

**CITY OF HAYS COMMISSION MEETING  
THURSDAY, FEBRUARY 14, 2013 – 6:30 P.M.  
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on January 24, 2013. (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).  
[Mayoral Appointment \(for approval\)](#): Sister Cities Advisory Board (PAGE 11)

**UNFINISHED BUSINESS**

5. **REQUEST BY ELLIS COUNTY – SUPPORT FOR SALES TAX LEGISLATION – CONSIDERATION OF INTERLOCAL AGREEMENT & LETTER OF UNDERSTANDING**: Consider approving the Interlocal Agreement and Letter of Understanding between the City of Hays and Ellis County. (PAGE 13)

**NEW BUSINESS**

6. **OVERLAND PROPERTY GROUP, LLC – RESOLUTION OF SUPPORT AND RHID REQUEST**: Consider approving Resolution No. 2013-003 in support of the housing development proposed by Overland Property Group, LLC and authorizing the City Manager to sign a letter of support considering a Rural Housing Incentive District in Hays. (PAGE 33)
7. **2013 STREET MAINTENANCE PROGRAM – AWARD OF BIDS** (PAGE 45)
  - A. Consider approving a bid from B&H Paving for chip seal operations pertaining to the 2013 Street Maintenance Program.
  - B. Consider approving a bid from Stripe and Seal for seal coat operations pertaining to the 2013 Street Maintenance Program.
  - C. Consider approving a bid from Stripe and Seal for polypatch operations pertaining to the 2013 Street Maintenance Program.
  - D. Consider approving a bid from Iowa Erosion Control for diamond grinding operations pertaining to the 2013 Street Maintenance Program.
  - E. Consider approving a bid from Bryant & Bryant Construction for curb and brick repair pertaining to the 2013 Street Maintenance Program.
  - F. Consider approving a bid from Proseal for preservative seal operations pertaining to the 2013 Street Maintenance Program.

8. **BUSINESS LICENSE FOR HAYS REGIONAL AIRPORT:** Consider approving the Business Permit Application for the Hays Regional Airport conditioned on securing necessary insurance coverage. (PAGE 55)
9. **AWARD OF BID – SAND FILTER BUILDING AND MAIN CONTROL BUILDING ROOF REPLACEMENT:** Consider authorizing the City Manager to enter a contract with Roofmasters Roofing for the replacement of the Sand Filter Building roof and the Main Control Building roof at the Wastewater Treatment Plant. (PAGE 67)
10. **SCADA UPGRADES AT THE WASTEWATER TREATMENT PLANT:** Consider authorizing the City Manager to accept the quote from R.E. Pedrotti Company for the installation of SCADA equipment at the Wastewater Treatment Plant and approving R.E. Pedrotti Company as the sole source vendor for SCADA. (PAGE 73)
11. **REPORT OF THE CITY MANAGER** (PAGE 79)
12. **COMMISSION INQUIRIES AND COMMENTS**
13. **EXECUTIVE SESSION (IF REQUIRED)**
14. **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 JANUARY 24, 2013

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 24, 2013 at 6:30 p.m.

Roll Call: Present: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick  
Eber Phelps

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 January 10, 2013. The minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported that month-to-date sales tax collections for the Sports Complex were \$227,641, which was a decrease of \$27,571 when compared to last year. Total year-to-date collections are \$2,984,766 and inception-to-date collections total \$9,925,849. Month-to-date General Fund sales tax collections in December 2012 were \$555,204, down \$67,090 or -10.78% when compared to last year. Year-to-date General Fund tax collections are up \$354,056 or 5.09%. The six-month running average on sales tax collections is 4.41%.

The Finance/City Clerk's Office invested \$4,000,000 of new or renewing certificates with weighted average interest rate of .1975%. The portfolio of certificates of deposit on December 31, 2012 totaled \$48,950,000 with a weighted average interest rate of .23%. The total balance of the Money Market account on December 31, 2012 was \$500,000 with a current yield of .20%. Total investments are up \$5,750,000 when compared to this time last year.

Ron Mellick moved, Henry Schwaller IV seconded, that the Financial Statement for the month of December 2012 be approved.

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

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

**5. CONSENT AGENDA:** Chairperson Hickman presented the following proposed mayoral appointment, which will be presented for approval at the February 14, 2013 Commission meeting:

Sister Cities Advisory Board

Mehran Shahidi – three-year term to expire January 1, 2016

## **NEW BUSINESS**

### **6. REQUEST BY ELLIS COUNTY – SUPPORT FOR SALES TAX**

**LEGISLATION:** The Hays City Commission has been approached by Ellis County asking for support of legislation amending K.S.A. 12-187. The amendment would allow Ellis County to add its name to the list of counties that receive 100% of the revenue generated by a special sales tax. In 2013, Ellis County is planning to put a ballot question before the voters for approval of a county sales tax that would be utilized to fund the building of a joint EMS/Rural Fire facility as well as improvement to the Ellis County courthouse and jail. As presented to the Hays City Commission, the ballot will have two questions for voters to consider, one dealing specifically with EMS/Rural Fire and one for the courthouse/jail. According to Ellis County, receiving 100% of the sales tax revenue would allow them to pay off one, or both, of these projects in an expedited manner, and the sales taxes would sunset upon payment of the project(s). Ellis County now falls under legislation that requires them to share any county generated sales tax with the municipalities within that county.

Ellis County Commissioner Dean Haselhorst appeared before the Commission to request a letter of support from the City in their efforts to amend K. S. A 12-187.

Commissioner Schwaller questioned whether it would be wiser to do an inter-governmental agreement to accomplish the same results.

City Attorney John Bird stated an inter-governmental cooperation agreement could be done between the city and the county or between other municipalities and the county, if that is something they would be willing to sign off on, giving all proceeds from the sales tax back to the county. The cities would not make any claim on the money. Once K.S.A. 12-187 is amended, it would be in perpetuity; all future projects would be subject to the same regulations, meaning the county would receive 100% of any future county sales tax.

Commissioner Steward stated that the projects are worthy and needed; however, he is not in support of changing state legislation. Every city has its needs and if changing the law means the county will always be able to keep all of the sales tax money, he is not in favor of that.

Commissioner Schwaller said he does not want to tie the hands of future Commissions by signing away their right to take their share of the proceeds from a county-wide sales tax. Additionally, the legislature is in an anti-tax mood; the Governor has proposed a tax lid on counties. It is not a great time to ask the legislature for help in raising additional tax revenue. There could be a backlash that would affect other counties governments and school districts. A simple agreement between the city and the county would be a much better solution.

City Attorney Bird stated that there are 28 counties named in K.S.A. 12-187 that are allowed to keep 100% of the revenue of a county-wide sales tax for the purposes of financing construction or remodeling of a courthouse, jail, law enforcement facility or other county facility. Ellis County wants to add its name to that statute.

Henry Schwaller IV moved, Ron Mellick seconded, that the request by Ellis County for a letter of support be tabled and that the City Manager and the

County Administrator meet to discuss an inter-governmental agreement between the two entities.

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

**7. RESTRIPIING OF 27<sup>TH</sup> STREET BETWEEN PLUM AND HALL:** Discussion on re-striping 27<sup>th</sup> Street between Plum and Hall to a 3-lane configuration and eliminating on-street parking on the south side of the street was held at the January 3, 2013 and January 17, 2013 work sessions.

Public Works Director I. D. Creech and Police Chief Don Scheibler presented more in-depth information about traffic flow and accidents along this section of 27<sup>th</sup> Street.

The street starts as a 5-lane at Vine, turns into a 4-lane, then a 3-lane, then a 2-lane and again to a 4-lane west of Hall. Traffic counts taken in August 2012 show the peak hour is between 3:00 – 4:00 p.m. with nearly 1,000 vehicles during that time. 85% of the vehicles traveling on this stretch of 27<sup>th</sup> were traveling at or below 34 mph. The speed limit along this section is 30 mph. There have been 50 accidents on this stretch of 27<sup>th</sup> since 2007. The inconsistency of the lane configuration combined with many access points and turning movements causes safety issues, which are evident in the type and number of crashes. 20 of those accidents may have been prevented if on-street parking had been eliminated and a center opposing left turn lane added. 27<sup>th</sup> Street is an arterial street running east and west across the city and is, with the exception of Vine Street, the most traveled street in Hays

The following spoke against re-striping: Lana Hardman, Donna Hansen, Gabe Hardman, and Dominic Pinalto. It is felt that parking is needed since there is no parking on the north side of the street, property values will go down, it would be expensive for residents to install off-street parking, and there will be a higher danger to pedestrians since sidewalks are right next to the street. It was

suggested that a parking lane be marked and tried out for a few years to see if that would help lower the accident rate.

Henry Schwaller IV moved, Kent Steward seconded, that on-street parking be removed on 27<sup>th</sup> Street and the street be re-stripped to a 3-lane configuration from Plum to Hall with a dedicated center turning lane.

Kent Steward moved to amend the motion to include driveway cuts be provided by the City for homeowners who don't have circle drives. City crews would cut out the curb and replace the concrete up to where the sidewalk begins. Eber Phelps seconded the motion.

Vote: Ayes: Kent Steward

Eber Phelps

No: Troy Hickman

Henry Schwaller IV

Ron Mellick

Commissioner Schwaller stated that other streets in Hays have been re-stripped to a 3-lane configuration and in every instance, accidents have been reduced. It is time to re-stripe this street to a 3-lane.

Commissioner Mellick commented that Hays has grown tremendously in the last 60 years and with it the traffic on 27<sup>th</sup> Street. It is time to adapt a street that was designed 60 years ago to today's standards.

Chairperson Hickman called for the vote on the first motion.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Ron Mellick

Eber Phelps

No: Troy Hickman

**8. BIKE HAYS MASTER PLAN:** In 2012, the Commission requested further study of bike lanes. The Hays Bike Master Plan was developed by RDG. The system connects key community attributes providing a convenient and accessible means of mobility for various purposes. The base plan, 1a phase, is estimated to cost \$272,900. The Commission budgeted adequate funds in 2013 Special

Parks for this project. Funding for Special Parks projects comes from alcohol taxes and can only be used for quality of life projects.

As will be addressed in the next agenda item, an opportunity for state funding is now available and staff requests approval to submit an application utilizing budgeted funds as a match for phase 1b to maximize the system's potential. Additionally, \$100,000 from Stormwater Funds will be requested as a match for the Big Creek levee cap.

Assistant City Manager Paul Briseno presented information about the two phases of the Bike Master Plan. The complete cost of phase 1a and 1b is estimated to cost \$811,670 and will consist of 26 miles of bike pathways. If matching funds are received through the Transportation Enhancement Program, the City will pay \$400,000 for a \$811,670 system. Should state funding be denied, staff will implement phase 1a if approved by the Commission.

Kent Steward moved that the base plan, 1a phase, be approved. Henry Schwaller seconded the motion.

Commissioner Steward stated he would rather proceed with 1a phase and wait a couple of years to see how it works before proceeding with 1b phase.

City Manager Dougherty commented that the City was notified fairly late of this funding opportunity and saw this grant as an opportunity to leverage what the City would spend and receive for its investment.

The chairperson called for the vote.

Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Ron Mellick  
Eber Phelps

**9. TRANSPORTATION ENHANCEMENT GRANT APPLICATION – HIKE AND**

**BIKE:** Henry Schwaller IV moved, Troy Hickman seconded, that Resolution No. 2013-002, being a resolution declaring the eligibility of the City of Hays, Kansas to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds set forth by the Federal Transportation

Equity Act for the 21<sup>st</sup> Century for the Hays Bike Project in Hays, Kansas and authorizing the City Manager of the City of Hays to sign the application, be approved.

Commissioner Schwaller feels that this is a great step forward and it is important to keep Hays an attractive, vibrant city to bring in new people and keep the ones we have.

Commissioner Steward stated he felt it would be better to wait on the 1b phase in order to see how 1a works. He is not confident that 1a will work nearly as well as planned because of the layout of Hays streets. Some changes may need to be made before 1b is implemented. Additionally, he wants to wait until the report on the Big Creek levy is known.

Commissioner Phelps commented that given the health issues in Kansas, he feels that anytime we can promote fitness it is a good thing.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Ron Mellick

Eber Phelps

No: Kent Steward

**10. DEVELOPER AGREEMENT – WHEATLAND LOTS:** Darrell Dreher, the owner of six lots along the east side of Wheatland Avenue just south of 22<sup>nd</sup> Street, is proposing both sanitary sewer and street improvements to serve those lots. A developer agreement has been crafted, which sets forth the conditions for the improvements and allows the City to reimburse the developer for the cost of over sizing in the amount of \$22,853.20.

Ron Mellick moved, Henry Schwaller IV seconded, that the City Manager be authorized to enter into an agreement with Darrell Dreher for the construction of sanitary sewer and street improvements to serve the lots along Wheatland Avenue.

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

**11. ENGINEERING AGREEMENT – WATERLINE DESIGN:** The Capital Improvement Program includes the replacement of various waterlines in older sections of the city, which have had a disproportionately high frequency of waterline breaks. Staff solicited engineering services for the design of waterline upgrades and replacements. Kaw Valley Engineering of Junction City submitted the lowest cost proposal in the amount of \$46,904 for the design of water and sanitary sewer force main upgrades in ten locations around the city.

Director of Utilities Bernie Kitten presented an overview of the replacement projects planned. While all of the improvements proposed for design may not be constructed in 2013, there is efficiency in having them all designed at the same time.

Henry Schwaller IV moved, Ron Mellick seconded, that the City Manager be authorized to enter into an agreement with Kaw Valley Engineering, in the amount of \$46,904, for engineering services to be funded from the Water and Sewer Capital reserve funds.

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

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

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

**14. COMMISSON INQUIRIES AND COMMENTS:** Commissioner Phelps stated that he would like the alley behind the homes on 27<sup>th</sup> Street between Plum and

Hall properly maintained. Some of the residents along that stretch of 27<sup>th</sup> will most likely be using the alley for access to their homes.

Commissioner Steward requested a list of streets that are to be restriped this spring. Additionally, he would like to discuss the Sister Cities program at the February 5, 2013 work session.

**15. EXECUTIVE SESSION:** Henry Schwaller moved, Ron Mellick seconded, that the Governing Body recess to executive session at 8:50 p.m. for 15 minutes to discuss possible property acquisition. The executive session included the Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 75-4319 authorizes the use of executive session to discuss property acquisition.

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

Chairperson Hickman called the meeting back to order at 9:05 p.m. He stated no action was taken during executive session.

The meeting was adjourned.

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

Doris Wing – City Clerk



# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 4

MEETING DATE: 2-14-13

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**TOPIC:**

Mayoral Appointment for Approval

**ACTION REQUESTED:**

Consider approving a Mayoral appointment to the Sister Cities Advisory Board.

**NARRATIVE:**

The following appointment was recommended by Mayor Hickman at the January 24, 2013 City Commission meeting and is now being presented for approval.

Sister Cities Advisory Board

Mehran Shahidi – 3-year term to expire 1-1-16 (2<sup>nd</sup> term)

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

Mayor Hickman

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Application

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

Email: [mehrancons@yahoo.com](mailto:mehrancons@yahoo.com)

Date: 1/6/2013

Name: Mehran Shahidi

Address: 608 E. 16th. Street Hays, Ks 67601

Day Time Phone Number: 408-438-8229

Evening Phone Number: 408-438-8229

Place of Employment: Fort Hays State University

How long have you been a Resident of Hays: 6 years

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

How much time could you devote per month: 5 Hours

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: As the Director of English as a Second Language at FHSU, since 2007, I am directly involved with nearly 400 international students representing about 23 countries. Cultural diversity is a professional objective as well as a personal goal for me with our community. "Sister Cities Committee" is an important way to assist in achieving cultural diversity and understanding and to grow the number of international residents in our community.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: A member of Hays Rotary Club A member of the Community Connections task force ( A part of The Center For Life Experiences)

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5

MEETING DATE: 2-14-13

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**TOPIC:**

Request by Ellis County – Support for Sales Tax Legislation

**ACTION REQUESTED:**

Consider approving the Interlocal Agreement and Letter of Understanding between the City of Hays and Ellis County.

**NARRATIVE:**

The Hays City Commission has been approached by Ellis County asking for support for legislation amending KSA 12-187. The amendment would allow Ellis County to receive 100% of the revenue generated by a special sales tax that Ellis County is planning to put on a ballot in 2013. The special sales tax would be utilized to fund the building of a joint EMS/Rural Fire facility as well as improvements to the Ellis County courthouse and jail. As presented to the Hays City Commission, the ballot will have two questions for voters to consider: one dealing specifically with the EMS/Rural Fire and one for the courthouse/jail. According to Ellis County, receiving 100% of the sales tax revenue would allow them to pay off one, or both, of these projects in an expedited manner, and the sales taxes would sunset upon payment of the project(s).

At the January 24th regular meeting, the City Commission requested staff draft an Interlocal Agreement that states the City would rebate any sales tax monies, collected in accordance with the above-mentioned ballot questions, to Ellis County, so the debt for those projects can be retired faster.

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

Greg Sund, Ellis County Administrator

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff Memo  
Interlocal Agreement  
Letter of Understanding  
Proposed Letter of Support  
Letter and Supporting Materials from Ellis County Administrator Greg Sund

# Memo

To: City Commission  
From: Toby Dougherty, City Manager  
Date: 2-11-13  
Re: Interlocal Agreement

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Attached to this memo is an Interlocal Agreement drafted by Ellis County Counselor Bill Jeter and City Attorney John Bird. The agreement has been reviewed by myself and Greg Sund. The Interlocal is very straightforward, and it would obligate the City of Hays to turn over any sales tax monies, collected as a result of the ballot question(s) the County Commission is considering, to the County, until those projects are paid for and the tax sunsets. Also included is a Letter of Understanding for consideration. The letter stipulates that Ellis County will pull the legislation it recently submitted to amend K.S.A. 2009 Supp. 12-187.

**INTERLOCAL COOPERATION AGREEMENT  
PROVIDING FOR DISTRIBUTION OF  
ELLIS COUNTY SALES TAX PROCEEDS**

This Interlocal Cooperation Agreement (the "Agreement") dated this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the **Board of County Commissioners of Ellis County, Kansas**, and the governing body of the **City of Hays, Kansas**,

WITNESSETH:

WHEREAS, the Board of County Commissioners of any County may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and

WHEREAS, the countywide retailers' sales tax may be imposed for a fixed term without the necessity of holding an election to repeal the tax, and

WHEREAS, the revenue from the countywide retailers' sales tax is apportioned among the counties and cities, 50% in proportion to total, unit wide property tax levies and 50% in proportion to city and non-city population, and

WHEREAS, the Board of County Commissioners of Ellis County may submit to the electors at an election called and held thereon the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the cost of constructing a new Emergency Medical Services/Rural Fire Building and the renovation of the Ellis County Courthouse and Law Enforcement Center, with the tax imposed to expire upon payment of all costs authorized in financing the related projects, and

WHEREAS, the parties hereto now wish to enter into a Interlocal Cooperation Agreement wherein the City of Hays, Kansas, agrees to pay to Ellis County, Kansas, all proceeds from the countywide retailers' sales tax received by the City of Hays upon implementation of the above described countywide retailers' sales tax.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreement contained herein, the Board of County Commissioners of Ellis County, Kansas, and the governing body of the City of Hays, Kansas, agree as follows:

1. **Purpose.** The purpose of this Agreement is to effectuate a dedicated countywide retailers' sales tax wherein all countywide retailers' sales tax proceeds received by the City of Hays for the purpose of Ellis County, Kansas constructing a new Emergency Medical Services/Rural Fire Building and the renovation of the Ellis County Courthouse and Law Enforcement Center shall be paid to Ellis County, Kansas.

2. **Duration.** This Agreement shall initiate and be effective upon the passage of a question submitted to the electors for the imposition of a countywide retailers' sales tax for the projects as described herein and shall terminate upon cessation of collection of the countywide retailers' sales tax utilized to finance the construction of a new Emergency Medical Services/Rural Fire Building and the renovation of the Ellis County Courthouse and Law Enforcement Center.

3. **Nature and Timing of Payment Obligations.** City of Hays, Kansas, understands and agrees that its obligation to make payments to Ellis County, Kansas, from a countywide retailers' sales tax implemented herein shall constitute a current expense and payment will be due to Ellis County within 30 days of the receipt of money from the State of Kansas.

4. **Separate Legal Administrative Entity.** There will be no separate legal or administrative entity created herein and the City of Hays, Kansas, shall not acquire any real and/or personal property as may be improved, constructed, remodeled or acquired by Ellis County, Kansas, pursuant to the related projects as described herein.

5. **Administration of the Projects.** The Board of County Commissioners of Ellis County, Kansas, shall be the sole entity responsible for administrating the building projects and the City of Hays shall participate only and solely to the extent of paying to Ellis County, Kansas any apportionment of the countywide retailers' sales tax received by the City of Hays for the related projects.

6. **Venue.** It is agreed by and between the parties that should any dispute arise concerning the validity or effect of this Agreement or any breach of the Agreement herein, then in that event the Agreement shall be interpreted according to the laws of the State of Kansas and venue of this action shall be in the District Court of Ellis County, Kansas.

7. **Severance.** If any part of this Agreement is found by any Court to be unenforceable, the parties hereto agree that the rest and remainder of the Agreement be enforced despite the unenforceability of any given part thereof.

8. **Notices.** Any notice, request, demand or other communication required by this Agreement shall be in writing and shall be deemed duly given to the person delivered or if mailed by certified or registered mail, return receipt requested, postage prepaid as follows:

Ellis County Clerk  
Ellis County Courthouse  
P.O. Box 720  
Hays, KS 67601

Hays City Clerk  
City Offices  
1507 Main  
Hays, KS 67601

IN WITNESS WHEREOF, each of the parties hereto have executed this Interlocal Cooperation Agreement by and through its duly authorized officers.

BOARD OF COUNTY COMMISSIONERS OF ELLIS  
COUNTY, KANSAS

DATED: \_\_\_\_\_

By \_\_\_\_\_  
Dean Haselhorst, Chairman

ATTESTED:

\_\_\_\_\_  
Ellis County Clerk

CITY OF HAYS, KANSAS

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Hays City Clerk

This Agreement has been submitted to the Kansas Attorney General of the State of Kansas who finds that it is in proper form and compatible with the laws of the State of Kansas.

Dated: \_\_\_\_\_, 2013

\_\_\_\_\_  
Derek Schmidt, Attorney General for the  
State of Kansas

**LETTER OF UNDERSTANDING**

We, the undersigned, being the Governing Body of the City of Hays, Kansas, and the Board of County Commissioners of Ellis County, Kansas, do hereby agree as follows:

1. That in order to assist Ellis County in its attempt to make improvements to the County Courthouse, Jail, and Emergency Services facilities all located in the City of Hays, Kansas, the City of Hays agrees that it will do all acts necessary to enter into an Interlocal Governmental Cooperation Agreement with Ellis County which will allow certain sales tax proceeds to be devoted to said projects. The City agrees that if the voters approve the sales tax initiative(s) and accompanying special questions to be submitted to election pursuant to state law, the City will cooperate with Ellis County in causing the City's share of said sales tax proceeds which would otherwise be paid over to the City to be paid instead to Ellis County.
2. Ellis County, upon approval of said Interlocal Governmental Cooperation Agreement, will withdraw its request for amendment of existing statutes to exempt itself from current limitations on use of county-wide sales taxes.
3. Ellis County and the City agree that each will take all necessary action to expedite the preparation and approval of the aforesaid Interlocal Governmental Cooperation Agreement so that the citizens of Ellis County and Hays are assured that the proceeds of any sales tax which is approved via special question election will be devoted exclusively to the completion of the proposed public improvements in the soonest fashion and the sales tax allowed to expire as quickly as possible, thus reducing the tax burden on the citizens and allowing for orderly planning by both governmental entities.

Approved by the Governing Body of the City of Hays, Kansas, the \_\_\_\_ day of February, 2013.

\_\_\_\_\_  
TROY HICKMAN  
Mayor

ATTEST:

\_\_\_\_\_  
DORIS WING  
City Clerk

Letter of Understanding  
Page 2 of 2

Approved by the Board of County Commissioners of Ellis County, Kansas, the \_\_\_\_ day of  
February, 2013.

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DEAN HASELHORST  
COMMISSION CHAIRMAN

ATTEST:

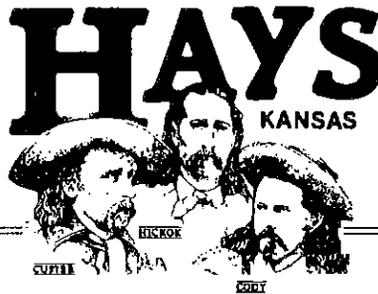
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DONNA J. MASKUS  
County Clerk

TOBY DOUGHERTY, CPM, CITY MANAGER  
PAUL BRISENO, ASSISTANT CITY MANAGER

P.O. BOX 490  
1507 MAIN STREET  
HAYS, KANSAS 67601-0490

TEL 785/628-7320  
FAX 785/628-7323  
www.haysusa.com



CITY COMMISSION  
TROY HICKMAN, MAYOR  
KENT STEWARD  
HENRY SCHWALLER, IV  
RON MELLICK  
EBER PHELPS

February 14, 2013

To Whom It May Concern:

The Hays City Commission has been approached by Ellis County asking for support for legislation amending KSA 12-187. The amendment would allow Ellis County to receive 100% of the revenue generated by a special sales tax that Ellis County is planning to put on a ballot in 2013. The special sales tax would be utilized to fund the building of a joint EMS/Rural Fire facility as well as improvements to the Ellis County courthouse and jail. As presented to the Hays City Commission, the ballot will have two questions for voters to consider: one dealing specifically with the EMS/Rural Fire and one for the courthouse/jail. According to Ellis County, receiving 100% of the sales tax revenue would allow them to pay off one, or both, of these projects in an expedited manner, and the sales taxes would sunset upon payment of the project(s).

Please accept this letter of support, on behalf of myself and the Hays City Commission for the legislation amending KSA 12-187. The City of Hays understands that any additional sales tax will impact its residents. Therefore, allowing the County to keep 100% of the revenue means any tax approved by the voters will be in place for the shortest period possible. The City of Hays' support is specifically for the projects listed above and is not to be interpreted as support for any future projects or County initiatives involving sales tax revenue.

Sincerely,

Troy Hickman, Mayor  
City of Hays

1/11/2013

Greg Sund  
Ellis County, Kansas  
1204 Fort St./PO Box 720  
Hays, KS 67601

Hays City Commission  
PO Box 490  
Hays, KS 67601

**Hays City Commissioners:**

On behalf of the Ellis County Commission, I am writing to request your support for the County's efforts to achieve a dedicated one-half percent sales tax that will provide us the means to pay debt service on two building projects we are planning. By seeking a dedicated sales tax as opposed to the one authorized for counties in state law, we would be able to retire the debt on our projects in less than one-half the time. In order to get authority to seek a dedicated sales tax, a bill must be passed by the Legislature amending KSA 12-187 b (2).

As discussed with the Hays City Commission and officials in other cities in Ellis County about a year ago, we are planning to construct a new EMS/Rural Fire Building on the corner of 22<sup>nd</sup> St and General Hays in Hays. Our current EMS operation is in the same building it was when the service started as a county function in 1991. Since that time, we have expanded the operation in Hays and extended it to Victoria and Ellis. There are many challenges in the current building including the fact it does not permit us to separate the sleeping rooms of male and female employees. The Rural Fire District #1 Company 5 building is a garage located at 1208 Cedar in Hays that does not provide sufficient space for equipment, volunteers, meetings, or offices.

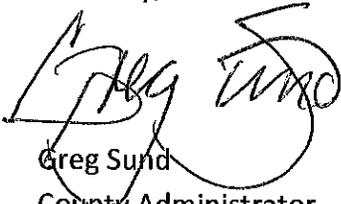
Our current jail facility is considerably undersized for the number of prisoners held in our jail system. The jail has a capacity of 30, but the average daily count is 50 – 60. Because the number of prisoners exceeds jail capacity, we have arrangements with jails in other counties to house prisoners. The Sheriff's Department then transports them back and forth for court appearances and trials. Not only is it expensive to house prisoners out of County, it requires a lot of driving. Last year, our transport officers drove over 60,000 miles transporting prisoners. In addition to size issues, the current jail is insufficient in many prisoner housing standards

today that the County must address. Because enhancing security is a big part of the Jail/Courthouse renovation project, in many ways it is difficult to separate them. At present, when prisoners are moved from the jail to the Courthouse for appearances and trials, they are taken through public hallways. Our hope is to create a method of moving prisoners from the jail to the Courthouse without need to pass by the public. We also need to enhance security for jailers, court staff, judges, and the public.

The County plans to sunset the sales tax when the debt service is satisfied on these projects. By achieving a dedicated sales tax, we believe that time frame could be as little as 5 – 6 years.

We are hoping you will support our efforts to achieve a dedicated one-half percent sales tax with a letter to our Legislators.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sund", written over a circular stamp or seal.

Greg Sund  
County Administrator  
Ellis County, Kansas

# Kansas Statutes

Browsable and searchable archive of 2009 Kansas Statutes Annotated (K.S.A.)

## Chapter 12: Cities And Municipalities

### Article 1: General Provisions

**Statute 12-187: Countywide and city retailers' sales taxes; procedure for imposition; election required; rate; use of revenue; validation of certain elections; continuation in effect of certain taxes; authority for imposition; statement of purpose.** (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabatasee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, the "downtown arena"; (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of *ad valorem* tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by .75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

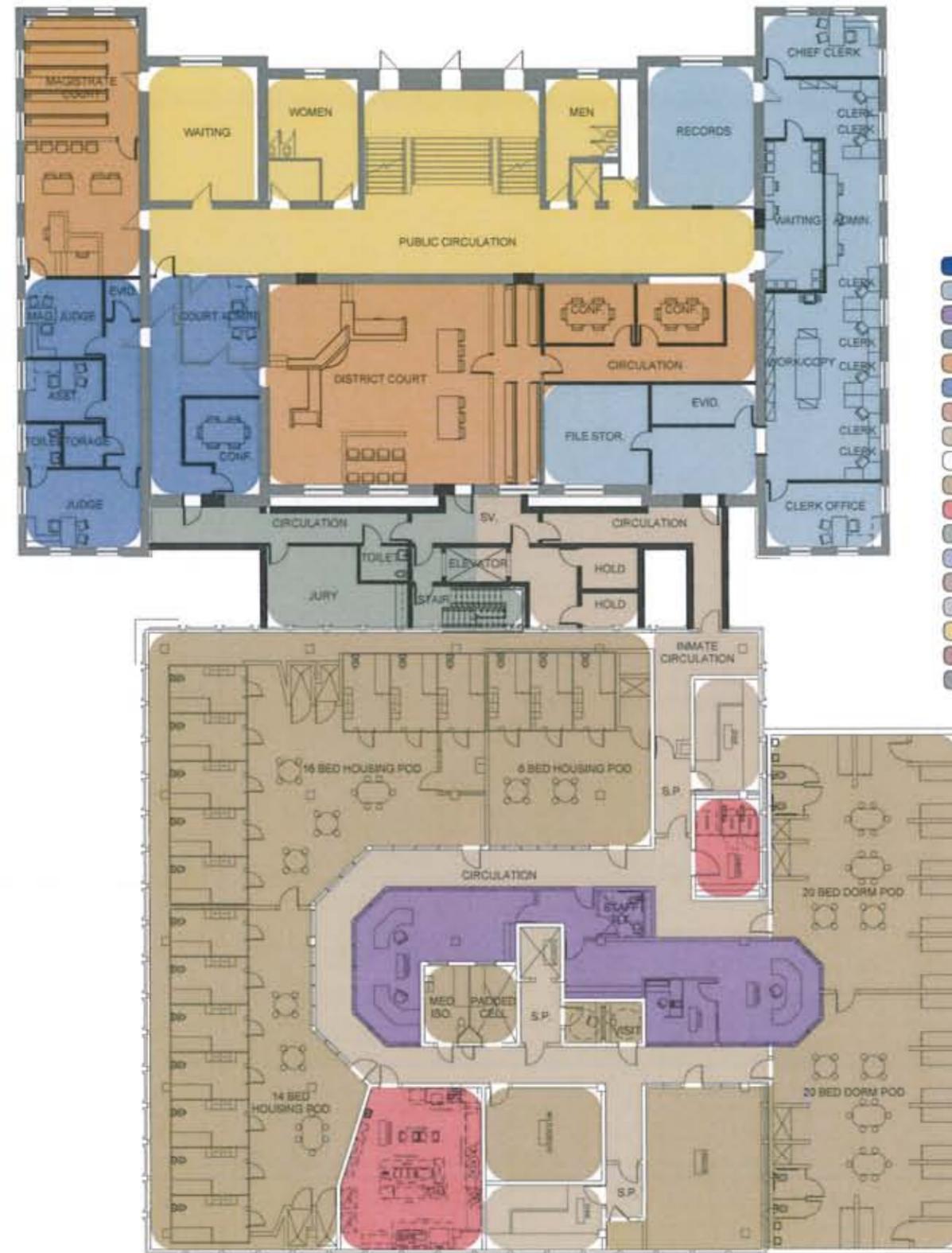
(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

**History:** L. 1978, ch. 56, § 1; L. 1982, ch. 64, § 2; L. 1983, ch. 57, § 1; L. 1987, ch. 63, § 1; L. 1988, ch. 73, § 1; L. 1989, ch. 57, § 1; L. 1990, ch. 68, § 3; L. 1990, ch. 69, § 1; L. 1992, ch. 198, § 5; L. 1992, ch. 279, § 1; L. 1992, ch. 251, § 1; L. 1993, ch. 240, § 1; L. 1994, ch. 354, § 1; L. 1995, ch. 12, § 1; L. 1995, ch. 246, § 1; L. 1998, ch. 11, § 1; L. 1998, ch. 188, § 1; L. 1999, ch. 1, § 2; L. 2000, ch. 140, § 1; L. 2002, ch. 185, § 34; L. 2003, ch. 147, § 32; L. 2004, ch. 173, § 3; L. 2005, ch. 47, § 1; L. 2005, ch. 186, § 2; L. 2006, ch. 9, § 1; L. 2006, ch. 191, § 1; L. 2007, ch. 158, § 6; L. 2007, ch. 195, § 52; L. 2008, ch. 100, § 3; L. 2009, ch. 1, § 1; Mar. 5.

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- BOOKING
- CLERK
- CONTROL
- COUNTY ATTORNEY
- COURTS
- COURTAUDIENCE
- COURT SERVICES
- INMATE SECURE CORE
- IT
- JAIL
- JAIL SUPPORT
- JUDGES SECURE CORE
- JURY ASSEMBLY
- LAW LIBRARY
- POLICE DEPARTMENT
- PUBLIC
- SHERIFF'S OFFICE
- STORAGE

# Ellis County, Kansas Courthouse Study

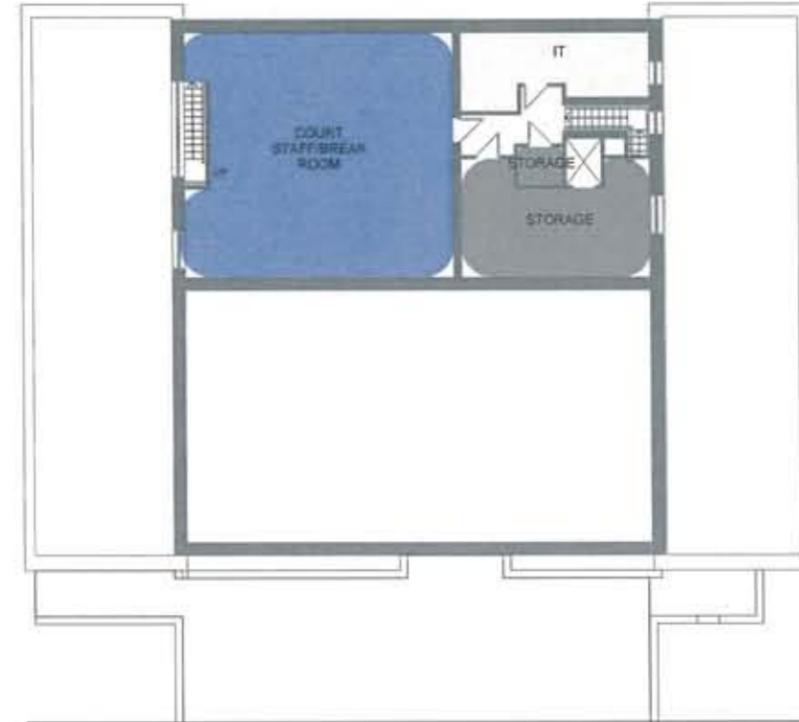
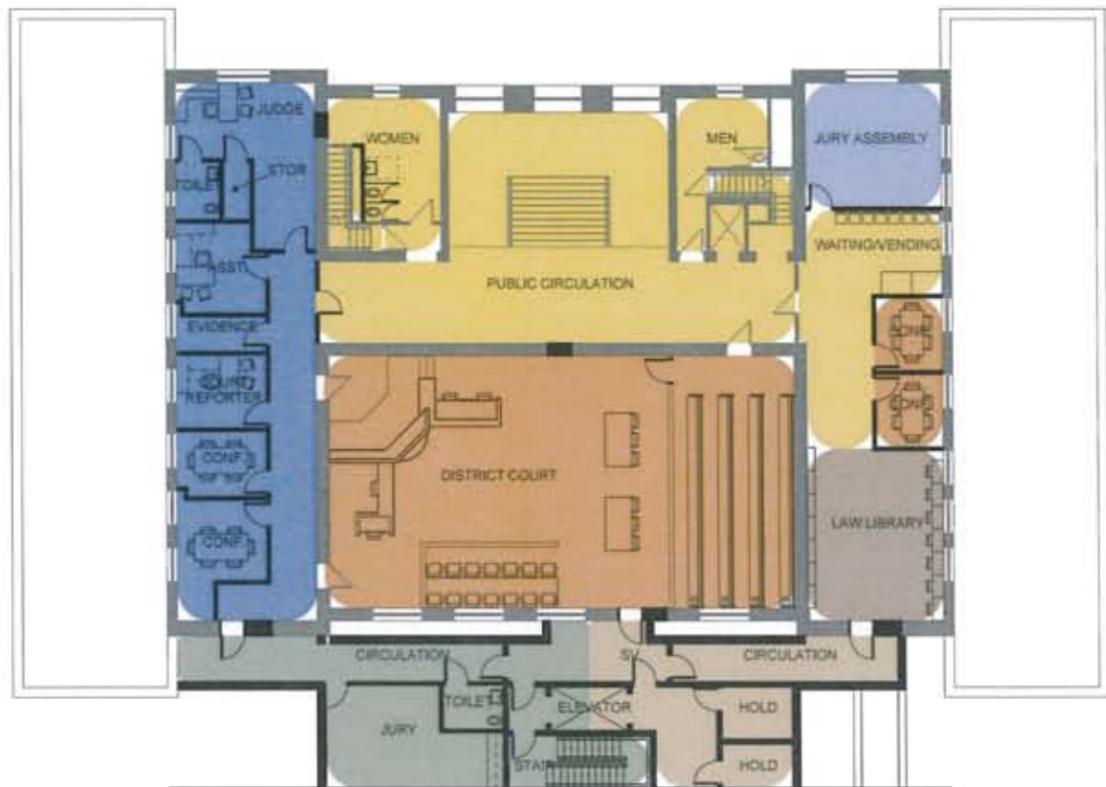
Lower Level & Second Floor Plan

3/32" = 1'-0"

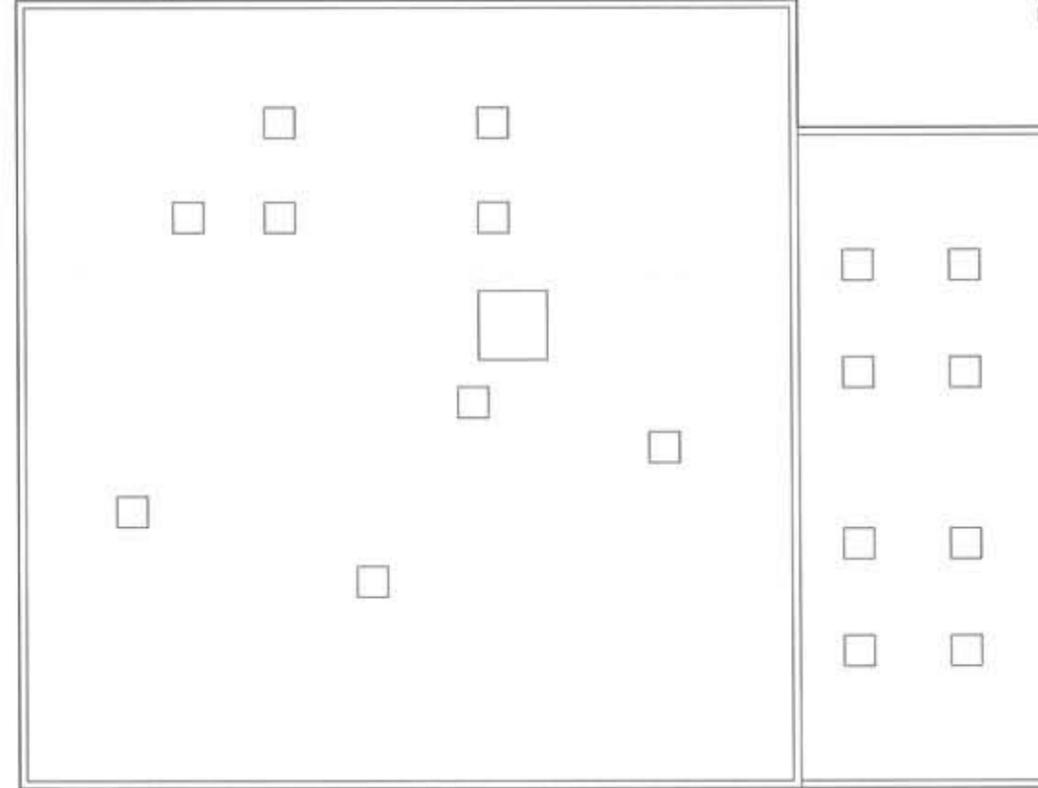
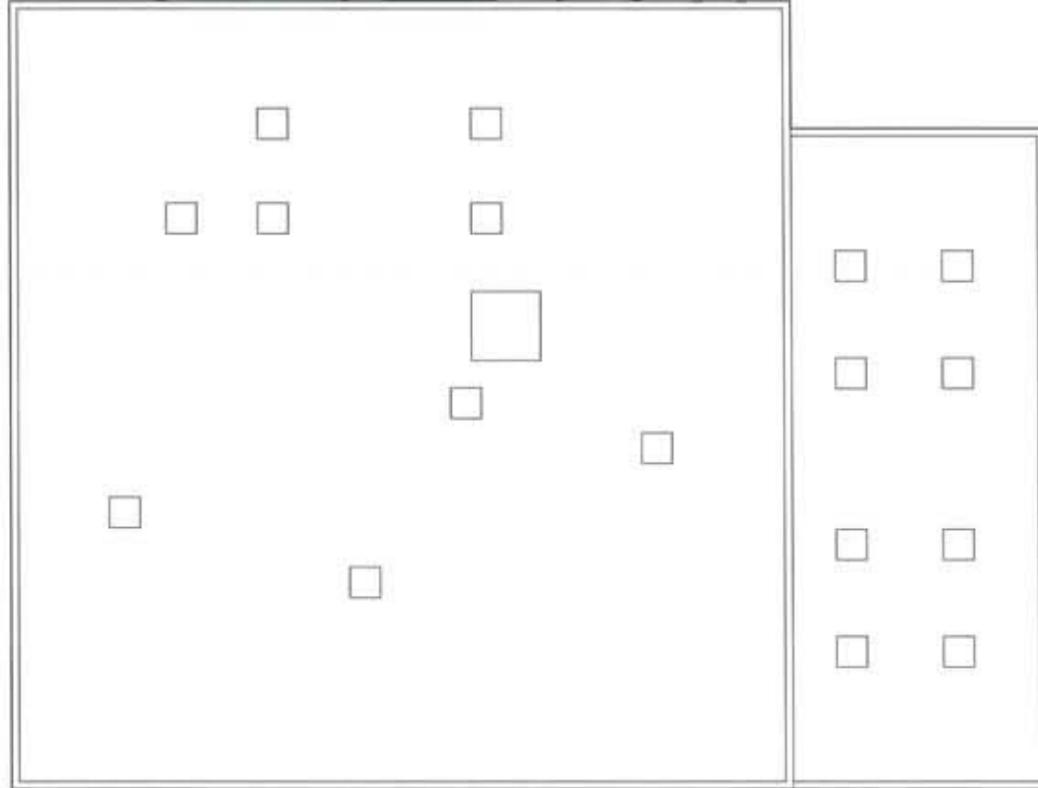
01/07/13



**TREANOR**  
ARCHITECTS P.A.



- BOOKING
- CLERK
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- COUNTY ATTORNEY
- COURTS
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- JURY ASSEMBLY
- LAW LIBRARY
- POLICE DEPARTMENT
- PUBLIC
- SHERIFF'S OFFICE
- STORAGE



**Ellis County, Kansas Courthouse Study**

3rd & 4th Floor Plan

3/32" = 1'-0"

01/07/13



**TREANOR**  
ARCHITECTS P.A.



SOUTH ELEVATION



WEST ELEVATION



**TOTAL BUILDING AREAS**

MAIN FLOOR	
GARAGE	14,160 SF
OFFICE	8,355 SF
BASEMENT FLOOR	8,228 SF
<b>TOTAL</b>	<b>30,743 SF</b>

**BUILDING AREAS MAIN FLOOR**

	OFFICE AREA SF	GARAGE AREA SF
EMS	5123SF	8400SF
FIRE	2401SF	5760SF
COMMON	831SF	

**MAIN FLOOR PLAN - OPTION A**  
 1/8"=1'-0"



**BASEMENT PLAN - OPTION A**  
 3/16/2017  
 0 4'

**TOTAL BUILDING AREAS**

MAIN FLOOR	
GARAGE	14,160 SF
OFFICE	8,355 SF
BASEMENT FLOOR	8,228 SF
<b>TOTAL</b>	<b>30,743 SF</b>

**BUILDING AREAS BASEMENT LEVEL**

	OFFICE AREA SF
EMS	559SF
FIRE	254SF
COMMON	5582SF
FUTURE	1833SF



# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 2-14-13

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**TOPIC:**

Overland Property Group, LLC – Resolution of Support and RHID Letter Request

**ACTION REQUESTED:**

Consider approving Resolution No. 2013-003 in support of the housing development proposed by Overland Property Group, LLC as well as authorizing the City Manager to sign a letter of support considering a Rural Housing Incentive District for the project.

**NARRATIVE:**

Overland Property Group, LLC has submitted an application for tax credits to help finance the construction of additional apartments in Hays. Their proposal is for the development of rental housing to be located south on East 22<sup>nd</sup> Street, directly south of Hays Medical Center. This housing development will contain up to 32 units. As part of the tax credit process, Overland Property Group is asking for a Resolution of Support from the City of Hays for submission in February.

As a secondary request they are asking for the creation of a Rural Housing Incentive District (RHID) to fill necessary financing gaps. The RHID request is for May which allows further study and consideration if desired. Staff has developed a white paper of the economic development tool. At the February 5<sup>th</sup> Work Session, Overland Property Group asked for an RHID letter of support stating the Commission is considering an RHID policy. This is a non-binding letter.

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

Pat Beatty, Overland Property Group, LLC

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Resolution No. 2013-003  
Letter to Kansas Housing Resources Corp.  
Staff Memo  
Letter from Matthew Gilliam, Overland Property Group, LLC  
Site Map  
Rural Housing Incentive District White Paper

**RESOLUTION NO. 2013-003**

**WHEREAS**, the City of Hays, Kansas has been informed by Overland Property Group, L.L.C. that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located South of East 22<sup>nd</sup> Street in Hays, Kansas.

**WHEREAS**, this housing development will contain up to 32 units;

**WHEREAS**, the units will be targeted to low-income families;

**WHEREAS**, the development will be a new construction;

**WHEREAS**, the property will have the following amenities: washer/dryer in units, patio/deck, landscaping, frost-free refrigerator with icemaker, walk-in closets, central air, disposal, cable television access, and internet access;

**NOW, THEREFORE, BE IT RESOLVED** by the City of Hays Governing Body that we support and approve the development of the aforesaid housing in our community, subject to City ordinances and the building permit process. This resolution is effective until February 23, 2014. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, this resolution is null and void.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR, this 14th day of February, 2013.

[Seal]

CITY OF HAYS, KANSAS

---

TROY HICKMAN  
Mayor

Attest:

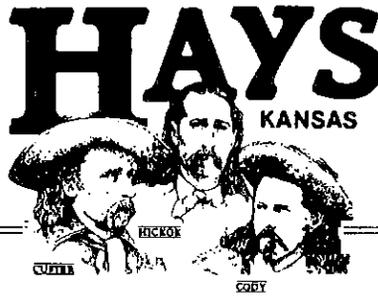
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DORIS WING  
City Clerk

TOBY DOUGHERTY, CPM, CITY MANAGER  
PAUL BRISENO, ASSISTANT CITY MANAGER

P.O. BOX 490  
1507 MAIN STREET  
HAYS, KANSAS 67601-0490

TEL 785/628-7320  
FAX 785/628-7323  
www.haysusa.com



CITY COMMISSION  
TROY HICKMAN, MAYOR  
KENT STEWARD  
HENRY SCHWALLER, IV  
RON MELLICK  
EBER PHELPS

February 14, 2013

Fred Bentley  
Kansas Housing Resources Corporation  
611 South Kansas Avenue, Suite 300  
Topeka, KS 66603

RE: Rural Housing Incentive District (RHID) – Hays, KS

Dear Mr. Bentley:

The City of Hays and the Ellis County Coalition for Economic Development have been fortunate to work with Overland Property Group on a new proposed apartment project. This project addresses the most critical need for our community – affordable workforce housing.

Because of the importance of this project, the City of Hays is willing to consider establishing a Rural Housing Incentive District (RHID) to assist with the development of this project.

In order for our community to grow and thrive, and the business community to increase, we need this project and are willing to consider creating an RHID in order to bring this project to fruition.

Thank you for your consideration of this exciting new project in Hays. Should you have any questions, or if I can provide additional information, please contact me.

Sincerely,

Toby Dougherty, CPM  
City Manager

# Commission Work Session Agenda

## Memo

**From:** Toby Dougherty, City Manager

**Work Session:** February 5, 2013

**Subject:** Overland Property Group, LLC – Resolution of Support and RHID Request

**Person(s) Responsible:** Matthew Gillam, Overland Property Group, LLC

### Summary

Overland Property Group, LLC has submitted an application for tax credits to help finance the construction of additional apartments in Hays. Their proposal is for the development of rental housing to be located south on East 22<sup>nd</sup> Street, directly south of Hays Medical. This housing development will contain up to 32 units. As part of the tax credit process, Overland Property Group is asking for a Resolution of Support from the City of Hays for submission in February.

As a secondary request they are asking for the creation of a Rural Housing Incentive District (RHID) to fill necessary financing gaps. The RHID request is for May which allows further study and consideration if desired. Staff has developed a white paper of the economic development tool. If further investigation of a policy is warranted it will be placed on a future work session.

### Background

In 2006, 2008, and 2010 the Commission approved resolutions of support for similar requests from Overland Property Group for the development of affordable housing along South Main (Stonepost Apartments) which were also financed with tax credits. Currently the group owns 63 units in Hays. A resolution was approved in 2012 however those credits never came to fruition.

### Discussion

The Overland Property Group is applying for tax credits and is formally requesting a resolution of support from the City of Hays. The request is for the development of an apartment complex containing 32 units at a site currently outside the city limits and zoned Agricultural. The proposed development will resemble the structure of the current Stonepost Apartments.

The units would be 2 and 3 bedroom units with a floor plan of 980 sq. ft. and 1160- sq. ft. respectfully. A rough site plan showing the possible development and its location is attached.

Notification of approved tax credits are given in May. If tax credits are approved the Overland Property Group would request a plat, annexation and rezoning of the property.

This year Overland Property Group has asked for a Rural Housing Incentive District (RHID) to fill necessary funding gaps. Staff will provide a subsequent white paper on this issue based on similar community policies. The confirmation of such economic tool is needed for their May submission. This gives Commission time for consideration and study of the economic tool and potential use.

### **Legal Consideration**

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

### **Financial Consideration**

An application has been submitted to the Kansas Housing Resources Corporation for low and moderate income Housing Tax Credits to help finance the construction of additional affordable housing in Hays.

### **Options**

- 1) Approve the Resolution of Support for the construction of additional affordable housing in Hays.
- 2) Deny the request for a signed Resolution of Support for this project.

### **Recommendation**

N/A

### **Action Requested**

Consider approving the resolution in support of the housing development proposed by Overland Property Group, LLC.

### **Supporting Documentation**

Letter from Matthew Gilliam, Overland Property Group, LLC  
Site Map  
Resolution of Support  
Rural Housing Incentive District White Paper



City of Hays  
Paul Briseno  
Assistant City Manager  
1507 Main Street  
Hays, Ks 67601

Re: Overland Property Group – Multi-Family Development in East Hays

Dear Mr. Briseno:

Overland Property Group is currently pursuing section 42 tax credits for the possible development of an additional apartment community on the east side of Hays. The apartment buildings will closely resemble Stonepost Apartments. (an Overland Property Group Community in Hays) This new community will also closely resemble the rent structure of Stonepost apartments. The first phase would feature 2 buildings (each containing 16 units, 32 units total) and a clubhouse. Overland Property Group takes great pride in the construction, development and management of our properties, continually setting the bar higher with each new property. The apartments we plan to develop in east Hays would be 2 and 3 bedroom units, 980 sq ft. for a 2 bedroom and 1160 sq ft. for a 3 bedroom. Fitted with knotty alder cabinets, ample interior and exterior storage, Certified Energy Star apartments (appliances, HVAC, and unit construction), washer and dryer included in each apartment, walk in closet in master, along with countless others. I have attached a very rough site plan showing the possible development and its location. To continue the application process we would like to request a resolution of support from the City of Hays. Along with this resolution we would also request the City of Hays utilize a RHID (Rural Housing Incentive District) on the proposed site. We are excited about the future possibilities in Hays and look forward to exploring these with you in greater depth in the future. If you have any questions please feel free to call me anytime at 785-371-1663 or email me at [matt@ovpgroup.com](mailto:matt@ovpgroup.com). Thanks!

A handwritten signature in blue ink, appearing to read 'Matt Gillam', is written over a light blue circular watermark that contains the Overland Property Group logo.

Matt Gillam  
Development Coordinator  
Overland Property Group, LLC



**Overland  
Property Group**

**AFFORDABLE    WORKFORCE    SENIOR    MULTI-FAMILY**

DEVELOPING + OPPORTUNITIES  
**Building + Success**



**Overland Property Group**, founded in 2002, has offices in Overland Park & Topeka KS and now Dallas TX. From market analysis, site selection, financing, design and construction to marketing and management, OPG has become not only one of the fastest growing firms in the Midwest but also the most sophisticated. As one of the largest owner/developers in the Region, OPG has more than 25 developments, totaling over 1,500 units and \$130 million of both "affordable" and "market-rate" apartments.



*"They're a proven quantity to us now...we'd more than happy to work with OPG again."*

**(785) 371-1663**

TOPEKA - OVERLAND PARK - DALLAS  
[ovpgroup.com](http://ovpgroup.com)

**- KEN STROBEL**  
CITY MANAGER - DODGE CITY

OPG has a diverse portfolio with rental communities ranging from 12 to 240 units. Today, OPG's portfolio is comprised mainly of affordable Section 42 multi-family & senior developments as well as a large portion of market rate / workforce properties. OPG is very proud of the variety of rental home communities we own and manage.



- OVER 1,500 UNITS
- \$130 MILLION+ PORTFOLIO
- MULTIPLE AWARDS

*"We couldn't be happier with what this project has meant to our community."*

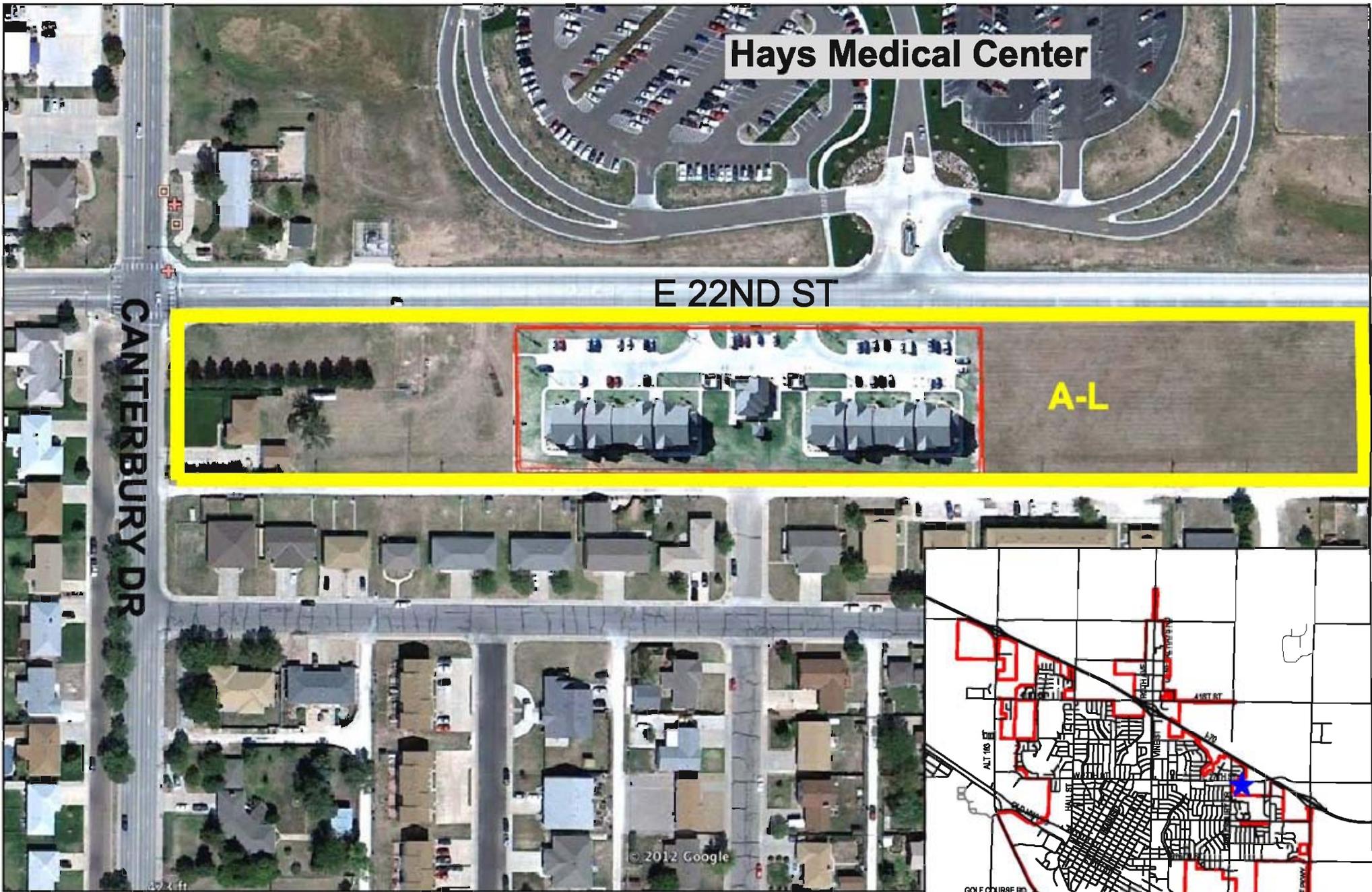
**- MONTE SHADWICK**  
MAYOR - SALINA, KS

# Hays Medical Center

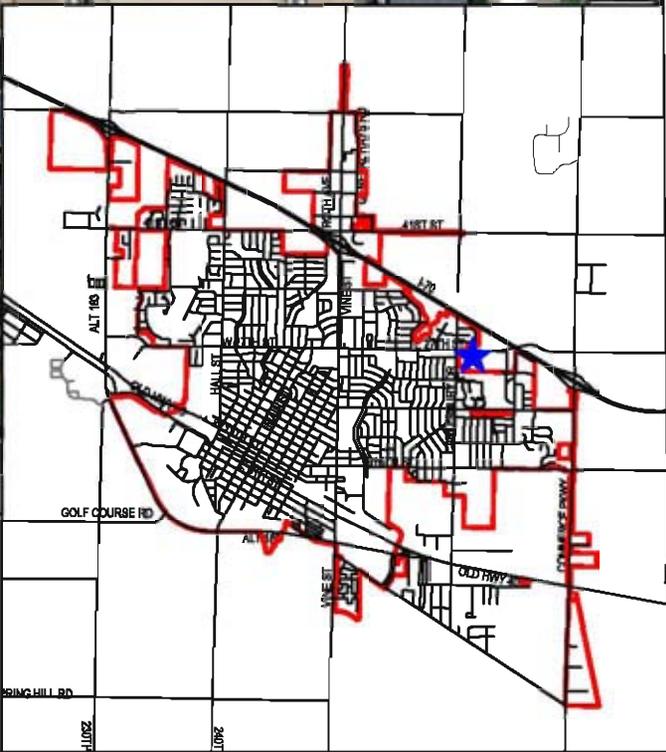
E 22ND ST

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CANTERBURY DR



© 2012 Google



# Memo

**To:** City Commission  
**From:** Paul Briseno, Assistant City Manager  
**Date:** 1-28-13  
**Re:** Rural Housing Incentive District (RHID)

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The Housing Study and Comprehensive Plan process realized a housing and renter unit shortage in various income distributions. The Rural Housing Incentive District (RHID) was a recommended funding mechanism outlined in these studies. This incentive encourages the development or renovation of housing. The program allows the City to directly assist in the financing or public improvement necessary to support housing development or rehabilitation within a designated district. The development captures 100% of incremental real property taxes created by the development to pay for permitted uses detailed below.

Garden City and Dodge City have provided staff with implemented RHID policies that have been used to develop various housing identified by their needs analysis. Gilmore and Bell supplied a copy of Victoria's RHID as well.

A summary of an RHID is detailed below. The information was gathered from a Gilmore and Bell presentation. Should the Commission be interested in such a tool, Gilmore and Bell assistance constructing a policy would be requested.

## **Background**

- Created in 1998
- Authorized for any city in Kansas with a population less than 40,000
- Defined by the City or County establishing the District
- City must demonstrate by a housing needs analysis:
  - Shortage of quality housing
  - Shortage is expected to persist
  - Shortage is a substantial deterrent to future economic growth
  - Development of quality housing dependent on incentives
- Secretary of Commerce must agree with findings
- Must adopt a redevelopment plan, including:

- Public hearing must be held
- School District and County have a veto like TIF
- Special Obligation Bonds may be issued

### **Permitted Use**

- Acquisition of property (**eminent domain prohibited**)
- Payment of relocation assistance
- Site preparation
- Sanitary and storm sewers and lift stations
- Drainage conduits, channels and levees
- Street grading, paving, curbs and gutters
- Street lighting
- Underground public or private utilities
- Sidewalks
- Water mains and extensions

### **How it Works**

- Captures 100% of incremental real property taxes created by a housing development project
- All taxing districts included
- Property tax increment diverted for up to 15 years (TIF is 20 yrs)
- Includes school district property taxes (20 mills which is more than reg TIF)

### **Funding Methods**

- Developer Reimbursement
  - Developer finances approved RHID costs and reimbursed as increment is received
- Bond Financing
  - Special Obligation Revenue Bonds
    - Issued by creator of District
    - Limited obligation
    - May be purchased or guaranteed by developer and re-sold once valuation established
    - Full faith and credit (general obligation) bonds **prohibited**

### **Effect on Taxing Districts**

- All taxing jurisdictions held harmless at Base property tax level
- When RHID bonds are retired, total valuation (including increment) restored to all taxing jurisdictions

### **District Formation Procedure**

- Preparation of Housing Need Analysis
- Resolution finding shortage of quality housing
- Secretary of Commerce approves findings
- Negotiation of Development Agreement
- District boundaries identified and development Plan prepared
- Resolution Calling Public Hearing on District creation and adoption of Plan

- Hearing date not less than 30 days nor more than 70 days following adoption of Resolution
- Notice delivered to Planning Commission, School District and County/City
- Published Notices
  - Notice published not less than 1 week nor more than 2 weeks prior to hearing
- Public Hearing on District Creation and adoption of Plan
- Ordinance/Resolution creating District and adopting Plan
- 30-day Protest Period
  - School District or County/City finding that District will have adverse effect

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 2-14-13

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### **TOPIC:**

2013 Street Maintenance – Award of Bids

### **ACTION REQUESTED:**

Consider authorizing the City Manager to enter contracts for construction as follows:

- B&H Paving in the amount of \$125,158.44 for Chip Seal;
- Stripe and Seal in the amount of \$90,793.46 for Seal Coat and \$42,450 for Polypatch
- Iowa Erosion Control in the amount of \$22,500 for Diamond Grinding;
- Bryant & Bryant Construction in the amount of \$108,625 for Curb and Brick Repair;
- Proseal in the amount of \$26,244.00 for Preservative Seal.

### **NARRATIVE:**

Bids have been received for 2013 Street Maintenance Projects. Those projects include the Seal Coat of approximately 7 miles of asphalt streets, the Chip Seal of another 4 miles of asphalt streets, poly patch of asphalt streets in various locations, diamond grinding a section of Commerce Parkway, and the repair of various brick streets in the City of Hays. The amount of work proposed totals nearly \$390,000 awarded to 5 different contractors. The work would be accomplished at various locations and various times throughout the year.

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

Toby Dougherty, City Manager  
I.D. Creech, Director of Public Works

### **ADMINISTRATION RECOMMENDATION:**

City staff recommends authorizing the City Manager to enter the agreements as presented.

### **COMMITTEE RECOMMENDATION(S):**

N/A

### **ATTACHMENTS:**

Staff Memo  
Exhibit A – Location Map  
Exhibit B – Bid Tabulation

# Commission Work Session Agenda

## Memo

**From:** John Braun, Assistant Director of Public Works  
**Meeting:** February 5, 2013  
**Subject:** 2013 Street Maintenance – Award of Bids  
**Person(s) Responsible:** Toby Dougherty, City Manager  
I.D. Creech, Director of Public Works

### Summary

Bids have been received for 2013 Street Maintenance Projects. Those projects include the Seal Coat of approximately 7 miles of asphalt streets, the Chip Seal of another 4 miles of asphalt streets, poly patch of asphalt streets in various locations, diamond grinding a section of Commerce Parkway, and the repair of various brick streets in the City of Hays. The amount of work proposed totals \$376,000 awarded to 4 different contractors. The work would be accomplished at various locations and various times throughout the year.

### Background

At the December 27, 2012 City Commission Meeting, staff presented a Street Maintenance Plan for 2013. The plan presented to the City Commission at that time called for:

1. Seal Coat Asphalt Streets (7.8 miles)	\$170,000
2. Chip Seal (4 miles)	\$130,000
3. Poly-Patch (prep work)	\$ 50,000
4. Diamond Grind (Portions of Commerce Parkway & 8 <sup>th</sup> St)	\$ 15,000
5. Curb and Brick Repair (various locations)	\$ 95,000
6. In-house work (crack seal, asphalt and concrete repairs)	<u>\$150,000</u>
	<b>\$610,000</b>

These projects combined with \$20,000 for the Sidewalk Rebate program totaled **\$630,000**, which is the amount of Special Highway Funds available in 2013.

Staff also request the City Commission consider allocating \$250,000 from Financial Policy Projects to rehabilitate a portion of Fort Street from 20<sup>th</sup> to 27<sup>th</sup> Street in conjunction with planned waterline work in 2013.

## Discussion

Bids from 12 different contractors were received on January 30, 2012. The tabulation of bids is attached. The bid documents were structured so that contractors could bid on one or more of six different projects, and separate contracts could be awarded for each type of work. The projects are detailed below, and a map showing the location of all projects is attached.

### 1. Seal Coat

Seal Coat is divided into options. A base option of 99,784 SY (approximately 5 centerline miles) of asphalt streets in the 5 – 15 year age and an alternate option of an additional 34,992 SY (approximately 2 centerline miles) of asphalt street less than 5 years old. The documents allowed for different types of oil sealant. One option is AXYS, which was used on a pilot project in September 2012 on South Copper Creek Court. The other allows for “equal” alternate products. The apparent low bidder for the base option is Stripe and Seal of Hays using an alternate product called Rhyno Tite at a unit price of \$0.9099 per SY resulting in a cost of \$90,793.46 for the base amount. The alternate streets (under 5 years old) are being recommended for treatment with the Preservative Seal (Bid Item #6) discussed later in this memo. Award of Contract would be contingent upon certification of Rhyno Tite meeting the contract specifications.

### 2. Chip Seal

Chip Seal is divided into options as well. A base option of 46,927 SY (approximately 2.5 centerline miles) of asphalt streets older than 15 years and an alternate of 24,633 SY (approximately 1.5 centerline miles) of various asphalt surfaces around the city to include lower maintenance streets that were double chip sealed in 2007. Those lower maintenance streets were being considered for chip seal in-house with assistance from Ellis County; however, the favorable bid price makes it more cost effective to contract the work than to do the work in-house. The documents also allowed two different options for oil. One is the tire rubber oil that had been used on past chip seal projects. The other is a polymerized oil that was used last year. The polymerized oil ended up being \$0.273/SY or \$19,536 less expensive than the tire rubber oil. The low bid came from B&H Paving of Scott City. B&H Paving has done the last several years of Chip Seal for the City in. At the unit bid price of \$1.749 per SY, the cost would be \$125,158.44.

### 3. Polypatch

The project called for 2500 gallons of polypatch to be used on various streets throughout the City to fill large cracks and depressions. The City has used Polypatch the last 10 years or more, and it has proven to be the best product for this purpose. Some of the quantity will be used to prepare the streets scheduled for chip seal. The remainder of the quantity will be used as needed to make repairs to streets that may fail in spots due to

winter weather. The unit bid price of \$16.98 per gallon installed by Stripe and Seal of Hays, results in a contract price of \$42,450.

#### 4. Diamond Grind

This project calls for the grinding of concrete pavement on Commerce Parkway and a small section of 8<sup>th</sup> Street between Milner and Vine. The Commerce Parkway work is to correct the “curling” of the pavement that is occurring there. The work on 8<sup>th</sup> Street would be a test project to determine if concrete patch and grinding would provide an acceptable level of rehabilitation to delay the total reconstruction of 8<sup>th</sup> Street. The low bid for the grinding came from Iowa Erosion Control of Victor, with a price of \$22,500. That price is higher than originally estimated by staff; however, based on the other two bids received, staff believes it to be a valid bid and still the best option for correcting the deficiency on Commerce Parkway. Low prices on other bid items more than cover the overage on this bid item.

#### 5. Curb and Brick Repair

The project calls for the repair of various brick streets throughout the City similar to Curb and Brick Repair projects accomplished over the last several years. However, it does include repairing several of the worst areas of transverse depression in the brick on Main Street downtown. The low bid came from Stripe and Seal of Hays with a price of \$95,408.50. This is slightly over staff’s estimate of \$94,984.

#### 6. Preservation Seal

This project calls for the sealing of 34,992 SY (approximately 2 centerline miles) of asphalt streets that are less than 5 years old. This follows the plan to spend a little money early in the life of the pavement to make the street last longer (like putting wax on a new car). These are the same streets that were bid as an alternate for seal coat. The preservation seal is less cost than the seal coat, and does a better job on newer pavement than the seal coat. The low bid came from Proseal of Goddard, KS with a unit price of \$0.75/SY or \$26,244.

### **Legal Consideration**

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

### **Financial Consideration**

Currently street maintenance is financed through the Special Highway Fund, which receives revenue from the State mainly from fuel tax reimbursements. The 2013 Budget included \$1,035,329 in the Budgeted Projects Line Item of the Special Highway Budget. Approximately \$400,000 of that is to reimburse Capital Projects for money spent on last year’s street maintenance, which leaves \$630,000 for street maintenance in 2013. Subtracting out \$190,000 for in-house work and \$20,000 for the Sidewalk Rebate Program leaves \$420,000 available for the projects just bid.

A summary of staff’s recommendation for award of bid is listed below:

1. Chip Seal – B&H Paving - \$125,158.44

2. Seal Coat – Stripe and Seal - \$90,793.46
3. Polypatch – Stripe and Seal - \$42,450.00
4. Diamond Grind – Iowa Erosion Control - \$22,500.00
5. Curb and Brick – This contract recommendation is under Staff review
6. Preservative Seal – Proseal - \$26,244.00

Total Cost = \$376,310.30

Staff's estimate of cost for all the projects was \$409,944.00.

### **Options**

The Commission has the following options:

Option 1: Award Contracts as recommended by staff.

Option 2: Provide alternate direction to staff.

### **Recommendation**

City staff recommends proceeding with Option 1.

### **Action Requested**

Consider authorizing the City Manager to enter contracts for construction as follows:

- B&H Paving in the amount of \$125,158.44 for Chip Seal;
- Stripe and Seal in the amount of \$90,793.46 for Seal Coat, \$42,450 for Polypatch;
- Iowa Erosion Control in the amount of \$22,500 for Diamond Grinding;
- Proseal in the amount of \$26,244.00 for Preservative Seal.

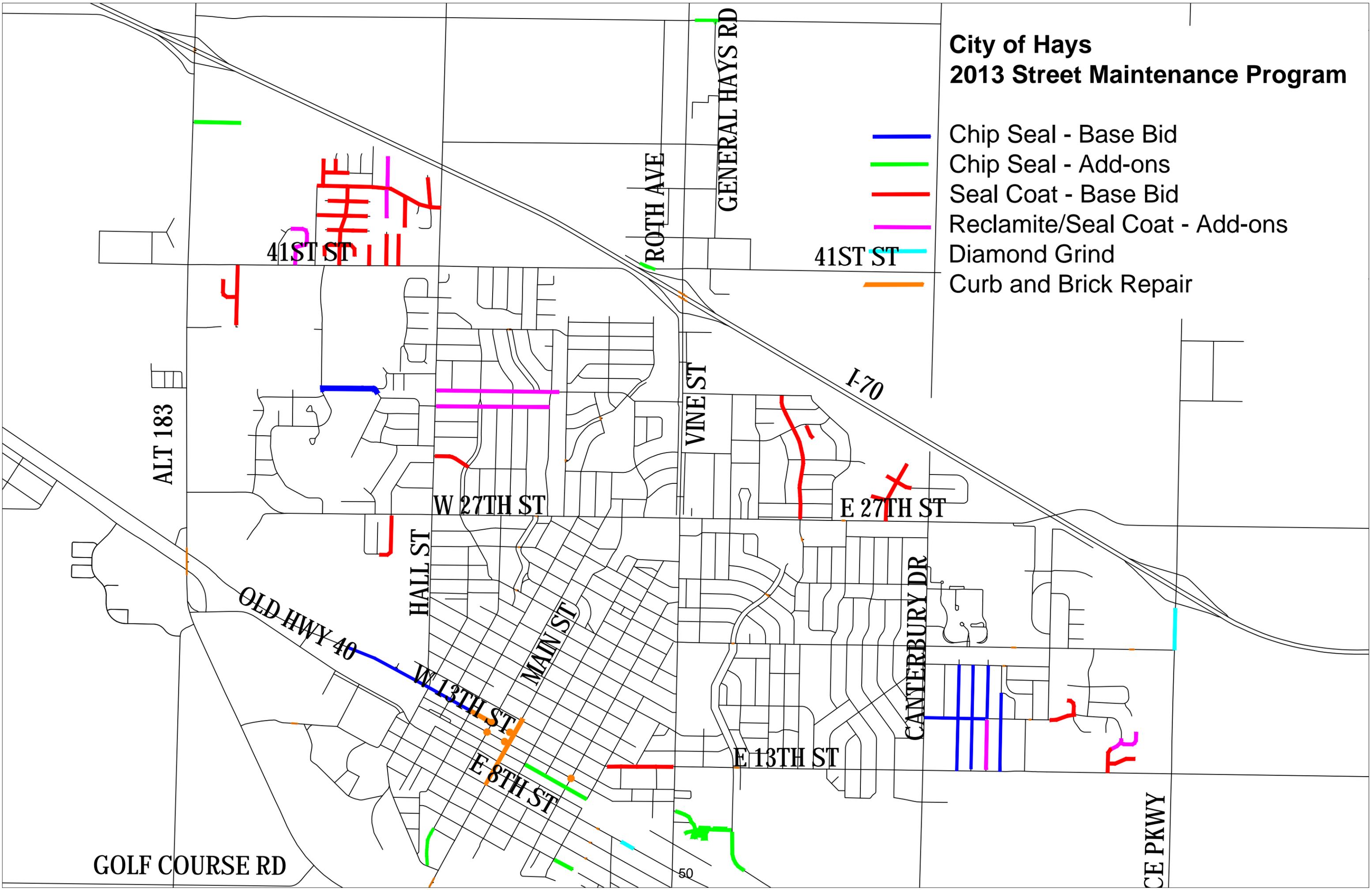
### **Supporting Documentation**

Location Map

Bid Tabulation

# City of Hays 2013 Street Maintenance Program

- Chip Seal - Base Bid
- Chip Seal - Add-ons
- Seal Coat - Base Bid
- Reclamite/Seal Coat - Add-ons
- Diamond Grind
- Curb and Brick Repair



City of Hays Project 2012-33  
 2013 Street Maintenance  
 Bid Tabs  
 BID DATE: January 30, 2013

**Preliminary  
 All Bids Subject to  
 Review and Validation**

Bid #	Description	Contractors		Staff Estimate		Apparent Low Bids	
		Quantity	Unit	Price	Total	Price	Total
1a	Base Chip Seal with AC-20-5TR	46,927	SY	\$2.02	\$94,792.54		
1b	Base Chip Seal with CRS-1HP	46,927	SY	\$1.90	\$89,161.30		
1c	Base Plus Additional Chip Seal (AC-20-5TR)	71,560	SY	\$1.87	\$133,817.20		
1d	Base Plus Additional Chip Seal (CRS-1HP)	71,560	SY	\$1.75	\$125,230.00		\$125,158.44
<hr/>							
2a	Base Seal Coat (AXYS)	99,784	SY	\$1.25	\$124,730.00		
2b	Base Seal Coat (other brand- )	99,784	SY	\$1.25	\$124,730.00		\$90,793.46
2c	Base plus Additional Seal (AXYS)	134,776	SY	\$1.25	\$168,470.00		
2d	Base plus Additional Seal (other brand- )	134,776	SY	\$1.25	\$168,470.00		
<hr/>							
3	Polypatch	2,500	Gallon	\$20.00	\$50,000.00		\$42,450.00
<hr/>							
4	Diamond Grind	3,000	SY	\$5.00	\$15,000.00		\$22,500.00
<hr/>							
5	Curb & Brick Repair						
5a	Concrete Removal	484	SY	\$20.00	\$9,680.00		
5b	Saw Cut	203	LF	\$4.00	\$812.00		
5c	Curb and Gutter	1738	LF	\$24.00	\$41,712.00		
5d	Concrete Pavement 6"	1	SY	\$70.00	\$70.00		
5e	Concrete Pavement 8"	1	SY	\$75.00	\$75.00		
5f	Intergral Curb	1	LF	\$20.00	\$20.00		
5g	Sidewalk 4"	275	SF	\$5.00	\$1,375.00		
5h	Sidewalk curb	26	LF	\$10.00	\$260.00		
5i	Thickened Edge	124	LF	\$5.00	\$620.00		
5j	Brick Patching	338	SY	\$100.00	\$33,800.00		
5k	Truncated Dome Surface for ADA Ramps	16	SF	\$50.00	\$800.00		
5l	Brick Joint Repair (Main Street)	144	LF	\$40.00	\$5,760.00		
	<b>Total Bid Item #5</b>				\$94,984.00		\$95,408.50
<hr/>							
6	Preservative Seal	34,992	SY	\$1.25	\$43,740.00		\$26,244.00
<hr/>							
	<b>Total</b>				\$409,944.00		\$376,310.40
	<b>Budgeted</b>						\$420,000.00

TRMSS

Bid #	B & H Paving		Hi-Plains Sand		Musselman & Hall Contractors		Circle C Paving	
	Price	Total	Price	Total	Price	Total	Price	Total
1a	\$2.12	\$99,485.24						
1b	\$1.847	\$86,674.17	\$1.75	\$82,122.25				
1c	\$2.022	\$144,694.32						
1d	\$1.749	<b>\$125,158.44</b>	\$1.75	\$125,230.00				
2a							\$0.92	\$91,801.28
2b					\$1.85	\$184,600.40		
2c							\$0.89	\$119,950.64
2d					\$1.85	\$249,335.60		
3								
4								
5								
5a								
5b								
5c								
5d								
5e								
5f								
5g								
5h								
5i								
5j								
5k								
5l								
6								

		Rhyno Tite		Rhyno Tite					
		Sweeney's Pavement & Maintenance		Apac		Stripe and Seal		J-Corp	
Bid #	Price	Total	Price	Total	Price	Total	Price	Total	
1a									
1b			\$1.91	\$89,630.57					
1c									
1d			\$1.94	\$138,826.40					
2a					\$1.0269	\$102,468.19			
2b	\$1.00	\$ 99,784.00			\$0.9099	<b>\$90,793.46</b>			
2c					\$1.0269	\$138,401.47			
2d	\$1.00	\$ 134,776.00			\$0.9099	\$122,632.68			
3	Price	Total	Price	Total	Price	Total	Price	Total	
	\$18.00	\$45,000.00	\$26.34	\$65,850.00	\$16.98	<b>\$42,450.00</b>	\$25.50	\$63,750.00	
4	Price	Total	Price	Total	Price	Total	Price	Total	
			\$8.30	\$24,900.00					
5	Price	Total	Price	Total	Price	Total	Price	Total	
5a			\$30.25	\$14,641.00	\$23.00	\$11,132.00	\$28.00	\$13,552.00	
5b			\$4.25	\$862.75	\$3.50	\$710.50	\$5.00	\$1,015.00	
5c			\$38.15	\$66,304.70	\$23.00	\$39,974.00	\$30.00	\$52,140.00	
5d			\$70.00	\$70.00	\$50.00	\$50.00	\$60.00	\$60.00	
5e			\$77.00	\$77.00	\$55.00	\$55.00	\$65.00	\$65.00	
5f			\$20.00	\$20.00	\$30.00	\$30.00	\$35.00	\$35.00	
5g			\$6.50	\$1,787.50	\$5.00	\$1,375.00	\$5.50	\$1,512.50	
5h			\$17.00	\$442.00	\$11.00	\$286.00	\$10.00	\$260.00	
5i			\$5.20	\$644.80	\$6.00	\$744.00	\$5.50	\$682.00	
5j			\$125.00	\$42,250.00	\$94.00	\$31,772.00	\$100.00	\$33,800.00	
5k			\$42.00	\$672.00	\$40.00	\$640.00	\$63.00	\$1,008.00	
5l			\$48.60	\$6,998.40	\$60.00	\$8,640.00	\$58.00	\$8,352.00	
				\$134,770.15		<b>\$95,408.50</b>		\$112,481.50	
6	Price	Total	Price	Total	Price	Total	Price	Total	

Bid #	CPB Materials		Iowa Erosion Control		Bryant & Bryant Const.		Proseal	
	Price	Total	Price	Total	Price	Total	Price	Total
1a								
1b								
1c								
1d								
2a	Price	Total	Price	Total	Price	Total	Price	Total
2a								
2b								
2c								
2d								
3	Price	Total	Price	Total	Price	Total	Price	Total
3								
4	Price	Total	Price	Total	Price	Total	Price	Total
4	\$11.56	\$34,680.00	\$7.50	<b>\$22,500.00</b>				
5	Price	Total	Price	Total	Price	Total	Price	Total
5a					\$15.00	\$7,260.00		
5b					\$4.00	\$812.00		
5c					\$30.00	\$52,140.00		
5d					\$60.00	\$60.00		
5e					\$75.00	\$75.00		
5f					\$20.00	\$20.00		
5g					\$6.00	\$1,650.00		
5h					\$18.00	\$468.00		
5i					\$5.00	\$620.00		
5j					\$120.00	\$40,560.00		
5k					\$40.00	\$640.00		
5l					\$30.00	\$4,320.00		
						\$108,625.00		
6	Price	Total	Price	Total	Price	Total	Price	Total
6							\$0.75	<b>\$26,244.00</b>

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 8

MEETING DATE: 2-14-13

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**TOPIC:**

Business License – Hays Regional Airport

**ACTION REQUESTED:**

Approve the Business Permit Application conditioned on securing necessary insurance coverage.

**NARRATIVE:**

Mr. Rex Chambers representing Aces High Aircraft Refinishing has acquired hanger G-9 with intent to perform refinishing of certified aircraft and custom painting of same. Section 8-24 – Permits for commercial uses; fees, paragraph (a) requires the City Commission's approval of applications to operate commercial business on Airport property. Mr. Chambers requires the business permit before he can acquire a building permit to remodel his facility.

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

Toby Dougherty, City Manager  
I.D. Creech, Director of Public Works

**ADMINISTRATION RECOMMENDATION:**

Staff recommends approval of the application.

**COMMITTEE RECOMMENDATION(S):**

Airport Advisory Board supports the business development.

**ATTACHMENTS:**

Commission Work Session Memo: Business License - Airport  
Hays Regional Airport Business Permit Application  
Lease Agreement – Hanger Space G-9, Hays Regional Airport  
Map: Hays Regional Airport Hanger Spaces

# Commission Work Session Agenda

## Memo

**From:** ID Creech, Director of Public Works

**Work Session:** February 5, 2013

**Subject:** Business License - Airport

**Person(s) Responsible:** Toby Dougherty, City Manager  
ID Creech, Director of Public Works

### Summary

City Code Section 8-24 requires Governing Body approval of business licenses for commercial enterprises on the Hays Regional Airport. Attached application comes before the Commission with Staff recommendation for approval.

### Background

Mr. Rex Chambers representing Aces High Aircraft Refinishing has acquired hanger G-9 with intent to perform refinishing of certified aircraft and custom painting of same. This business is not in conflict or competition with the City's agreement with the Fixed Based Operator.

### Discussion

Section 8-24 – Permits for commercial uses; fees, paragraph (a) requires the City Commission's approval of applications to operate commercial business on Airport property.

*8-24 (a) No person shall hereafter operate or conduct any commercial business or activity upon or from the airport for any commercial purpose without first submitting an application to the commission for a permit for such purpose. Upon approval of such application by the commission, the city clerk shall issue a permit to the applicant upon payment by the applicant to the city of the following permit fee or fees:*

*f. For a permit to conduct a mechanical or repair shop for profit other than for won airplanes. \$550.00*

Permits in this section of the Code run with the City's fiscal year expiring on January 1 following issuance.

Airport Business Permits are not transferable and are for a sole specified commercial enterprise.

Mr. Chambers has submitted his application and use fee to the City for consideration with and has a signed lease agreement for the privately owned hanger.

If and when the business permit for his operation would issued, an application for building permit from PIE would be considered.

### **Legal Consideration**

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

### **Financial Consideration**

The City has no financial outlay. Income from the Hanger land space rental, and business permit would be a recurring income for the Airport. The fee for the building permit for remodeling is minimal.

### **Options**

1. Approve the Business Permit Application conditioned on securing necessary insurance coverage.
2. Deny the Business Permit Application.
3. Do nothing.

### **Recommendation**

Staff recommends approving the Business Permit for Aces High Aircraft Refinishing upon condition of securing necessary insurance coverage.

### **Action Requested**

Motion to concur with Staff Recommendation.

### **Supporting Documentation**

Hays Regional Airport Business Permit Application  
Lease Agreement – Hanger Space G-9, Hays Regional Airport  
Map: Hays Regional Airport Hanger Spaces

EXHIBIT 1

**Hays Regional Airport Business Permit Application**

INSTRUCTIONS:

Complete all questions and provide all attachments which are applicable to your company. Put "N/A" in those questions which do not apply.

**A. Company Information:**

1. Company-Name: Aces High Aircraft Refinishing

2. Local Contact Name: Rex Chambers

Address: 1988 Fairground Rd Hays

State: KS Zip Code: 67601

Telephone Number: (785) 432-0039

3. Nature of Company structure (proprietorship, partnership, public, private or non-profit corporation, LLC or LLP) (If Incorporated, attach a copy of the Certificate of Incorporation.) LLC

5. List names and personal, business and, if applicable, professional qualifications of the persons involved in operating the business or activity:  
Rex Chambers - owner 25 yrs experience in paint & bodywork. The last two years working on aircraft, for RANS.

6. Brief description of the company (nature of business or activity, number of years in operation, recent changes, goals, etc.): Painting Refinishing of certified Aircraft & Custom Paint on LSA.

**B. Financial Responsibility:**

1. List a minimum of three financial references (principal creditors and/or financial institutions)

Sunflower Bank  
Richard Chambers

2. Primary Bank Operating Account:

Sunflower Bank

**C. Proof of Insurance:**

Attach a certificate of Insurance or Letter of Intent from an insurance company prepared to write the coverage specified in these minimum standards for the type of activity proposed. (Attach)

**NOTE:**

1. All policies must name the Hays Regional Airport, City of Hays and its commissioners, officers and employees as additional insured's.
2. Operator agrees to ensure its contractual liability to indemnify and hold harmless the Airport, City of Hays, its commissioners, officers and employees, as set forth in its operating agreement.
3. Operator will keep a current copy of any and all policies or certificate of insurance on file with the airport, and provide 30 day written notice of cancellation of coverage.

**D. Operations:**

1. Brief description of operations or services planned:

Refinishing, certified Aircraft + Custom Paint on LSA  
would also like to offer Interior Refurbishing  
as we go along

2. Requested or proposed date of commencement of activity:

Jan 15

3. Location(s) and facilities on the Airport from which services are to be offered:

Hanger G-9

4. Additional Airport facilities expected to be required: NO

5. List a minimum of three (3) references as to the technical ability of the principals and/or principal employees to conduct the proposed business or activity:

Rick Bollig - owner Oldham Sales  
Randy Schlitter - owner of Rans  
Evan Mahoney - Shop Mgr at Rans

**HAYS REGIONAL AIRPORT  
PRIVATELY-OWNED HANGAR AIRCRAFT STORAGE AGREEMENT**

THIS AGREEMENT, made and entered into this 14th day of February, 2013 between THE CITY OF HAYS, KANSAS, a Municipal Corporation, hereinafter referred to as "City" and Rex Chambers, hereinafter referred to as "the Lessee".

In consideration of a rental fee of \$ 840.00, based on a rate of \$ .20 per square foot, payable per annum in advance the City enters into a ground lease with the Lessee for an already constructed privately owned, Hangar G-9, hereinafter referred to as "Hangar" at the Hays Regional Airport hereinafter referred to as "Airport" for the sole purpose of storage of the following aircraft:

Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Serial Number: \_\_\_\_\_  
Registration Number: \_\_\_\_\_  
Registered Owner: \_\_\_\_\_

**If more than one aircraft is to be stored in this hangar, please provide aircraft information (above) for each. (Only registered aircraft, owned or leased, by lessee are allowed under this lease.)**

WHEREAS, The City deems it to be in the best interest of the community to lease said land to the Lessee for the purposes hereinbefore stated, in consideration of the covenants hereinafter set out;

NOW, THEREFORE, THE PARTIES HERETO AGREE TO THE FOLLOWING:

- 1. Lease of Premises: The City hereby leases to the Lessee the following described tract of land located and situated in the West Half (W/2) of Section Twelve (12), Township Fourteen (14) South, Range Eighteen (18) West of the 6th Principal Meridian, Ellis County, Kansas, being the Hays Regional Airport, and more specifically described as follows:

A tract of land approximately 60' X 70' and referred to as G-9 of the Hays Municipal Airport Plat on record in the Office of the City Manager of Hays, Kansas.

- 2. Amount of Rental. City shall have the authority to modify said lease payment upon giving written notice at least thirty (30) days in advance of the beginning of any lease period.
- 3. Duration of Lease. This lease will expire on February 7, 2014. This lease shall be automatically extended for 40 years, unless either party notifies the other in writing at least sixty (60) days prior to termination of the lease that they desire to renegotiate or terminate the agreement. All notices shall be given to the other party at the address listed herein. If such notice to the Lessee shall be returned by the United States Post Office Department, notice shall be given by posting on the Hangar door.

4. The Lessee agrees to conform to all plumbing codes, electrical codes, building codes and other City ordinances in the operation of said hangar. The Lessee further agrees to conform to the Minimum Standards and Rules and Regulations as currently written, amended or added and approved by the City Commission.
5. Limitation of Operation. It is understood that the hangar for which this agreement is written shall be used solely for the storage of airworthy aircraft owned or leased by the Lessee, together with necessary aircraft ground handling equipment associated with registered aircraft. As provided by Section 8-24 of the Code of Ordinances, the Lessee shall be required to purchase a permit to conduct any business from or use hangar for storage of commercial aircraft or equipment in said hangar. The City retains the right to inspect the hangar at any time. ***Storage of any other items must have the prior written approval of the Airport Manager.***
6. Sub-Lease of Hangar. The Lessee shall not assign, sublet, license or permit any other party to occupy any portion of Hangar without prior written approval of the City of Hays. (***See Attachment A***)
7. Lessee shall release the City from all liabilities associated with activities undertaken by it and to indemnify and hold harmless the City with respect to any claims or causes of action which may arise in regards to activities undertaken by it in the operation or storage of its aircraft pursuant to this Agreement.
8. Nothing herein shall relieve the Lessee of the obligation to pay rent during the term of this lease.
9. Sale or Removal of Building: At any time during the term of this lease, or at the termination thereof, the City is hereby given the first option to purchase said building at the best price obtainable therefore upon market in the manner following to-wit:

The Lessee shall give the City written notice of his desire to sell said hangar and shall also at this time notify the City, in writing, of the best offer obtainable upon the open market for said building, and thereupon, the City shall within four (4) weeks thereafter notify the Lessee in writing, of its acceptance or rejection of said building at the price offered. In the event that the City does not purchase said building, the Lessee shall, thereupon, be free to either sell said building to any other purchaser at the same price offered to the City if the City is also agreeable to leasing to the new owner or he shall be authorized to remove said building from said premises, PROVIDED HOWEVER, that such removal shall be done within ninety (90) days from the date of the City's rejection, as aforesaid.

10. City's Right to Develop: The City reserves the right to develop and improve publicly-owned property on the airport as it sees fit, regardless of the desires or views of the Lessee and without interference or hindrance.
11. Protection of Approaches: The City reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with

the right to prevent the Lessee from erecting or permitting to be erected, any building or other structure which, in the opinion of the City, would limit the usefulness of the airport or constitute a hazard to aircraft.

12. National Emergency: During time of war or national emergency, the City shall have the right to enter into an agreement with the United States Government for military or naval use of part or all of the landing area, the publicly-owned air navigation facilities and/or other areas or facilities of the airport. If any such agreement is executed with the government, the provisions of this agreement shall be suspended.
13. Subordination of Agreement: This agreement shall be subordinate to the provisions of any existing or future agreement between the City and the United States of America, relative to the operation of maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal Funds for the development of the airport.
14. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 of the Federal Aviation Act of 1958.
15. Nondiscrimination Assurance: The Lessee will not, on the grounds of race, color, or national origin, discriminate or permit discrimination against any person or group of persons in any manner prohibited by Part 21 of the Regulations of the Office of Secretary of Transportation. The City reserves the right to take such action as the United States Government may direct to enforce this covenant.
16. Assignment: This agreement shall be assignable by either party upon the prior written consent of the other and shall be binding upon the heirs, executors, assigns, devisees, legatees and successors in title to the parties hereto.
17. Covenants of Tenant. Tenant agrees to comply with the following restrictions and conditions in use of the Hangar.
  - a. Storage of gasoline, explosives or inflammables shall be prohibited in Hangar except as reasonably necessary for the conduct of the business activity for which the lease and hangar are intended, namely aircraft painting and refinishing, and provided that any such storage shall be safely done.
  - b. Tenant shall close the Hangar doors promptly after putting the Aircraft in or taking it out of the Hangar and coordinate the operation of the doors so as not to unduly or in an untimely fashion obstruct the access to adjacent Hangars.
  - c. Repairing or maintaining of aircraft or equipment in Hangars is limited as directed in FAA Part 143 Preventive Maintenance. Tenants performing aircraft maintenance with the potential for spills must have adequate absorbent materials onsite. (40 CFR Best Management Practices)
  - d. Tenant shall keep the Hangar clean and free of debris and shall not place or leave any debris on Airport property.

- e. Tenant shall not paint, remove, deface, modify, bend, drill, cut or otherwise alter or modify any part of the Hangar without the prior written permission of the Airport Manager.
- f. Tenant shall obey all rules, regulations, laws, ordinances and directives of any legally constituted authority, now in force or hereafter promulgated, with respect to the use of the Airport or the Hangar.
- g. Tenant shall not use the Hangar for social or other gatherings.
- h. Tenant shall not park or leave aircraft on the taxiway or vehicles on the pavement adjacent to the Hangar in a manner which unduly interferes with or obstructs access to adjacent Hangars, or interferes with snow removal operations. Vehicles used for transportation to or from airport will be parked inside the hangar when aircraft is out and removed when aircraft returns. The hangar shall not be used as a garage.
- i. Tenant shall perform only those specific types of preventive maintenance on aircraft owned or operated by it as permitted by Part 43 of the FAA Regulations or any amendments thereto.
- j. Tenant shall comply with all FAA, EPA, and City regulations regarding refueling of aircraft, including bonding and grounding of aircraft and using UL approved containers. Any significant fuel or chemical spill of more than 50 square inches shall be reported immediately to the Airport Manager. Spills in excess of ten feet in any direction or 50 square feet total coverage shall be reported to the Hays Fire Department.
- k. Washing of aircraft, equipment or vehicles is prohibited unless in compliance with EPA Guidelines.
- l. Tenant shall allow the City access to Hangar upon request.
- m. Tenant shall keep area around building clear of obstacles(s) and debris to provide airport maintenance unhindered access for mowing or snow removal. Snow removal will clear paved area in front of aircraft door up to but not including the last three feet.
- n. Containers for the storage of oil or petroleum products with a capacity of 55 gallons or greater shall not be stored in a hangar without the prior written permission of the Airport Manager.

18. Obligation of the City. The sole obligations of the City hereunder shall be to:

- a. Provide access to Hangar, public taxiways, ramps and runways.

I have read and understand the foregoing and agree to be bound thereby. I will notify the City or its representative of any changes in my address or aircraft ownership.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF HAYS

By \_\_\_\_\_

City Manager  
1507 Main Street  
Hays, Kansas 67601

\_\_\_\_\_

Lessee

\_\_\_\_\_

Address

\_\_\_\_\_

Phone



# **Insurance Planning**

I N C O R P O R A T E D

3006 Broadway Avenue  
P.O. Box 100  
Hays, KS 67601  
785.625.5605  
Fax 785.625.8388

To Whom It May Concern:

Rex Chambers contacted Insurance Planning, Inc., on January 10<sup>th</sup>, 2013 to apply for Liability, Hangarkeepers and Business Automobile coverages. The applicant's name is Aces High Aircraft Paint, LLC located at Unit G9, Hays Municipal Airport. Coverage placement date is anticipated to be February 1<sup>st</sup>, 2013.

Respectfully Submitted,

Dale Chaffin



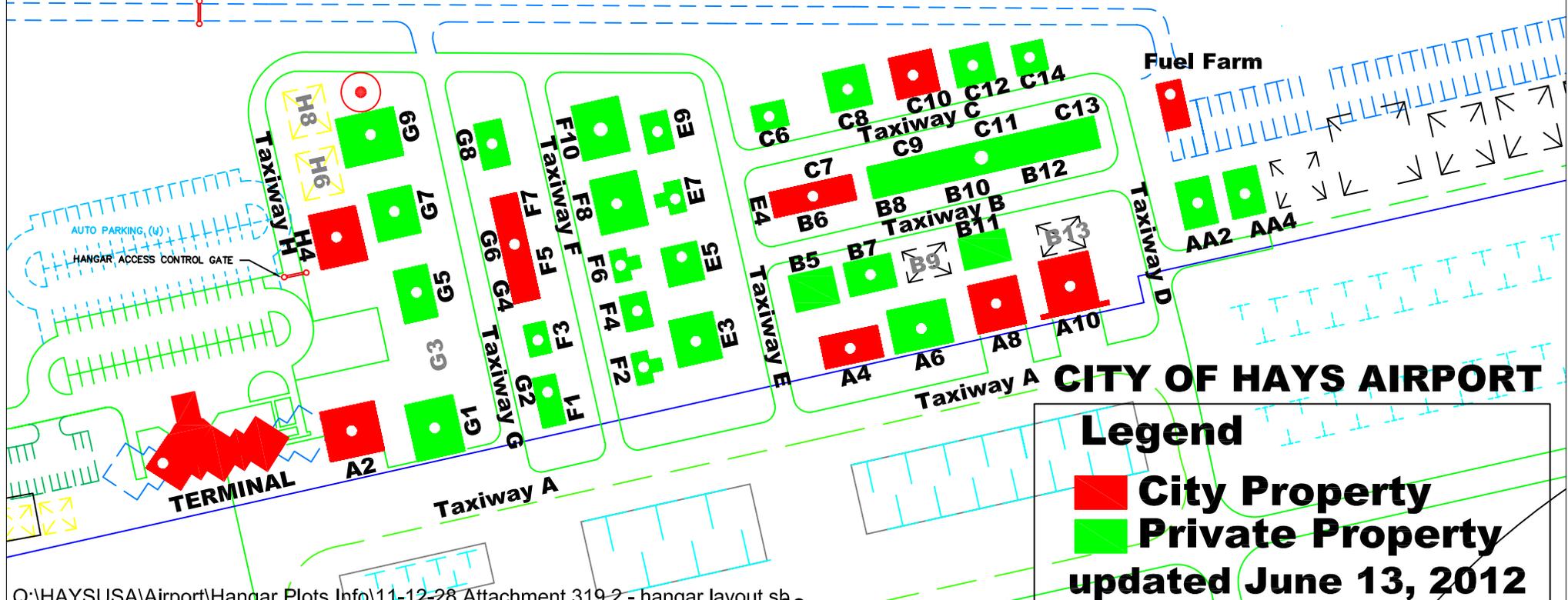
Hays - Great Bend - Russell  
[www.insurance-planning.com](http://www.insurance-planning.com)



HAYS REGIONAL AIRPORT HANGER RENTALS			
HANGAR	Hangar # prior to Oct 2011	OWNER / RENTER	SIZE
A2	A2	City of Hays /Hays Aircraft	70x62
A4	A4	City of Hays /Maintenance Building	75x40
A6	A6	Ballard Aviation – Eagle Med	75x55
A8	A8	City of Hays /Kansas Highway Patrol	60x60
A10	A10	City of Hays /Hays Aircraft	60x70
AA2	AA2	Big Creek Aviation, LLC – Jeff Curtis	42x60
AA4	AA4	Edmund S. Moore	42x60
B5	B5	Low Mach Aero, LLC - John Pokorny	60x45
B6	B14	City of Hays / Danny Dinkel	32x106
B7	B7	RANS Company	60x40
B8		Jed Simpson	1654 sf
B10		Daniel Stecklein	1418 sf
B11	B11	Rick Chambers	60x40
B12		HRM Enterprises/Bill Robben	1418 sf
C6	C12	Gary Shorman	42x32
C7	C13	City of Hays /Orville Moore	903 sf
C8	C10	Daniel Stecklein	50x51
C9		Greg Simpson	1418 sf
C10	C8	City of Hays / Dr. Carl Newman	50x50
C11		Daniel Stecklein	1418 sf
C12	C6	Kenneth Holle	40x28
C13		Daniel Stecklein	1654 sf
C14	C4	Lyle Noordhoek	45x32

HAYS REGIONAL AIRPORT HANGER RENTALS			
HANGAR	Hangar # prior to Oct 2011	OWNER / RENTER	SIZE
E3	E3	RANS Company	60x51
E4		Old City Maintenance Shop/Leased to FBO	
E5	E5	Simpson Equipment	50x41
E7	E7	Diehl Oil, Inc /Glen Diehl	50x34
E9	E9	Harvey Moore	45x35
F1	F1	John F. McCabe	78x30
F2	F2	Arden and Gilbert Kobler	42x30
F3	F3	Robert Dopita	40x30
F4	F4	Glen Teel	40x32
F5	F5 SW	City of Hays/OneOK	134x36
F6	F6	Alvin J. Werth	40x32
F7	F5 SE	City of Hays/Dr. Schultz	1206 sf
F8	F8	Glen Teel	50x40
F10		Simpson Equipment	45x88
G1	G1	RANS Company	70x60
G2	F1	See F1	-
G4	F5 NW	City of Hays/Simpson Farm	1206 sf
G5	G5	Rome Corporation	65x40
G6	F5 NE	City of Hays/Dr. Eddy	1206 sf
G7	G7	Thin Air, Inc. / Lyle Noordhoek	60x50
G8	G8	Steve & Carol Pfeifer	52x32
G9	G9	Steve & Carol Pfeifer	60x70
H4	H4	City of Hays /Hays Aircraft	70x60

HANGAR ACCESS CONTROL GATE (U)



**CITY OF HAYS AIRPORT**

**Legend**

- City Property
- Private Property

**updated June 13, 2012**

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 9

MEETING DATE: 2-14-13

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**TOPIC:**

Sand Filter Building and the Main Control Building Roofs at the Wastewater Treatment Plant

**ACTION REQUESTED:**

Authorize the City Manager to enter into a contract with Roofmasters Roofing for \$50,100 to replace the Sand Filter Building and Main Control Building roofs at the Wastewater Plant.

**NARRATIVE:**

In the 2012 Water/Sewer Capital Improvement Plan \$65,500 is budgeted to replace the Sand Filter Building Roof due to its age and weathering. During the bidding process it was discovered that emergency roof repairs to the Main Control Building were necessary. Roofmasters Roofing provided the lowest received bid and negotiated services to provide a roof for the second facility. The combined cost for the Sand Filter Building and the Main Control Building were under the budgeted amount. Staff recommends entering into a contract with Roofmasters Roofing for \$50,100 to replace the Sand Filter Building Roof and the Main Control Building Roof at the Wastewater Plant.

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

Toby Dougherty, City Manager  
Bernie Kitten, Director of Utilities

**ADMINISTRATION RECOMMENDATION:**

Staff recommends acceptance of the bid from Roofmasters Roofing for \$50,100 for replacement of the Sand Filter Building and Main Control Building roofs at the Wastewater Plant.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff Memo  
Bid Tabulation Table  
Aerial Photo of Sand Filter Building and Main Control Building

# Commission Work Session Agenda

## Memo

**From:** Roger Moerke, Supt. of Utilities Wastewater

**Work Session:** February 5, 2013

**Subject:** Replace the Sand Filter Building and the Main Control Building Roofs at the Wastewater Treatment Plant

**Person(s)** Toby Dougherty, City Manager  
**Responsible:** Bernie Kitten, Director of Utilities

### Summary

In the 2012 Water/Sewer Capital Improvement Plan \$65,500 is budgeted to replace the Sand Filter Building Roof. During the bidding process it was discovered that emergency roof repairs to the Main Control Building were necessary. Roof masters Roofing provided the lowest received bid and negotiated services to provide a roof for the second facility. The combined cost for the Sand Filter Building and the Main Control Building were under the budgeted amount. Staff recommends entering into a contract with Roof masters Roofing for \$50,100 to replace the Sand Filter Building Roof and the Main Control Building Roof at the Wastewater Plant.

### Background

The Sand Filter Building membrane roof was installed in 1993 during the plant expansion. The roof is in need of repair due to its age and weathering. Replacing the roof will help protect the SCADA controls, and essential equipment housed within this facility. A request for bids was published and opened December 19, 2012.

During this process the Main Control Building roof was discovered to have extensive leaks caused from a late 2012 rain/snow storm. This roof was originally installed in 1967 and protects SCADA communication equipment, motor control center with breakers for critical sewer pumps, electric ceiling heaters and auxiliary equipment.

### Discussion

On December 19, 2012, two bids were received.

Roof masters Roofing	\$32,000
High Plains Roofing	\$63,840 *Corrected to \$40,650 (see below)

Since there was a significant difference in bid price, High Plains Roofing was contacted. High Plains Roofing bid the Sand Filter Roof and additional facilities. High Plains

Roofing resubmitted a corrected bid for the Sand Filter at \$40,650 which was still over the submitted bid of Roof masters Roofing.

Due to the urgent need for emergency repairs of the Main Control Building staff negotiated with the lowest bid of the Sand filter roof a price for replacement. Roof masters Roofing submitted a cost of \$18,100 for this facility. The combined total for both Sand Filter and Main Control Building roof replacement from Roof masters Roofing is \$50,100. As a secondary request High Plains gave a total bid of \$54,150.

### **Legal Consideration**

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

### **Financial Consideration**

In 2012 \$65,500 was budgeted in the Water/Sewer Capital Plan for replacing the Sand Filter Building Roof. The total bid price for replacing the Sand Filter Building and Main Control Building roofs from Roof masters Roofing was \$50,100. These funds were encumbered and available.

### **Options**

The Commission has the following options:

Option 1: Authorize the City Manager to approve the bid from Roof masters Roofing for \$50,100 for replacement of the Sand Filter Building and Main Control Building roofs at the Wastewater Plant.

Option 2: Authorize the City Manager to approve the bid from Roof masters Roofing for \$32,000 for replacement of only the Sand Filter Building Roof.

Option 3: Provide alternate direction to staff.

Option 4: Do nothing.

### **Recommendation**

Staff recommends acceptance of the bid from Roof masters Roofing for \$50,100 for replacement of the Sand Filter Building and Main Control Building roofs at the Wastewater Plant.

### **Action Requested**

Approve the City Manager enter into a contract with Roof masters Roofing for \$50,100 to replace the Sand Filter Building and Main Control Building roofs at the Wastewater Plant.

### **Supporting Documentation**

Bid Tabulation Table

Aerial Photo of Sand Filter Building and Main Control Building

## **Bid Tabulations for Sand Filter Building Roof and Main Control Building Roof**

### Sand Filter Building Roof Bids Original

High Plains Roofing	\$40,650.00
Roof masters Roofing	\$32,000.00

### Main Control Building Roof Bid

High Plains Roofing (Take 3 layers off)	\$13,500.00
Roof masters Roofing (Take down to original roof)	\$18,100.00

### Total Bid Price for both Buildings

High Plains Roofing	\$54,150.00
Roof masters Roofing	\$50,100.00

Control Bldg



GENERAL CUSTER RD

Sand Filter Bldg





# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 10

MEETING DATE: 2-14-13

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**TOPIC:**

Supervisory Control and Data Acquisition (SCADA) for the Wastewater Treatment Plant

**ACTION REQUESTED:**

Authorize the City Manager to approve the quote from R.E. Pedrotti Company in the amount of \$74,635 for installation of SCADA equipment at the Wastewater Treatment Plant and approve R.E. Pedrotti Company as the sole source vendor for SCADA Equipment.

**NARRATIVE:**

Upgrade the current SCADA system at the wastewater plant to include modifications to the Blower Building Control System, the Reclaimed Water System, the Plant Effluent Ammonia Analyzer and the Chlorine and Sulfur Dioxide Feed System. This will allow the Wastewater Treatment Plant to continue to stay in compliance with our NPDES permit and also save on electrical costs and overtime by eliminating operators having to perform a plant check every night. R.E. Pedrotti Company submitted a quote in the amount of \$74,635 for installation of SCADA equipment. \$90,000 was budgeted in the 2013 Water/Sewer Capital Plan Budget. Staff recommends we proceed with installing the proper SCADA equipment for the Wastewater Plant in the amount of \$74,635 from R. E. Pedrotti Company.

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

Toby Dougherty, City Manager  
Bernie Kitten, Director of Utilities

**ADMINISTRATION RECOMMENDATION:**

Staff recommends we proceed with installing the proper SCADA equipment for the Wastewater Plant in the amount of \$74,635 from R. E. Pedrotti Company and request R.E. Pedrotti Company as the sole source vendor for SCADA.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff Memos  
Aerial Photo of buildings for SCADA installation

# Commission Work Session Agenda

## Memo

**From:** Roger Moerke, Supt. of Utilities Wastewater

**Work Session:** February 5, 2013

**Subject:** SCADA for the Wastewater Plant

**Person(s)** Toby Dougherty, City Manager

**Responsible:** Bernie Kitten, Director of Utilities

### Summary

To fully maximize Wastewater Treatment Plant operations and adequately monitor state approved changes an upgrade to the current SCADA system is requested. By upgrading the SCADA system, it will allow the Wastewater Treatment Plant to continue to stay in compliance with the city's National Pollutant Discharge Elimination System (NPDES) permit and also save on electrical costs as well as overtime by eliminating operators having to perform a plant check every night.

Staff is recommending R.E. Pedrotti Company for SCADA upgrades to the Wastewater Treatment Plant at \$74,635.

### Background

The Wastewater Plant has minimal SCADA control at this time that electronically monitors sections of the plant. Recently, the Wastewater Superintendent made a shift change that no longer required operators to work night shifts. This allowed all operators to work during the day and maximize man power. However an operator still comes in for an hour each night to provide a plant check. Upgrading the SCADA system will eliminate the need for the operator to perform night check and reduce emergency call-outs which will save overtime costs.

Just as important this project improves the process control and information acquisition which reduces the chance of upsets to the system an ultimately discharge. This is important in monitoring the new nitrate and phosphorus removal requirement imposed by KDHE.

### Discussion

The following list is the equipment or system that would be upgraded to SCADA.

- Blower Building Control System: This change is needed to reduce our nutrient discharge KDHE is requesting. The blowers provide air to the aeration basins which is the heart of the biological process. The upgrade will give better air control and reduce electrical consumption.
- Reclaimed Water Systems: Since the current shift change to day shift operation, there needs to be a constant monitor on the chlorine residuals at the reuse basins which include the ability to make adjustments to the chlorine feed system automatically when the plant is not manned. This is part of our NPDES requirement to meet a specified level of chlorine in our reuse water.
- Plant Effluent Ammonia Analyzer: SCADA will track ammonia levels in the discharge water. This is also part of the NPDES permit requirements.
- Chlorine & Sulfur Dioxide Feed Systems: The NPDES permit requires a reading of zero (0) for chlorine residual in our effluent water. Currently operators are running tests, making adjustments to meet requirements.

### **Legal Consideration**

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

### **Financial Consideration**

In the 2013 budget, \$90,000 has been budgeted in the Water/Sewer Capital Plan for the SCADA upgrade at the Wastewater Plant. Staff received a quote from R.E. Pedrotti Company for a total of \$74,635 to install necessary equipment. R.E. Pedrotti Company has been the city's SCADA provider since 1993. They are currently the approved sole source for SCADA repair/replacement of exiting SCADA hardware and software for both our Water Plant and our Wastewater Plant. They are competitive financially with other SCADA providers. They have a history of good service with Hays and other cities they service. Also, for a seamless upgrade, we will minimize integration problems since Pedrotti already manages our exiting SCADA. For these reasons, we recommend them as sole source for this project.

### **Options**

The Commission has the following options:

Option 1: Authorize the City Manager to approve an agreement with R.E. Pedrotti Company in the amount of \$74,635 and accept them as sole source.

Option 2: Provide alternate direction to staff.

Option 3: Do nothing.

### **Recommendation**

Staff recommends installing the proper SCADA equipment for the Wastewater Plant in the amount of \$74,635 from R. E. Pedrotti Company.

### **Action Requested**

Consider authorizing the City Manager to approve the quote from R.E. Pedrotti Company in the amount of \$74,635 and accept R.E. Pedrotti as the sole source vendor for SCADA.

### **Supporting Documentation**

Staff Memo

Aerial Photo of Buildings for SCADA installation

# Memo

To: Bernie Kitten, Utilities Director  
From: Kyle Sulzman, Assistant Utilities Director  
**CC:** Roger Moerke, Superintendent of Wastewater  
Date: 1/30/2013  
Re: Supervisory Control and Data Acquisition (SCADA) for the Wastewater Plant

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The City of Hays has set aside \$90,000 for the Wastewater plant in 2013 Water/Sewer Capital Plan.

This memo is to address the SCADA system for the Wastewater Plant. The Wastewater Plant has minimal SCADA control at this time. The Wastewater Superintendent is making a schedule change from one operator having to work a night shift to all the operators working during the day and having to come in to do a plant check every night. The system installed will allow the operators not to have to do a plant check at 10 PM every night, saving on overtime. The upgrades will also help with the nutrient removal that KDHE is monitoring for the wastewater effluent.

I am recommending we proceed with getting the SCADA system installed at the Wastewater Plant. R.E. Pedrotti Company has been the city's SCADA provider since 1993 and is the sole source vendor for the Water and Wastewater equipment. Utilities Staff has received a quote from R.E. Pedrotti of \$74,635 to install the proper equipment.

Blower Building Control system modifications	\$41,550
Reclaimed Water Systems modifications	\$9,750
Plant Effluent Ammonium Analyzer	\$11,885
Chlorine & Sulfur Dioxide feed systems	\$11,450

# SCADA IMPROVEMENTS

AERATION

REUSE

CHLORINE

AMMONIA

GENERAL CUSTER RD

## COMMISSION INFORMATIONAL MEMORANDUM

TO: City Commission  
FROM: Toby Dougherty, CPM  
City Manager  
DATE: February 7, 2013

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Attached are the following items:

1. The minutes of the December 11, 2012 meeting of the **Hays Public Library Board**.
2. The minutes of the December 17, 2012 meeting of the **Hays Area Planning Commission**.
3. The minutes of the December 20, 2012 meeting of the **Hays Housing Authority Board**.
4. The minutes of the January 7, 2013 meeting of the **Fort Hays Municipal Golf Course Advisory Board**.
5. The **Great Lakes On-Time Report** for January 2013.

If you have any questions regarding this information, please do not hesitate to contact me.

aw



Minutes from the Hays Public Library Board Meeting  
Tuesday, December 11, 2012

The meeting was called to order at 4:02 by Chairman Avry St. Peter. Others present were Ann Crowley, David Dunn, Judy Flax, Eric Norris and Kerri Sunley.

**Guests:** Ann Liston, Friends of the Library liason.

**Public Comment:** There was no public comment.

**Bills:** It was moved and seconded (J. Flax/A. Crowley) to approve the November bills for payment. Motion passed 5-0.

**Minutes:** It was moved and seconded (D. Dunn/K. Sunley) to approve the minutes from the November 13, 2012 meeting. Motion passed 5-0.

**Director's Report:**

- The year-end fund transfer authorization will be discussed under New Business.
- Hays Public Library Foundation meeting was very positive. They are going to meet again in March 2013.
- The January 2013 meeting date needs to be changed; will be discussed under New Business.
- There is a surplus in the payroll budget; Eric inquired about giving year-end bonuses to the employees. This will be discussed under New Business.
- The opening reception for the Charles M. Schultz display will be held on January 26, 2013 at 7 p.m. Invitations will be going out after the first of the year.
- The Friends of the Library are gearing up for their first Scholastic book fair.
- SIRSI update - the server/catalog system will be put out for bids in early 2013.
- Frost Fest was a great success. Scott Rader and many others worked very hard to make that happen.
- Eric discussed that there have been 2 incidences of theft in and around the library. These were handles swiftly and appropriately.

**Old Business:** There was no old business to discuss.

**New Business:**

**Yearly Fund Transfer Authorization:** Per K.S.A. 12-1258: "The library board of any public library is hereby authorized to direct a transfer annually from the general operating fund of such library not to exceed 10% of the amount of money credited to such fund to a capital improvement fund. All money credited to such fund shall be used by the library board for the purpose of improving, furnishing, equipping, remodeling or making additions in the library."

It was moved and seconded (D. Dunn/A. Crowley) to approve the yearly fund transfer authorization. Motion passed 5-0.

**Change January 2013 Meeting Date:** It was moved and seconded (J. Flax/K. Sunley) to change the date of the January 2013 library board meeting from January 15, 2013 to January 22, 2013. Motion passed 5-0.

**Year-End Bonuses for Employees:** After discussion, the board gave their approval to give all employees a year-end bonus.

**Board Open Discussion:**

- Judy mentioned that the main floor women's restroom is unusually warm. Eric said he would get that taken care of right away.
- Judy also mentioned her dismay that more board members did not attend the CKLS meeting and trustee training session.
- The Library's Christmas tree made of books is wonderful.

**Executive Session:** It was moved and seconded (D. Dunn/J. Flax) to go into executive session under KSA Supp. 75-4319(a) for personnel issues regarding the library director's year-end bonus for 2013. This session was not to exceed 15 minutes. This session included board members present. Motion passed 5-0. This session began at 5:03 p.m. The board came out of executive session at 5:12 p.m. with no action taken. At this time, Eric returned to the meeting, and the board disclosed to him the amount of his year-end bonus.

With no further business to discuss, the meeting adjourned at 5:13 p.m.

Respectfully Submitted

Kerri Sunley  
Secretary  
Hays Public Library Board

**HAYS AREA PLANNING COMMISSION  
CITY HALL IN COMMISSION CHAMBERS  
DECEMBER 17, 2012  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER:** The Hays Area Planning Commission met in regular session Monday, December 17, 2012 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Larry Gould declared that a quorum was present and called the meeting to order.

**Present:** Larry Gould Paul Phillips Emery Jennings Tom Denning  
Jim Fouts Lou Caplan Pam Rein

**Absent:** Terry Claycamp Jake Glover

City Staff: I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement and Administrative Secretary Linda K. Bixenman.

**2. MINUTES:** There were no additions or corrections to the minutes from the November 19, 2012 meeting that were approved by consensus.

**3. CITIZEN COMMENTS:** - None.

**4. CITY/COUNTY COMMISSION ACTION & PLANNING & DEVELOPMENT ISSUE UPDATES:** Jesse Rohr presented the updates from the City Commission meetings:

Housing Needs Assessment The City Commission appointed Jake Glover to the Housing Needs Assessment Study committee as a liaison for the Planning Commission based on their recommendation.

Others on the committee will be City Commissioner, Henry Schwaller, City Manager, Toby Dougherty, Assistant City Manager, Paul Briseno, Public Works Director, I.D. Creech, Superintendent of Planning, Inspection and Enforcement, Jesse Rohr, and Jana Jordon of the Convention and Visitors Bureau and Aaron White, Executive Director of the Ellis County Coalition of Economic Development. The meetings will begin in January, 2013. They plan to meet with the City Commission and Hays Area Planning Commission jointly in February, 2013.

**6. PUBLIC HEARING FOR A CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "R-1" SINGLE FAMILY DWELLING DISTRICT ON A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6<sup>TH</sup> P.M. - LOCATION IS INTERSECTION OF 27<sup>TH</sup> STREET AND ALTERNATE U.S. HIGHWAY 183 :** Jesse Rohr presented the above property on the overhead in the form of the proposed plat that defines the residential lots and incorporates the streets and green space. Property owners within 1,000 feet of the subject property were sent notification of the public hearing.

He explained the preliminary plat was approved by the Hays Area Planning Commission in November and the final plat is scheduled to go before the Planning Commission on January 21, 2013. The annexation and recommendation for the final plat and rezoning will go before the City Commission sometime after that.

Chairman Larry Gould explained that because of the Open Meetings Act by Kansas Law, the first part of the hearing would be the public hearing on this request. After the public hearing, it will be closed for the commission members to discuss the issues relative to this request to make a substantive motion for a recommendation to the City Commission.

He explained that the primary focus of this public hearing is to consider if this property is compatible for the residential uses and special uses of the "R-1" Single Family Zoning Classification. He explained that questions on the final plat would be discussed at a future meeting.

He explained that the reason he voted against the first request to rezone the property to "R-1" in October was because so many issues and concerns had been voiced at the public hearing. Since then the engineering design for the preliminary plat had been submitted addressing some of the concerns.

He asked for the applicant to come to the podium.

David Krien, Trustee for Lester and Gladys Confer Trust, owner, presented the above rezoning request. Larry Gould asked if there had been any changes to the site plan. Mr. Krien answered that no changes had been made to the site plan.

Pam Rein asked if there would be a road or bridge at Columbine and 30<sup>th</sup> Street. Jesse Rohr answered that it would be an engineered determination for the passage.

Jim Fouts asked if any decision had been finalized on the green space. Jesse Rohr answered that they have more discussions before the final plat comes forward.

Larry Gould asked if there was anyone in the audience opposed or in favor of the rezoning.

**Paul MacDonald**, 1711 W 27<sup>th</sup> St, came before the commission explaining that he is not opposed to the rezoning; although there are three major issues that need to be addressed; water runoff, how it will affect private water wells, how it will affect the traffic patterns in that area along 27<sup>th</sup> Street. He stated that the owner is doing a good job redefining some of the concerns.

He emphasized that since he has lived at the above address, there have been three rains that have met the 100 year flood plain determination. The water drains all different directions from the subject property to the western portion of his property and the corner of Pokorny's property at 27<sup>th</sup> Street. Part of the water drains west to the U.S. Alternate Highway 183 Bypass.

He asked about the status of 27<sup>th</sup> Street since he owns the side adjacent to his property and John Pokorny owns the other side that is adjacent to their property. He understands these concerns will have to be voiced at the meeting for the final plat and cannot be considered at the rezoning hearing.

He asked about the platting process. He had not received notification for the meeting for the discussion of the preliminary plat. Larry Gould and Jesse Rohr explained that notification is required for rezoning although is not required for the plat process other than an announcement of the meeting is published in the Hays Daily News. They explained he would still have a chance to bring forward his concerns when there is the meeting for the final plat on January 21, 2013.

**John Pokorny**, 2720 W 27<sup>th</sup> St, came before the commission explaining that he has the three same concerns as voiced by Paul MacDonald.

He asked if Mr. Krien was at the meeting for the discussion of the preliminary plat. It was answered that he was in attendance to present the preliminary plat.

He voiced concern that the nearby property owners were not sent notification of the meeting for the preliminary plat. He stated that "Even though notification is not legally required to consider a preliminary plat does not mean it is always right".

Larry Gould and Jesse Rohr explained that they would have the opportunity to attend the Planning Commission meeting for the final plat on January 21, 2013 for the recommendation to the governing body. They can also attend the City Commission meeting when the agenda goes before them. The notification of the meeting will published in the Hays Daily News.

He asked if that part of 27<sup>th</sup> Street adjacent to the property would be annexed along with the subject property since he and Mr. MacDonald have ownership of the road.

**I.D. Creech**, Director of Public Works, explained that 27<sup>th</sup> Street adjacent to the subject property would be part of the annexation discussion. Generally any street adjacent to an annexed property is included in the annexation. If the street is annexed into the city does not mean it is going to be improved.

He addressed the audience to let them know they could meet with City Staff to look at the status of this project or call the office for information. He gave them the number of 785-628-7350 to set up a time for a meeting.

Larry Gould pointed out that per the Kansas Open Meetings Act that the Hays Area Planning Commissioners would not be able to be part of this meeting.

**A member of the audience** stated that she was opposed to mixed uses and multi-family residential uses for this property as had been suggested at one of the previous meetings. She was in favor of the "R-1" zoning classification.

**Becky Pokorny**, 2720 W 27<sup>th</sup> Street, came before the commission asking if the area identified as green space would also be zoned "R-1". She asked who would be responsible to maintain it. She was concerned that area would be full of trash from the water bringing it all down to that area. She asked what would happen to the green space if it was not accepted by the City.

Jesse Rohr explained the requirements for dedicated green space or cash in lieu thereof with a new plat. He explained that discussion is continuing on the decision about the green space. The decision will come forward with the final plat.

The area noted as green space would be handled differently with this development; it serves as a purpose for drainage dedication for runoff detention. It would not be specific for a park improvement or park equipment.

Larry Gould noted the limited resources available to care for the city parks.

Pam Rein asked if a lot of water would collect in the retention area. Jesse Rohr explained that after a rain, the water would always be draining out slowly.

Larry Gould noted the importance of City Parks that enhance the life of the residents like central park in New York, where the City grew around it.

Larry Gould explained that the plat would be reviewed by the Utility Advisory Committee, City Staff, etc.

Paul Phillips suggested that those interested in the discussion from the meeting for the preliminary plat to ask City Staff for the minutes from that meeting.

Larry Gould asked for Staff Findings of Fact. Jesse Rohr presented the Staff Findings of Fact. It does meet the overall scheme of the current Comprehensive Plan adopted in August, 2012. The property is identified for low to medium density residential use and is compatible with the character of the surrounding properties, particularly to the north and east.

Larry Gould explained to the audience that they could locate the Comprehensive Plan with the future land use map and the definitions of the zoning districts in the Zoning and Subdivision Regulations on the city's web page or stop by the Public Works Planning Office for information.

Larry Gould closed the public hearing. He explained that the first motion would be to approve or disapprove Staff Findings of Fact and the second motion would be a substantive motion.

He entertained a motion of Staff Findings of Fact.

There was a motion by Lou Caplan with a second by Paul Phillips to approve Staff Findings of Fact.

Vote: Ayes Larry Gould Paul Phillips Emery Jennings Tom Denning  
Jim Fouts Lou Caplan Pam Rein

Larry Gould read the considerations the Planning Commission is to consider for the rezoning request.

There was a motion by Jim Fouts with a second by Pam Rein to recommend to the governing body to approve a change of zoning classification from "A-L" Agriculture to "R-1" Single Family Dwelling District on a tract of land in the West Half of the SW/4 of Section 29-T13S-R18W of the 6<sup>th</sup> P.M. based on the consideration it is in conformance with the Comprehensive Plan. – Location is Intersection of 27<sup>th</sup> Street and Alternate U. S. Highway 183 (Please see Legal on application).

Vote: Ayes Larry Gould Paul Phillips Tom Denning  
Jim Fouts Lou Caplan Pam Rein

Abstention: Emery Jennings

Paul Phillips asked if this changes the zoning for the adjacent 27<sup>th</sup> Street. Jesse Rohr answered that it was the standard process that the streets typically are the same zoning as the adjacent property.

Jesse Rohr explained to the audience that the final plat may possibly come before this commission on January 21, 2013. The rezoning request, annexation and final plat may possibly go forward to the governing body at a future date if they would like to attend.

The meeting was adjourned at 7:20 p.m.

Submitted by: Administrative Secretary,  
Planning, Inspection and Enforcement



**HAYS HOUSING AUTHORITY  
December 20, 2012 Minutes**

The Board of Commissioners of the Public Housing Authority of the City of Hays met in the Community Room for the monthly meeting Monday, December 20, 2012.

Commissioners Present: Sue Rouse, Chair  
Gloria Funk, Vice-Chair  
Daron Jamison  
Al Klaus

HHA Staff Present: Kathy Nelson, Executive Director

**MINUTES**

- Gloria Funk moved to approve the minutes of the November 26, 2012 meeting as presented, Al Klaus seconded the motion. All Commissioners voted "Aye" – motion carried.

**AGENDA**

There were no changes or additions to the agenda.

**SECTION 8 FINANCIALS**

- November 2012 Section 8 financial reports were presented to the Commissioners. Gloria Funk moved to accept the reports as presented, Al Klaus seconded the motion. All Commissioners voted "Aye" – motion carried. Housing assistance payments were made on behalf of 68 families for the month of December. One family will end participation December 31, 2012 and one new family may lease up in late December. Two other vouchers are outstanding.

**BILLS AND COMMUNICATIONS**

- November 2012 Public Housing financial reports were presented to the Commissioners. Daron Jamison moved to accept the reports as presented, Gloria Funk seconded the motion. All Commissioners voted "Aye" – motion carried.

**OLD BUSINESS**

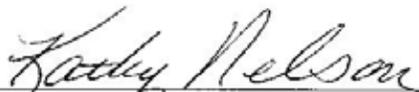
- **Capital Fund Program** – Commissioners were provided with spreadsheets for the 2010 and 2011 Capital Fund Grants.

**HAYS HOUSING AUTHORITY**  
**December 20, 2012 Minutes**

**NEW BUSINESS**

- There is still 1 open position on the board.
- **2013 Income Limits** – Commissioners were provided with a copy of HUD’s FFY 2013 Income Limits for Ellis County which were recently published. Income targeting regulations were also discussed. Regulations require that 40% of new admissions to Public Housing annually be from the 30% of Median category and that 75% of new admissions to the Section 8 program be from the 30% of Median category. Gloria Funk moved to approve resolution #2012-6 adopting the FFY 2013 Income Limits as published by HUD to be effective January 1, 2013, Al Klaus seconded the motion. All Commissioners voted “Aye” – motion carried.
- **2012 Public Housing Budget Revision** – Commissioners were provided with a copy of the 2012 Public Housing budget revision prepared by the Fee Accountant and a summary of the revisions with explanations for the changes. Minor revisions were made. Gloria Funk moved to adopt resolution #2012-7 approving the 2012 Public Housing budget revision, Daron Jamison seconded the motion. All Commissioners voted “Aye” – motion carried.
- **2013 Public Housing Budget** – Commissioners were provided with the 2013 Public Housing Operating Budget in the HUD format that was prepared by the Fee Accountant. At the September meeting Commissioners approved a preliminary budget for submission to the Fee Accountant including a three percent increase for staff. After discussion Daron Jamison moved to adopt Resolution #2012-8 approving the 2013 Public Housing Budget, Gloria Funk seconded the motion. All Commissioners voted “Aye” – motion carried.

Next meeting will be held Monday, January 28, 2013.

  
Kathy Nelson, Executive Director

  
Sue Rouse, Chairperson



**Fort Hays Municipal Golf Course  
Advisory Board Meeting  
January 7, 2013**

**In Attendance:**

Bill Bieker, President  
Karen Schueler, Secretary  
Doug Huston  
Ron Speier  
Jim Krob  
Ron Augustine, Men's Association  
Janet Schmidt, Ladies Association

Jeff Boyle, Director, Parks Department  
Travis Haines, Parks Superintendent (absent)  
Mike Cure, Golf Course Superintendent  
  
Bob Wilhelm, Historical Society (absent)  
Rich Guffey, ProShop Manager, Tournament Chair

Guest: Dan McMillan, FHGC member

The meeting was called to order at 5:30 pm by President Bill Bieker.

**1. Approval of the minutes from November 5, 2012, meeting:** Approved as written.

**2. Board membership:** current status - appointed members (3 year terms)

*Bill Bieker 07/01/15 (4<sup>th</sup> term)*

*Ron Speier, 07/01/13 (1<sup>st</sup> term)*

*Karen Schueler 07/01/15 (5<sup>th</sup> term)*

*Doug Huston 7/01/14 (4<sup>th</sup> term, non consecutive)*

*Jim Krob 07/01/14 (1<sup>st</sup> term)*

**3. Historical Fort Hays:** Bob Wilhelm; absent, no report

**4. Old Business:**

*Update on previous discussions regarding tournament fee increases for 2013:* Jeff reported that this subject was brought up at a planning meeting, and that the City of Hays is interested. He plans to discuss this more with Rich and the City, and look at various factors involved. The Advisory Board continues to support the need for marshals.

*Update on Pro-Shop Manager contract:* Jeff reported that the City of Hays approved a four-year contract extension. The course and operations will be evaluated in 2013 and 2014 in regards to the pro-shop, membership and such.

*Discuss 2014 2A High School Tournament request:* Jeff received some further information about this request including:

- Practice rounds at a reduced rate before the tournament: Rich said that the course needs to specify the number of days that practice rounds are allowed, and the time of day, which is usually later in the day.
- Sufficient rental carts available for coaches, spectators and officials: the Board suggested letting them know there are a specific number available, on a first come, first served basis.
- A meal served by the course, or by the Ellis High School golf association: Rich prefers to take care of the meal.
- A putting green, driving range and range balls: it was decided to let them know that the putting green is small, and there is no driving range with balls, but that there is a range available at Precision Valley Golf store.

The positive side is that it would bring attention to the Fort Hays golf course, as well as revenue to the community in regards to motels, restaurants, and shopping. Rich feels it is a worthy event to give a try. It would be included in the 2014 course evaluation. Jeff plans to find out a few more details.

Jim Krob brought up, once again, the issue of having a reduced fee for Juniors, and Rich is supportive of this. Jim reported the following from several other golf courses: Dodge City, 17 and under; Carey Park in Hutchinson, has a Junior fee; Emporia, ½ the regular fee on weekdays; Hesston, 17 and under, Monday-Friday; Eldorado, has a Student fee; Turkey Creek at McPherson accepts any student ID for a junior fee. Discussion included what to call it, and how to ring it up; should it be allowed on weekends, or only week days; and what age. The Advisory Board asked Rich to put together a summary of specifics for the next meeting on what a Junior fee would be at The Fort, so that an informed motion and vote can be made.

#### 5. New Business:

*Discussion on cart path trail fee fund balance and cart path needs:* Jeff stated there should be a significant amount of funds available this year, and that there are several cart paths in major need of repair. He would like to replace those in concrete. Mike wants curbs along the tee boxes. A motion was made by Doug Huston that the designated cart path funds be used for cart path repair and replacement as discussed. Jim Krob seconded, and it was unanimously approved.

#### 6. Pro-Shop report: Rich Guffey provided the following:

	Rounds Played	Year-to-Date Rounds Played	Green Fees	Total Green Fees for Year
December 2012	470	23,649		\$ 115,742.00
December 2011	31	22,990		\$ 102,732.00
December 2010	550	25,293		\$ 88,074.00

The pro shop will be open in January on a limited basis. Staff will check mail and messages, and reopen the beginning of February. He is working on the tournament and outing schedule for 2013, intending to have it ready for the next meeting. Rich asked if he should keep the Member-Guest tournament in June, and the group agreed. He is compiling a list of names for Marshals; anyone interested should contact Rich.

**7. Tournament report:** Nothing to report.

**8. Course report:** Mike's monthly report indicated that the greens and fairways are dormant. He plans to do some tree removal and trimming, and a lot of mulching of trees, particularly those growing in the native grass areas. This year he budgeted for new tee markers with The Fort logo on them, designed a little lower so that, hopefully, those won't be hit by drives off the tee box.

**9. Parks Department update:** Jeff Boyle: nothing to add that has not already been discussed.

**10. Women's Association report:** Inactive, no report.

**11. Men's Association report:** Inactive, no report.

#### Add-ons:

Jeff: covered several items from the previous year.

- The leaky score card box by #2 green will be replaced by a better sealed box.
- Not sure yet about fixing up the chemical shed; it needs to be torn down and replaced.
- Walking path by the cart sheds should be concrete, not gravel.
- Granite markers on #10 need to be moved because can't be seen well.
- A forward/red tee box might be added this spring on #1.

- The trees behind #8 need to be removed, rather than trimmed because they are unsightly. However, most players use those as a landmark when hitting from way down below. Jeff said a large tree of some kind can be brought in with the tree spade.
- The putting green will be enlarged this year.
- Enlarging the parking lot by the cart sheds is in the planning stage; no funds budgeted for that.

Adjourned: 7:00 pm.

*Submitted by Karen Schueler, Secretary*

*January 10, 2013*



Great Lakes Airlines On-Time Report

Jan-13	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Under 15 Min On-Time	15-44 Min Late	45-74 Min Late	75 -104 Min Late	105 Min Late or more	Canceled
Mon-Fri																																					
630	C	x	x	x			x	x	x	x	C			x	x	x	x	x			x	x	x	x	x			C	x	x	x	87%					13%
645	C	x	x	x			x	x	x	x	C			x	x	x	x	x			x	x	x	x	x			C	x	x	x	87%					13%
1016	x	x	L	L			x	x	L	L	L			L	L	C	x	x			x	x	x	x	x			C	L	L	x	52%	17%	13%	4%	4%	9%
1026	L	L	L	L			x	x	L	x	L			L	L	C	x	x			L	x	x	x	x			C	L	L	x	43%	17%	22%	4%	4%	9%
1311	x	x	x	L			L	x	x	C	C			L	x	x	x	x			x	x	x	x	x			x	x	x	x	78%	13%				9%
1321	x	x	x	L			L	x	x	C	C			L	x	x	x	x			x	x	x	x	x			x	L	x	x	74%	13%	4%			9%
1425	L	x	x	L			C	x	x	C	C			L	x	x	x	x			x	x	x	x	x			x	L	x	x	70%	17%				13%
1435	L	x	x	L			C	x	x	C	C			L	x	x	x	x			x	x	x	x	x			x	L	x	x	70%	17%				13%
1626	x	L	L	x			L	x	x	C	L			L	L	L	x	x			L	L	x	x	x			L	L	L	x	43%	35%	4%		13%	4%
1636	x	L	L	x			L	x	x	C	L			L	L	L	x	x			L	L	x	L	x			L	L	L	x	39%	30%	13%		13%	4%
2156	x	x	x	x			x	x	x	C	L			x	x	x	x	x			x	x	x	x	x			L	L	x	L	78%	4%	4%		9%	4%
2206	x	x	x	x			x	x	x	C	L			x	x	x	x	x			x	x	x	x	x			L	L	x	L	78%	4%	4%	4%	4%	4%
Saturday																																					
715				x								x									x											100%					
725				x								x									x											100%					
1250				x								x									x											100%					
1300				x								L									L											50%	50%				
1406				x								x									x											100%					
1416				x								x									x											100%					
1931				x								L									L											50%		50%			
1941				x								L									L											50%		50%			
Sunday																																					
845				x								x									x											100%					
855				x								x									x											100%					
1250				x								x									x											100%					
1300				x								x									x											100%					
1626				x								x									x											100%					
1636				x								x									x											100%					
2156				x								x									x											100%					
2206				x								x									x											100%					

Average 71% 12% 6% 1% 3% 7%

Total Flights - 340 242 41 19 3 11 24

Percentage of flights delayed or canceled 29%

No time logged =na  
Late=L  
On Time=x  
Canceled=C

On time means <= 15 minutes