

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON DECEMBER 22, 2009

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Tuesday, December 22, 2009 at 6:30 p.m.

Roll Call: Present: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

Absent: Troy Hickman

Chairperson Mellick declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no additions or corrections to the minutes of the regular session held on December 10, 2009; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that investments on November 30, 2009 totaled \$43,350,000, which is a \$4,150,000 increase when compared to November 2008. The weighted average interest rate on the total investment portfolio as of November 30th is .4529%. In November, the Finance/City Clerk's Office invested \$5,000,000 of maturing certificates of deposit with a weighted average interest rate of .355%.

Sales tax collections for the Sports Complex were \$212,857 and the year-to-date total is \$1,289,063. Expenditures for November were \$49,536 for a year-to-date total of \$334,524. General Fund sales tax collections in November increased \$1,446 over 2008; however, year-to-date collections are down \$256,312 or -4.25%.

Barbara Wasinger moved, Christopher Channell seconded, that the Financial Statement for the month of November 2009 be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Henry Schwaller IV moved, Barbara Wasinger seconded, that the following be approved:

A. Cereal Malt Beverage License renewals for various businesses selling cereal malt beverages at retail in the City of Hays

B. Receive the following proposed appointments which will be presented for approval at the January 14, 2010 City Commission meeting:

Hays Convention and Visitors Bureau Advisory Committee

Reese Barrick – three-year term to expire on December 1, 2012

Sister Cities Advisory Board

Patrice Austin – three-year term to expire January 1, 2013

Ann Leiker – three-year term to expire January 1, 2013

Mike Michaelis – three-year term to expire January 1, 2013

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

NEW BUSINESS

6. RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE CREATION OF THE 48TH & ROTH AVENUE COMMUNITY IMPROVEMENT DISTRICT:

Hays Hotel Partners II, LP and 48th & Roth Street LLC have filed a petition asking for the creation of a Community Improvement District (CID) on north Vine for the imposition of a CID sales tax in that district. The total project cost is estimated to be \$8,345,755, of which the CID sales tax proposed would reimburse the entities on a pay-as-you-go basis for up to \$3,000,000 in costs related to the construction

of a 55,000 square foot, 91 room hotel along with a 6,000 square foot restaurant to include parking spaces and site improvements related to the property as well as legal and administrative fees in connection with creating the CID. The necessary filing fee has been paid and the completed application for economic incentives, as required by the City of Hays Economic Development policy, along with the petition and resolution have been reviewed by the City's legal counsel Gilmore and Bell. If approved, the resolution calls for a public hearing to be held on January 14, 2010 which would allow for public comment as well as advisability of creating the CID.

Christopher Channell moved, Henry Schwaller IV seconded, that Resolution No. 2009-038, being a resolution stating the intent of the Governing Body of the City of Hays, Kansas to consider levying a proposed Community Improvement District sales tax in an area within the city limits and providing notice of a public hearing on the advisability of creating the Community Improvement District, the City's intent to levy such Community Improvement District sales tax and the method of financing of the project all pursuant to K.S.A. 12-6a26 ET SEQ, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Henry Schwaller IV

7. RESOLUTION FOR THE ABATEMENT OF AN INOPERABLE VEHICLE AT

3503 VINE STREET: The motel property (Econolodge) located at 3503 Vine Street, is in violation of City Ordinance Chapter 26 Article II, Inoperable Vehicles. With assistance from the Hays and Salina Police Departments, staff attempted to contact the last known registered owner of the vehicle and had no success. The license tag expired September 2009, making the vehicle inoperable and abandoned by ordinance. The motel property owner does not know the owner of the vehicle and wishes to have it removed from the property.

Henry Schwaller IV moved, Barbara Wasinger seconded, that Resolution No. 2009-039, being a resolution authorizing the City of Hays or its designated

agent to abate nuisance located on the property at 3503 Vine St., Hays, Kansas, be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

8. ADULT ENTERTAINMENT BUSINESS REGULATION: Based on earlier discussions regulating adult entertainment businesses, City Attorney John Bird prepared an ordinance that he believes is defensible in court, on constitutional grounds. The ordinance will also need to be incorporated into the zoning ordinances that govern the city limits of Hays and the three-mile surrounding area.

Barbara Wasinger moved, Christopher Channell seconded, that Ordinance No. 3803, being an ordinance amending Chapter 14 of the City of Hays, Kansas, Municipal Code by adding regulations regarding adult entertainment businesses, be approved.

Vote: Ayes: Ron Mellick
Christopher Channell
Barbara Wasinger
Henry Schwaller IV

9. AIRPORT TAXIWAY LIGHTING – PROFESSIONAL ENGINEERING SERVICES: The Federal Aviation Administration (FAA) has programmed for an Airport Improvement Program (AIP) Grant to fund 95% of the costs associated with installing medium intensity taxiway lighting at the Hays Regional Airport. Burns and McDonnell has prepared Authorization #9 to the existing Engineering Service Agreement with the City. The authorization, in the amount of \$73,408, is for professional services related to the design of the taxiway lighting according to FAA rules and regulations. The estimated total cost for the project is \$698,865, with the City's share being \$34,943, to be funded through the issuance of airport bonds.

Public Works Director Brenda Herrman stated that FAA does not have authorization from the legislature at this time for the funds for this project. The FAA is requesting the City proceed with the design plans confident that the funds will be available. If for any reason the money does not become available this year, the design plans can be held for a year.

Christopher Channell moved, Ron Mellick seconded, that Authorization #9, in the amount of \$73,408, with Burns and McDonnell for professional services for the design of medium intensity taxiway lighting at the Hays Regional Airport be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Henry Schwaller IV

10. 2009 BOUNDARY RESOLUTION: Kansas statutes require cities to pass a resolution each year re-defining the boundaries of the city limits if property is annexed to the city limits during the calendar year. Ordinances passed in 2009 annexed three pieces of property to the city limits.

Barbara Wasinger moved, Christopher Channell seconded, that Resolution No. 2009-040, being a resolution re-defining the boundaries or corporate limits of the city of Hays, Kansas, as required by Section 12-517 of Kansas Statutes annotated, be approved.

Vote: Ayes: Ron Mellick

Christopher Channell

Barbara Wasinger

Henry Schwaller IV

11. REPORT OF THE CITY MANAGER: City Manager Toby Dougherty thanked the Commissioners for their dedication and work this past year.

12. COMMISSION INQUIRIES AND COMMENTS: Commissioner Wasinger requested that the Sports Complex committee include emergency sirens in their plans to warn of approaching bad weather at the Complex.

The Commissioners wished everyone a Merry Christmas and a Happy New Year. Mayor Mellick thanked City employees for their dedication and hard work.

The meeting was adjourned.

Submitted by: _____

City Clerk