

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 25, 2014

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 25, 2014 at 6:30 p.m.

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

Chairperson Schwaller 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 September 11, 2014; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that month-to-date general fund sales tax collections were at \$617,003 which is a decrease of \$34,952 as compared to last year. This puts the year-to-date general fund sales tax collections down \$58,144 or -1.19%.

The Finance/City Clerk's Office invested \$3,500,000 of maturing or renewing certificates with a weighted average interest rate of .22%. The portfolio of certificates of deposit on August 31, 2014 totaled \$52,200,000 with a weighted average interest rate of .23%. The total balance of the Money Market account on August 31, 2014 was \$1,000,000 with a current yield of .20%. Total investments are up \$400,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, that the Financial Statement for the month of August, 2014 be approved.

Vote: Ayes: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: There were no items on the consent agenda.

NEW BUSINESS

6. RESOLUTION CALLING FOR A PUBLIC HEARING ON THE CREATION OF THE HAYS MALL COMMUNITY IMPROVEMENT DISTRICT (CID): On August 11, 2014, Hays Mall, LLC submitted a petition to create a Community Improvement District (CID). 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.

Henry Schwaller IV moved, Eber Phelps seconded, to approve Resolution No. 2014-022 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.

Commissioner Steward stated he could think of any number of reasons to oppose this and that he would go into those in detail at the hearing.

Commissioner Phelps stated he wants to read the development agreement before Commissioners vote on the CID.

Commissioner Musil also challenged the funding mechanism stating many businesses have reinvested in themselves and expanded in the time the mall has been owned by this company.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Ron Mellick

No: Shaun Musil

Kent Steward

Chairperson Schwaller left the meeting and Vice-Chairperson Phelps conducted the remainder of the meeting in his absence.

7. EASEMENT REQUEST – MIDWEST ENERGY:

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.

The proposed partial release would define the width of the easement at 100 feet, with 50 feet on each side of the centerline, excluding the area in Chetolah Creek. The partial release also updates the terms and conditions of the

easement. The request is made to help Midwest Energy satisfy requirements of the Federal Energy Regulatory Commission (FERC) and North American Electric Reliability Corporation (NERC). Defining the easement width and ensuring the right to maintain an easement without obstacles or encroachments which may interfere with or endanger the power lines are important elements in meeting the FERC/NERC requirements.

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

Shaun Musil moved, Kent Steward seconded, to approve the partial release and modification of the easement located on Lot Two, Block Two, Southridge Estates Addition.

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

8. 2014 UNIFORM PUBLIC OFFENSE CODE: The League of Kansas Municipalities publishes a revised Uniformed Public Offense Code (UPOC) on a yearly basis. The UPOC contains the most current legislative changes and updates. Normally the majority of the UPOC remain the same from year to year, with only a few changes made. This year there were a large number of minor changes caused by the recodification of the state criminal code.

Shaun Musil moved, Ron Mellick seconded, to approve Ordinance No. 3888 adopting the 2014 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays.

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

9. 2014 STANDARD TRAFFIC ORDINANCE: The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates.

Shaun Musil moved, Ron Mellick seconded, to approve Ordinance No. 3889 adopting the 2014 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays.

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

10. 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 felt the process and ordinance should be reviewed to determine if this is a good use of City resources.

Finance Director Kim Rupp explained the licensing process for taxicabs. He stated the city does not regulate/license other local businesses to this degree and there is a concern that the City may be assuming some liability in the background checks and vehicle inspections done by City staff. The City Attorney confirmed there are no state statutes that require the city to monitor and license the taxi industry.

Ron Mellick moved, Kent Steward seconded, to approve Ordinance No. 3890, an ordinance repealing certain provisions of the Code of Ordinances of the City of Hays, Kansas regarding taxicabs.

Commissioner Mellick stated this is no different than any other business and that the business owner should be responsible for their employees.

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

11. PROGRESS REPORT: Assistant City Manager Paul Briseno reported on various city related events, activities, and projects.

12. REPORT OF THE CITY MANAGER: The City Manager had nothing to report.

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Steward commented it is great to see the progress that goes on and appreciates these reports. He also stated Fort Hays State University will be announcing a major increase in enrollment and this is good for the University and good for the community.

Commissioner Mellick thanked the Public Works Department for fixing many of our streets in-house and stated many people are very excited about the repair and widening of General Custer at 22nd Street.

Vice-Chairperson Phelps wanted to publicly congratulate and thank Jana Jordan, CVB Director and Wendy Schumacher, Deputy Fire Chief who are retiring.

The meeting was adjourned at 7:07 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk