

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 8, 1998

1. CALL TO ORDER: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, January 8, 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, Troy Hickman seconded, that the minutes of the December 23, 1997, regular session, be approved.

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

3. CITIZEN COMMENTS: Dennis Roberts was in attendance and asked the Commission to look at the stop signs on 41st Street. There are two speed limits on 41st Street, going east from Hall Street, the speed limit is 35 miles per hour; going west towards Hall Street, the speed limit is 45 miles per hour. City Manager said the majority of 41st is in the county. Mayor Clarke said the speed limits could be discussed at a City-County meeting.

Mayor Clarke presented a \$200,000 check to Dr. Ed Hammond, president of Fort Hays State University. The check represents additional, unanticipated cash carry-over in the City's General Fund, and is to be used for the Sternberg Museum Project.

Dr. Hammond thanked the Commission for their generosity towards the project and said it will be put to good use. He invited the Commission to be present for the opening of

Sternberg Museum in March of 1999.

4. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias noted that the Ellis County Commission at its December 29, 1997, meeting agreed to share the expenses of the NOAA Weather Alert Radio System with the City, matching the City's contribution of \$12,712.

5. CONSENT ITEMS: Troy Hickman moved, Sharon Leikam seconded, that Marion Dreher and Tom Robinson be appointed to the Hays Housing Authority Board for four year terms.

Mayor Clarke mentioned that the Housing Authority Board will be exploring additional housing, and Marion Dreher's financial background will be helpful.

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

6. TRANSIENT MERCHANT ORDINANCE: Assistant City Manager Penny Postoak said at the request of Commissioner Billinger, the Transient Merchant Ordinance has been reviewed and revised by City staff. After surveying other cities and consulting the League of Kansas Municipalities, it is recommended that the licensing requirement for various activities which are no longer functional and somewhat archaic be deleted. The list of deletions includes auctions, pool tables, bowling alleys, ice cream wagons, junk dealers, theaters, skating rinks, music machines, pawnbrokers, etc.

City Staff tried to better articulate when a license is needed. There was always a great amount of confusion over whether or not a license was needed.

The license fees would remain the same, but processing time would be increased to a minimum of two full business days. The application for a license will require more information. A full investigation of the applicant would be done during the two days.

Section three of the ordinance contains a list of

exemptions from the licensing requirements such as any person selling farm products grown in the state of Kansas, garage sales, any businesses which are part of a fair or celebration sponsored at least in part by a governmental entity, craft sales in which the items are made by hand and sold, events sponsored by nonprofit organizations, any person or firm who has established a permanent business in the City of Hays, Kansas.

City Attorney Bird has suggested that a permanent business be better defined. Kansas statute defines a temporary business to be a period of less than six months.

Ms. Postoak said the Kansas Statute that governs the Transient Merchant License is overseen by the County Clerk. The first step in the application process would be for the merchant to see the County Clerk, and she will either give them a license or establish that they are exempt.

City Manager Zacharias said transient merchant ordinances are most difficult to enforce. The purpose of the ordinance is to provide public safety by being assured that the transient merchant is not a known felon.

Mike Michaelis, manager of the Hays Mall, said he rents temporary space in the Mall to various merchants. If those vendors are required to get a license, they will not come to Hays. The license fee is more than the rent they are charged. He estimated that \$100,000 could be lost in a year without these temporary merchants. He asked the Commission to table this issue to give him the opportunity to research how other cities handle temporary merchants within a mall.

The Commission agreed to postpone action to allow further research.

7. COMPOST OPERATION PLAN: Assistant Public Works Director Brenda Cary said the City of Hays is currently managing the compost operation at the Ellis County Landfill. The Compost Program has been very successful, and at the end of the second year of composting, the two acres of land supplied by Ellis County has been outgrown. Ellis County has no more land available to expand the compost operations.

The City has 4 1/2 acres of land southeast of the Public Works Department to use as a compost site. A grant has been received to purchase a compost windrow turner and a used tractor.

The Kansas Department of Health and Environment requires a permit for a compost site. The final step in obtaining a permit is the approval of a Public Entity Disclosure Statement.

Ms. Cary said currently, the City is spending approximately \$3,500 in additional manpower to manage the compost operations at the County Landfill. If we take over the compost operation on city-owned land, an operations plan will be needed to make it work. The following operation plans may be considered:

Option A

Hours of operation: 8:00 a.m. to 7:00 p.m Mon.-Sat.

Annual cost: Approximately \$3,000

Additional personnel: None

Cost of extended

hours of operation: None

Option B

Hours of operation: 8:00 a.m. to 7:00 p.m Mon.-Sat.

Annual cost: Approximately \$5,000

Additional personnel: One (part-time person) 25 hrs.

per

week

Cost of extended

hours of operation: \$5.50 for each additional hour

Both options do not include the cost of turning and maintaining the compost piles. This is already being done on Wednesdays by the solid waste crew. This procedure will improve with the proper equipment.

Both options are self-monitored; city personnel will not be at the site continuously from 8:00 a.m. to closing time. Someone from the Service Department will be assigned on a weekly basis to periodically check on the drop-off site during the course of the workday.

Ms. Cary said plans are to have the new site open by March

1, 1998. There will be a 60 day transition period to educate the public to bring the yard waste to the new site. She said this is a pilot program and City staff anticipates changes as the program progresses.

Troy Hickman moved, Wayne Billinger seconded, that Option A for management of the new location of the Community Compost Site, be accepted, and that the Mayor be authorized to sign a Public Entity Disclosure Statement as required by the Kansas Department of Health and Environment.

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

8. VEHICLE BIDS: Bids were accepted for the purchase of two 3/4 ton 4x4 trucks, a 3/4 ton extended cab truck, and a 1/2 ton truck to be used by the Public Works and the Water Plant. Bids were received from Paul MacDonald Chevrolet, James Motor Company, Hays Ford Toyota and Lewis Chrysler. The low bid, \$80,001.86, for all four vehicles was from Paul MacDonald Chevrolet. The combined purchase of these four vehicles is \$10,998.14 under the budgeted amount.

Public Works Superintendent Don Larson and Water Plant Superintendent Job Obholz were present to answer questions regarding the vehicle purchases.

Mayor Clarke questioned the need for the large engine. Mr. Obholz stated that the truck is used to pull a seven ton generator to the wellfields on muddy roads. The vehicle with the smaller engine simply will not pull that large of a load.

Mayor Clarke said she could not support purchasing vehicles with power equipment, such as power windows and power locks. Power equipment is a convenience, but not necessary to do the job. Purchasing a vehicle with power equipment does not send a good message to the public.

Commissioner Leikam said she understood that most power options are becoming standard equipment. She does not feel it

is wrong to bid with and without power options so a comparison can be made.

City Manager Zacharias noted that the price of these trucks does not include power options.

Wayne Billinger moved, Howard Rome seconded, that the bid from Paul MacDonald Chevrolet, totaling \$80,001.86, for four trucks, be accepted.

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

City Manager Zacharias said specifications for the purchase of three patrol cars were sent to several vendors. Unfortunately, Ford Motor Company is the only manufacturer which offers a police package with the specified wheel base. Hays Ford Toyota submitted a bid of \$50,998.59 with the trade-in of three vehicles. The budgeted amount for three vehicles is \$61,000.

Sharon Leikam moved, Troy Hickman seconded, that the bid from Hays Ford Toyota totaling \$50,998.59 for the purchase of three police patrol cars, be accepted.

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

9. 46th STREET FIRST ADDITION ENGINEERING SERVICES: City Manager Zacharias presented an agreement between the City of Hays and Bucher, Willis and Ratliff for the improvements to 46th Street First Addition, including Madison Drive. This contract was prepared at the request of Western Plains Service Corporation, which desires to be a third party to the agreement. The expense for this contract will be borne through the yet to be established special assessment district. The contract totaling \$99,900 includes water line, sewer and street

improvements.

Troy Hickman moved, Wayne Billinger seconded, that an agreement, totaling \$99,900, with Bucher, Willis and Ratliff for engineering services for the development of 46th Street First Addition, including Madison Drive, be approved.

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

10. GENERAL ENGINEERING AGREEMENT: City Manager Zacharias presented a General Service Agreement between the City of Hays and Bucher, Willis and Ratliff with a not-to-exceed amount of \$25,000. He said there are no changes from the 1997 agreement, and the monetary schedule of rates also remain the same. This agreement allows various City Departments to request engineering expertise and services when needed at a set fee.

Howard Rome moved, Wayne Billinger seconded, that a General Engineering Agreement with Bucher, Willis and Ratliff with a maximum amount of \$25,000, be approved.

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

11. VINE STREET STUDY ENGINEERING AMENDMENT: City Manager Zacharias said this amendment is for additional compensation, above the contract amount for the study phase of the engineering contract for the reconstruction of Vine Street from 27th Street to Interstate 70. City staff has asked for additional information beyond what was originally included in the scope of services. To date, \$1,630 additional expenses have been incurred. Engineer John Youll expects this amount to reach \$2,500. City staff felt since this is such a large project to be done in the year 2000, additional options should be explored to insure the best possible roadway for the amount of money

spent.

Commissioner Billinger said he has had conversations with KDOT officials, and they indicated they would be willing to contribute funding. Public Works Director Elden Hammerschmidt said he was not aware of any funding available for preliminary engineering, but he would revisit the issue with KDOT officials.

Howard Rome moved, Sharon Leikam seconded, that an Amendment to the Engineering Contract which increases the contract by a not-to-exceed amount of \$2,500, for the Vine Street Reconstruction Project, be approved.

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

12. TRAFFIC COUNT REVIEW: City Manager Zacharias reviewed a diagram indicating the traffic counts taken on Barclay Drive and Indian Trail in December of 1997. The traffic count indicates no significant change in traffic patterns since the last count taken about one year ago. It appears traffic on Barclay has been slightly reduced during this period. Whether or not this reduction is attributed to the stop signs at 29th and Barclay is somewhat uncertain.

He noted that traffic on Indian Trail at 27th Street has virtually doubled over the last year.

Errol Wuertz, 2720 Barclay Drive, said residents on Barclay Drive feel that the speed of traffic has decreased due to the stop sign, and they would like the stop signs at 29th and Barclay to remain.

Sherry Dryden, 1612 East 29th Street, said there are many children in the area, and it is wonderful to have the stop signs at 29th and Barclay Drive.

The Commission took no action to remove the stop signs at 29th and Barclay Drive.

13. HANDICAPPED REST ROOM ARCHITECTURAL SERVICES: City Manager Zacharias said only one proposal for the design of a bath house

addition to Wilson Pool was received. City staff recommends the acceptance of the proposal from Bucher, Willis and Ratliff for a total fee of \$5,600. This project was included in the 1998 Swimming Pool Budget. Construction of the project should be completed by the time the pool opens, the end of May.

Sharon Leikam moved, Howard Rome seconded, that an Agreement with Bucher, Willis and Ratliff totaling \$5,600, for the design of the Wilson Pool Bath House Addition, be approved.

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

14. GOLF COURSE MAINTENANCE AGREEMENT: City Manager Zacharias said the contract with Neil DeWerff for maintenance of the Fort Hays Municipal Golf Course will expire February 1, 1998. A Request for Proposals was submitted in November of 1997 to determine what entities might be interested in maintaining the Golf Course on the City's behalf. Mr. Dewerff was the only responder to the RFP. His current proposal is to provide the same services as performed in recent years for a total annual cost of \$104,210. An additional \$2,500 has been added to the contract to compensate Mr. DeWerff for mowing services on the Fort Hays Historical Site. Thus, the total contract cost for 1998 is \$106,710. The total contract cost for 1997 was \$103,576.44. The contract submitted is a five-year contract with an annual escalation clause equal to the cost-of-living increases awarded to City employees. Following three years of the existing contract, the compensation portion of the agreement will be reopened for review by both parties.

The City Manager said City staff and the golfers have been very pleased with the services of Mr. DeWerff. He has been with the City in this capacity since 1995, and prior to 1995, he served as a consultant to the City.

Howard Rome moved, Sharon Leikam seconded, that a five year agreement with Neil DeWerff for maintenance services at the Fort

Hays Municipal Golf Course, be approved.

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

Mr. DeWerff said he has enjoyed maintaining the Golf Course. He thanked John Shaver, the Advisory Committee, the City employees and the City Commissioners for the cooperation he has received.

15. ADD-ON ITEMS: Commissioner Leikam paid tribute to former Commissioner Dan Rupp who recently died of cancer. She will always remember the kindness Dan expressed to her daughter, Debbie who was seven years old when she joined the commission. Debbie attended many meeting and City functions with Sharon. Dan always acknowledged Debbie's presence, and remembered her by name.

Commissioner Leikam said Dan Rupp encouraged her to run for City Commissioner, and during the campaign he spent time educating Eber Phelps and herself on various City issues.

Commissioner Hickman said Dan Rupp helped him to make a decision as to whether or not to run for City Commissioner. Dan was a great family man, a great leader and also a great teacher, a teacher of economics and a teacher of life. He taught us the important things of life. He suggested that something be done in memory of Dan. He asked for citizen input on what could be done in Dan's memory. Suggestions may be given to any commissioner or to the City Manager.

Mayor Clarke concurred with idea of a memorial for Mr. Rupp.

Commissioner Billinger said it sometimes appears that a great amount of time is spent discussing small expenditure items, and very little time on large expenditures. There is a tour of departments by the Commission prior to approval of the Budget. The large dollar items are discussed at that time.

Commissioner Billinger extended his sympathy to the family

and friends of Dan Rupp.

Thereupon the Governing Body adjourned.

Submitted by: _____
Clerk of the Board