

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JUNE 11, 1998

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, June 11, 1998.

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 regular session held on May 28, 1998, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Hannes Zacharias informed the Commission that the City has applied for Corridor Management Project funds totaling \$495,000 to help offset the cost of the 27th Street Reconstruction Project.

City Manager Zacharias said at the request of the City Commission, the Fire and Inspection Department has inspected a building located in the County owned by Jeff Copper. Mr. Copper made a request at the last City Commission meeting to connect to the City water line. A pre-annexation agreement is required for anyone outside the City limits desiring to connect to City water. The issue of whether the building conforms to City codes was brought up. The inspection determined the building does not conform to building codes in regard to ADA and fire regulations. Mr. Copper does not wish to make the necessary changes to bring the building up to code at this time, and has withdrawn his request. A building (ArenWears) located on the property is connected to City water at the present time without a pre-annexation agreement. Mr. Copper has connected the new building to City water through ArensWear, and no regulations are in place to prohibit the connection. This issue raises a concern about buildings located within the three-mile limit of

the City, which do not have to meet City codes. The Commission chose not to approve the pre-annexation agreement for Mr. Copper.

Mayor Clark suggested the City work with the County to require buildings within the three mile limit to meet City codes since there is a possibility those areas may be annexed at some time. Fire Chief Schwartz said the pre-annexation agreement is being revised to address the building code requirement.

City Manager Zacharias distributed copies of the Property Maintenance Complaint Policy for review and comment.

City Manager Zacharias commented on the Memorandum of Decision of the Link, Inc., Lou Ann Kibbee and Brian Atwell versus the City of Hays court case. He said City staff is in total disagreement with the judge's decision, and the City has filed a motion for an appeal.

5. CONSENT ITEMS: There were no items to consider.

6. RECREATION COMMISSION BUILDING FINANCING: Bids for a Lease Purchase Agreement to finance the purchase and renovation of a building located at 1105 Canterbury to be used by the Hays Recreation Commission were opened on June 5, 1998. The total cost of the building and improvements is approximately \$1.3 million. The result of the bid opening is as follows:

Golden Belt Bank Hays, Kansas	4.95%	fixed 20 years
Baystone Financial Manhattan, Kansas	5.75%	variable @ 5 yrs.
Heller Financial Kansas City, Missouri	5.62% 5.21%	fixed 20 years variable @ 10 yrs.

Sharon Leikam moved, Howard Rome seconded, that the low bid from Golden Belt Bank be accepted for a fixed interest rate of 4.95 percent for a Lease Purchase Agreement to finance a building and improvements for the Hays Recreation Commission estimated to cost \$1.3 million.

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

It was noted that Golden Belt Bank will establish an Escrow Account paying interest at rate of 4.5 percent for a one time fee of \$200.

7. 1999 BUDGET REQUESTS: The Commission heard reports and 1999 Budget Requests from various organizations.

Laverne Squier and Charles Reese, representing the Ellis County Coalition for Economic Development were present and requested \$60,000 from the 1999 Budget. Mr. Squier said the Coalition has dealt with a variety of issues, which have been very important to the community and the region. Water issues, air service issues, health care concerns, and local employer needs have been at the forefront. The funding request of \$60,000 has not increased over the past six years. There are still many key issues that require the Coalition's involvement now and in the future.

Dr. Robert Albers, representing the Public Wholesale Water Supply District, requested \$121,152 in addition to the \$90,000 annual rent for the R-9 Ranch. Dr. Albers said finding a long term water supply for this community has been difficult. Buying the R-9 Ranch was a risk, but it was the most reasonable option available. It will be a long process and require political will within this community. The long term "cloud, Hays has no water" that has hung over the community for decades must be erased.

Marcia Higginson, President of the Hays Arts Council, was present and requested \$4,500 from the 1999 Budget. She said the Arts Council has a very broad reach, and sponsors many public performances such as the "Nut Cracker" throughout the year, educational programs and year round exhibits.

Ms. Higginson pointed out that dollars provided locally can make a big difference when the Arts Council seeks other sources of funding, especially from the Kansas Arts Commission. Being supported locally can be a great leverage for obtaining other funds.

Jerome Walter and Kurt David, representing the Ellis County Historical Society, requested \$6,500 from the 1999 Budget. Mr. David said the Historical Society's 1999 budget has increased by 11 percent. The additional dollars will be spent to increase hours of operation. The opening of Sternberg Museum in March of 1999 will increase tourist activity for Hays. Better hours will draw tourists to the inner part of Hays. Additional dollars are also budgeted to increase promotional activities.

8. RECOMMENDATIONS FOR HUMAN RESOURCE FUNDS: Beth Bowerman, Sue Rouse and Mike Vitztum presented the Care Council's recommendation for distribution of Human Resource Funds. Ms. Bowerman said the severe reduction in available funds made the CARE Council's job very difficult. The Care Council encourages the City to return the Human Resource funding to its \$35,000 level. These funds are an investment in the quality of life for the citizens of Hays.

The \$13,150 available for distribution this year was allocated as follows:

American Red Cross, Ellis Co. Chapter	\$ 500
CASA of the High Plains, Inc.	\$1,000
First Call for Help	\$2,350
Foster Grandparent Program	\$1,800
Hays Area Children's Center	\$1,000
Northwest Kansas Family Shelter	\$5,000
Self Help for the Hard of Hearing	\$1,000
Senior Companion Program	-0-
Sunflower Girl Scout Council	\$ 500

Howard Rome moved, Sharon Leikam seconded, that the recommendation of the CARE Council for the distribution of Human Resource Funds, be accepted.

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

9. ALCOHOL TAX ALLOCATIONS: Sue Rouse, Beth Bowerman, and Mike Vitztum, representing the CARE Council, presented the CARE Council's recommendation for distribution of Special Alcohol Tax revenue as follows:

Smoky Hill Foundation	\$13,000
Dream, Inc.	\$17,000
Regional Prevention Center	\$ 7,500
DAWN	\$12,500

Discussion took place regarding the DARE Program which was allocated \$10,800 in the 1999 Budget. This upfront funding brought about confusion as to whether the DARE Program was accountable to the CARE Council as are the other agencies funded by Special Alcohol Tax revenue.

Ms. Rouse said the CARE Council is not saying that DARE is not a worthwhile program, but without some type of accountability, it is hard to determine what level of success the DARE Program has experienced in comparison to the amount of funding they

have received. City Manager Zacharias felt the accountability came about during the budget process.

Ms. Rouse said the Council felt there should be follow up programs in junior high and high school, and they had the understanding that part of the 1998 DARE funding would be used for junior high programs.

Police Chief Lawrence Younger said the DARE Program has been in existence for five years. The first year students are now going to be sophomores in high school. Due to funding constraints and manpower, it not possible to offer DARE training to grade school, middle school, and high school. Once a Human Resource Officer is placed in the high school, it will be possible to expand the DARE training to upper classes.

The City Manager said the choice made for the 1998 Budget was to allocate \$10,800 to the DARE Program, and \$50,000 to Care Council to distribute. The process can be changed for 1999 funding.

Howard Rome moved, Sharon Leikam, the recommendation of the Care Council regarding distributing of 1998 Special Liquor Tax, be approved.

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

10. FIRE SPRINKLER ORDINANCE: Fire Chief Wayne Schwartz reported that the 1992 ordinance regulating fire sprinkler systems has been repealed. By eliminating this ordinance, enforcement of the fire code reverts back to the process outlined in the published documents. This includes providing some discretion to the building official to not require compliance with the fire code. Reverting back to the provisions of the published code would allow a determination by the building official to be appealed to the Trades Board, if desired.

Wayne Billinger moved, Sharon Leikam seconded, that Ordinance No. 3438, being an ordinance amending Ordinance No. 3336, which amended Chapter 13, of the Code of Ordinance of the City of Hays, Kansas, by adopting the Uniform Fire Code and Uniform Fire Code Standards, and repealing Ordinance No. 3250 of the Code of Ordinances of the City of Hays, Kansas, pertaining to the continuation of nonconforming conditions, be approved.

Vote: Ayes: Jayne Clarke

Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam

11. NOISE VARIANCE: Sharon Leikam moved, Howard Rome seconded, that a noise variance be granted to the American Cancer Society to exempt the Relay for Life activities at the Felten Middle School track and field on June 26 and June 27, 1998.

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

12. CAPITAL IMPROVEMENT PROGRAM REVIEW: Assistant City Manager Penny Postoak reviewed the Five Year Capital Improvement Program with the Commission.

Howard Rome moved, Troy Hickman seconded, that the Five Year Capital Improvement Program, as attached hereto, be approved.

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

13. KDOT 5-YEAR PLAN: Troy Hickman moved, Wayne Billinger seconded that the KDOT 5-Year Plan include Vine Street Reconstruct 27th to I-70, Hall Street Widening and Reconstruction, and FHSU Gustad Bridge. It was noted that Vine Street, 27th Street, and Hall Street, would be funded 80 percent STP funds and 20 percent City match. Local match for the Gustad Bridge would be paid by Fort Hays State University.

14. 41st PLAZA THIRD ADDITION REZONING: At the May 18, 1998 Hays-Ellis County Planning Commission meeting, the Planning Commission conducted a public hearing to consider a zoning change which was requested by Western Plains Service Corporation, Inc., for a tract of ground situated in the West Half of the Southwest Quarter of Section 20, Township 13, south Range 18 W of the Sixth PM (to be known as 41st Street Plaza 3rd Addition to the City of Hays). The requested change was from "A-L" Agricultural to "R-2" Single Family Dwelling. By a vote of 6-0, the Planning Commission recommended that the City Commission approve the zoning change.

Howard Rome moved, Sharon Leikam seconded, that 41st Street Plaza Third

Addition be rezoned from "A-L" to "R-2" Single-Family Dwelling.

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

15. BOND SALE AUTHORIZATION: Troy Hickman moved, Howard Rome seconded, that Resolution No. 279, being a Resolution authorizing the offering for sale of approximately \$1.745,000 of General Obligation Internal Improvement Bonds, Series 1998-A, of the City of Hays, Kansas, be approved.

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

16. CLARIFIER BIDS: Bids were opened on June 4, 1998 for sandblasting and painting of Final #2 Clarifier. The result of that bid opening is as follows:

Hess Services, Inc.	Base Bid	\$44,450
	Base + Alternate	\$82,850
Smoky Hill LLC.	Base	\$60,800
	Base + Alternate	\$81,050
Engineer's Estimate	Base	\$55,000
	Base = Alternate	\$79,500

Wastewater Plant Superintendent Steve Leiker recommended that the base bid only be accepted. Accepting the alternates would put the project over budget.

Troy Hickman moved, Wayne Billinger seconded, that the bid from Hess Services, Inc. for sandblasting and painting of Final #2 Clarifier, be accepted.

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

17. COMMERCE PARKWAY SPEED LIMIT: Howard Rome moved, Sharon Leikam seconded, that Ordinance No. 3440, being an Ordinance establishing the speed limit of 45 miles per hour on Commerce Parkway from Reservation Road north Interstate-70, be

approved.

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

18. NUISANCE COMPLAINTS: Sharon Leikam moved, Troy Hickman seconded, that following resolutions declaring properties owned by Ray Kobler and the Union Pacific Railroad as nuisances and ordering their abatement.

Resolution No. 280 - 200 Block of East 10th

Resolution No. 281 - 600 & 700 Block of East 7th

Resolution No. 281 - 733 East 8th

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

19. ADD-ON ITEMS: Commissioner Rome mentioned that the Canterbury Road railroad crossing which is located in the County is in terrible condition. He asked City staff to find out when it will be repaired.

Thereupon the Governing Body adjourned.

Submitted By: _____
Clerk of Board