

City of Hays
City Commission
Work Session Notes
September 18, 2014 – 6:30 p.m.

Present: Henry Schwaller IV, Eber Phelps, Shaun Musil, Ron Mellick, Kent Steward, John Bird, Toby Dougherty

September 4, 2014 Work Session Notes

There were no corrections or additions to the minutes of the work session held on September 4, 2014; the minutes stand approved as presented.

Review of Petition and Application for Hays Mall Community Improvement District (CID)

On August 11, 2014, Hays Mall, LLC submitted a petition to create a Community Improvement District (CID), an application for economic development incentives, a cost benefit analysis and the required application fee. All materials have been reviewed by bond counsel, Gina Riekhof, Gilmore & Bell, P.C. and are found to meet all the requirements of Kansas law and the City of Hays Economic Development Policy.

The petition seeks to create a CID encompassing the area bounded on the north by E 33rd, on the west by Vine, on the south by E 29th, and on the east by the access road on the east side of the mall. The proposed CID would impose a new 1% sales tax used to reimburse the developer, Hays Mall, LLC on a pay-as-you-go basis for up to \$3,144,936 of costs incurred to make improvements to the Mall which includes:

- interior mall improvements/renovation
- parking lot 1.5" mill 2" overlay
- exterior LED lighting
- demolition of the bank drive thru and Montana Mikes
- exterior insulation finishing system

- mall entrances upgrades
- landscaping

This would make the total sales tax 9.4% at all the Hays Mall stores.

Matthew Gough, an attorney with Barber Emerson Law Firm, provided information about the project. He stated the Mall is a regional draw for the City of Hays and needs to be updated. They prefer the CID approach because setting aside normal revenue for the project would take approximately 100 years.

Terry Clauff, CEO, DP Management, LLC, and Josh Vickery, Specialist, DP Management, LLC, answered questions regarding the pay as you go CID and provided additional information regarding the proposed improvements.

Commissioner Mellick stated businesses at the Mall are frustrated with problems communicating with DP Management.

Chairperson Schwaller stated he has heard tenants complain DP Management is not responsive to maintenance issues such as air conditioning problems and roof leaks.

Commissioner Steward and Commissioner Musil do not support this because they do not believe it is a proper use of taxes. They feel taxes should be reserved for government operations and services.

Resolution Calling for a Public Hearing on the Creation of the Hays Mall Community Improvement District (CID)

At the September 25, 2014 Commission meeting, Commissioners will be requested to approve the resolution calling and providing for the giving of notice of a public hearing on October 23, 2014 on the advisability of creating the Hays Mall Community Improvement District.

Easement Request – Midwest Energy

Chairperson Schwaller recused himself stating he owns property that he is negotiating in this area.

Vice-Mayor Phelps led the discussion for this agenda item.

Midwest Energy is requesting an adjustment to an existing easement for City owned property in the Southridge Addition to the City of Hays. Midwest Energy currently holds a blanket easement over the property from a 1956 easement that contains restrictions on the number of structures that can be erected. Currently, two "H" structures (two poles with a horizontal cross arm) are allowed. Midwest Energy desires to restrict the easement to a fifty foot easement and to rebuild this transmission line with single poled structures which will require more than the two structures allowed by current easement.

Midwest Energy has requested an amendment to a lease the City inherited when the Southridge Plat was annexed. The City owns the property from that plat of Southridge Estates dated 1973 and does not use the property for any continuing purpose. The only City activity for the property is the mowing maintenance provided by the Parks Department. There are no pending uses or future plans for use of this property by the Parks Department.

This is part of a larger project that will improve electric service delivery for the citizens of Hays.

Commissioners will be requested to approve a partial release and modification of the easement located on Southridge Estates Addition, at the September 25, 2014 Commission meeting.

2014 Uniform Public Offense Code/2014 Standard Traffic Ordinance

The League of Kansas Municipalities publishes a revised version of the Uniform Public Offense Code for Kansas Cities (UPOC) and the Standard Traffic Ordinance for Kansas Cities (STO) on a yearly basis. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

The Commissioners will be requested to adopt by ordinance the updated UPOC and STO at the September 25, 2014 Commission meeting for use within the city of Hays.

Ordinance Repealing Certain Provisions of the Code regarding Taxicabs

March 1996 was the last time taxicab licensing in Chapter 14, Article IV of the City of Hays Code of Ordinances was reviewed. Given the recent activity of two taxicab businesses, staff feels that licensing taxicabs are no longer a good use of City resources.

An annual license fee of \$10 plus a \$10 fee for each vehicle or taxicab to be used by the applicant is required to cover the cost of the vehicle inspections. In addition, a \$5 individual taxi driver's license fee is required for each driver; this does not cover the cost of the background check that is done by the Police Department.

Commissioner Mellick stated the business owners should screen their own drivers and have the liability and not the City of Hays.

City Manager Toby Dougherty stated it is not a productive use of staff's time, but it may also put out a false sense of assurance that we are providing regulations of safety and we are not.

Commissioners will be requested to approve the ordinance repealing certain provisions of the code of ordinances of the City of Hays, Kansas regarding taxicabs at the September 25, 2014 Commission meeting.

Other Items for Discussion

Commissioner Musil commented he recently attended the Environmental Tour held by Kansas State University and Extension and Fort Hays State University. He stated he was impressed with City staff's explanation of what we do, and that it was very informative.

The work session was adjourned at 7:41 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk