

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MAY 28, 1998

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas, met in regular session, Thursday, May 28, 1998, at 7:30 p.m.

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

Mayor Clark 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 regular session held on May 14, 1998, be approved.

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

**3. FINANCIAL STATEMENT:** Sharon Leikam moved, Wayne Billinger seconded, that the Financial Statement for April, 1998, be approved.

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

**4. CITIZEN COMMENTS:** There were no comments.

**5. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias mentioned that the State of Kansas has implemented water restrictions for private well owners in Hays. The watering ban requires well owners to follow the same water restrictions as

City water customers which prohibits outdoor water usage between the hours of 12:00 noon and 7:00 p.m. from June 1, 1998 to September 30, 1998.

**6. CONSENT ITEMS:** Sharon Leikam moved, Wayne Billinger seconded, that Donetta Robben and Beth Bowerman be appointed to the Library Board for four year terms expiring April 1, 2002.

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

**7. PURCHASE AND RENOVATION OF HRC BUILDING:** Rick Claiborn, Hays Recreation Commission Director, addressed the Commission in regard to the purchase and renovation of the former Southwestern Bell building at 1105 Canterbury. Mr. Claiborn said last fall the Recreation Commission negotiated to purchase the building at 1105 Canterbury, but were not successful. Cost estimates were obtained at that time to construct a new building. A new building to meet the needs of the Recreation Commission was estimated to cost \$2,110,000.

Recently, the building located at 1105 Canterbury was placed on the market again, and the Recreation Commission has an option to purchase the building. The option will expire on June 27, 1998. By this date, the Recreation will have to either exercise the option to purchase the building or lose the building.

Mr. Claiborn said the total cost to purchase, renovate and construct an addition to the building is estimated to cost \$1,337,900. The building and the addition would be large enough for three courts, offices, two non-sport areas, storage and parking. Mr. Claiborn said Unified School District 489 has increased the Recreation Commission's mill levy by one mill to finance this project.

Mr. Claiborn asked the Commission to adopt a resolution authorizing City staff to pursue this project in such a manner as to meet the deadline to exercise the option. Specifically,

this would call for Commission to consider bids for a financial institution at the June 11, 1998 meeting.

Commissioner Hickman asked what the total finance costs would amount to. Mr. Claiborn said that will depend on the interest rate, but based on an estimated six percent interest rate for a term of 20 years, the total interest cost would be approximately \$800,000.

Commissioner Billinger asked if the additional mill levy will cover the additional maintenance on a new building, or will user fees increase. Mr. Claiborn said he did not foresee an increase in participation fees, but an increase in participation due to having a building designed specifically for recreation. The additional costs of a new building have been built into their budget, and a building fund will be established for future capital improvements and repairs.

Commissioner Billinger asked if the Recreation Commission should for some reason default, would the building become City property. City Manager Zacharias said we don't expect that to happen, but if the Recreation Commission did not make their payments, the City would have to pick up the payment, or the building would revert to the lending institution.

Commissioner Rome expressed concern in regard to the City assuming this additional debt on top of the present City debt. City Manager Zacharias said the \$1.3 million will be listed as debt on the City's financial statements, but will not count against the statutory limitation of bonded indebtedness not exceeding 30 percent of the City's assessed valuation.

Commissioner Leikam asked why USD 489 could not enter into a Lease Purchase Agreement instead of the City. City Manager Zacharias said according to Bond Counsel, the statutes governing school districts are not as liberal as they are for cities.

Mayor Clarke said she is in support of the Project. The City's role is pretty risk free. The City is merely facilitating a lease purchase.

Commissioner Leikam said many citizens have expressed a desire for an indoor walking track. She asked Mr. Clairborn to

explore the possibility of including a walking track within the facility.

Commissioner Billinger asked if the Resolution is approved tonight, will there still be an opportunity to not proceed with the Lease Purchase Agreement, if something out of the ordinary should occur. City Manager Zacharias said the Resolution merely authorizes the City to proceed. Bids will be presented at the next meeting for consideration; so there is still an opportunity to not proceed with the Lease Purchase.

Troy Hickman moved, Howard Rome seconded, that Resolution No. 278, being a Resolution, pertaining to the purchase, remodeling, and improvement of certain real estate for use as a recreation center.

The Commission directed Mr. Claiborn to investigate the possibility of including an indoor walking track within the facility.

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

**8. 1999 BUDGET REQUEST:** Ron Straight, Transportation Manager for Developmental Services of Northwest Kansas, Inc., presented a budget request of \$15,916. Van operations are funded from a 50/50 split of City funding, and the Senior mill levy funding provided by Ellis County, along with KDOT funding of \$10,348.

Mr. Straight mentioned that the current vehicle that is being operated for the City has been approved for replacement through grant funds from the Northwest Kansas Transit Coordinating Council and the Kansas Department of Transportation. This grant consists of 80% federal funds and 20% local matching funds. The cost to the City will be approximately \$8,500 to \$9,000.

City Manager Zacharias noted that funds are available in the Elderly Transportation Fund to fund the City's portion (\$9,000) for the purchase of the new van.

**9. SALES TAX ORDINANCE:** City Manager Zacharias explained that a ordinance is necessary to formally implement the 1/2 cent sales tax approved at the election held on May 19, 1998.

Troy Hickman moved, Howard Rome seconded, that Ordinance No. 3434, being an ordinance authorizing the City of Hays, Kansas to proceed with the implementation of a one-half cent retailers' sales tax commencing October 1, 1998, the proceeds of which will be used for the purpose of financing a swimming pool and related improvements and authorizing the issuance of general obligation sales tax bonds to finance such facility, be approved.

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

**10. 31-FOOT PAVING FOR 43RD STREET:** City Manager Zacharias said Western Plains Service Corporation, developer of 41st Street Plaza 3rd Addition, has requested that 43rd Street be constructed to a 31 foot width. The Planning Commission has recommended that a 31 foot street be allowed.

Troy Hickman moved, Wayne Billinger seconded, that 43rd Street be paved to a width of 31 feet.

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

**11. MADISON DRIVE:** City Manager Zacharias said earlier discussions regarding improvements to Madison Drive included improving Madison Drive to full width which was the recommendation of the Planning Commission. Since the West side of Madison Drive is located in the County, the County Commission was asked if they were willing to participate in the establishment of a special assessment district. The County Commission indicated they were not willing to participate in the

establishment of a special assessment district. Therefore, the City Commission decided not to pave Madison Drive since the total cost of the improvement would have had to be paid by the City, with the possibility of recouping some cost at a later time. The issue as to whether or not the street should be improved at all, or made into an alley has never been formally decided, and it was sent back to the Planning Commission for a recommendation.

Planning Commission Chairman Dr. Larry Gould was present and reported that the Planning Commission has unanimously recommended that Madison Drive be improved as a half street. He indicated it was important to make a decision at this time and close the issue.

Another point brought out by Mr. Gould was that the City has been applying an unwritten rule to developments for years regarding two accesses to developments. Nowhere in the development policy does it state that there must be two accesses to each development. He recommended that rule be incorporated into the development policy so developers can be aware and plan for two accesses.

Ron Wente, representing Western Plains Service Corporation, was present, and wanted to clarify the direction of the developer for the area in question. He said the improvement of Madison Drive was brought up to provide access to 46th Street Addition which was going to be developed. Plans to develop 46th Street Addition have changed, although Western Plains Service Corporation is still committed to affordable housing. However, when the decision was made to not improve Madison Drive, the idea of developing 46th Street Addition at the present time was vacated. Western Plains Service Corp. is continuing to develop north on Smoky Hill Drive; 41st Plaza Third Addition is the next addition to be improved. Development within that district is being down sized gradually, and when development reaches 46th Street Addition, it will still be affordable housing. With this change, Madison Drive is not needed, access can be made on Smoky Hill Drive. Plans are to build approximately 230 houses.

Eventually, Madison Drive may be needed to access those houses. He suggested the right-of-way for Madison be kept in place for future use.

Mr. Gould said if the City Commission takes Mr. Wente's recommendation, the Planning Commission would not have a problem with it. At least this would be indication that there was some future planning taking place. To save the money on developing the street at this time, makes sense.

Community Developer Kent Laas said he felt that a permanent secondary access was necessary to serve the present and future development of the area. The only way fire and emergency services will feel comfortable is if the City maintains the access; it cannot be left to the developer to maintain.

Sharon Leikam moved, Wayne Billinger seconded, that Madison Drive be developed to alley standards by the developer, and then maintained by the City; and the 30 foot right-of-way on the east side of Madison be kept in place by the City in the event that Madison Drive should be developed as a street; and the property owners on the west side of Madison Drive be required to dedicate 30 feet of right-of-way upon plating.

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

**12. EASEMENT VACATION:** Community Development Coordinator Laas presented a request from Larry Bieker to vacate an existing 10 foot utility easement which lies between Lots 4 and 5, Block 3, Skyline 6th Addition. Because the adjoining lots on either side of the property in question were sold and developed in other than their platted form, this remaining partial consists of a portion of two lots. The applicant has contacted the potentially affected utilities, and the appropriate notice has been filed in the Hays Daily News.

Howard Rome moved, Troy Hickman seconded, that Ordinance No. 3435, being an ordinance vacating a 10-foot utility easement

lying between Lots 4 and 5, Block 3, Skyline 6th Addition, be approved.

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

**13. ANNEXATION:** Community Development Coordinator Laas presented an ordinance annexing land owned by Lusk Land Company, Inc., lying north of Tallgrass Addition within Section 35, Township 13 South, Range 18 West. Mr. Laas said once this area is annexed, the developer is prepared to submit the appropriate Plat(s) as well as process the appropriate zoning requests. The property is identified as "low density residential" and "business/information park". The Planning Commission unanimously recommended annexation of this property.

Troy Hickman moved, Wayne Billinger seconded, that Ordinance No. 3436, being an ordinance annexing land lying north of Tallgrass Addition within Section 35, Township 13 South, Range 18 West, into the city limits of Hays, Kansas, be approved.

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

**14. ANNEXATION AGREEMENT:** Mr. Laas presented an "Agreement for Annexation and Provisions for Public Water Service" for a tract of ground at 2240 East 8th Street owned by Jeff Copper. There currently exists one structure (Arens Wear Manufacturing) which is connected to the City of Hays public water system. An additional building is under construction at that sight which Mr. Copper wished to also connect to the City's public water system. Both the existing building and the building under construction are connected to the existing private sanitary sewer district.

This item was postponed until City staff has the opportunity to visit with the developer regarding whether the building conforms to the City's building code.

**15. NUISANCE COMPLAINTS:** There were no nuisance complaints to consider.

**16. ADD-ON ITEMS:** City Manager Zacharias presented an ordinance implementing the one percent increase in Transient Guest Tax recently passed by Charter Ordinance No. 17.

Sharon Leikam moved, Howard Rome seconded, that Ordinance No. 3437, being an ordinance authorizing the City of Hays, Kansas to increase the Transient Guest Tax for three percent to four percent commencing July 1, 1998, be approved.

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

Mark Ottley addressed the Commission regarding a nuisance complaint he received. He felt he was not fairly treated, and the City has selective enforcement regarding nuisance complaints.

Mayor Clarke said the City responds to property nuisances on a complaint basis.

Thereupon the Governing Body adjourned.

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