

MINUTES OF A MEETING OF  
THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 13, 2013

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 13, 2013 at 6:30 p.m.

Roll Call: Present: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

Absent: Henry Schwaller IV

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

**2. MINUTES:** There were no corrections or additions to the minutes of the regular session held on May 23, 2013; the minutes stand approved as presented.

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

**4. CONSENT AGENDA:** Ron Mellick moved, Eber Phelps seconded, that the following consent agenda items be approved:

**A.** A Cereal Malt Beverage License for the Downtown Hays Development Corporation for the annual downtown Blues and BBQ event.

**B.** The following appointments to the Airport Advisory Committee:

Lyle Noordhoek – three-year term to expire April 30, 2016

Gary Wentling – three-year term to expire April 30, 2016

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

**C.** Mayor Steward presented the following proposed appointments, which will be voted upon for approval at the June 27, 2013 Commission meeting:

Hays Beautification Committee

Joni Phelps – three-year term to expire August 1, 2016

Hays Public Library Board

Pamela Shaffer – four-year term to expire April 30, 2017

Delbert Stanton – four-year term to expire April 30, 2017

Lauren Lowry – unexpired term to expire April 30, 2014

**NEW BUSINESS**

**5. GO BONDS, SERIES 2013-A – PUBLIC HEARING FOR SPECIAL ASSESSMENTS:**

Chairperson Steward opened the public hearing to receive comments regarding the proposed assessments for public improvements within the Golden Belt Estates 4<sup>th</sup> Addition and Replat of 46<sup>th</sup> Street First Addition.

There being no comments, Ron Mellick moved, Shaun Musil seconded, that the public hearing be closed.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

**6. GO BONDS, SERIES 2013-A – ORDINANCE LEVYING SPECIAL ASSESSMENTS:**

Ron Mellick moved, Eber Phelps seconded, that Ordinance No. 3863, being an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of Hays, Kansas, as authorized by Resolution Nos. 2011-019 and 2011-002 of the City; and providing for the collection of such special assessments, be approved.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

**7. GO BONDS, SERIES 2013-A – RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2013-A:**

Resolution 2013-014 authorizes the offering for sale of General Obligation Refunding and Improvement Bonds, Series 2013-A. The bonds will reimburse the City for expenditures related to Golden Belt 4<sup>th</sup> Addition and Replat of 46<sup>th</sup> Street 1<sup>st</sup> Addition improvements and refund the City's General Obligation Internal Improvement Bonds Series 2002-A and Series 2003-A to save approximately \$130,000 in interest cost.

Eber Phelps moved, Shaun Musil seconded, that Resolution No. 2013-014, being a resolution authorizing the offering for sale of General Obligation Refunding and Improvement Bonds, Series 2013-A, of the City of Hays, Kansas, be approved.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

**8. VIA CHRISTI – TEFRA PUBLIC HEARING FOR THE RETIREMENT OF HEALTH CARE FACILITY REVENUE BONDS, SERIES 2012-A:**

Recently, Ascension Health Alliance became the sole owner of Via Christi Health, Inc. In connection with this change in ownership, Ascension intends to have the Wisconsin Health and Educational Facilities Authority issue revenue bonds in an amount not to exceed \$888,000,000. A portion of the proceeds will be used to redeem, provide for the payment of, and/or defease all of the outstanding Via Christi Health Care Facility Revenue Bonds, Series 2012-A.

Chairperson Steward opened the public hearing to receive comments regarding the retirement of Via Christi Health Care Facility Revenue Bonds, Series 2012-A.

J. T. Klaus, attorney with Triplett, Woolf, and Garretson, LLC, Wichita, Kansas, explained the process for retirement of the Health Care Facility Revenue Bonds, Series 2012-A for the Via Christi-Hays facility and the necessary procedures that must be followed.

Shaun Musil moved, Ron Mellick seconded, that the public hearing be closed.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**9. VIA CHRISTI – TEFRA RESOLUTION:** Eber Phelps moved, Ron Mellick seconded, that Resolution No. 2013-015, being a resolution of the City of Hays, Kansas, approving the issuance of not to exceed \$888,000,000 in revenue bonds by the Wisconsin Health and Educational Facilities Authority, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**10. VIA CHRISTI – CONVEYANCE RESOLUTION:** Any time an industrial revenue bond is redeemed or defeased, the City is obligated to transfer the financed project to the bond tenant, upon the execution of its option to purchase.

Ron Mellick moved, Shaun Musil seconded, that Resolution No. 2013-016, being a resolution of the City of Hays, Kansas, approving the sale of a certain project financed with the proceeds of revenue bonds of the City; authorizing the execution and delivery of (1) a special warranty deed, (2) a bill of sale, (3) a termination and release, and (4) a satisfaction, discharge and release of indenture, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**11. CONTRACT SEWER CLEANING:** Eber Phelps moved, Shaun Musil seconded, that the bid submitted by Mayer Specialty Services, LLC to clean and video sewer lines at a cost of \$1.19 per linear foot, not to exceed \$120,000 to be

funded from the Wastewater Treatment and Collections project line item, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**12. WALKER MD MOWER PURCHASE FOR CEMETERY USE:** Shaun Musil moved, Ron Mellick seconded, that the bid received from Pro-Green Total Lawn Care for a Walker MD mower, in the amount of \$16,825 to be paid from the New Equipment Reserve, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**13. AIRPORT TERMINAL IMPROVEMENTS – HAYS REGIONAL AIRPORT:**

The existing terminal building was constructed in 1991 and requires multiple updates to be compliant with current code requirements. Improvements will include modernization of the existing heating/air conditioning (HVAC) system, utility closet, and incorporating Americans with Disabilities Act (ADA) requirements to existing lavatory facilities. A larger secured passenger area and rest room installations would address changes in service since the inception of passenger screening. Office space construction, rest room remodel and upgrade in older systems would provide opportunity for business location at the Airport. Engineering fees to meet FAA match guidelines for assistance are estimated at \$250,000 with an estimated split of \$130,714 FAA and \$119,286 local match.

Ron Mellick moved, Eber Phelps seconded, that the City Manager be authorized to submit an application for federal assistance for the engineering of airport terminal improvements at the Hays Regional Airport.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**14. RESOLUTION TO ESTABLISH BENEFIT DISTRICT FOR LOTS 1-24  
WITHIN THE REPLAT OF LOT 2, BLOCK 9, GOLDEN BELT 8<sup>TH</sup> ADDITION:**

Laverne Schumacher has petitioned the City for alley paving, storm sewer, water and sanitary sewer improvements to an area containing 24 lots within the Replat of Lot 2, Block 9, Golden Belt 8<sup>th</sup> Addition at an estimated cost of \$356,876. The street, which will be private and not maintained by the City, is not included in the assessment and will be paid in full by the developer. The developer has requested that costs for the alley paving, storm sewer, water and sanitary sewer improvements be assessed to the developer. The developer must front 30% of the project cost and the remaining 70% will be assessed over a 15 year period.

Eber Phelps moved, Shaun Musil seconded, that Resolution No. 2013-017, being a resolution setting forth findings and determinations of the Governing Body of the City of Hays, Kansas on the advisability of and authorizing the construction of certain improvements pursuant to K.S.A. 12-6a01 et seq., be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**15. GOLDEN BELT ESTATES 5<sup>TH</sup> ADDITION – REZONING:**

Eber Phelps moved, Shaun Musil seconded, that Ordinance No. 3864, being an ordinance rezoning a tract of land situation in the southeast quarter of Section Twenty (20), Township Thirteen (13) South, Range Eighteen (18) West of the 6<sup>th</sup> P.M. in Ellis County, Kansas, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**16. GOLDEN BELT ESTATES 5<sup>TH</sup> ADDITION - FINAL PLAT:** Shaun Musil moved, Ron Mellick seconded, that Resolution No. 2013-018, being a resolution accepting the final plat known as Golden Belt Estates 5<sup>th</sup> Addition, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**17. GOLDEN BELT ESTATES 5<sup>TH</sup> ADDITION – ANNEXATION:** Ron Mellick moved, Shaun Musil seconded, that Ordinance No. 3865, being an ordinance annexing land to be known as Golden Belt Estates 5<sup>th</sup> Addition, be approved.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**18. HOUSING STUDY GROUP REPORT:** In February, the Commission requested the development of a Rural Housing Improvement District (RHID) policy. The use of an RHID was noted in the Economic Development Coalition/Realtors Association Housing Needs Assessment as a mechanism to reduce housing costs. The Commission authorized the Housing Study Group to explore Hays' housing issues in more detail.

The City Manager reported that the Housing Study Group feels that now is not the time for the City to be looking at large scale and broad reaching policy considerations. When a governmental entity immerses itself in the housing market there are ripple effects. There are high housing costs in Hays and there are not a lot of housing choices, but the Study Group does not feel it is a problem right now. The issues can be addressed by the market at this time. Staff will continue to monitor the situation and be prepared to act if problems do arise.

**19. AMENDED ECONOMIC DEVELOPMENT POLICY – RURAL HOUSING IMPROVEMENT DISTRICT (RHID):**

Paul Briseno, Assistant City Manager, presented the proposed Rural Housing Improvement District (RHID) Policy for consideration and guidance. If approved, future RHID applicants have to demonstrate a need to the Commission and State of Kansas. The State governs much of the process; however the proposed policy has requirements and processes specific for Hays.

Ron Mellick moved, Eber Phelps seconded, for the purposes of discussion, that the amended Economic Development Policy for the City of Hays containing Rural Housing Improvement District language, be approved.

Commissioner Mellick stated he would prefer to encourage the building of low-income based units rather than single family housing.

Chairperson Steward stated that when tax money is given to a developer that allows him to make a profit on rentals, it is not fair. Someone else has to pay those taxes. He feels the program is fundamentally flawed.

Aaron White, Executive Director of the Ellis County Coalition for Economic Development, commented that there are a large number of people on the waiting list for low-income based housing units.

Ron Mellick moved, Shaun Musil seconded, that the amended Economic Development Policy – Rural Housing Improvement District, be tabled for further discussion at the July 2, 2013 work session.

Vote: Ayes: Kent Steward

Eber Phelps

Shaun Musil

Ron Mellick

**41<sup>ST</sup> STREET RIGHT-OF-WAY – SMOKY HILL COUNTRY CLUB:**

The Governing Body was requested to consider approval of an offer for the acquisition of a temporary construction easement and a permanent drainage easement from the Smoky Hill Country Club for the proposed reconstruction of 41<sup>st</sup> Street from the US-183 Bypass to Hall Street. Offers have already been made for other simple and uncomplicated acquisitions along 41<sup>st</sup> Street.

Ron Mellick moved, Shaun Musil seconded, that staff be authorized to offer \$29,688.40 to Smoky Hill Country Club and take such actions necessary to acquire a temporary construction easement and permanent drainage easement required for the reconstruction of 41<sup>st</sup> Street, to be funded from the Capital Projects Fund.

Vote: Ayes: Kent Steward  
Eber Phelps  
Shaun Musil  
Ron Mellick

**21. REPORT OF THE CITY MANAGER:** City Manager Dougherty recognized City Clerk Doris Wing who is retiring after 47 years of service with the City of Hays.

**22. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Phelps asked if there would be any more discussion on the use of fireworks this 4<sup>th</sup> of July.

The City Manager stated it can be discussed at the next work session on June 20<sup>th</sup> or there could be a request to hold a special meeting to specifically discuss the use of fireworks.

Chairperson Steward asked when there will be training for new members on the Planning Commission.

The City Manager stated that there will be funds budgeted in 2014 for that purpose.

Chairperson Steward congratulated Susan Gamboa and others for their work on bringing the adult daycare facility to fruition, as well as the Good Samaritan Society which will be running the program.

The meeting was adjourned at 8:20 p.m.

Submitted by: \_\_\_\_\_

Doris Wing – City Clerk