

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON DECEMBER 8, 2011

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, December 8, 2011 at 6:30 p.m.

Roll Call: Present: Troy Hickman

Kent Steward

Henry Schwaller IV

Ron Mellick

Absent: Barbara Wasinger

Vice-chairperson Hickman 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 November 22, 2011; the minutes stand approved as presented.

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

**4. CONSENT AGENDA:** Vice-chairperson Hickman presented Mayor Wasinger's proposed mayoral appointments which will be presented for approval at the December 22, 2011 Commission meeting. The proposed appointments are:

Hays Beautification Committee

Linda Stahlman – term to expire August 1, 2014

Hays Convention & Visitors Bureau Advisory Board

Lorraine Howerton – three-year term to expire December 1, 2014

Stacey Smith – three-year term to expire December 1, 2014

Andy Stanton – three year term to expire December 1, 2014

Sabrina Symns – three-year term to expire December 1, 2014

## NEW BUSINESS

### 5. PUBLIC HEARING – RECONSIDERATION OF RAYES, INC. – WHEELCHAIRS OF KANSAS PROPERTY TAX ABATEMENT REQUEST:

Rayes, Inc. dba Wheelchairs of Kansas received Commission approval for tax abatements in 2010. While submitting preliminary information to the state, it was discovered their application did not meet necessary state requirements. Specifically, they needed to note one piece of personal property owned by Rayes, Inc. within the Commission approved documents. Rayes leases the property from a majority of the company's owners. This lease relationship requires the addition of the one piece of personal property to obtain the real property tax abatement. If approved, the Commission would not be giving any further incentive than was previously given. Without including the one piece of personal property, the Court of Tax Appeals will not approve abatement of the real property.

The City's Economic Development Policy allows for exemptions for real property being added to the tax rolls by a manufacturing business activity. Under this program, an employer that is either new or expanding its business within the City of Hays can request an abatement of real property taxes. This item is the public hearing which is required.

Vice-chairperson Hickman opened the hearing to hear public comments concerning the property tax abatement for Rayes, Inc.

City Manager Toby Dougherty commented that the property tax abatement starts at 100% and decreases by 10% each year. Rayes has signed an agreement that they will make a payment-in-lieu-of-taxes that will be dispersed back to the County, City, and USD489.

There being no further comments, Henry Schwaller IV moved, Ron Mellick seconded, that the public hearing be closed.

Vote: Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick

**6. RECONSIDERATION OF RAYES, INC. – WHEELCHAIRS OF KANSAS**

**PROPERTY TAX ABATEMENT REQUEST – RESOLUTION:** Henry Schwaller IV moved, Ron Mellick seconded, that Resolution No. 2011-020, being a resolution of the Governing Body of Hays, Kansas making certain findings of fact as required by K.S.A. 79-251 with respect to a property tax exemption to be granted to Rayes, Inc. dba Wheelchairs of Kansas, be approved.

Vote: Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick

**7. RECONSIDERATION OF RAYES, INC. – WHEELCHAIRS OF KANSAS**

**PROPERTY TAX ABATEMENT REQUEST – ORDINANCE (&**

**PERFORMANCE AGREEMENT):** Henry Schwaller IV moved, Ron Mellick seconded, that Ordinance No. 3845, being an ordinance exempting certain property in the City of Hays from ad valorem taxation for economic development purposes, be approved.

Finance Director Kim Rupp reviewed the payment-in-lieu-of-taxes agreement with Rayes, Inc.

Vote: Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick

**8. GOLDEN BELT ESTATES 4<sup>TH</sup> ADDITION ENGINEERING SERVICES**

**AGREEMENT:** Ruder Engineering & Surveying, L.L.C. has prepared a contract for engineering services for a not-to-exceed amount of \$35,800 for the development of 21 lots within the Golden Belt Estates 4<sup>th</sup> Addition. There is no

cost to the City as all costs with this project will be special assessed to the property owner.

Kent Steward moved, Ron Mellick seconded, that the Engineering Services Agreement with Ruder Engineering & Surveying, L.L.C., for an amount not-to-exceed \$35,800, for the development of Golden Belt Estates 4<sup>th</sup> Addition be approved.

Vote: Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick

**9. REPORT OF THE CITY MANAGER:** City Manager Dougherty congratulated Assistant City Manager Paul Briseno for being appointed to the board of directors of the Kansas Association of City-County Management.

**10. COMMISSION INQUIRIES AND COMMENTS:** At Vice-chairperson Hickman's request, the City Manager updated the Commissioners on the railroad crossing improvements that are scheduled for next week.

The meeting was adjourned at 6:43 p.m.

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

City Clerk