

MINUTES OF A MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF HAYS, KANSAS  
HELD ON FEBRUARY 26, 1998

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, February 26, 1998 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 regular session held on February 12, 1998, be approved.

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

**3. FINANCIAL STATEMENT:** Troy Hickman moved, Howard Rome seconded, that the Financial Statement for January, 1998, be approved.

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

**4. CITIZEN COMMENTS:** Alicia Brungardt, 1310 East 22nd Street, and Ruth Ruder, 2039 Metro Lane, appeared before the Commission on behalf of the Parents Advisory Board of the Hays Area Children's Center. Ms. Brungardt said due to financial difficulties, the Board of the Children's Center voted to close the Canterbury Site, and operate only out of the Lewis Drive

facility. This will create a child care crisis in Hays. The Lewis Drive facility is not large enough to handle the influx of children from the Canterbury site. The Board also recommended closing Kids 2000 which offers a summer and after school program for school aged children. If the Kids 2000 program is discontinued, many parents will be at loss for summer child care.

Ms. Brungardt asked the Commission for help in locating another site with lower rent to handle the children attending the Canterbury site. She asked if Community Development Block Grants were available to assist the Children's Center.

City Manager Zacharias said the School District would be more aware of what type of grants were available, and also the Children's Center personnel should be aware of grant opportunities. He said he would be willing to contact local CDBG representatives to see if any funds were available for their cause.

**5. COMMISSION INFORMATIONAL MEMORANDUM:** There were no comments.

**6. CONSENT ITEMS:** Sharon Leikam moved, Troy Hickman seconded, that a Cereal Malt Beverage License for the Hays Baseball Association, Larks Park, be approved.

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

**7. WILD WEST FESTIVAL:** Tom Meiers and Dee Schmidt, representing the Wild West Festival Committee, presented a calendar of events for the Wild West Festival to be held July 2 through July 5, 1998. Mr. Meiers said the Wild West Fest has a tremendous economic impact on the City of Hays. Prior to the festival, many people left town to celebrate the 4th of July; now we have many visitors coming into the City.

Ms. Schmidt made a request for financial assistance to help defray up front expenses. She said many hours of volunteer work

are put into the Festival. We depend on corporate sponsors and the communities' generosity. Most of the contributions are received close to the time of the Festival. She asked the City Commission for \$9,500 to pay for insurance, rentals, postage, legal and professional fee and administrative assistance.

Commissioner Hickman asked if this request was going to be an annual request. Mr. Meiers said this is a one time request. After this year's Festival, a financial statement will be presented and evaluated as to whether it is feasible to continue holding the event.

Wayne Billinger moved, Sharon Leikam seconded, that a request from the Wild West Fest for funds totaling \$9,500, be approved.

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

Sue Rouse, citizen, asked where in the City budget will the funding come from? City Manager Zacharias said additional cash carry-over will be used.

**8. HALL STREET STRIPING:** City Manager Zacharias said Commissioner Billinger has requested that the striping of Hall Street from 27th to 41st Street be discussed again. A review of the files indicate that recommendations to stripe this area four-lane have been made by the Traffic Advisory Committee in 1985, 1986, 1990, 1991, 1993, and 1995. In 1993 and 1995, the issue was reviewed by the City Commission, and rejected both times due to the effects such striping would have on adjacent property owners eliminating their ability to park on Hall Street. Given the Traffic Advisory Committee's consistent desire to have this area striped four-lane, deferring the issue back for their review is not needed. There appears to be little dispute that the area should be striped four-lane. The question to be answered is when the striping should occur.

Rich Wunder, 3105 Hall, Jim Girvin, 3103 Hall, Vince

Dreiling, 3201 Hall, and Deanna Doerfler, 3111 Hall, were among the citizens who spoke in protest of striping Hall Street. They cited the loss of parking to the residents facing Hall Street, pedestrian safety, increased speed, dangers of backing onto Hall Street by those residents who do not have circle drives as reasons for not striping the street.

Commissioner Billinger said the concern he has is there are very few parked cars along Hall Street; this makes for more of a hazard. It appears to be a four-lane street, and was designated to be a four-lane street. People who are not familiar with the area do use the outside lanes. Other people are not sure which lane to drive in.

Mr. Wunder said so far, there have been very few accidents. However, he fears that speed and accidents will increase if the street is marked four-lane.

Deanna Doerfler said there are very few safe places to walk, jog, or bike in the northwest area of the City. She suggested making the outside lanes jogging and bike lanes.

After a lengthy discussion, the Commission took no action. They instructed City staff to conduct another traffic count in the area, explore the option of a bike and jogging lane, get an estimated cost for a stop light at 27th Street and Hall, and notify all property owners in the area of pending action regarding the striping of Hall Street.

**9. COMPUTER/NETWORKING PURCHASES:** Assistant City Manager Penny Postoak and Information Systems Coordinator Ken Kuhn addressed the Commission regarding a Computer Network System. Ms. Postoak said the "Request for Proposal" was based on the following criteria:

- Functionality, performance and manageability of proposed network
- Experience and references of organization
- Proposed costs of network
- Time frame for implementation
- Ongoing vendor technical support

The City received five proposals, however, one proposal did

not meet specifications. Proposals meeting the specifications were received from the following:

| Vendor  | Initial Cost | Operating Cost<br>1st year |
|---|--------------|----------------------------|
| Technology Consultants Inc.   | \$233,981    | \$14,136                   |
| Rural Telephone<br>A+ Computers   | \$242,317    | \$26,368                   |
| Eagle Comm., Computerland<br>System Solutions, Inc.<br>Brungardt, Hower | \$258,863    | \$32,140                   |
| Southwestern Bell   | \$319,835    | \$11,340                   |

Ms. Postoak said a panel consisting of Ken Kuhn, Assistant City Clerk Doris Wing, Police Captain Jim Purdy and herself reviewed the proposals. The Panel recommends the City contract with Technology Consultants, Inc. (TCI)

Ms. Postoak noted that TCI's proposal exceeds the budgeted amount of \$200,000. In order to stay within the budgeted amount, the Panel recommends 27 computers be replaced and 27 computers be upgraded instead of replacing 51 computers and upgrading 3 computers. By scaling back the number of replacements, the cost of \$198,622 will be within the budgeted amount, and still meets the minimum criteria as set in the RFP.

Ms. Postoak said the Panel is asking that the proposal from TCI totaling \$198,622, be accepted tonight, and a contract will be prepared for approval at the next meeting.

Commissioner Rome said he had a concern raised to him about the bid being modified after it was submitted. City Attorney Bird said this was not a bidding process. In a bidding process, there is a benchmark such as an engineer's estimate. This process has been structured as a "Request for Proposals" which implies there could be a negotiation process. Proposals were

made to the City, and the City has the option of accepting the proposal or making a counter proposal.

Information Systems Coordinator Ken Kuhn gave a network overview of the proposed system.

Assistant City Manager Postoak noted that the initial cost of \$198,622 does not include the estimated operating cost of \$7,068, or initial training costs of \$3,000. These costs can be absorbed within the 1998 Budget.

Howard Rome moved, Troy Hickman seconded, that the proposal submitted by Technology Consulting, Inc. totaling \$198,622 for a Computer Network System and the installation of recommended computer equipment, be approved.

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

**10. WATER LINES ALONG DECHANT ROAD:** Several months ago, the City Commission approved the participation of the City in the extension of an eight (8) inch public water line from the intersection of East 17th Street and Dechant Road, north on Dechant Road approximately 540 feet. The motion authorized City participation up to \$5,000. The remainder of the cost, which was estimated to be \$20,500, was to be shared by the State of Kansas (through KDHE) and Larry Fugate, an adjoining developer.

Three documents were presented to formalize the previous action of the City Commission: 1) A contract agreement prepared by KDHE providing for reimbursement to the City for actual expenditures. The amount provided in the contract, \$11,000, includes an allowance for extending a service line from the proposed water main to Heartland Academy of Gymnastics and Dance. 2) A Memorandum of Agreement between the City of Hays and Larry Fugate, the developer, and 3) An Engineering Agreement with Bucher, Willis and Ratliff for engineering services associated with the installation of a water line along Dechant Road.

Troy Hickman moved, Howard Rome seconded, that the Mayor be authorized to sign an Agreement with the Kansas Department of Health and Environment for extending a water line to Heartland Academy of Gymnastics, and an Agreement with J. Larry Fugate for the installation of a water line along Dechant Road, and an Agreement with Bucher, Willis and Ratliff for design services associated with the installation of the water line along Dechant Road.

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

**11. WATER METER BIDS:** Public Works Superintendent Don Larson said as a continuation of our 10 year meter replacement and automation, bids were received from two manufacturers which produce meters compatible with the City's software as follows:

|                      |             |
|----------------------|-------------|
| Heartland Waterworks | \$61,770.55 |
| (Schlumberger)       |             |
| Sensus Technologies  | \$67,134.62 |
| (Sensus)             |             |

City staff is recommending the bid from Sensus Technologies be accepted even though it is not low bid. Sensus meters have proven to very reliable and maintenance free. The Schlumberger meters have proven to be high maintenance. The savings in labor cost will compensate for the additional cost of the Sensus meters.

Wayne Billinger moved, Sharon Leikam seconded, that the bid from Sensus Technologies totaling \$67,134.62, be accepted.

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

**12. TALLGRASS ADDITION IMPROVEMENTS:** Bids were received on January 13, 1998 for construction of a water and sewer line in

Tallgrass Addition from the following:

| <b>Contractor</b>   | <b>Amount</b> |
|---------------------|---------------|
| Ditch Diggers       | \$130,637.00  |
| Allied, Inc.        | \$143,514.80  |
| Shears Construction | \$147,606.00  |
| Engineer's Estimate | \$128,871.00  |

Project engineers Brent Wooten and Teresa Gillenwater, of Baughman Company, were present to address the issue. Mr. Wooten said since the lowest bid exceeded the engineer's estimate by a small amount (\$1,766.00), he contacted Ditch Diggers and asked them if they would be willing to do the work for the amount of the engineer's estimate. They agreed to accept the engineer's estimate.

City Attorney John Bird advised that according to State Statute, Cities of the 2nd Class are not required to formally bid a project, but they are required to have an engineer's estimate, and the contract amount cannot exceed the engineer's estimate. Contacting the lowest bidder, and asking if they would accept the engineer's estimate is not illegal, however, it creates a policy issue which should be addressed by the City Commission.

Mayor Clarke said the policy issue is fairness. All bidders should have been asked if they would lower their bid.

Mayor Clarke said she has a concern in regard to how this bid process was handled. The specifications were put together poorly which made it hard to make an "apples to apples" comparison; this may have polluted the bidding process. She recognized part of the problem was the engineers have never dealt with the City of Hays before, and were not familiar with the City's specification requirements. With that in mind, she said she would like to reject all bids and rebid the project, and also she would like the specifications "cleaned up". Mr. Baughman pointed out that from the developers stand point, rebidding the project could add \$15,000 to the project cost, if this particular bidder is lost the second time around.

City Attorney Bird pointed out that this is not the City's Project until the City accepts it, but the City does have to live with the results when the City bids other projects. We would not want bidders to think the City shelves every bid that comes to the City. Once everyone's bid is exposed, to allow the bid to be modified downward sends a message to bidders in later projects that they might as well not make an honest first bid. City Attorney Bird asked if there was any reason why the other two bidders couldn't be asked if they will match the engineers estimate. The Commission could then decide who to award the contract to. If more than one bidder agrees to lower their bid, the decision could be based on other variables, such as start date or amount of construction time.

Charles Holub, President of Ditch Diggers, said he is very upset about this issue. His firm bid in good faith and were committed to do the Project. This issue has been on hold for six or seven weeks with no decision. They were unable to bid other jobs because they are tied to this job, and no one will make a decision. Mr. Holub said Allied, is upset about the specifications. I can take any set of plans and nitpick them to death if I want to. If I get beat on a job, I walk away. He said if the City does not want outside bidders, and are willing to pay whatever price, that's fine, but do not expect him to ever bid in this City again.

Mayor Clarke said she appreciated his comments and was sorry for the inconvenience, but the City Commission is obligated to conduct a fair bidding practice.

City Attorney Bird said tonight is the first opportunity this Commission has had to act on this issue. The blame for this problem should not be placed on the Commission. The attorney's original recommendation to staff was to rebid the project; that is what has always been done in the past.

City Manager Zacharias said it was staff's desire to work with Ditch Diggers to resolve this issue without rebidding.

The engineer said he would like action postponed until he has the opportunity to visit with the other contractors.

Action was tabled by consensus.

**13. SEWER PLANT SHELTER ENGINEERING:** Quotations were received from the following for design services for construction of enclosures over the PWC Pumps and RWP Pumps:

|                          |             |
|--------------------------|-------------|
| Woods & Starr            | PWC \$2,000 |
|                          | RWP \$2,400 |
| Bucher, Willis & Ratliff | PWC \$1,950 |
|                          | RWP \$1,950 |
| Stecklein & Brungardt    | No Bid      |

Wastewater Plant Superintendent Steve Leiker said the 1998 Budget includes a total of \$40,380 for construction and engineering of this project.

Sharon Leikam moved, Troy Hickman, that the City enter into an Engineering Agreement with Bucher, Willis, and Ratliff for design services associated with construction of two shelter houses at the Wastewater Treatment Plant.

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

**14. FINAL CLARIFIER ENGINEERING:** Quotations for design services for sandblasting, painting and weir replacement on Final No. 2 Clarifier at the Wastewater Plant were received as follows:

|                          |              |
|--------------------------|--------------|
| Woods and Starr          | \$5,000      |
| Bucher, Willis & Ratliff | \$4,000      |
| Stecklein & Brungardt    | No quotation |

Wayne Billinger moved, Sharon Leikam seconded, that the City enter into an agreement with Bucher, Willis and Ratliff for design services associated with painting and repairing Final No. 2 Clarifier at the Wastewater Plant.

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

**15. STORMWATER ORDINANCE SPECIFICATIONS:** Community Development Coordinator Kent Laas presented an Agreement for engineering services to develop storm water management regulations. These regulations will insure that a potential developer addresses stormwater issues associated with his/her development. The basic premise of the proposal is to insure that a developer does not increase the amount of stormwater runoff from undeveloped property to developed property. The standards which are to be developed are intended to integrate with a Master Stormwater Study should the City Commission approve the same.

Wayne Billinger moved, Howard Rome seconded, that the City enter into an agreement with Bucher, Willis and Ratliff to develop design criteria to be placed in a new ordinance regulating stormwater runoff in new developments.

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

**16. UNIFORM BIDS:** Proposals for providing uniforms to City employees in the Service Department, Water Plant, Wastewater Plant and Parks Department were received on January 15, 1998. The low bidder was G & K Services, Topeka, Kansas.

Howard Rome moved, Troy Hickman seconded, that a two-year contract with G & K Services, Topeka, Kansas, be accepted for an annual cost of \$15,826.00.

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

**17. COPS GRANT AGREEMENT:** Captain Jim Purdy said the City of Hays has been awarded a COPS Universal Hiring Grant. The grant will be used to hire a School Resource Officer. Conditions of the Grant include: award is for a new officer, funding will be for a period of three years, and the City must make a good faith effort to retain the officer at the conclusion of the grant period.

Howard Rome moved, Sharon Leikam seconded, that the Mayor be authorized to sign an agreement with the U.S. Department of Justice for a COPS Universal Hiring Grant.

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

**18. ADD-ON ITEMS:** City Manager Zacharias reported that Mesa Air has filed a request to the Department of Transportation to discontinue service 90 days from February 17, 1998. Air service will continue from Hays to Denver. Great Lakes Airlines has agreed to take over those flights. It will be a seamless transition, and a possibility of improvements in regard to scheduling.

Mayor Clarke said she has received a request from the Golf Course Advisory Committee to use the funds allocated in the 1998 Budget for cart shed improvements to be used for restroom improvements on the front nine at the Golf Course. This will be an item to discuss in the near future.

Thereupon the Governing Body adjourned.

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

