

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 10, 1998

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, September 10, 1998, at 7:30 p.m.

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

Mayor Billinger declared that a quorum was present and called the meeting to order.

2. MINUTES: Troy Hickman moved, Howard Rome seconded, that the minutes of the regular session held on August 27, 1998, be approved.

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

3. CITIZEN COMMENTS: There were no comments.

4. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Hannes Zacharias urged the Commissioners to attend the ribbon cutting ceremony to celebrate the opening of Commerce Parkway on Monday, September 28, 1998.

5. CONSENT ITEMS: Jayne Clarke moved, Sharon Leikam seconded, that the following consent items be approved:

- A. A cereal malt beverage license be issued to Vincent Werth for the Dash-In Deli and Grocery located at 2101 East 13th Street.

- B. A five year land lease with John Werth for the placement of a hangar at Hays Municipal Airport.

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

6. GFOA AWARD PRESENTATION; City Manager Zacharias presented the Distinguished Budget Presentation Award from the Government Finance Officers Association to Penny Post oak, Assistant City Manager, representing the City of Hays budget management team.

7. TALLGRASS ADDITION STREET IMPROVEMENT BIDS; One bid for the street improvements to serve the Tallgrass Addition was received from Allied, Inc., in the amount of \$209,921.20. The engineer's estimate is \$220,016.00.

Troy Hickman moved, Jayne Clarke seconded, that the bid from Allied, Inc., in the amount of \$209,921.20, for street improvements to serve the Tallgrass Addition, be approved.

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

8. NOISE ORDINANCE EXEMPTION; Jerry and Renee Michaud, Youth Directors, St. Joseph's Parish, appeared before the Commission to request a variance from the Noise Ordinance on Sunday evening, September 20th, between the hours of 6:00 to 8:00 p.m. The CYO is planning an outdoor dance to be held on the parking lot of the former St. Joseph's Grade School building.

City Manager Zacharias stated exemptions have been given in the past, however, one exemption for a private party has been denied.

Commissioner Leikam stated she did not feel groups needed to come before the Commission every time they held an event.

Mayor Billinger stated he felt that this time an exemption should be given, but in the future it should be up to the Police Department's discretion. After the first complaint, the officer should request the volume be turned down, with the possibility of closing down after a second complaint.

The consensus of the Commission was to allow an exemption for the CYO group, however, in the future, there would not be any more exemptions allowed, the Police Department would use their discretion.

Howard Rome moved, Sharon Leikam seconded, that the request from St. Joseph's Parish to be exempt from the Noise Ordinance for an outdoor dance to be held on September 20, 1998, from 6:00 to 8:00 p.m., be approved.

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

9. BUILDING CODES AND FEES ORDINANCES: Wayne Schwartz, Director of Fire and Inspection Services, reviewed the ordinance changes made to update the current building, electrical, fire, mechanical and plumbing codes to the 1997 Editions. This update also includes the new permit fee schedule that was approved by the City Commission on July 9, 1998. These changes will be effective January 1, 1999.

Jayne Clarke moved, Sharon Leikam seconded, that Ordinance No. 3451, being an ordinance amending the provisions of the plumbing code, Articles I through VI, Chapter 22, of the Code of Ordinances of the City of Hays, Kansas, be approved;

And further, that Ordinance No. 3452, being an ordinance amending Chapter 13 of the Code of Ordinances of the City of Hays, Kansas, by adopting the Uniform Fire Code and Uniform Fire Code Standards prescribing regulations governing conditions hazardous to life and property from fire or explosion, providing for the issuance of permits for hazardous uses or operations, and establishing a bureau of fire prevention and providing officers therefor and

defining their powers and duties, and repealing Chapter 13 of the Code of Ordinances in its entirety, be approved;

And further, that Ordinance No. 3453, being an ordinance amending provisions of the Building Code, Articles I through VI, Chapter 6, of the Code of Ordinances of the City of Hays, Kansas, be approved;

And further, that Ordinance No. 3454, being an ordinance amending the provisions of the Electrical Code, Articles I through V, Chapter 11, of the Code of Ordinances of the City of Hays, Kansas, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

Jayne Clarke

10. CODIFICATION SERVICES; Recodification is a process in which an outside attorney reviews the entire code and make recommendations regarding conflicts, outdated ordinances, or changes that should be made to be in compliance with state and federal laws. The process also reviews how the code is organized and makes recommendations regarding layout, titles, and index. The first recodification for the City occurred in 1954, with the second done in 1967. This was the last time the Hays ordinances were recodified. In the 1998 Budget, \$15,000 was set aside to recodify the ordinances.

Bids were received from the following:

Municipal Code Corporation Tallahassee, FL	\$12,465
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Book Publishing Company Seattle, WA	10,645
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American Legal Publishing Corporation Cincinnati, OH	10,130
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Sterling Codifiers, Inc. 11,750
Coeur d'Alene, ID

Sullivan Publications, Inc. 13,800
Manchester, MO

All proposals were then reviewed, references checked, and phone interviews conducted. Based upon this research, staff is recommending that the proposal submitted by Book Publishing Corporation, in the amount of \$10,645, be accepted. Book Publishing has been in existence for several decades and has done recodifications for several communities in Kansas. Full review of the code should be completed within 11 months. Following acceptance of the code, the ordinance will be available both in hard copy and electronic form.

Troy Hickman moved, Sharon Leikam seconded, that the bid from Book Publishing, Seattle, WA, in the amount of \$10,645, be accepted.

Vote: Ayes: Wayne Billinger

Troy Hickman

Howard Rome

Sharon Leikam

Jayne Clarke

11. NATIONAL GUARD ARMORY LEASE: This lease allows the City to utilize a 43' X 70' area owned by the National Guard, adjacent to the Municipal Pool property in exchange for an area the same size, owned by the City of Hays on the south side of the National Guard property. This swap will enable the parking lot for the new Municipal Pool to have a better flow and approximately 7 more parking spaces.

Jayne Clarke moved, Troy Hickman seconded, that the mayor be authorized to sign a 99-year lease for property adjacent to the Kansas National Guard Armory.

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

12. EXECUTIVE SESSION; Sharon Leikam moved, Troy Hickman seconded, that the City Commission, City Manager, City Attorney, and the Assistant City Manager recess to executive session to discuss legal matters with the City Attorney for twenty minutes, returning at 8:40 p.m.

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

Mayor Billinger called the meeting back to order at 8:40 p.m. and stated no binding action was taken.

13. ADD-ON ITEMS; City Manager Zacharias stated Linda Hunsicker of the Small Business Development Center office in Hays would be giving a 5-10 presentation at the next City Commission meeting. Ms. Hunsicker will provide information regarding a grant to help with the cost of replacing water mains south of 27th Street and west of Vine Street.

Commissioner Rome stated a citizen has contacted him about the stench from the compost pile and requested staff to look into the matter. City Manager Zacharias stated staff is working on resolving this problem, however, there will always be somewhat of a smell associated with the compost pile.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board