

City of Hays  
City Commission  
Work Session Notes  
September 6, 2012

Present: Troy Hickman, Kent Steward, Henry Schwaller IV, Ron Mellick, John Bird, Toby Dougherty

Absent: Barbara Wasinger

**2012 Uniform Public Offense Code/2012 Standard Traffic Ordinance**

The League of Kansas Municipalities publishes a revised Uniform Public Offense Code for Kansas Cities (UPOC) and the Standard Traffic Ordinance for Kansas Cities (STO) on a yearly basis. The Commissioners will be requested to adopt by ordinance the updated UPOC and STO at the September 13, 2012 Commission meeting for use within the city of Hays.

**Ordinance Authorizing the Issuance of Health Care Facility Revenue Bonds, Series 2012-A (St. John's Inc.)**

On February 24, 2011, Resolution No. 2011-003 was approved indicating the intent of the Governing Body to issue tax-exempt Industrial Revenue Bonds (IRB) for the purpose of financing construction of a skilled care nursing facility and renovations to the existing St. John's Assisted Living facility both located at 2525 Canterbury. IRBs require the City to be the issuer of the bonds. The City is in no way obligated for the payment of the bonds nor do they lend credit to the transaction; the bonds are issued and sold purely on the credit of the company. The City, as issuer, is required to hold an ownership interest in the property and is deeded the property for the length of the bond term. Title to the property will be transferred to the firm by the City when the IRBs are retired.

At the September 13, 2012 Commission meeting, the Commissioners will be requested to approve an ordinance authorizing the issuance of tax-exempt

Health Care Facility Revenue Bonds, Series 2012-A in the aggregate principal amount of \$13,000,000.

### **Resolution Approving Tax and Securities Compliance Procedures**

In August 2011, the IRS announced that all issuers of tax-exempt bonds should have a set of written procedures for monitoring compliance with rules related to tax-exempt bonds. At the September 13, 2012 Commission meeting, the Commissioners will be requested to consider approval of a resolution establishing a tax and securities compliance procedure for the City of Hays, Kansas.

### **Vietnam Veteran's Memorial Helicopter Display at the Hays Regional Airport**

The Vietnam Veterans of America Chapter 939 is requesting permanent space at the Hays Regional Airport for a static display of Vietnam era helicopters. This item was reviewed by the Airport Advisory Board and recommended for approval by the City Commission. If approved, annual expected costs incurred by the City will be \$428 and a one-time expense for necessary parking and landscaping. The helicopters would remain the property of the Department of Defense with an annual inspection provided. The City would not be responsible for annual maintenance to the displays.

Commissioner Schwaller stated that he does not want the display on the airport property. No one knows what the FAA may need the land for in the future. He would rather this display be placed in the Airport Park, which is adjacent to the airport. The display merits having its own park.

Commissioner Mellick favors placing the display on the airport property where it is more out in the open. He feels there is a greater chance of vandalism if the display is placed in the Airport Park.

I. D. Creech, Public Works Director, stated it would be relatively easy to move the display if it should become necessary. The helicopters themselves are not very heavy.

The Commissioners will consider approval of the request at the September 13, 2012 Commission meeting.

### **Concrete Crushing**

The 2012 Budget allocates \$24,000 for the purpose of crushing concrete rubble stored on City property. The crushed concrete is used during alley and other maintenance activities throughout the year. A bid received from Cohorst Enterprises would produce 3,429 tons of material. City staff proposed renting an impact crusher from GW Van Keppel and use in-house personnel for the same cost which would produce 16,000 tons of material.

At the September 13, 2012 meeting, the Commissioners will be requested to direct the City Manager to accept the bid from GW Van Keppel, in the amount of \$21,500, for the rental of an impact crusher.

### **22<sup>nd</sup> and Wheatland Lots – Request for Rezoning**

There are six vacant lots along the east side of Wheatland south of 22<sup>nd</sup> Street that have been vacant since the development started in the mid 1990's. The lots were originally zoned for single-family development when the other surrounding property was zoned. The lots have changed hands several times and the current owner wishes to construct duplexes on three of the vacant lots. The three lots are adjacent to other multi-family zoning on at least two sides. By a vote of 6-0, the Planning Commission recommended the Commission approve the rezoning request from R-1 (Single-Family Dwelling District) to R-3 (Two-Family Dwelling District). Staff recommended approval of this rezoning request.

Terri Wilson, Virginia Hornick and Anthony Hornick, residents in the area, spoke against approval of the rezoning request because they feel it will diminish the value of their property. Mrs. Hornick presented a petition signed by 65 residents who oppose the rezoning.

The Commissioners will consider the rezoning request at the September 13, 2012 meeting.

### **Other Items for Discussion**

City Manager Toby Dougherty stated that Russell has indicated that they do not want to participate in a low head dam study performed by the Corp of Engineers. The original study was \$100,000 with the Corp paying one-half of the cost, the Kansas Water Office paying \$25,000, and Hays and Russell paying the remainder. Since Russell does not want to participate, the scope of the study is being changed. Burns and McDonnell is putting together new criteria for a study that will be ready for Commission review at next week's meeting. The new study is expected to cost \$80,000, with the Corp paying \$40,000, the Kansas Water Office paying \$20,000 and the City of Hays \$20,000.

Chairperson Hickman left the work session.

### **Executive Session**

Henry Schwaller IV moved, Ron Mellick seconded, that the Governing Body recess to executive session at 7:40 p.m. for 20 minutes to discuss attorney-client privileged information. The executive session included the Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 75-4319 authorizes the use of executive session to discuss attorney-client privileged information.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Ron Mellick

Vice -chairperson Steward called the work session back to order at 8:00 p.m.

Henry Schwaller IV moved, Ron Mellick seconded, that the Governing Body recess to executive session for an additional 10 minutes to further discuss attorney-client privileged information.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Ron Mellick

Vice-chairperson Steward called the work session back to order. He stated no action was taken during either executive session.

The work session adjourned at 8:10 p.m.

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

Doris Wing – City Clerk