

**CITY OF HAYS COMMISSION MEETING  
THURSDAY, DECEMBER 8, 2016 – 6:30 P.M.  
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on November 22, 2016. (PAGE 1)
3. **CITIZEN COMMENTS**: (non-agenda items).
4. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).
  - A. **Cereal Malt Beverage License Applications**: Consider approving various Cereal Malt Beverage License renewals for 2017. (PAGE 9)
  - B. **Mayoral Appointment Recommendation**: Sister Cities Advisory Board (PAGE 11)

**UNFINISHED BUSINESS**

(No business to review)

**NEW BUSINESS**

5. **EMERGENCY SNOW ROUTES AMENDMENT**: Consider approving Ordinance No. 3927 amending Section 62-151(e) of the City of Hays Code of Ordinances relating to emergency snow routes. (PAGE 13)
6. **REPORT OF THE CITY MANAGER**
7. **COMMISSION INQUIRIES AND COMMENTS**
8. **EXECUTIVE SESSION (IF REQUIRED)**
9. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.



MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON NOVEMBER 22, 2016

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Tuesday, November 22, 2016 at 6:30 p.m.

Roll Call: Present: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

Absent: Henry Schwaller IV

Chairperson Musil declared 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 10, 2016; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended October 31, 2016.

Month-to-date general fund sales tax collections were at \$648,591 which is an increase of \$53,435 as compared to last year. That is the first increase in four consecutive months. Year-to-date general fund collections are at \$6,009,194 down -\$209,849 or -3.37% as compared to this same time last year.

The Finance/City Clerk's Office invested \$4,600,000 of maturing or renewing certificates with a weighted average interest rate of .90%. The portfolio of certificates of deposit on October 31, 2016 totaled \$54,000,000 with a weighted average interest rate of .66% up .36% from a year ago. The total balance of the Money Market account on October 31, 2016 was \$1,000,000 with a current yield of .20%. Total investments are down \$600,000 when compared to this time last year.

James Meier moved, Lance Jones seconded, to approve the Financial Statement for the month of October 2016 as presented.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

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

**5. CONSENT AGENDA:** The following appointments were recommended at the November 10, 2016 City Commission meeting and are now being presented for approval.

**Building Trades Board**

Chris Teeter (Electrical Rep) – unexpired term to expire August 27, 2019 (1st term)

**Hays Convention and Visitors Bureau Advisory Committee**

Thomas Ostrander (Pasta Jay's) – unexpired term to expire December 1, 2018 (1st term)

James Meier moved, Lance Jones seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**NEW BUSINESS**

**6. ORDINANCE TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016-A:**

Kim Rupp, Finance Director, reported that the City requested bids for the purchase of approximately \$5,850,000 of General Obligation Refunding Bonds,

Series 2016A (the "Bonds") in order to achieve interest cost savings through early redemption.

David Arteberry with George K. Baum and Associates, the City's Financial Advisor, reviewed the process involved in preparing for the bond sale and presented the bond sale results. He stated five bids were received and the best bid with the lowest interest rate was from United Missouri Bank with a true interest cost of 1.8%. As a result, the final savings will be \$534,760. Mr. Arteberry stated there was good local participation in the sale of these bonds and he was very pleased with the results.

Mr. Rupp stated it is now necessary to approve an ordinance which would authorize the bonds to be issued, allow the levy of specials, and direct city officials and staff to execute the necessary documents to complete the sale.

Lance Jones moved, James Meier seconded, to approve Ordinance No. 3923 authorizing and providing for the issuance, payment, and security of General Obligation Refunding Bonds, Series 2016A in the principal amount of \$5,850,000.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**7. RESOLUTION FOR THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2016-A:**

Mr. Rupp stated as part of the process to sell bonds to refund Series 2005A, 2006A, 2007A, 2008A and 2009A, a resolution must be approved authorizing the sale of bonds as previously ordered by Ordinance. The resolution is quite lengthy and includes a detail of the bonds including redemption, security, establishment of funds and accounts, application of bond proceeds, defaults and remedies, continuing disclosure and other miscellaneous provisions.

Eber Phelps moved, Lance Jones seconded, to approve Resolution No. 2016-011 authorizing and directing the sale and delivery of General Obligation Refunding Bonds Series 2016A in the principal amount of \$5,850,000.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**8. HAYS EXTENDED STAY HOTEL PARTNERS COMMUNITY**

**IMPROVEMENT DISTRICT (CID) – PUBLIC HEARING:** Kim Rupp, Finance Director, reported that Hays Extended Stay Hotel Partners LP seeks incentives related to construction of an approximately 41,000 square foot Town Place Suites hotel featuring 80 rooms (+/-), to be located at the northeast corner of the intersection of I-70 and Vine Street, immediately east of the Best Western, north of the Hampton Inn, and south of the JT Travel Plaza.

Two separate CID petitions have been submitted; one petition seeks to impose a 1% CID sales tax on only the hotel property (CID I), and a second petition seeks to impose an additional 1% CID sales tax on the hotel property and the JT Travel Plaza property (CID II).

The total hotel project cost is estimated to be \$9,640,925. The total CID eligible expenses requested for reimbursement over the 22 year life of the CID is \$1,556,042

If approved, the total sales tax at the Travel Plaza would be 10.5%, and the total sales tax at the Hotel would be 16.5%.

The first step is for the City Commission to hold the public hearing. Should the Commission choose to move forward with the process, the next step would be to approve the development agreement, and ultimately, adopt the ordinance creating the CID.

Chairperson Musil opened the Public Hearing on the advisability of creating the Hays Extended Stay Hotel Partners CID I and Hays Extended Stay Hotel Partners CID II, and the imposition of a CID Sales Tax in those Districts.

There were no public comments.

James Meier moved, Eber Phelps seconded, to close the Public Hearing.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**9. HAYS EXTENDED STAY HOTEL PARTNERS COMMUNITY IMPROVEMENT DISTRICT (CID) – DEVELOPMENT AGREEMENT AND**

**ORDINANCE:** James Meier moved, Lance Jones seconded, to approve Ordinance 3924 authorizing the creation of the Hays Extended Stay Hotel Partners I Community Improvement District in the City of Hays, Kansas; authorizing the making of certain economic development project improvements relating thereto; approving the estimated costs of such economic development project improvements; providing for the method of financing the same; and approving a development agreement.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**10. HAYS EXTENDED STAY HOTEL PARTNERS II COMMUNITY IMPROVEMENT DISTRICT (CID) – PUBLIC HEARING:**

The Public Hearing for Hays Extended Stay Hotel Partners CID II was held at the same time as Hays Extended Stay Hotel Partners CID I. There were no public comments.

**11. HAYS EXTENDED STAY HOTEL PARTNERS II COMMUNITY IMPROVEMENT DISTRICT (CID) – DEVELOPMENT AGREEMENT AND**

**ORDINANCE:** James Meier moved, Lance Jones seconded, to approve Ordinance 3925 authorizing the creation of the Hays Extended Stay Hotel Partners II Community Improvement District in the City of Hays, Kansas; authorizing the making of certain economic development project improvements relating thereto; approving the estimated costs of such economic development project improvements; providing for the method of financing the same; and approving a development agreement.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**12. HAYS INVESTORS COMMUNITY IMPROVEMENT DISTRICT (CID) -**

**PUBLIC HEARING:** Finance Director, Kim Rupp, also reported that Hays Investors LLC has submitted a petition for the creation of a CID to construct approximately 73,000 square feet of retail space, to be located on approximately 9.1 acres at the northeast corner of I-70 and Vine Street, and directly north of Home Depot. This development is expected to consist of an approximately 50,000 square foot building to be used by a national retailer and another 23,000 square feet of retail space. The CID would impose a 1% CID sales tax on the property. The total retail project cost is estimated to be \$13,671,702. The total CID eligible expenses requested for reimbursement over the 22 year life of the CID is \$3,613,702. If approved, the total sales tax on the retail development proposed would be 10.5%.

The first step in the statutorily-outlined process is for the City Commission to hold a public hearing on the matter. Should the Commission choose to move forward with the process, the next step would be to approve the development agreement, and ultimately, adopt an ordinance creating the CID.

The draft Development Agreement has been reviewed by the City's bond counsel and City Attorney. In addition to the standard language, City staff has included that even if the CID sales tax revenues exceed expectations, the developer will not be reimbursed for CID-eligible expenses for more than \$3,613,702.17 plus actual costs of interest on any financing by the developer at a rate not to exceed 7%.

In the event certificates of occupancy for 73,000 square feet of retail space are not issued within 36 months of approval of the CID, then the CID will be dissolved.

So long as the CID on the retail project property is in existence, the developer will not request, and the City will not approve, any additional economic development incentives on the retail project property.

Also, last week, the developer added Section 20 to the Development Agreement, allowing them to come back to the Commission to consider amendments should the project schedule be adversely impacted by changing economic and market factors. They indicated this was needed to satisfy the lender on the project.

Chairperson Musil opened the Public Hearing on the advisability of creating the Hays Investors Community Improvement District, and the imposition of a CID Sales Tax in that District.

There were no public comments.

Lance Jones moved, Eber Phelps seconded, to close the Public Hearing.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**13. HAYS INVESTORS COMMUNITY IMPROVEMENT DISTRICT (CID) – DEVELOPMENT AGREEMENT AND ORDINANCE:**

Lance Jones moved, James Meier seconded, to approve Ordinance 3926 authorizing the creation of the Hays Investors Community Improvement District in the City of Hays, Kansas; authorizing the making of certain economic development project improvements relating thereto; approving the estimated costs of such economic development project improvements; providing for the method of financing the same; and approving a development agreement.

Commissioner Jones commented that he did not appreciate the last minute change to the development agreement, but stated he is in favor of the project, and thinks it is good for the City.

Ferdinand Niemann, an attorney representing the developer, stated the change does not bind the City to anything, but it gives the banker some level of comfort. There is no financial risk to the City other than the lost opportunity.

Chairperson Musil stated potentially once some incentives are paid off in possibly six to eight years, there's going to be a minimum of \$250,000 in property tax going to the city, county, and schools.

Commissioner Meier stated the City has had multiple months of declining sales tax revenue and if we don't get our sales tax revenues increasing on a consistent basis we are not going to be able to sustain our General Fund for years to come. At some point we are going to have to see some type of property tax be in the mix to fund the General Fund. He stated he is personally not in favor of CID's, but feels this is good for Hays and will help to keep the mill levy stable long term and should continue to bring in additional sales tax money and if it doesn't happen the City is out nothing.

Vote: Ayes: Shaun Musil  
James Meier  
Lance Jones  
Eber Phelps

**14. PROGRESS REPORT:** Assistant City Manager, Jacob Wood, presented a monthly report of city-related activities, services and programs.

**15. REPORT OF THE CITY MANAGER:** The City Manager had no additional items to report on.

**16. COMMISSION INQUIRIES AND COMMENTS:** Commissioners Meier requested that the Public Works Department look into signage by the newly constructed JT Travel Plaza to assist traffic flow.

Chairperson Musil commented that he attended the Governor's Conference on Water and was proud to hear them talk about what the City of Hays has done in regards to water conservation education.

The meeting was adjourned at 7:30 p.m.

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

Brenda Kitchen – City Clerk

**CITY OF HAYS**  
**AGENDA ITEM COVER SHEET**

**COMMISSION AGENDA ITEM NO. 4A**

**MEETING DATE: 12-8-16**

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**TOPIC:**

Cereal Malt Beverage License Applications

**ACTION REQUESTED:**

Approve the Cereal Malt Beverage License renewals for 2017.

**NARRATIVE:**

Per Charter Ordinance No.10, it is required for any person selling cereal malt beverages at retail in the City of Hays to secure a license for each place of business.

Attached is a list of businesses requesting renewal of their CMB licenses for 2017. All have met the required criteria for renewal.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Kim Rupp, Director of Finance

**ADMINISTRATION RECOMMENDATION:**

Approve the Cereal Malt Beverage License renewals for 2017.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Cereal Malt Beverage License Renewals List

## **BEER LICENSE NEW AND RENEWALS**

### Class A - General Retailer

#### For Consumption on Premises Only

<u>Business Name</u>	<u>Business Location</u>
Wild West Fest Saloon	Municipal Park 4th and Main
China Garden	2503 Vine Street

#### For Consumption on Premises Only - Sunday Sales Allowed

<u>Business Name</u>	<u>Business Location</u>
Hays Baseball Association	200 E. 4th Street
Love Gambinos Pizza, LLC	2102 Vine St.
Lucky Hays Inc	2405 Vine Street
Qdoba	3310 Vine St Ste 40
Taco Shop	333 West 8th Street
Pizza Hut	1308 Vine St

### Class B - Limited Retailer

#### For Sale in Original and Unopened Containers and Not for Consumption on Premises

<u>Business Name</u>	<u>Business Location</u>
Main Street Express	1601 Main
Walgreens #06285	2600 Vine Street
Tiger Mart / CX Smokeshop	335 W 8th St
Casey's Retail Company	1600 East 27th Street
Cerv's Conoco	2701 Vine Street
Dillon Store #14	517 W. 27th Street
Dillon Store #61	1902 Vine Street
IC 66 Division of Cerv's LLC	3701 Vine Street
Wal-Mart Supercenter #0664	4301 Vine Street
JT Travel Plaza LLC	1130 E 41st
Kwik Shop, Inc # 759	1301 Vine Street
Love's Country Store #44	2500 Vine Street
Casey's Retail Company	1301 Canterbury Drive
Qwest Fuel Convenience Store	1000 East 41st Street
Cerv's Conoco	2722 Hall Street
Southside Convenience	703 Vine St.
Downtown Hays Development Corp.	Municipal Park/Shelter House
Valero / Golden Ox Truck Stop	3410 Vine Street PO Box 772

### Class B - One day License

#### For Consumption on Premises Only

<u>Business Name</u>	<u>Business Location</u>
Oktoberfest / Volga German Society	Municipal Park

Thursday, November 17, 2016

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 4B

MEETING DATE: 12-8-16

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**TOPIC:**

Mayoral Appointment Recommendation

**ACTION REQUESTED:**

Receive Mayor Musil's proposed appointment to the Sister Cities Advisory Board.

**NARRATIVE:**

The following proposed appointment will be presented for approval at the December 22, 2016 City Commission meeting.

Sister Cities Advisory Board

Brandon Nimz – 3-year term to expire 1-1-20 (1<sup>st</sup> term)

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Mayor Musil

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Application

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: [brandon.nimz@gmail.com](mailto:brandon.nimz@gmail.com)

Date: 11/16/2016

Name: Brandon Nimz

Address: 508 W 23rd Street, Hays, KS 67601

Day Time Phone Number: 785-259-2539

Evening Phone Number: 785-259-2539

Place of Employment: Self

How long have you been a Resident of Hays: 11 years

Name of Board(s) you are interested in serving on: Sister Cities

How much time could you devote per month: monthly meeting

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: I have many connections with this board and its goals.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: Run a local ministry, game store that partners with the library, and Aikido school. ECMA member.

**CITY OF HAYS**  
**AGENDA ITEM COVER SHEET**

**COMMISSION AGENDA ITEM NO. 5**

**MEETING DATE: 12-08-16**

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**TOPIC:**

Emergency Snow Routes Amendment

**ACTION REQUESTED:**

Adopt Ordinance No. 3927 amending Section 62-151 of the Municipal Code.

**NARRATIVE:**

Due to the relocation of Ellis County Emergency Medical Services, City staff recommends amending Section 62-151 of the Municipal Code regarding the designation of emergency snow routes within the City of Hays.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Greg Sund, Director of Public Works

**ADMINISTRATION RECOMMENDATION:**

Staff recommends passing an ordinance amending Section 62-151 of the Municipal Code.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff Memo  
Map  
Ordinance No. 3927

# **Commission Work Session Agenda**

## **Memo**

**From:** John Braun, Assistant Director of Public Works

**Work Session:** December 1, 2016

**Subject:** Emergency Snow Routes Amendment

**Person(s) Responsible:** Greg Sund, Director of Public Works

### **Summary**

Due to the relocation of Ellis County Emergency Medical Services, City staff recommends amending Section 62-151 of the Municipal Code regarding the designation of emergency snow routes within the City of Hays.

### **Background**

Section 62-151 of the Municipal Code establishes certain streets as emergency snow routes within the City of Hays. During a Winter Storm Traffic Emergency as declared by the City Manager, it is unlawful to park a vehicle on any street designated as an emergency snow route.

When Ellis County Emergency Medical Services (EMS) was located at the 1009 Cody, the streets surrounding EMS were designated emergency snow routes. Now that EMS has moved into the new Ellis County Rural Fire/EMS Building at 1105 E 22<sup>nd</sup>, it is advisable to amend the emergency snow routes to reflect the change.

### **Discussion**

The City Attorney has prepared an ordinance amending Section 62-151 of the Municipal Code to remove the following street segments:

General Hays Road, from Cody Avenue to Downing Avenue;  
Downing Avenue, from General Hays Road to Vine Street;

and to add the following street segment:

General Hays Road, from Cody Avenue to 22<sup>nd</sup> Street.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff.

### **Financial Consideration**

There is no cost associated with the proposed amendment.

### **Options**

The City Commission has the following options:

1. Consider adopting an Ordinance to amend Section 62-151 of the Municipal Code.
2. Direct Staff to another option;
3. Do nothing.

### **Recommendation**

Staff recommends passing the ordinance amending Section 62-151 of the Municipal Code.

### **Action Requested**

Adopt ordinance amending Section 62-151 of the Municipal Code.

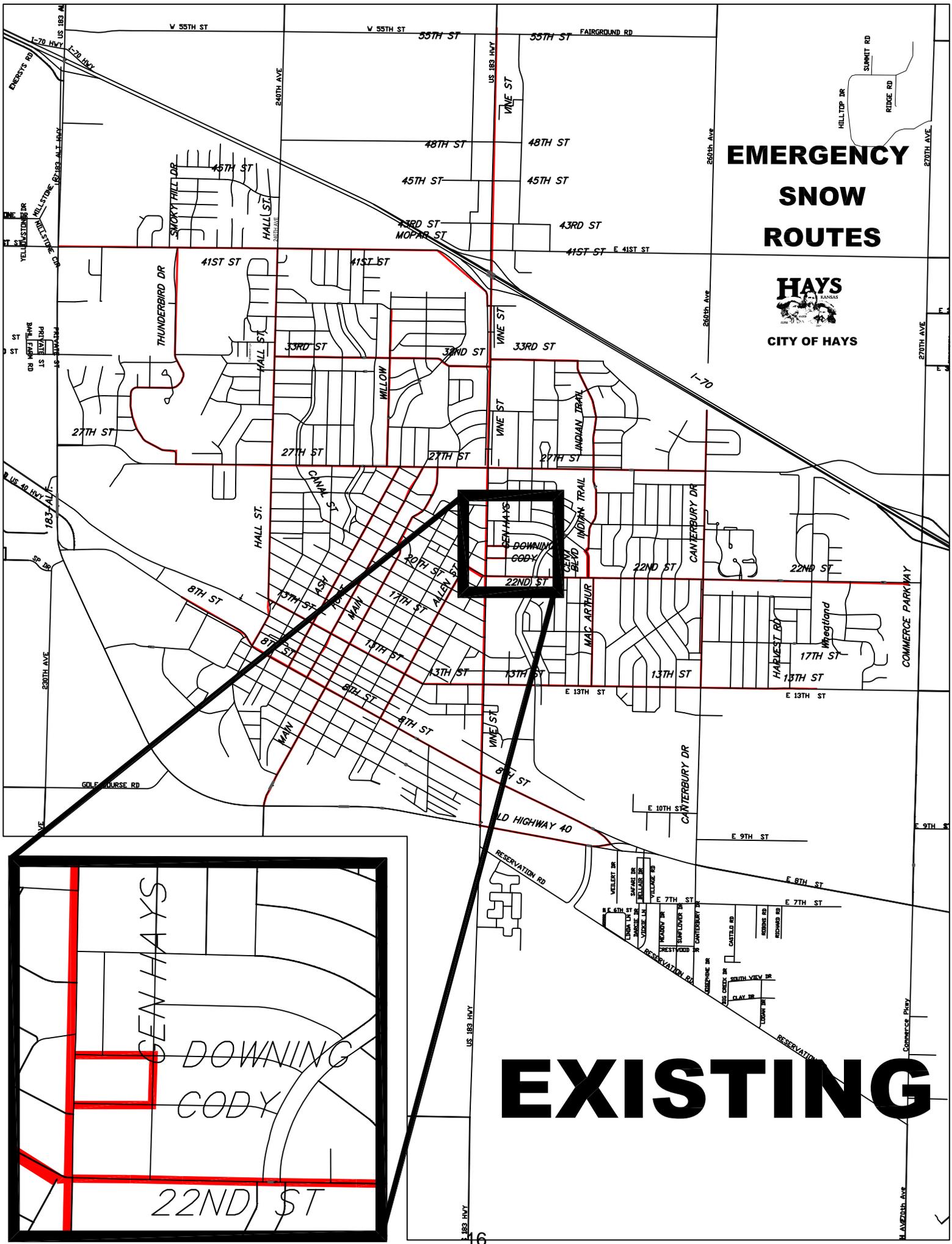
### **Supporting Documentation**

Map  
Ordinance

# EMERGENCY SNOW ROUTES



CITY OF HAYS

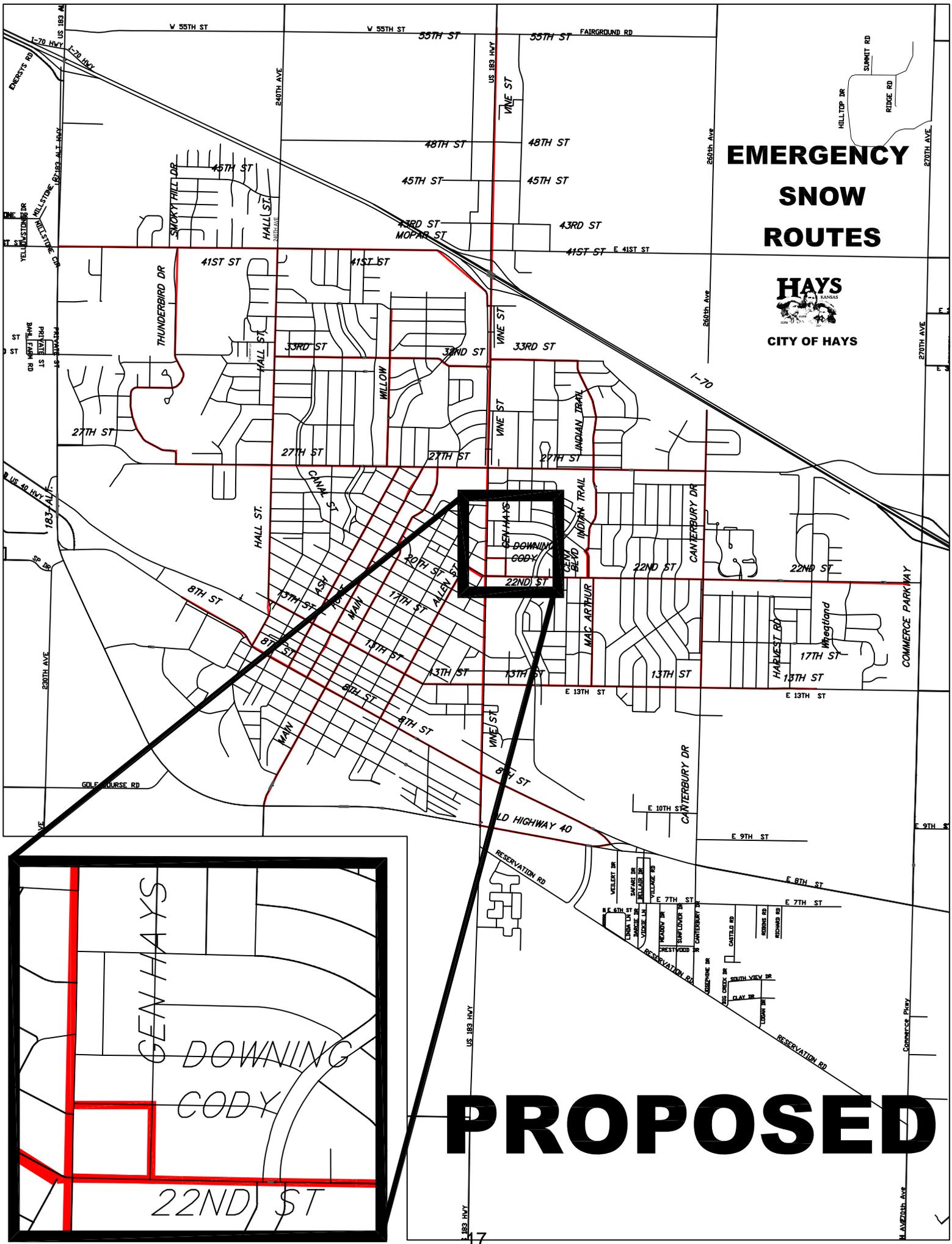


# EXISTING

# EMERGENCY SNOW ROUTES



CITY OF HAYS



# PROPOSED

**ORDINANCE NO. 3927**

**AN ORDINANCE AMENDING SECTION 62-151(e) OF THE  
CODE OF ORDINANCES, CITY OF HAYS, KANSAS,  
RELATING TO EMERGENCY SNOW ROUTES.**

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BE IT ORDAINED BY THE BY GOVERNING BODY OF THE CITY OF HAYS,  
KANSAS:

**Section 1.** Sec. 62-151(e) of the Code of Ordinances, City of Hays, Kansas, as first passed and amended, is hereby amended to read as follows:

**Sec. 62-151** (e) *Emergency Snow Routes Establishment; Signs.* The following streets are established as emergency snow routes within the city:

Hall Street, from 41st Street to 12th Street;  
Elm Street, from 12th Street to 8th Street;  
Ash Street, from 27th Street to 8th Street;  
Fort Street, from 27th Street to 8th Street;  
Allen Street, from 22nd Street to 8th Street;  
27th Street, from Thunderbird Drive to Canterbury Road;  
22nd Street, from Allen Street to Commerce Parkway;  
13th Street, from Hall Street to Wheatland Drive;  
8th Street, from Big Creek to Chetolah Creek;  
Main Street, from 183 Alternate to 27th Street;  
MacArthur Road, from 22nd Street to 13th Street;  
Thunderbird Drive, from 27th Street to 41st Street;  
41st Street, from 183 Alternate to Vine Street;  
Hwy. 40-Bypass from Vine to Chetolah Creek;  
Cody Avenue, from Vine Street to General Hays Road;  
General Hays Road, from Cody Avenue to 22nd Street;  
Vine Street, from 183 Alternate to 55<sup>th</sup> Street;  
33rd Street, from Oak Street to Hall Street and from Vine Street to Indian Trail;  
Centennial Boulevard, from 22nd Street to 24th Street;  
Indian Trail, from 24th Street to 33rd Street;  
Canterbury Road, from 13th Street to I-70;  
32nd Street, from Oak Street to Vine Street;  
Willow Street, from 27th Street to 38th Street

The director of public works shall, upon passage of this section, cause appropriate signs to be installed along each of said streets designated emergency snow routes.

**Section 2.** Sec. 62-151(e) of the Code of Ordinances, City of Hays, Kansas, as earlier passed and amended, is hereby repealed.

ORDINANCE NO. 3927

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**Section 3.** This Ordinance shall be effective upon publication in the *Hays Daily News*, the official City newspaper.

PASSED by the Commission on December 8, 2016.

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SHAUN MUSIL  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

(SEAL)