

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 14, 2010

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 14, 2010 at 6:30 p.m.

Roll Call: Present: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

Chairperson Mellick declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no additions or corrections to the minutes of the regular session held on December 22, 2009; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Henry Schwaller IV moved, Barbara Wasinger seconded, that the following be approved:

A. Business Resolution No. AR – 01, Series of 2010 – a resolution expressing appreciation to Bunnie Bowen for establishing a new business (Fur is Flying, LLC) in the city of Hays

B. The Mayor be authorized to sign letters of support for Developmental Services of Northwest Kansas and ACCESS Transportation for their request for funding from the Kansas Department of Transportation

C. The following mayoral appointments:

Hays Convention and Visitors Bureau Advisory Committee

Reese Barrick – a three-year term to expire December 1, 2012

Sister Cities Advisory Board

Patrice Austin – a three-year term to expire January 1, 2013

Ann Leiker – a three-year term to expire January 1, 2013

Mike Michaelis – a three-year term to expire January 1, 2013

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

NEW BUSINESS

5. RESOLUTION CALLING FOR SECOND PUBLIC HEARING FOR THE CREATION OF THE 48TH & ROTH AVENUE COMMUNITY IMPROVEMENT DISTRICT:

Resolution No. 2009-038, passed on December 22, 2009, did not include a map of the district for the proposed Community Improvement District (CID). Therefore, the called public hearing for the proposed CID is not in compliance with state statute. Since the public hearing was legally called for, it will be necessary to hold the public hearing on January 14, 2010; however, it will be necessary to hold another hearing on February 11, 2010.

Commissioner Hickman left the room due to a conflict of interest and did not vote.

Barbara Wasinger moved, Henry Schwaller IV seconded, that Resolution No. 2010-001, being a resolution stating the intent of the Governing Body of the City of Hays, Kansas to consider levying a proposed Community Improvement District sales tax in an area within the city limits and providing notice of a public hearing on the advisability of creating the Community Improvement District, the City's intent to levy such Community Improvement District sales tax and the method of financing of the project all pursuant to K.S.A. 12-6a26 ET SEQ, be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

6. PUBLIC HEARING FOR THE CREATION OF THE 48TH & ROTH AVENUE

COMMUNITY IMPROVEMENT DISTRICT: Commissioner Hickman was out of the room and did not participate in the discussion or vote due to a conflict of interest.

Resolution No. 2009-038 called for a public hearing on the creation of the 48th & Roth Avenue Community Improvement District (CID), however; the published resolution did not include a map of the District. Another public hearing will be held on February 11, 2010. This evening's public hearing was legally called, therefore, Barbara Wasinger moved, Henry Schwaller seconded, that the public hearing be opened.

Bruce Weilert, owner of three motels in Hays, addressed the Commissioners about the creation of the proposed CID. He feels that the new motel/restaurant will have an unfair advantage over other motels because they will be getting a 2% return on their sales.

City Manager Toby Dougherty explained that the people who stay at the motel and eat at the restaurant will be paying an additional 2% over and above the state and city sales tax and transient guest tax.

Chairperson Mellick informed Mr. Weilert that the legislature created the CID concept this past year. This company came to the City and requested the City to allow them to create the District.

City Attorney John Bird stated that no one is giving any money to anyone. CID's allow the owners to tax themselves, or basically, their customers. And Mr. Weilert could do the same if he qualifies for any improvements and creates his own CID. No one is getting a tax break, there are no abatements. The owners only get this money if they generate enough money to pay themselves.

Barbara Wasinger moved, Henry Schwaller IV seconded, that the public hearing be closed.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

Commissioner Hickman returned to Commission chambers and Commissioner Schwaller left the chambers.

7. SUPPORT FOR ELLIS COUNTY COALITION FOR ECONOMIC DEVELOPMENT UPDATED STRATEGIC PLAN AND RE-APPROVAL OF STATE ENTERPRISE ZONE DESIGNATION:

The Ellis County Coalition for Economic Development requested a resolution of support for the updated Strategic Plan as well as re-approval of the Kansas State Enterprise Zone designation. The Enterprise Zone designation requires an updated Economic Development Strategic Plan. The Kansas Enterprise Zone Program is controlled by the State and provides various base level incentives to businesses.

Barbara Wasinger moved, Troy Hickman seconded, that Resolution No. 2010-002, being a resolution reconfirming support of the qualifying Strategic Plan and requesting that the Kansas Secretary of Commerce of the State of Kansas re-approve the County of Ellis, Kansas, as a Kansas Enterprise Zone designated as a non-metropolitan business region, be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman

Commissioner Schwaller returned to Commission chambers.

8. DOWNTOWN HAYS DEVELOPMENT CORPORATION (DHDC) REQUEST FOR GATEWAY MARKER AT 8TH & FORT:

Over the last several years, the Downtown Hays Development Corporation (DHDC) has been planning for the installation of gateway markers to indicate a person's arrival in the downtown "Chestnut Street District". A design has been presented to be constructed on the foundation, which currently exists at the southeast corner of 8th and Fort. The foundation was installed during the reconstruction of 8th Street in 2006 for just

such a marker. If approved, the DHDC is asking the City to assume ownership and maintenance of the seven-foot high limestone monument after it is constructed.

Henry Schwaller IV moved, Barbara Wasinger seconded, that the DHDC be authorized to construct, at its own cost, a gateway marker at the southeast corner of 8th & Fort, with the City assuming ownership and maintenance of the marker after construction is complete.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

9. GOLF COURSE EFFLUENT PUMP STATION – AWARD OF BID:

Christopher Channell moved, Troy Hickman seconded, that the bid submitted by Smoky Hill LLC, in the amount of \$924,259.95, for the construction of improvements related to the effluent irrigation system at the Municipal Golf Course and proposed Sports Complex, be approved and the City Manager be authorized to execute the contract for construction.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

10. CONSTRUCTION OF 6-UNIT T-HANGAR AT THE HAYS REGIONAL AIRPORT:

Dan Stecklein and Dan Dinkel requested permission from the Commissioners to construct a 6-unit T-hangar at the Hays Regional Airport on lots that have been previously identified in the Airport Master Plan for T-hangar construction. They also made a request that ground lease payments be delayed until after the completion of the structure in late 2010.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Dan Stecklein and Dan Dinkel be allowed to construct a 6-unit T-hangar at the Hays

Regional Airport allowing for ground lease payments to begin only after construction is completed in 2010.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

11. SKYLINE DRAW – FIRST AMENDMENT TO LOAN AGREEMENT: In December 2009, the City entered an agreement with KDHE to fund stormwater improvements to Skyline Draw. The total project cost, based on bids received, is greater than originally estimated. KDHE has prepared an amendment to the loan agreement which accounts for the new total project cost of \$158,773. The American Recovery and Reinvestment Act allows for 75% principal forgiveness on the loan, resulting in a City's share of \$44,085.25.

Barbara Wasinger moved, Henry Schwaller IV seconded, that Ordinance No. 3804, being an ordinance authorizing the execution of a First Amendment to the loan agreement between the City of Hays, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Fund for the purpose of financing a wastewater treatment project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the First Amendment to the loan agreement, be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

12. SKYLINE DRAW – AMENDMENT TO ENGINEERING SERVICES AGREEMENT: In June 2009, the City entered an agreement with Cook, Flatt,

and Strobel Engineers for services related to the design of improvements to Skyline Draw under the American Recovery and Reinvestment Act for Innovative Green Infrastructure Projects funded through the Kansas Water Pollution Control Revolving Fund. After project development, design, and extensive KDHE review and involvement, it is necessary to amend the engineering services agreement in regards to construction phase engineering services in the amount of \$7,592. The original agreement did not contain provisions for construction phase services.

Christopher Channell moved, Troy Hickman seconded, that the City Manager be authorized to execute the Amendment for Engineering Services Agreement with Cook, Flatt, and Strobel Engineers for construction phase engineering services for Skyline Draw, in the amount of \$7,592.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Troy Hickman

Henry Schwaller IV

13. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Schwaller thanked the Hays Arts Council for the new art work in the Commission chambers. The art work on display features Leon Staab's photography of various people and places in Germany.

Barbara Wasinger asked the City Manager to check into the reflective lettering on directional signs that are placed throughout Hays.

15. EXECUTIVE SESSION: Henry Schwaller IV moved, Barbara Wasinger seconded, that the Governing Body recess to executive session at 7:16 p.m. for 15 minutes to discuss property acquisition. The executive session included the City Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 25-4319 authorizes the use of executive session to discuss property acquisition.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

Chairperson Mellick called the meeting back to order at 7:31 p.m. He stated no action was taken during executive session.

The meeting was adjourned.

Submitted by: _____

City Clerk