

City of Hays
City Commission
Work Session Notes
December 4, 2008

Present: Barbara Wasinger, Ron Mellick, Allan Lytton, Troy Hickman, John Bird, Mark Loughry

Habitat for Humanity – Moving of Houses

The City of Hays donated property located at the corner of Allen and East 17th Street, along with two residential houses located at 108 West 16th Street, to Habitat for Humanity. The group intends to move the houses on West 16th and place them on new foundations/basements on East 17th Street. Habitat for Humanity has secured a loan for part of the project but is short \$25,000. They requested the City of Hays provide assistance in the form of a loan in order to help them complete the movement of the two houses.

Commissioner Ron Mellick stated he was not in favor to loaning the group the money. He felt that the houses did not necessarily need basements under them. If they don't have the money to do that, they should live within their means.

Ron Straight, treasurer of Habitat for Humanity, expressed his appreciation for the donation of the houses and the lots. The group receives funding through donations and fund raisers. The loan would be paid back as donations are received. Basements are installed for use as a tornado shelter and also to provide more living space.

Chairperson Wasinger stated the City is not in the business of loaning money; it is not a lending institution.

Commissioners Lytton and Hickman agreed with the Chairperson and Commissioner Mellick.

The Commissioners will take formal action on this request at the December 11, 2008 Commission meeting.

Law Enforcement Center Lease Agreement

City staff has been working with Ellis County staff in order to update the current Law Enforcement Center Lease Agreement to make it more reflective of current practices. The agreement addresses terms of Municipal Court prisoner care, county-wide dispatching services, and building custodial services. Police Chief Jim Braun and City Attorney John Bird reviewed the Agreement with the Commissioners.

The Commissioners will be requested to approve the Agreement at the December 11, 2008 Commission meeting.

Sports Complex Sales Tax Feasibility Study

George K. Baum and Company prepared a ½ cent sales tax feasibility study as part of the requirements for constructing the proposed Sports Complex. Assistant City Manager Mark Loughry and Finance Director Kim Rupp reviewed the study with the Commissioners.

Sports Complex Development Plan

John Braun, Assistant Director of Public Works, reviewed the Sports Complex Development Plan. Construction of the proposed Sports Complex requires coordination with Fort Hays State University (FHSU), along with a considerable amount of preliminary study work to be accomplished before the design of the complex can be completed. In an effort to develop a project in conjunction with FHSU that eliminates or at least reduces the possibility of duplication, inefficiency, and miscommunication, the City and FHSU have worked out a process to select an architect/engineer to perform project development and project management services.

The Commissioners will be requested to formally approve the process for selection of the project manager and the creation of a task force at the December 11, 2008 Commission meeting.

One-half Percent (.5%) Sales Tax for Hays Sports Complex

Kim Rupp, Finance Director, stated it will be necessary for the Commissioners to approve an ordinance at the December 11, 2008 Commission meeting to enact the ½ cent sales tax to fund the voter-approved Sports Complex. The sales tax will go into effect April 1, 2009 and will expire in four years.

Ordinance Declaring Existing Sales Tax for General Purpose

Kim Rupp, Finance Director, stated that it will be necessary for the Commissioners to approve an ordinance at the December 11, 2008 Commission meeting to make the existing sales taxes declared as general purpose. Presently, three sales taxes exist. In 1982, a ½ cent sales tax was passed for the General Fund, in 1992, a ½ cent sales tax was passed for water exploration and in 2004, and a ¾ cent sales tax was passed for the General Fund. As of July 1, 2006, state law was amended to create the concept of general purpose taxes and special purpose taxes. The law allows for the expiration of special purpose taxes within 10 years of being enacted. The water exploration tax is a special purpose tax; however, the sales tax was not set to expire until all bonds or other obligations incurred by the City to finance capital costs were retired. K.S.A. 12-189 states that whether the tax is general or special shall be determined by the governing body of the city. This gives the governing body the right to determine whether a sales tax that existed prior to July 1, 2006, is a general purpose or special purpose sales tax. Given that water exploration for the City of Hays continues to be an absolute necessity, it is the opinion of City Attorney John Bird as well as Randy Irey with Gilmore and Bell that this ordinance be passed by the governing body to declare the water sales tax as a general purpose tax to protect it from expiring. The Finance Department will continue to track the three taxes separately to follow their intended purposes.

Wind Tower Ordinance – Extension of Moratorium

In April 2008, an ordinance was passed which placed a moratorium on the installation of wind turbines in Hays and the three-mile extraterritorial jurisdiction until December 31, 2008. For the past several months, City staff and the Planning Commissioners have been working on regulations for Wind Energy Conversion Systems (WECS). A public hearing was held November 17, 2008 to discuss the draft ordinance. Many comments and suggestions were received and the Planning Commission desires to make some changes to the draft ordinance before presenting it to the City Commission.

The Planning Commission is recommending the City Commission extend the moratorium indefinitely, with the understanding that time is of the essence and a recommended ordinance would be presented as soon as possible. The Planning Commission would like to hold another public hearing in January or February 2009, and then send the draft ordinance to the City Commission soon thereafter.

Larry Gould, chairman of the Planning Commission, stated that currently no developers are pushing for the immediate development of this ordinance in order to erect wind towers. Taking a little time to properly develop the ordinance will be to everyone's benefit in the long run.

Mr. Gould reviewed some of the WECS regulations that the Planning Commission has been developing.

Chairperson Wasinger stated she is not in favor of granting an indefinite time period; she is willing to grant a 60 to 90 day extension.

Commissioner Mellick stated he would be willing to grant a six-month extension. He mentioned that he would like to have a synopsis of the discussion that takes place at the Planning Commission meeting within a week so that the Commissioners can stay current with what was discussed and keep informed of any issues that may arise.

Assistant City Manager Mark Loughry stated that City staff could give an update to the Commissioners after each Planning Commission meeting.

Commissioner Hickman stated he was in favor of extending the moratorium for three months and then taking another look at the situations to see if it would be necessary to extend it another three months.

Commissioner Mellick complimented Mr. Gould on how well he conducted the public hearing. Everyone in attendance at the meeting was very happy with the manner in which he conducted the meeting.

The Commissioners will be requested to approve an ordinance extending the moratorium to April 1, 2009 at the December 11, 2008 Commission meeting.

City Employee Health Insurance Plan for 2009

Health insurance premiums will increase by 1.2% in 2009. The Commissioners will be requested to authorize the City Manager to sign a contract with Preferred Health Systems to continue providing a fully-insured medical plan and prescription drug coverage for 2009 at the December 11, 2008 Commission meeting.

Amendment to Job Classification and Salary Schedule

Each year it is necessary for the Commission to adopt a salary schedule and job classification plan via a resolution. The Commissioners will be requested to approve the resolution at the December 11, 2008 Commission meeting.

Other Items for Discussion

Chairperson Wasinger requested the Commissioners think about who they want to select to serve on the Ellis County Coalition for Economic Development Board of Directors.

The work session was adjourned.

Submitted by: _____

City Clerk

