

MINUTES OF A MEETING OF
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 13, 1998

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, August 13, 1998, 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: Howard Rome moved, Sharon Leikam seconded, that the minutes of the regular session held on July 23, 1998, be approved.

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

3. MAYOR/VICE MAYOR SELECTION: Due to the resignation of former commissioner Eber Phelps, it was decided to extend the next three mayoral terms to sixteen months each in order to get back to the normal rotation of the mayoral position. City Manager Zacharias noted that Mayor Clarke has submitted a letter of resignation since her sixteen month term as Mayor has ended.

Howard Rome moved, Troy Hickman seconded, that Wayne Billinger be nominated for Mayor of the City of Hays to complete the Mayoral term vacated by Jayne Clarke through April, 1999.

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

Sharon Leikam moved, Jayne Clarke seconded, that Troy Hickman be nominated for Vice-Mayor of the City of Hays through April, 1999.

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

Mayor Billinger presented a gavel to Jayne Clarke in appreciation for her service as Mayor.

Mayor Billinger said this was a proud and memorable moment in his life. Becoming Mayor has been his goal since he became involved in City government eight years ago. There have been many accomplishments under the leadership of Mayor Clarke. There are more issues to be resolved, and this Commission will continue with great work ethic, vision, fairness and compassion. He reminded the Citizens of Hays that input is always welcome.

4. CITIZEN COMMENTS: There were no comments.

5. COMMISSION INFORMATIONAL MEMORANDUM: Mayor Billinger commended City staff for receiving the Distinguished Budget Award for the 1997 Budget. City Manager Zacharias said the credit goes to Assistant City Manager Penny Postoak, she did all the work.

CONSENT ITEMS: Jayne Clarke moved, Troy Hickman seconded, that Carol Eddy (representing the Downtown Business District), Nancy Baumrucker (design representative) and Karen Beal (representing the Garden Club) be appointed to the Beautification Committee for terms to expire in the year 2000.

7. 1999 BUDGET: Mayor Billinger opened a public hearing to receive comments regarding the 1999 Budget.

Herb Songer, Verlin Pfannenstiel and two Fort Hays State University students spoke on behalf of the funding of the Scholarship Program at Fort Hays State University. They urged the City Commission to restore funding to the original \$100,000 level for 1999 instead of the \$60,000 presently in the budget.

There being no further comments, Jayne Clarke moved, Howard Rome seconded, that the public hearing be closed.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

Jayne Clarke

Jayne Clarke moved that Ordinance No. 3446, being an ordinance approving, adopting, and appropriating by fund the Budget of the City of Hays, Kansas, for the year beginning January 1, 1999.

Commissioner Hickman seconded the motion for purposes of discussion.

Commissioner Hickman said he would like to further discuss the funding cut to Fort Hays State University and the non-essential service agencies based on a fairness issue. He said in 1996, the budget allocation for social service agencies and Fort Hays State University was cut at the same percentage level. However, the 1999 Budget proposes to restore the non-essential service agencies to the original level, but Fort Hays State University funding was increased to \$60,000 instead of the original \$100,000 level, and the social services funding was increased to \$25,000 instead of \$35,000. He said Mayor Billinger's acceptance speech talked about fairness to all parties. Commissioner Hickman wondered why funding was not restored consistently to all agencies. An additional \$50,000 would bring funding to all agencies to a consistent level. This \$50,000 is budgeted as a transfer to Special Highway, and street maintenance is greatly needed. However, only a very small section of streets could be repaired for \$50,000. He questioned whether the \$50,000 should be used for street repair, or to improve the quality of life for Hays residents. He is in favor of using the \$50,000 to fund social services and Fort Hays State University to its full level.

Commissioner Rome said education is important, and he favors funding the Scholarship Fund to the full \$100,000 level, and the social service agencies to the \$35,000 level.

Commissioner Leikam said she disagreed that \$50,000 will not do much for streets, it is a start. She does not believe that it is the taxpayer's job to educate students. She has empathy for students; college is not cheap. She is in favor of placing the Scholarship funding on a ballot and letting all citizens decide whether the City should fund the Scholarship Fund or not. Commissioner Hickman said his issue was one of fairness and consistency.

Commissioner Clarke said she could go either way on the funding issue, but she wanted to say that she was tired of this issue coming before the Commission. She is tired of being treated in a hostile manner by some students and faculty members of Fort Hays State University. It is very uncomfortable and unwarranted.

Commissioner Clarke says she has no doubt that the University is a big economic supporter of the City, but does the City support any other economic supporter of the City, such as car dealers. Does the City fund any other business that is given an economic development incentive forever? However, a point made by some taxpayers is that funding the Scholarship Program does keep hometown students home, and for that reason, she would be willing to support some type of increase in funding to the Scholarship Program.

Mayor Billinger said he is comfortable with the \$60,000 for the Scholarship Program presently in the budget, and he does not consider it a cut. There is a perception among the public that the City is giving nothing to FHSU, \$60,000 is a substantial amount of money. The \$50,000 does not go along way toward slurry seal, but we need to start somewhere.

Commissioner Leikam said she continuously hears about this partnership between the City and Fort Hays State University. Her question is what about funding from the County, the City of Ellis and the City of Victoria. Maybe if all entities contributed, the \$100,000 request could be reached.

Mayor Billinger restated the motion on the floor to approve the 1999 Budget as stated with no changes.

Vote: Ayes: Wayne Billinger
Sharon Leikam

No: Troy Hickman
Howard Rome
Jayne Clarke

The equity of the funding issue was further discussed.

Mayor Clarke moved that the Scholarship fund be restored to a level of \$72,000 which would bring all funding to an equitable level. The motion died due to a lack of a second to the motion.

Troy Hickman moved, Howard Rome seconded, that Ordinance No. 3446, being an ordinance approving and adopting the 1999 Budget be approved, with the stipulation that the Scholarship funding be restored to \$100,000 and social service funding be restored to \$35,000, and the transfer to the Special Highway Fund be reduced by \$50,000.

Vote: Ayes: Troy Hickman
Howard Rome
Jayne Clarke

No: Wayne Billinger
Sharon Leikam

1998 BUDGET AMENDMENT: Mayor Billinger opened a public hearing to receive comments regarding an amendment to the 1998 Budget.

City Manager Zacharias explained that receipt of the local ad valorem tax reduction fund moneys is contingent upon showing the amount as a separate revenue item in the certified budget. Last year, in preparing for the 1998 Budget, the County certified the City to receive \$175,576.35. However, only \$165,000 was budgeted due to historical trends.

The County has informed the City that they will receive enough money from the State to allocate funds based on the certified levels. If the 1998 budget amendment is approved, and we rectify our amount of LAVTR with the County, the City can receive the difference, or the additional \$10,600. He presented a recap of the 1999 Budget increasing LAVTR tax by \$10,600 and reducing franchise fee revenue by \$10,600.

There being no further comments, Troy Hickman moved, Sharon Leikam seconded, that the public hearing be closed.

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

Howard Rome moved, Sharon Leikam seconded, that the 1998 Budget be amended to include \$10,600 additional LAVTR tax and \$10,600 less franchise tax revenue.

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

City Manager Zacharias noted that the spending authority for 1998 remains the same. This amendment merely shifts estimated revenue line items.

9. 1997 AUDIT: Ken Beran and Brian Dewitt presented the 1997 Audit Report to the Commission. Mr. Beran said the City is in sound financial condition and received no budget violations. Mr. Dewitt gave a report on financial ratios and performance measures of the City.

Jayne Clarke moved, Howard Rome seconded, that the 1997 Audit Report be accepted.

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

10. LAND OF OZ FIRST ADDITION FINAL PLAT; The Ellis County Planning Commission approved the Final Plat of the Land of Oz First Addition at their June 15,

1998, meeting. This plat contains 18 residentially zoned lots. Provisions have been made within this plat for the extension of all necessary public and private utilities.

Howard Rome moved, Sharon Leikam seconded, that Resolution No. 289, being a resolution approving plat and dedication of Land of Oz First Addition to the City of Hays, Kansas, be approved.

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

Mayor Billinger questioned when payment in lieu of green space is made, how is that figured? Is it calculated on the property purchase price, or the assessed value of the property? City Manager Zacharias stated the ordinance states seven percent in either land or cash value is to be set aside for green space. Residential and commercial properties are calculated differently, however, all entities are treated in a consistent and equitable manner.

Howard Rome moved, Jayne Clarke seconded that \$4,548.00 as payment in lieu of green space for Land of Oz First Addition, be accepted.

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

11. STERNBERG SECOND ADDITION PLAT AND REPLAT OF A PORTION OF STERNBERG FIRST ADDITION; The Hays-Ellis County Planning Commission has approved the Final Plat of Sternberg Second Addition and Replat of a Portion of Sternberg First Addition. This plat includes the property adjacent to Sternberg Drive and includes Sternberg Drive itself. Easements and right-of-way has been provided within the plat to accommodate all utilities. The Planning Commission recommends that the City accept money in lieu of green space and this money be used to help complete the Sternberg Drive beautification.

Jayne Clarke moved, Troy Hickman seconded, that Resolution No. 290, being a resolution approving the plat of Sternberg Second Addition and Replat of a Portion of Sternberg First Addition to the City of Hays, Kansas, be approved.

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

The Planning Commission has recommended the Commission accept \$7,500 as payment in lieu of green space, 100% of which is to be set aside for the purchase of trees along Sternberg Boulevard. Mayor Billinger stated that in a prior agreement, Fort Hays State University agreed to install and maintain the landscaping in that area. This money should be allocated to the Park Fund as it has been in the past.

Jeff Seibel stated he felt the money should be used to purchase trees. This is a once in a lifetime opportunity for the City of Hays to impress the many visitors that will visit our city.

Jayne Clarke moved, Sharon Leikam seconded, that \$7,500 be accepted as payment in lieu of green space and placed in the Park Development Fund to be used at the discretion of the City.

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

12. ANNEXATION OF COUNTRYSIDE ESTATES, AND SUBMISSION OF CDBG

GRANT: City Manager Zacharias stated in order for a CDBG Grant to be submitted for a water line in this area, Countryside Estates must be annexed. By annexation, the City takes on the responsibility for fire and police protection in the trailer park. Adequate fire lines, however, are not available. To cover this liability, the City intends to contract with the County to haul water for the Hays Fire Department, when needed. He also stated

that should the CDBG Grant be denied, or a special assessment district not be created, then the area should be de-annexed. Van Witthuhn of Countryside Estates stated he understood and accepts the de-annexation provisions stated by Mr. Zacharias. He also committed to installing fire lines within the trailer park at his cost following the installation of the City water main to serve Countryside Estates.

Jayne Clarke moved, Troy Hickman seconded that Ordinance No. 3447, being an ordinance annexing land to the City of Hays, be approved.

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

Sharon Leikam moved, Jayne Clarke seconded, that August 27, 1998, 7:30 p.m. be set as the date for the public hearing to consider submission of a CDBG Grant for the placement of water lines leading to Countryside Estates.

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

13. POOL DEMOLITION BIDS: Jim Sullivan from Sullivan Palmer Architects, Inc. reviewed the process by which the Municipal Pool will be dismantled and demolished.

Bids for the demolition of Municipal Pool were received from the following:

Allied, Inc.	\$ 54,000
M & D Inc.	72,250
Total Lease Service	210,000

Jayne Clarke moved, Troy Hickman seconded, that the bid from Allied, Inc., in the amount of \$54,000 for the Municipal Pool demolition be accepted.

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

14. PUMP ENCLOSURE BIDS: Bids to construct pump enclosures at the Wasterwater Treatment Plant were received as follows:

Commercial Builders, Inc.	\$46,500
Paul-Wertenberger Constr.	73,450

Sharon Leikam moved, Jayne Clarke seconded, that the bid from Commercial Builders, Inc., in the amount of \$46,500, to construct pump enclosures at the Wasterwater Treatment Plant, be accepted.

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

15. INSTRUMENT LANDING SYSTEM CONSULTANT SERVICES: Troy Hickman moved, Howard Rome seconded, that the Mayor be authorized to sign an agreement with Bucher, Willis, and Ratliff for consulting services concerning the purchase of Instrument Landing System equipment at the Hays Municipal Airport, for a total cost not to exceed \$16,235.

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

16. CITY HALL HEATING, VENTILATION, AND AIR CONDITIONING CONSULTANT SERVICES: Howard Rome moved, Sharon Leikam seconded, that the Mayor be authorized to sign an agreement with Bucher, Willis, and Ratliff to perform consultant services regarding specifications to install new heating, ventilation, and air conditioning

equipment in City Hall, for a total cost of \$8,433, plus site inspections and meetings on an hourly basis.

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

17. STANDARD TRAFFIC ORDINANCE: City Manager Zacharias stated this is a routine item done annually. The State legislature modifies the uniform standard traffic ordinance and most cities then adopt an ordinance adopting this ordinance.

Howard Rome moved, Jayne Clarke seconded, that Ordinance No. 3448, being an ordinance regulating traffic within the corporate limits of the City of Hays, Kansas, incorporating by reference the “Standard Traffic Ordinance for Kansas Cities,” Edition 1998, be approved.

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

18. UNIFORM PUBLIC OFFENSE CODE: Sharon Leikam moved, Troy Hickman seconded, that Ordinance No. 3449, being an ordinance regulating public offenses within the corporate limits of the City of Hays, Kansas, incorporating by reference the “Uniform Public Offense Code for Kansas Cities,” Edition 1998, be approved.

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

19. RESPONSE LETTER TO COUNTY COMMISSION: City Manager Zacharias presented a draft letter from the City of Hays to the Ellis County Commission regarding the annexation of 41st Street west of Hall Street. The City does not wish to annex the

street at this time. However, it is important to have a continual dialogue with the County Commission regarding this issue. The consensus of the Commission was to wait to see the letter in its final form before taking action.

Keith Kingsley, chairman of the Ellis County Commission, addressed the Commission. The maintenance of 41st Street is going to be a continuing problem due to the development that is on going in that area. Hopefully, the City and the County will be able to come to some type of agreement to assist with 41st Street maintenance that will be necessary due to traffic from city streets in the area that feed onto 41st Street.

20. TRANSPORTATION COALITION FOR ELLIS COUNTY: The Governor of the State of Kansas is soliciting ideas from communities regarding the next transportation bill. The City is working with Ellis County and Developmental Services of Northwest Kansas to develop a document that is a joint resolution of intent regarding our priorities in transportation issues.

Howard Rome moved, Troy Hickman seconded, that a resolution be adopted endorsing certain infrastructure improvements and endorsing a new state wide comprehensive transportation program.

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

21. EXECUTIVE SESSION: This session was put on hold until the next meeting.

22. ADD-ON ITEMS: There were no add-on items.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board