allow Mr. Kaup to work on our behalf during the legislative session. Mr. Kaup has performed very well for us the last several years researching legislative topics and providing testimony on issues related to water, taxation, and other appropriate City concerns. The fee proposed by Mr. Kaup is the same as 1996. The total amount spent in 1996 was \$1,466.70. The total amount spent in 1997 to date is \$1,440.27.

Howard Rome moved, Sharon Leikam seconded, that an agreement for legislative services with Logan, Riley, Carson, and Kaup, L.C. for 1998, be approved.

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

**12. EXECUTIVE SESSION:** Sharon Leikam moved, Troy Hickman seconded, that the Commission recess to executive session to discuss personnel matters and matters of attorney/client privilege for fifteen minutes, returning at 8:50 p.m. The City Commission, the City Attorney and the City Manager will be included in the executive session.

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

Mayor Clarke called the meeting back to order at 8:50 p.m.

She stated no action was taken during the executive session.

Wayne Billinger moved, Sharon Leikam seconded, that the City Manager be given a 2.5 percent salary increase retroactive to the beginning of the 1997 payroll year, and a 2.5 percent merit increase retroactive to September 21, 1997.

Mayor Clarke said the salary adjustment for the City Manager is in line with the salary adjustment all City employees received in 1997 as per the Pay Plan Study conducted in 1996 by Ralph Anderson and Associates.

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

The Commissioners thanked the City Manager for being very professional, dedicated, personable, and maintaining an "up" attitude. Commissioner Hickman thanked his family for all the sacrifices they make because of the amount of time Mr. Zacharias dedicates to the City.

**13. ADD-ON ITEMS:** City Attorney Bird said at the last meeting, he was directed to pursue the facilitation of the purchase of the building on Canterbury Road for the Recreation Commission. It was evident the City would not be able to act quickly enough to meet the demands of the seller. Fortunately, a local benefactor of the Recreation Commission offered to front \$275,000 to purchase the building, and then sell it to the City once the City had all the legal work and financing in place. Unfortunately, Western Investments made a better offer which was accepted by the seller. The building is no longer available.

Commissioner Leikam asked if the fact that the amount the City was going to offer was publicized prior to the sale had anything to do with the City losing the sale. City Attorney Bird said unfortunately, that is the way government does business. He is not a great believer of executive sessions, but that is why executive sessions are held for acquisition of property; it levels the "playing field". In this particular

case, the price was exposed prior to it coming before the City Commission.

Assistant City Manager Postoak presented a Resolution to abate nuisances located at 204 East 14th Street. The property owner has ten days to clean up the property, or the City will clean it up and charge the costs back to the property owner.

Howard Rome moved, Troy Hickman seconded, that Resolution No. 268, being a Resolution authorizing the City of Hays or its designated agent to abate nuisances located at 204 East 14th Street, Hays, Kansas, be approved.

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

Commissioner Leikam said recently, five representatives from Hays had the honor of going to Washington, D.C. to receive the All America City Award presented by Vice President Al Gore. One citizen, Lynne Albers, who spent countless hours, over nine years with no pay, implementing the City's Recycling Program was not able to attend because she was not represented by an entity. She apologized to Lynne; in her opinion the City was remiss in not recognizing the fact that even though Lynne does not receive a pay check from the City, she was truly the City's representative. If the City were to have paid for the services that Lynn did free, it would have cost the City thousands of dollars. One of the City's greatest assets are the hundreds of volunteers, and the City truly appreciates their services.

Mayor Clarke, in response to Mr. Winters remarks about the Salina swimming pool earlier in the meeting, said the repairs to the Salina swimming pool was a 1994 project which consisted of sandblasting, painting, and caulking the pool. This is hardly an "apples to apples" comparison since repairs to the City's Municipal Pool will be much more extensive. In addition, whether the City repairs the pool, or constructs a new pool, costly ADA requirements will need to be met.

Thereupon the Governing Body adjourned.

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

Clerk of the Board