

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON FEBRUARY 25, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, February 25, 1999, 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, Sharon Leikam seconded, that the minutes of the regular session held on February 11, 1999, be approved.

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

3. FINANCIAL STATEMENT: Jayne Clarke moved, Howard Rome seconded, that the Financial Statement for January, 1999, be approved.

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

4. CITIZEN COMMENTS: Ron Straight, Transportation Manager for Developmental Services of Northwest Kansas, thanked the Commission for the City's participation in the Van Access Program. He mentioned that in 1998, the

Program had excess funds at the end of the year, and the excess funds have been returned to the City.

5. COMMISSION INFORMATIONAL MEMORANDUM: There were no comments.

6. CONSENT ITEMS: There were no consent items for consideration.

7. PARTNERSHIP PROGRAM MEMBERSHIP: Kurt David and Drew Riedel, representing the Ad Hoc Committee for the revitalization of downtown Hays, were present and requested \$300 from the City to join the Partnership Program of the Kansas Downtown Development Association,

Mr. David said several Downtown business leaders have been meeting to formulate ways of improving the downtown. Joining the Partnership Program entitles downtown volunteers to attend four training sessions per year. The training held in conjunction with the Kansas Main Street Program, offers the four point approach to revitalizing downtown which consists of design, economic restructuring, promotion and organization.

Commissioner Hickman asked if the Chamber of Commerce has been involved in this venture. Mr. David said the Chamber of Commerce has been very supportive of the Program. Commissioner Leikam suggested the Chamber be approached for financial help.

Jayne Clarke moved, Sharon Leikam seconded, that City of Hays pay for a one-year membership in the amount of \$300 to the Partnership Program of the Kansas Downtown Development Association.

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

8. STORMWATER MANAGEMENT REGULATIONS ORDINANCE: City Attorney John Bird asked that action on this ordinance be delayed until the next meeting. It appears the Ordinance intends to amend the zoning regulations, and

he would like to study it further. If that is the case, a review by the City/County Planning Commission will be required.

Commissioner Billinger made several suggestions regarding the Ordinance. The City Manager said City Staff would consider the suggestions. Action on the Ordinance was delayed until the next meeting by consensus of the Commission.

9. AIRPORT FBO CONTRACT: Brad Lovelady and Albert Hunt, owners of Eagle Aviation, were present, and requested that a lease be approved to establish a new Fixed Base Operator at the Hays Municipal Airport. Mr. Hunt said Eagle Aviation is proposing to operate in a temporary office structure for 90 days before starting construction on a hangar to be located on Lot A-6, directly south of the Air Rescue Fire Fighting Building. It will take approximately 90 days to receive FAA approval for construction of the hangar.

Commissioner Hickman raised a concern over a potential risk to the City regarding structures being built on airport, and the structures not being completed. If this should happen, what would the City do with the uncompleted structure? He suggested an escrow account or a performance bond be a requirement to protect the City.

Commissioner Clarke emphasized that she was not comfortable with temporary facilities, and she wanted some sort of assurance that the building would be completed in the 180 days with no extensions. Mr. Hunt said he understood, and from Eagle Aviation's standpoint, they need a completed facility as soon as possible.

Commissioner Rome said he had a concern that allowing this temporary building may be setting a precedent for future construction.

City Manager Zacharias pointed out that typically a company would have financing in place prior to construction, and will not invest in engineering plans unless they intend to build the building, but there is no guarantee.

City Attorney Bird said if the intent is to make sure the applicant follows through with construction, you may consider asking for a "letter of commitment" or a "letter of credit" from the lending institution.

Mr. Lovelady said the Airport Advisory Board required proof that his company has good credit and can do the job.

Commissioner Billinger felt the Advisory Board should handle the credit check prior to the issue coming before the Commission.

Commissioner Leikam liked the idea of some sort of penalty for non-performance, or not completing the project. City Manager Zacharias said a penalty clause can be added, however, he felt a balance needs to be established. The City encourages investment at the Airport, and too many regulations will become too cumbersome for anyone wanting to invest in the airport, thus, they will look elsewhere to establish their business.

The City Attorney cautioned about getting into a situation whereby the City is inadvertently preventing someone from following through with good intentions. Many contingencies can affect construction such as weather, and FAA regulations. He has visited with City staff about situations similar to this and consideration has been given to requiring some type of down payment up front. If the business did not follow through with its intention, the City would at least be reimbursed for staff time.

Commissioner Rome agreed that some of the City's ordinances are so strict that economic development is hindered.

Commissioner Leikam said the last thing she wants to do is hinder economic development, but in light of the recent lawsuit, the City needs to be covered. The City Manager said he understood her point, but he does not know of any case whereby a project was started and not completed at the Airport. The dispute with the agriculture sprayers is over which plot of land they want to develop.

Jayne Clarke moved, Troy Hickman, seconded, that City staff be directed to prepare an agreement with Eagle Aviation for Fixed Base Operator services at the Hays Municipal Airport. Such agreement should include restrictions that the proposed hangar be constructed and ready to occupy on Lot A-6 within 180 days of signing the agreement (no extensions, except reasonable construction delays),

and a "letter of credit" or other instrument indicating sufficient financing is in place for the hangar construction, be attached to the agreement.

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

10. COMPUTER PURCHASES: Information Systems Coordinator Ken Kuhn received bids on February 12, 1999, for nine computers. Seven of the Computers were standard rollover units. The other two computers were detailed with modified specifications for the Commission Chamber multimedia computer and the City imaging computer. Three bids were received. One bid failed to meet specifications. The result of the bid opening for nine computers is as follows:

Vendor	Amount (nine computers)
Dell Computers	\$15,898.74
Gateway 2000	\$15,441.00

Howard Rome moved, Troy Hickman seconded, that the bid totaling \$15,441 from Gateway 2000 for nine computers, be accepted.

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

11. WATER PLANT GENERATOR: Public Works Director Elden Hammerschmidt presented cost estimates for a generator and building for the Water Treatment Plant as follows:

Building estimated cost including architectural fees	\$53,500.00
Generator and all expenses associated with electrical hookup, fuel tank, etc.	\$95,000.00
Total Estimated Costs	\$148,500.00

Mr. Hammerschmidt said the City has a portable generator that would get the City through a 24-hour outage. Of prime consideration are the problems that could be created if the water system goes down. Not only are there the obvious problems of not having water for fire and domestic uses, but there are potential system problems associated with the loss of pressure such as disinfection, pressurization, disruption of sedimentation, air in the lines, etc. These startup problems could take some time to resolve.

City staff recommends that the City proceed with soliciting bids for the generator and approve the contract for design services for the generator building. This expenditure is not budgeted in 1999. If not addressed in 1999, this issue could be dealt with through the annual budget process for the year 2000.

Howard Rome moved, Sharon Leikam seconded, that City staff be directed to solicit bids for the purchase of a 500 KW generator to be installed at the Hays Water Treatment Plant.

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

12. ARCHITECTURAL SERVICES CONTRACT: Bids were received for architectural services for the following:

1. Remodeling and Expansion of Public Works Building
2. Sign Shed for the Service Division
3. Sludge Dock/Truck Shed for Wastewater Division
4. Emergency Generator Shed for Water Division

Public Works Director Hammerschmidt said the expansion of the Public Works Building would provide space for an engineering department and an office for Wellfield Planner Paul Montoia whose office is presently in City Hall.

Two bids were received for the architectural services as follows:

Stecklein & Brungardt	\$43,435
Woods & Starr	\$25,000

Jayne Clarke moved, Howard Rome seconded, that a contract totaling \$25,000 with Woods and Star Architects to provide professional services associated with the design, bidding, and construction inspection of several buildings at the Public Works Department, be approved.

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

13. 33rd STREET CHANGE ORDER(FINAL): Jayne Clarke moved, Sharon Leikam seconded, that Change Order #2 (final), representing a deduct of \$1,633.66, be approved.

City Manager Zacharias said some cracking occurred at the end of the one-year warranty period. Since this project was less than perfect, a deduction from the original contract price was agreed up.

14. HOUSING TASK FORCE: City Manager Zacharias said during budget discussions, a top priority was to look at housing. City staff is recommending that a Task Force be established which focuses on housing. The charge of the Task Force shall be: 1, research and document that there is a housing need, and 2, if there is a housing need, present recommendations as to what the City can do to positively make an effective change in those needs. It is recommended that a Task Force be comprised of eleven members representing various groups and organizations.

Commissioner Clarke stressed the importance of being specific of what is expected of the Task Force. This is a tough issue and if we do not define the goals, it could be a real struggle for the Task Force. Secondly, a good mix of citizens should be selected as members of the Task Force.

Sharon Leikam moved, Howard Rome seconded, that City staff be directed to establish a Housing Task Force.

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

The City Manager said City staff would work with the Mayor on recommending members for the Task Force, for commission approval. The list of members will be presented at the next meeting.

15. EXECUTIVE SESSION: Jayne Clarke moved, Troy Hickman seconded, that the Commission recess to executive session for 30 minutes to discuss litigation and the purchase of real estate. Included in the executive session will be the City Commissioners, the City Attorney, the City Manager, the Assistant City Manager, Engineer John Youll, and Elden Hammerschmidt.

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

Mayor Billinger called the meeting back to order, and stated that litigation and the purchase of real estate were discussed during the executive session.

Jayne Clarke moved, Sharon Leikam seconded, that the Mayor be authorized to sign the agreements that have been arrived at between the City's negotiator and the various land owners along 27th Street for acquisition of real estate for the 27th Street Improvement Project.

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

Howard Rome moved, Troy Hickman seconded, that the City Attorney be authorized to proceed with eminent domain proceedings, if necessary, to acquire

the land from Emprise Bank and Cerve's Conoco for the 27th Street Improvement Project.

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

Abstain: Jayne Clarke

16. ADD-ON ITEMS: Commissioner Clarke cautioned the City Commission candidates against using the City Commission meeting as a means of campaigning. A candidate forum will be scheduled to give the candidates an opportunity to express their views on City issues.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board