

**CITY OF HAYS COMMISSION MEETING
THURSDAY, MAY 9, 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 April 25, 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).

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

5. **HAYS DOG PARK RESOLUTION OF INTENT:** Consider approving Resolution No. 2013-012 authorizing the Friends of the Hays Dog Park to develop a dog park in phases. (PAGE 9)
6. **AIRPORT SNOW BLOWER – FAA GRANT APPLICATION:** Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport. (PAGE 19)
7. **AIRPORT SNOW BLOWER – AWARD OF BID:** Consider accepting the low bid from Kodiak America, LLC for the purchase of a snow blower for the Hays Regional Airport, to be funded from the New Equipment Reserve fund, contingent upon FAA grant funding. (PAGE 39)
8. **LINING OF METAL STORM SEWER AWARD OF BID:** Consider approving a bid from Utility Solutions, LLC for storm sewer lining to be funded from the Stormwater Management Projects line item. (PAGE 43)
9. **ELIMINATION OF VARIOUS SCHOOL ZONES:** Consider approving Ordinance No. 3861 amending Section 62-109 of the Municipal Code and directing staff to remove related signage. (PAGE 53)
10. **SCHEDULING OF TEFRA PUBLIC HEARING FOR JUNE 13, 2013 – RETIREMENT OF HEALTH CARE FACILITY REVENUE BONDS, SERIES 2012-A:** Consider scheduling the TEFRA public hearing for June 13, 2013 for the retirement of Via Christi Health Care Facility Revenue Bonds, Series 2012-A. (PAGE 59)
11. **REPORT OF THE CITY MANAGER** (PAGE 63)

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 APRIL 25, 2013

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 25, 2013 at 6:30 p.m.

Roll Call: Present: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

Chairperson Steward 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 April 11, 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 \$229,781, which is a decrease of \$355 when compared to last year. Total year-to-date collections are \$765,708 and inception-to-date collections total \$10,691,557. General Fund month-to-date sales tax collections were \$561,055, down \$2,528 or -.45% as compared to last year. The six month running average on sales tax collections is down -.19%,

The Finance/City Clerks Office invested \$1,650,000 of maturing or renewing certificates with a weighted average interest rate of .32%. One certificate was renewed for a two year term therefore the rate while still low was a little better than usual. The portfolio of certificates of deposit on March 31, 2013 totaled \$52,300,000 with a weighted average interest rate of .24%. The total balance of the Money Market account on March 31, 2013 was \$1,000,000 with a

current yield of .20%. Total investments are up \$5,900,000 when compared to this time last year.

Henry Schwaller IV moved, Ron Mellick seconded, that the Financial Statement for the month of March 2013 be approved.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Henry Schwaller moved, Shaun Musil seconded that Resolution 2013-010, being a resolution adopting by reference the City of Hays City Commission Rules of Procedure and repealing all previous resolutions, motions and or actions in conflict therewith, be approved.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

UNFINISHED BUSINESS

6. NEWLY SEEDED LAWN PERMIT: The City's Newly Seeded Lawn Permit is in need of updating to make the program more reflective of the geographical climate and the City's water demands. The City of Hays prohibits outdoor watering, from the hours of noon to 7 p.m., between June 1st and September 30th of each year. Currently, residents wishing to seed or sod a lawn during this time, whether it be a cool season grass or a warm season grass, are able to obtain a permit from the City of Hays, at no charge, which allows them to water outdoors during the prohibited period while establishing the lawn. Staff proposed to make permits available for warm season grass plantings between June 1st and

August 1st and cool season grass plantings between August 25th and September 30th. The proposed fee for a cool season grass planting permit is \$100; no fee for a warm season grass planting. All permits will be issued on a weather-proof sign that is to be placed in the yard where the seeding or sodding is taking place.

Ron Mellick moved, Henry Schwaller IV seconded, that Ordinance No. 3860, being a ordinance amending Chapter 65 of the City of Hays, Kansas, Municipal Code, by modifying Article III, Division 1, Section 65-69, regarding water allotment and conservation, be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

NEW BUSINESS

7. DOG PARK PHASE 1 REQUEST: The Friends of the Hays Dog Park (FHDP) are requesting approval to complete construction of the dog park in a three (3) phased approach. The intent of this approach is to construct Phase 1 so people can see progress is being made and be able to use the park which in turn should increase interest in the dog park and increase the amount of donations coming in for the remainder of the park. Phase 1 of the dog park has a projected cost of \$32,845 and consists mainly of road improvements, parking lot, staging area and approximately 1.5 acres of fenced in area. Phase 2 and Phase 3 will simply be a continuation where the previous phase left off. The estimated total cost of all phases is \$108,800. Assuming the FHDP raises the necessary funds for Phase 1, the item will be brought back to the City Commission for approval.

Kim Perez, president of FHDP, commented that the group has submitted two grants and are working on three more grants as well as numerous fund

raisers. Many potential donors have indicated they will contribute when the dog park is closer to becoming a reality.

Henry Schwaller IV moved that Friends of the Hays Dog Park be allowed to build the dog park in three phases; the first phase consisting of improvements totaling approximately \$33,000. Funds must be raised by FHDP and the group must come back to the City for approval before any construction begins. Eber Phelps seconded the motion.

Commissioner Schwaller stated he has received a number of emails in favor of the project 2 to 1. There are misconceptions that the City may end up funding this project if not enough money is raised by the FHDP. This will not happen. He supports the group; they have done everything the Commission told them to do. They are willing to see this to completion and then operate it.

Commissioner Phelps stated that given some of the concerns, he wondered what safeguard the Commission could implement to prevent the City from becoming liable for the completion of the dog park.

City Attorney John Bird stated that a resolution could be drafted that lists the conditions for funding and operation of the dog park. This also create a record for future Commissions.

Commissioner Musil stated he has heard the same concerns about the group not raising the money they need and the City having to pick up the deficit. He agrees a resolution would help protect the City.

Parks Director Jeff Boyle stated that even if Phase 1 is the only phase that gets completed, it will look like a completed project. Everything that is needed for a dog park would be complete. The difference being that it would be a 1.5 acre dog park instead of a six-acre dog park.

Commissioner Mellick stated that when the group first approached the Commission in June of 2012, they had already raised \$8,600. At that time, they stated some big donors would contribute once the FHDP had found a location for the dog park. He is concerned that in the past 10 months the group has only raised \$7,900. He also is concerned about the big dogs and little dogs being in the same area and the problems that could result because of this. He

suggested a memorandum of agreement defining the responsibilities of each party.

Mrs. Perez stated she understands everyone's concern about the money. It took the group six months to prepare for fund raising; these are all lessons the group has learned as they go along. Not having more money raised is not a lack of commitment.

Chairperson Steward stated that neither a resolution nor memorandum of agreement addresses his concerns about finishing the project. It simply allows the City to wash its hands of the matter. His concern is that Phase 1 will be built and there is no obligation on anyone else to finish the remaining phases. He believes it is bad business and bad government to start a construction project when the financing is not arranged. He cannot support doing the project in phases.

Cheryl Duffy, Bunny Bowen, and Lexi Butler all spoke in favor of allowing the FHDP to construct the dog park in phases.

City Attorney John Bird suggested the group form a limited liability corporation or some other type of business entity.

Henry Schwaller IV amended his motion to include that a resolution be drafted that guides for the development of the Friends of the Hays Dog Park which specifies that it shall be done in three phases. The first phase will be for a 1 ½ acre park and the group will raise the necessary funding for that phase, receive bids, then come back to the Commission for approval. The group will not do any construction or work of any kind until it has raised the money and come back to the Commission for approval of all of the phases. If the group does not do so in the time and manner so specified it will forfeit its ability to complete the project and the City will make no monetary contribution towards construction of Phase 1, 2, or 3. Eber Phelps seconded the amended motion.

The Chairman called for the vote on the amendment to the motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

No: Kent Steward

The Chairman called for the vote on the amended motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

No: Kent Steward

8. BUILDING CONDEMNATION – FORT HAYS TRAILER PARK (618 East

5th): The property located at 618 East 5th, known as Fort Hays Trailer Park, has three abandoned mobile homes on site that meet the definition of unsafe structures that need to be remediated. The owner, Loren Heiser, has not taken steps to remediate the issues on the property. The conditions in which the homes are in continue to invite vandals and vagrants to the site, causing increasing amounts of damage. The current condition of the homes presents a severely blighted issue to the surrounding properties.

Loren Heiser appeared before the Commission to ask that one of the homes not be demolished or removed. He feels that he can make repairs to make the mobile home habitable in 30 days.

Ron Mellick moved, Shaun Musil seconded, that Resolution No. 2013-011, being a resolution authorizing the City of Hays or its designated agent to abate the dangerous structure(s) (Mobile Homes) located on the property at 618 East 5th, Hays, Kansas, be approved.

Planning, Inspection and Enforcement Superintendent Jesse Rohr stated that the City initially contacted Mr. Heiser last fall about these three homes. When no action was taken, official notification was given in February 2013.

The City Attorney pointed out that the City waits 10 days before it takes any action. If Mr. Heiser would contact staff within those 10 days and show proof

that he has a contractor ready to move the trailer within a reasonable amount of time, the City would work with him.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

9. PROGRESS REPORT: Assistant City Manager Paul Briseno presented a monthly report of various city-related activities and projects.

The Commissioners discussed the showerhead program and encouraged citizens to stop by the City Clerk's Office and view the assortment of showerheads available. One model is free and the other models are priced at \$5.

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

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Musil requested that the trails in Vineyard Park be marked a little bit better.

Commissioner Phelps commented that a lot of landscapers attended the Water Wise Program and he feels they will be the City's biggest advocates for water conservation.

Commissioner Schwaller stated he appreciates what everyone does to conserve water. Eighty-five to 90% of residents work very hard to save water inside their home and in their yard. At the last Commission meeting he advised people to not plant yards and trees. This is not a good year to plant trees or a new lawn. The area is still in a severe drought. Vegetable gardens are fine, just do it wisely and use drip irrigation.

The meeting was adjourned at 7:50 p.m.

Submitted by: _____

Doris Wing – City Clerk

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5

MEETING DATE: 5-9-13

TOPIC:

Hays Dog Park Resolution of Intent

ACTION REQUESTED:

Consider approving Resolution No. 2013-012 authorizing the Friends of the Hays Dog Park to develop a dog park in phases.

NARRATIVE:

The FHDP are requesting approval to complete construction of the dog park in a three-phased approach. The first phase will be for a 1.5 acre park at a cost of approximately \$33,000.00, with all funding for that phase to be achieved by Friends of the Hays Dog Park. When funding for the first phase is achieved, Friends of the Hays Dog Park may receive bids and present them to the Governing Body for approval. Friends of the Hays Dog Park may initiate no construction or work of any kind until funding is in place and the Governing Body has given approval for all phases. If Friends of the Hays Dog Park cannot comply with these requirements, it will forfeit its right to complete the project. The City of Hays will make no monetary contribution toward construction of the project, except those involved in providing the site and staff involvement.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Jeff Boyle, Director of Parks

ADMINISTRATION RECOMMENDATION:

City Staff recommends approval.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Resolution No. 2013-012
Staff Memo
Letter of Request from the Friends of the Hays Dog Park
Dog Park Location at Bickle-Schmidt Sports Complex
Dog Park Phased Overview
Dog Park Projections Sheet for Each Phase

RESOLUTION NO. 2013-012

**A RESOLUTION AUTHORIZING FRIENDS OF THE HAYS
DOG PARK TO DEVELOP A DOG PARK IN PHASES.**

WHEREAS, the Governing Body of the City of Hays, Kansas, directed preparing a resolution regarding development of a Dog Park for the City of Hays, Kansas, by Friends of the Hays Dog Park.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that Friends of the Hays Dog Park be authorized to develop a Dog Park in phases. The first phase will be for a 1.5 acre park at a cost of approximately \$33,000.00, with all funding for that phase to be achieved by Friends of the Hays Dog Park. When funding for the first phase is achieved, Friends of the Hays Dog Park may receive bids and present them to the Governing Body for approval. Friends of the Hays Dog Park may initiate no construction or work of any kind until funding is in place and the Governing Body has given approval for all phases. If Friends of the Hays Dog Park cannot comply with these requirements, it will forfeit its right to complete the project. The City of Hays will make no monetary contribution toward construction of the project, except those involved in providing the site and staff involvement.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 9th day of May, 2013.

KENT L. STEWARD
Mayor

RESOLUTION NO. 2013-012

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ATTEST:

DORIS WING
City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Jeff Boyle, Director of Parks

Work Session: April 18, 2013

Subject: Dog Park Phase 1 Request

Person(s) Responsible: Kim Perez, Friends of the Hays Dog Park
Jeff Boyle, Director of Parks

Summary

As per the attached letter, the Friends of the Hays Dog Park (FHDP) are requesting permission to complete construction of the dog park in a three (3) phased approach. Phase 1 of the project is projected to cost \$32,845.17. The FHDP is not asking the City for any funding for Phase 1. Their intent, noted within the attached request, is to construct Phase 1 so people can see progress is being made on the dog park which in turn should increase interest in the dog park and the amount of donation money coming in. City of Hays Staff will provide some of the labor for the construction of the dog park according to what our schedule will allow. Construction of the dog park by City Staff will not take priority over routine maintenance of existing facilities. The estimate for labor hours by City Staff for Phase 1 is 128 hours or \$1,664.00.

Background

At the June 28 2012 meeting the City Commission set aside a tract of land approximately six (6) acres in size for the Friends of the Hays Dog Park (FHDP) for construction of a dog park. The land is located east of the maintenance building at the Bickle-Schmidt Sports Complex. The dog park has a “small dogs” section consisting of approximately one (1) acre and a “large dogs” section consisting of approximately five (5) acres. The City Commission gave the FHDP two (2) years to begin construction of the dog park.

Discussion

The FHDP is requesting approval to complete construction of the dog park in a three (3) phased approach. According to the FHDP request, their intent of this approach is to construct Phase 1 so people can see progress is being made and be able to use the park which in turn should increase interest in the dog park and increase the amount of donations coming in for the remainder of the park. Phase 1 of the dog park has a projected cost of \$32,845.17 and consists mainly of road improvements, parking lot, staging area and approximately one acre of fenced in area which is known as the “small dogs” portion of the project (Attachment A). Phase 2 includes mostly fencing and is

known as the “large dogs” portion of the project. Phase 3 consists mainly of various amenities needed to complete the dog park such as shelters and additional benches. If Phase 1 is approved, both small and large dogs will be allowed to use the “small dogs” portion of the dog park. City Staff will be required to provide labor for a portion of the dog park construction in order for the estimates to be accurate. “Attachment B” outlines the expected city staff involvement. The FHDP were advised, if City Commission approves, that this labor can/will be provided when our schedule allows. In other words, routine park, pool, ball field and golf course maintenance will take priority as deemed necessary. Construction of the dog park in phases will not hinder or limit the construction of the project as a whole. After the completion of Phase 1, the additions of Phase 2 and Phase 3 will simply be a continuation where the previous phase left off. The total balance of the donations thus far is \$15,877.93. Below is a list of the proposed phases and the projected cost of each along with a total projected cost of all three (3) phases. The FHDP is not asking the City for any funding assistance at this time. All improvements to the dog park will be bid and managed by City Staff through completion of all three (3) phases.

- Phase 1- \$32,845.17
- Phase 2- \$42,269.00
- Phase 3- \$33,686.00
- **Total Cost- \$108,800.17**

Legal Consideration

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

Financial Consideration

The projected cost to complete Phase 1 of the proposal by the FHDP is \$32,845.17. To date FHDP has raised \$15,873. The FHDP are not asking the City for any funding assistance at this time. However, City Staff will provide labor for a portion of the Phase 1 construction of the dog park which consists of \$1,664 in 128 staff hours.

Options

This agenda item will be presented at the April 18, 2013 City Commission meeting for action. The City Commission has the following options:

- Option 1:** Grant permission to the FHDP to proceed with Phase 1 of the three (3) phase approach to constructing the dog park.
- Option 2:** Direct the FHDP to explore other options.
- Option 3:** Continue with current direction of the entire project constructed at once.
- Option 4:** Do nothing.

Recommendation

City Staff feels the phased approach is acceptable to move forward with in an effort to increase awareness and future support for phase 2 of the dog park as requested by the FHDP. The phased approach is acceptable because Phase 1 would be completed in a

manner that allows Phase 2 and Phase 3 to be completed without unnecessary or inefficient work.

Action Requested

The FHDP are requesting approval to complete the dog park in a phased approach beginning with Phase 1 which consists mainly of fencing, parking lot improvements, road improvements, staging area and water lines for the portion of the project known as the “small dogs” area.

Staff requests further guidance from City Commission on this request.

Supporting Documentation

- Letter of request from the Friends of the Hays Dog Park
- Dog Park Location at Bickle-Schmidt Sports Complex
- Dog Park Phased Overview
- Dog Park Projections sheet for each phase



March 25, 2013

Dear City Commissioners,

On behalf of the Friends of the Hays Dog Park (FHDP), I would like to formally thank you for supporting the dog park project. Your donation of the land allowed us to move forward in our efforts to make the community aware of the project and to begin our fundraising efforts. It was a much-appreciated vote of confidence in the idea, and your support has helped us to move forward.

We are working hard to raise the projected \$109,000 needed to build the park. Currently, we have raised \$16,500 through our fundraising efforts. To date we have had two fundraisers at Freddy's and two garage sales, and we are currently planning four additional fundraisers, one that we hope to be our signature event. We also have a grant-writing intern and have submitted one grant so far, with plans to submit several more. Starting this week, we begin our efforts to find big donors and sponsors for the park. And finally, we have partnered with the Heartland Community Foundation in our fundraising and fund management efforts.

My letter today is to request that the FHDP be permitted to build the dog park in phases. We have worked with Jeff Boyle to identify three phases for the completion of the park and request that we be able to begin building as soon as we have the money for each phase. We strongly feel a phased approach will help us with fundraising, but also will help people understand and appreciate the need for a dog park in Hays.

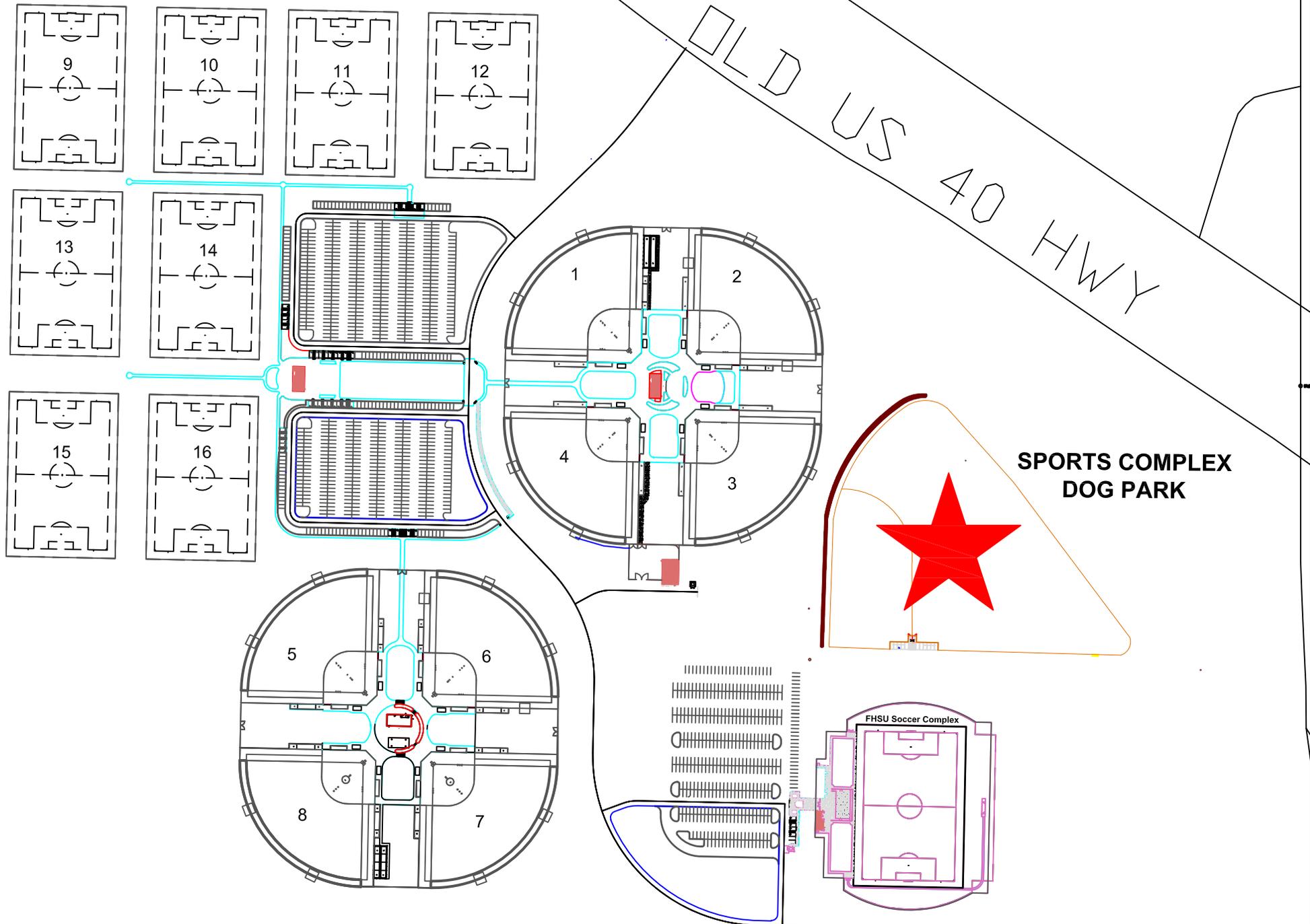
Sincerely,

Kim Perez

President, Friends of the Hays Dog Park

Blog: <http://friendsofthehaysdogpark.wordpress.com/>
Facebook: <https://www.facebook.com/groups/103442173090740/>

BICKLE-SCHMIDT SPORTS COMPLEX



Attachment A

SPORTS COMPLEX DOG PARK

LARGE DOGS
5 Acres

PHASE II

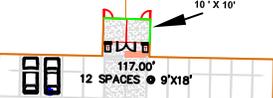
SMALL DOGS
1 1/2 Acres

PHASE I

Dirt Berm

Maintenance Gate

Maintenance Gate



DOG PARK PROJECTIONS

PHASE 1

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
One (1) acre fence	\$ 19,386.00	contractor
Parking lot material & grading	\$ 3,432.00	city to install
Staging area fence	\$ 1,750.00	contractor
Staging area concrete	\$ 789.00	city
Message center (one sided)	\$ 1,003.17	city
Picnic table	\$ 680.00	city put it together
Bench (1)	\$ 280.00	city to put in
Pet waste station	\$ 355.00	city to install
Dog/people water station	\$ 1,820.00	city to install
Concrete around water station	\$ 150.00	city to install
Water lines for dog stations	\$ 2,800.00	city to install
Signs	\$ 400.00	city to install
Total	\$ 32,845.17	

PHASE 2

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
Five (5) acre fence	\$ 38,304.00	contractor only
Picnic table	\$ 680.00	city to put together
Benches (2)	\$ 560.00	city to put in
Pet waste station	\$ 355.00	city to install
Dog/people water station	\$ 1,820.00	city to install
Concrete around water station	\$ 150.00	city to install
Signs	\$ 400.00	city to install
Total	\$ 42,269.00	

PHASE 3

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
Benches (5)	\$ 1,400.00	city
Pet waste stations (3)	\$ 1,065.00	city
Shelter (large dog) [30 x 15]	\$ 20,000.00	contractor
Shelter (small dog)	\$ 4,500.00	city
Shelter (large dog small shelter)	\$ 4,500.00	city
Concrete for 30 x 15 shelter	\$ 550.00	city
Concrete for two small shelters (108)	\$ 216.00	city
Trash cans (3)	\$ 1,455.00	city
Total	\$ 33,686.00	

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 5-9-13

TOPIC:

Airport Snow Blower – FAA Grant Application

ACTION REQUESTED:

Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport.

NARRATIVE:

The 2013 budget included funds for the purchase of a snow blower for the Hays Regional Airport. The snow blower is eligible for FAA Airport Improvement Program funding, which covers 90% of the cost. FAA requires actual bids prior to awarding a grant to cover the costs. Bids were received on April 24th, and the total cost of the snow blower including administration and acquisition is \$89,891, with the City's share being \$9,080. The City's Airport Engineer, Burns & McDonnell, has prepared a grant application to be submitted to FAA to fund 90% of the cost of the snow blower. Staff requests authorization to apply for federal assistance in paying for the snow blower.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

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

ADMINISTRATION RECOMMENDATION:

Staff recommends authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memorandum
Grant Application

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: May 2, 2013

Subject: Airport Snow Blower Acquisition

Person(s) I.D. Creech, Director of Public Works

Responsible: Toby Dougherty, City Manager

Summary

The 2013 budget included funds for the purchase of a snow blower for the Hays Regional Airport. The snow blower is eligible for FAA Airport Improvement Program funding, which covers 90% of eligible costs. FAA requires actual bids prior to awarding a grant to cover the costs. Bids were received on April 24th, and the total cost of the snow blower including administration and acquisition is \$89,891, with the City's share being \$9,080. The City's Airport Engineer, Burns & McDonnell, has prepared a grant application to be submitted to FAA to fund 90% of the cost of the snow blower. Staff requests authorization to apply for federal assistance in paying for the snow blower, and acceptance of the bid from Kodiak America contingent on FAA grant funding.

Background

As FAA requirements for snow removal continue to increase and reopening the runway quickly after a heavy snow becomes more important, the need for a large capacity snow blower is more pressing. Heavy snows this winter/spring emphasized that point. Currently, the 1985 snow blower used by Public Works to remove snow downtown and around schools is used on the airport as well. However, that machine does not have the power or capacity to adequately displace snow on the airfield. Plus having only one machine means that either the runway or downtown needs to wait until the other is finished. The new snow blower, financed primarily with federal funds will solve these problems.

Discussion

The City's Airport Engineer, Burns & McDonnell (BMcD), prepared bid documents for the snow blower and a grant application to be submitted to FAA to fund 90% of the eligible costs of the snow blower. A work authorization with BMcD was approved in October 2012.

FAA requires actual bids prior to awarding grant money for these types of acquisitions; therefore, bids were received from three (3) manufacturers on April 24th, with the low bid coming from Kodiak American, LLC of Burley, Idaho at a price of \$75,300, which is below the engineer's estimate of \$110,000. Delivery would be on or before November 1, 2013.

Award of bid would be contingent upon FAA awarding a grant to fund 90% of the eligible cost.

Legal Consideration

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

Financial Consideration

The 2013 Budget included \$14,500 from the New Equipment Reserve Fund to cover the City's share of this acquisition. Including administration/engineering and acquisition, the total cost of the project is \$89,891, with the City's share being \$9,080.00, which is below the budgeted amount of \$14,500.

The detailed breakout of costs included in the grant application is listed below:

Administration (eligible)	\$500
Engineering (eligible)	\$14,091
Equipment (eligible – snow blower)	\$75,200
Equipment (non-eligible - insurance)	\$100
Total	\$89,891
FAA Reimbursement (90% of eligible)	\$80,811
City Share (10% of eligible)	\$9,080

Options

Options include the following:

1. Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport, and accept the low bid from Kodiak America, LLC contingent upon FAA grant approval.
2. Provide alternate direction to City Staff.

Recommendation

Staff recommends authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport and accept the bid from Kodiak contingent upon FAA grant funding.

Action Requested

Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport, and accept the low bid from Kodiak

American, LCC contingent upon FAA grant offer. All to be funded from the New Equipment Reserve Fund.

Supporting Documentation

Grant Application

Bid Tabulation and Engineer's Recommendation

Application for Federal Assistance SF-424

*1. Type of Submission:		*2. Type of Application		* If Revision, select appropriate letter(s):
<input type="checkbox"/> Preapplication	<input checked="" type="checkbox"/> Application	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Continuation	*Other (Specify)
<input type="checkbox"/> Changed/Corrected Application	<input type="checkbox"/> Revision			_____

*3. Date Received:	4. Applicant Identifier: HYS
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5a. Federal Entity Identifier: 3-20-0028-029	*5b. Federal Award Identifier:
---	--------------------------------

State Use Only:

6. Date Received by State:	7. State Application Identifier:
----------------------------	----------------------------------

8. APPLICANT INFORMATION:

*a. Legal Name: City of Hays, Kansas

*b. Employer/Taxpayer Identification Number (EIN/TIN): 48-6011465	*c. Organizational DUNS: 039929120
--	---------------------------------------

d. Address:

*Street 1: City Hall

Street 2: 1507 Main Street, P.O. Box 490

*City: Hays

County: Ellis

*State: Kansas

Province: _____

*Country: United States

*Zip / Postal Code 67601

e. Organizational Unit:

Department Name: Airport	Division Name: Public Works Department
-----------------------------	---

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: I.D.

Middle Name: _____

*Last Name: Creech

Suffix: _____

Title: Director of Public Works

Organizational Affiliation:

*Telephone Number: 785-628-7350 Fax Number: 785-628-7352

*Email: idcreech@haysusa.com

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

12. Funding Opportunity Number:

Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Hays, Kansas at the Hays Regional Airport

***15. Descriptive Title of Applicant's Project:**

Procurement of Snow Removal Equipment Rotary Plow

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:
 *a. Applicant: KS-001 *b. Program/Project: KS-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
 *a. Start Date: May 1, 2013 *b. End Date: November 1, 2013

18. Estimated Funding (\$):

*a. Federal	_____	\$80,811.00
*b. Applicant	_____	\$9,080.00
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$89,891

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**
 Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
 ** I AGREE
 ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. _____ *First Name: I.D. _____
 Middle Name: _____
 *Last Name: Creech _____
 Suffix: _____

*Title: Director of Public Works

*Telephone Number: 785-628-7350 Fax Number: 785-628-7352

* Email: idcreech@haysusa.com

*Signature of Authorized Representative: _____ *Date Signed: _____

Application for Federal Assistance SF-424

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

Not Applicable

PART II

**PROJECT APPROVAL INFORMATION
SECTION A**

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes No

Name of Governing Body:
Priority:

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

Yes No

Name of Agency or Board:
(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

Yes No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

Yes No

Name of Approving Agency:

Date: / /

Item 5.

Is the proposal project covered by an approved comprehensive plan?

Yes No

Check one: State
Local
Regional

Location of Plan:

Item 6.

Will the assistance requested serve a Federal installation?

Yes No

Name of Federal Installation:
Federal Population benefiting from Project:

Item 7.

Will the assistance requested be on Federal land or installation?

Yes No

Name of Federal Installation:
Location of Federal Land:
Percent of Project:

Item 8.

Will the assistance requested have an impact or effect on the environment?

Yes No

See instruction for additional information to be provided

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Yes No

Number of:
Individuals:
Families:
Businesses:
Farms:

Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

Yes No

See instructions for additional information to be provided.

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Procurement of Snow Removal Equipment Rotary Plow project is an AIP eligible equipment project and is located within the limits of the Hays Regional Airport.

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None.

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

None.

4. Consistency with Local Plans. – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes.

5. Consideration of Local Interest - It has given fair consideration to the interest of communities in or near where the project may be located.

Yes.

6. Consultation with Users. In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport which project is proposed.

Yes.

7. Public Hearings. – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

This project is associated with an AIP approved project. As a result, no public hearings will be required.

8. Air and Water Quality Standards. – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

Not applicable.

PART II - SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

10. Land. – (a) The sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

AIRPORT PROPERTY ACQUISITION TABLE					
EXISTING AIRPORT PROPERTY					
TRACT	PROPERTY INTEREST	CURRENT PROPERTY OWNER/INTEREST	FEDERAL GRANT NUMBER	ACQUISITION DATE	ACREAGE
C	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-5801	November 18, 1957	309.98
A-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	October 4, 1966	28.35
A-2	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	October 4, 1966	12.27
A-3	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	July 15, 1966	0.80
B	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	June 11, 1988	0.284
C-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 12, 1988	2.32
D-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 12, 1988	4.271
F	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 15, 1987	51.284
O-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 23, 1986	39.93
O-3	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 20, 1988	0.368
U	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 20, 1988	7.911
T	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-*	November 6, 1992	73.381
H	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	June 29, 1999 (RE-RECORDED)	13.40
V	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 29, 1999	97.701
W	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 29, 1999	18.772
X	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 15, 2000	20.124
Y-1	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-17	April 24, 2008	2.160
Y-2	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-17	February 6, 2007	1.382
Z	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-02	N/A	22.841

* Tract T (44 Acres FAA Eligible) 18.4 Acres Encumbered AIP 3-20-0028-11, 25.6 Acres Encumbered AIP 3-20-0028-12

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

Not applicable for this project.

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A"

Not applicable for this project.

**State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.*

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

- 1. Federal Domestic Assistance Catalog No..... _____
- 2. Functional or Other Breakout _____

SECTION B -CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$500.00
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			\$14,091.00
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			\$75,300.00
13. Miscellaneous			
14. Total (Lines 1 through 13)			\$89,891.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			\$89,891.00
17. Less: Ineligible Exclusions			(\$100.00)
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			\$89,791.00
20. Federal Share requested of Line 19			\$80,811.00
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			\$80,811.00
23. Grantee share			\$9,080.00
24. Other shares			
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$89,891.00

PART IV
PROGRAM NARRATIVE
(Suggested Format)

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 2120-0569

PROJECT : Procurement of Snow Removal Equipment Rotary Plow

AIRPORT : Hays Regional Airport

1. Objective:

The rotary plow will be used for snow removal on primary runway, associated taxiways, and apron pavement.

2. Benefits Anticipated:

The purchase of the rotary plow will enhance safety during/after snowfall events and reduce airport closure times due to snowfall events.

3. Approach : *(See approved Scope of Work in Final Application)*

The procurement will adhere to the project manual requirements.

4. Geographic Location:

The equipment will be used and stored at the Hays Regional Airport located in Hays, Kansas.

5. If Applicable, Provide Additional Information:

Organizations participating in the project include: Sponsor – City of Hays, Kansas, Consultant – Burns & McDonnell Engineering Company, and Federal Agency – Federal Aviation Administration.

6. Sponsor's Representative: *(include address & telephone number)*

Mr. I.D. Creech, Director of Public Works

1507 Main Street, P.O. Box 490

Hays, Kansas 67601

785-628-7350

**U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION
 AIRPORT IMPROVEMENT PROGRAM
 SPONSOR CERTIFICATION
 DRUG-FREE WORKPLACE**

City of Hays, Kansas

Hays Regional Airport

3-20-0028-029

(Sponsor)

(Airport)

(Project Number)

Description of Work:

Procurement of Snow Removal Equipment Rotary Plow

Title 49, United States Code, section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within Federal grant programs are described in Title 49, Code of Federal Regulations, Part 29. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

	Yes	No	N/A
1. A statement has been or will be published notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. An ongoing drug-free awareness program has been or will be established to inform employees about:			
a. The dangers of drug abuse in the workplace;			
b. The sponsor's policy of maintaining a drug-free workplace;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Any available drug counseling, rehabilitation, and employee assistance programs; and			
d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.			
3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant, the employee will:			
a. Abide by the terms of the statement; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.			

- | | Yes | No | N/A |
|---|-------------------------------------|--------------------------|--------------------------|
| 5. The FAA will be notified in writing within ten calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of the employee, to the FAA. Notices shall include the project number of each affected grant. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. One of the following actions will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted: | | | |
| a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency. | | | |
| 7. A good faith effort will be made to continue to maintain a drug-free workplace through implementation of items 1 through 6 above. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I have prepared documentation shown below or attached hereto with site(s) for performance of work (street address, city, county, state, zip code). There are no such workplaces that are not identified below or in the attachment. I have prepared additional documentation for any above items marked "no" and attached it hereto. I certify that, for the project identified herein, responses to the forgoing items are accurate as marked and attachments are correct and complete.

	Location	Location	Location
Street Address:	1507 Main Street		
City:	Hays		
State:	Kansas		
Zip code:	67601		

City of Hays, Kansas

Name of Sponsor

Signature of Sponsor's Designated Official Representative

I.D. Creech

Type Name of Sponsor's Designated Official Representative

Director of Public Works

Typed Title of Sponsor's Designated Official Representative

Date of Signature

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
AIRPORT IMPROVEMENT PROGRAM
SPONSOR CERTIFICATION
EQUIPMENT/CONSTRUCTION CONTRACTS**

City of Hays, Kansas

(Sponsor)

Hays Regional Airport

(Airport)

3-20-0028-029

(Project Number)

Description of Work

Procurement of Snow Removal Equipment Rotary Plow

Title 49, United States Code (USC), section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General standards for equipment and construction contracts within Federal grant programs are described in Title 49, Code of Federal Regulations (CFR), Part 18.36. AIP standards are generally described in FAA Advisory Circular (AC) 150/5100-6, Labor Requirements for the Airport Improvement Program, AC 150/5100-15, Civil Rights Requirements for the Airport Improvement Program, and AC 150/5100-16, Airport Improvement Program Grant Assurance One--General Federal Requirements. Sponsors may use State and local procedures provided procurements conform to these Federal standards.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

	Yes	No	N/A
1. A code or standard of conduct is or will be in effect governing the performance of the sponsor's officers, employees, or agents in soliciting and awarding procurement contracts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Qualified personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The procurement was or will be publicly advertised using the competitive sealed bid method of procurement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The bid solicitation clearly and accurately describes or will describe:			
a. The current Federal wage rate determination for all construction projects, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. All other requirements of the equipment and/or services to be provided.			
5. Concurrence was or will be obtained from FAA prior to contract award under any of the following circumstances:			
a. Only one qualified person/firm submits a responsive bid,			
b. The contract is to be awarded to other than the lowest responsible bidder,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Life cycle costing is a factor in selecting the lowest responsive bidder, or			
d. Proposed contract prices are more than 10 percent over the sponsor's cost estimate.			

	Yes	No	N/A
6. All contracts exceeding \$100,000 require or will require the following provisions:			
a. A bid guarantee of 5 percent, a performance bond of 100 percent, and a payment bond of 100 percent;			
b. Conditions specifying administrative, contractual, and legal remedies, including contract termination, for those instances in which contractors violate or breach contract terms; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Compliance with applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 1857(h)), Section 508 of the Clean Water Act (33 USC 1368), and Executive Order 11738.			
7. All construction contracts contain or will contain provisions for:			
a. Compliance with the Copeland "Anti-Kick Back" Act, and			
b. Preference given in the employment of labor (except in executive, administrative, and supervisory positions) to honorably discharged Vietnam era veterans and disabled veterans.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. All construction contracts exceeding \$2,000 contain or will contain the following provisions:			
a. Compliance with the Davis-Bacon Act based on the current Federal wage rate determination; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Compliance with the Contract Work Hours and Safety Standards Act (40 USC 327-330), Sections 103 and 107.			
9. All construction contracts exceeding \$10,000 contain or will contain appropriate clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. All contracts and subcontracts contain or will contain clauses required from Title VI of the Civil Rights Act and 49 CFR 23 and 49 CFR 26 for Disadvantaged Business Enterprises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Appropriate checks have been or will be made to assure that contracts or subcontracts are not awarded to those individuals or firms suspended, debarred, or voluntarily excluded from doing business with any U.S. Department of Transportation (DOT) element and appearing on the DOT Unified List.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have prepared documentation attached hereto for any item marked "no" that is correct and complete.

City of Hays, Kansas

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

I.D. Creech

(Typed Name of Sponsor's Designated Official Representative)

Director of Public Works

(Typed Title of Sponsor's Designated Official Representative)

(Date)

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 5-9-13

TOPIC:

Airport Snow Blower – Award of Bid

ACTION REQUESTED:

Consider accepting the low bid from Kodiak America, LLC for the purchase of a snow blower for the Hays Regional Airport in the amount of \$75,300, to be funded from the New Equipment Reserve fund, contingent upon FAA grant funding.

NARRATIVE:

The 2013 budget included funds for the purchase of a snow blower for the Hays Regional Airport. The snow blower is eligible for FAA Airport Improvement Program funding, which covers 90% of the cost. Bids were received on April 24th, with the low bid coming from Kodiak America, LLC at a cost of \$75,300. The City's 10% share is \$7,620, which is less than the \$14,500 budgeted.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

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

ADMINISTRATION RECOMMENDATION:

Staff recommends accepting the low bid from Kodiak America, LLC in the amount of \$75,300, to be funded from the New Equipment Reserve fund, contingent upon FAA grant funding.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Bid Tabulation and Engineer's Recommendation

April 25, 2013

Mr. John Braun
 Assistant Director of Public Works
 1002 Vine St.
 Hays, Kansas 67601

Re: Procurement of Snow Removal Equipment Rotary Plow
 AIP NO. 3-20-0028-029
 City of Hays PN 2012-32
 Engineer's Recommendation to Award

Dear Mr. Braun:

Burns & McDonnell has tabulated and confirmed the bids received for the aforementioned project and dated April 24, 2013. The tabulation summary of bids is provided in Table A.

TABLE A

Bidder/Engineer	Base Bid
Burns & McDonnell (Engineer)	\$110,000.00
Kodiak America, LLC	\$75,300.00
Wausau Equipment Company, Inc.	\$79,454.00
R.P.M. Tech, Inc.	\$95,952.49

There were no discrepancies between the tabulated bid values and the submitted bid values of the Bidders. All proposals were signed by an officer of the company.

On April 25, a telephone interview was conducted with the Apparent Low Bidder, Kodiak America, LLC. This interview was performed for the purpose of reviewing their bid and confirming their understanding of project requirements. Kodiak America confirmed the following information:

1. Kodiak America is agreeable to the calendar days provided for in the contract. Subject to the City of Hays' receipt of a FAA grant, their intent is to deliver the rotary plow within 8 weeks of an executed contract agreement.
2. They do not have any concerns regarding the technical equipment requirements as described in the Project Manual.

The City may hold the Bids for a period up to 90 calendar days from the date of the bid opening to evaluate the proposals. Award of this project is contingent upon available funding and FAA approval. Based on the results of the tabulation of bids, review of the required bid documentation, and discussions with the Apparent Low Bidder, Burns & McDonnell recommends award to Kodiak America, LLC for the Base Bid tabulated amount of \$75,300.00.

Mr. John Braun
April 25, 2013
Page 2

We trust this information is sufficient for your purposes. If you should have any additional questions or comments regarding this information, please contact me at 816-823-7034.

Sincerely,



Jason Fuehne, P.E.

cc: D. Hadel, BMCD
S. Henderson, BMCD

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 8

MEETING DATE: 5-9-13

TOPIC:

Lining of Metal Storm Sewer – Award of Bid

ACTION REQUESTED:

Direct City staff to enter into a contract with Utility Solutions, LLC for storm sewer lining in the amount of \$175,735.50 to be funded from the Stormwater Management Projects line item.

NARRATIVE:

This project is continuing the efforts of the past two years to line deteriorated metal storm sewer pipe in Hays. This project will line 1459 linear feet of corrugate metal storm sewer pipe with a “spin-cast” cement product.

Despite being a smaller project than 2012, the bids received were generally a lower price.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

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

ADMINISTRATION RECOMMENDATION:

Approval

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memorandum

- Attachment 1: Spreadsheet showing bid tabulations.
- Attachment 2: Spreadsheet showing recommended award
- Attachment 3: Locations of bid items and selected alternates.

Commission Work Session Agenda

Memo

From: Nicholas Willis, Stormwater Superintendent

Work Session: May 2, 2013

Subject: Lining of Metal Storm Sewer Award of Bid

Person(s) Toby Dougherty, City Manager

Responsible: I.D. Creech, Director of Public Works

Summary

Staff is asking Commissioners to award \$175,735.50 for storm sewer lining in 2013 to Utility Solutions, LLC of Basehor, KS. The suggested award totals 1459 linear feet of existing corrugated metal storm sewer pipe. This is about 0.9% of the total feet of storm sewer pipe in Hays. This is a budgeted project to be paid for by Stormwater Utility funds.

The proposed award consists of a base bid comprising storm sewer pipes along Oak Street from 17th Street to just north of 18th Street and lining of the storm sewer system near 22nd Street and Farley Place. Alternates suggested for award include pipe near the Montgomery Ditch bridges on 6th and 7th Streets and a short section of pipe at 13th and Oak that was unable to be lined in an earlier project, but should now be able to be lined as changes in installation practices have allowed for the lining of smaller diameter pipes and lining through pipe bends.

Construction should start relatively soon and be completed before year's end.

Background

Significant expenditures have been incurred since 2011 replacement and lining of storm sewer pipe. In 2011, a storm sewer lining project was begun in an attempt to reduce the number of emergency repairs necessary. This project is an extension of previous work.

Discussion

The spin-cast concrete lining in this project will not reduce the flowrates through the pipes. The city's experience in previous years showed that there was minimal disturbance during installation, when compared to dig and replace methods. At the end of a working day, there is very little above-ground sign that a contractor was working.

This contract requires construction to be completed before December 31, 2013. Since there are no open trenches or similar construction site hazards, this allows for maximum contractor flexibility and thus lowers costs.

The prices received are very good and are generally slightly lower than last year's larger project. Prices for larger diameter pipe are just shy of 3% lower than last year at \$168.00 per linear foot. For comparison purposes, the contract to replace the storm sewer under 12th Street was \$497 per linear foot. Prices for the smaller diameter (18" and 24") are basically unchanged from last year's project.

This award is most likely under the yearly amount needed to maintain the existing system. Rehabilitation of 0.9% of the system places the city on a 111 year replacement or rehabilitation schedule. Reinforced concrete pipe and HDPE, at their most optimistic projections, have a 100 year service life. After this project is completed, there is approximately 7100 linear feet of corrugated metal pipe considered "high" and "medium" priority that will have yet to be lined. This project will serve to reduce the chances of pipe failure in town, but is not comprehensive enough to make up for long-deferred maintenance and replacement.

Utility Solutions, LLC is a different contractor than previous years. They will use the same technology, spin-cast concrete, however, a different concrete manufacturer, with very similar physical properties, is proposed to be used. Staff has limited experience with this contractor through demonstration projects and has been satisfied. They have hired the onsite foreman who worked for Blue Nile last year, so their employees should have adequate experience to complete this job.

The proposed concrete product has changed from last year. The product "Silatec MSM Microsilica Mortar" manufactured by A.W. Cook Cement Products of Hoschton, GA is proposed for this year's project. Staff had a small demonstration of this product earlier this year and was pleased with the results.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by city staff.

Financial Consideration

Staff is again pleased with the construction costs for this project. It was believed unit costs would increase and they have decreased or stayed the same for nearly every pipe proposed for lining.

\$180,000 was budgeted this year for lining projects. \$3,850 has been spent this year for the previously mentioned demonstration project. This project will cost \$175,735.50, coming very close to spending the budgeted amount for lining this year. There are sufficient funds for this project. In case something unexpected may arise, the Stormwater Utility has \$50,000 set aside for contingencies.

Options

The City Commission has the following options available:

1. Direct city staff to enter into a contract with Utility Solutions, LLC for \$175,735.50 for storm sewer lining.
2. Give city staff further direction.

Recommendation

City staff recommends awarding the project as described for \$175,735.50.

Action Requested

Direct city staff to enter into a contract with Utility Solutions, LLC for storm sewer lining in the amount of \$175,735.50 to be funded from the Stormwater Management Projects line item.

Supporting Documentation

Attachment 1: Spreadsheet showing bid tabulations.

Attachment 2: Spreadsheet showing recommended award

Attachment 3: Locations of bid items and selected alternates.

Attachment 1

**2013-01 Bid Tabs for Cementitious Storm Sewer Lining
Compiled on April 17, 2013 by Nicholas Willis, City of Hays**

Bid Item	Description	Length	Unit	Engineer's Estimate		Utility Solutions LLC		Blue Nile Contractors	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
B1	48" Arch (17th & Oak)	300	LF	\$230	\$69,000	\$168.00	\$ 50,400.00	\$183.30	\$54,990.00
B2	48" Arch (18th & Oak)	33	LF	\$230	\$7,590	\$168.00	\$ 5,544.00	\$183.30	\$6,048.90
B3	48" Arch (18th & Oak north)	147	LF	\$230	\$33,810	\$168.00	\$ 24,696.00	\$183.30	\$26,945.10
B4	24" 17th & Oak	29	LF	\$130	\$3,770	\$ 96.25	\$ 2,791.25	\$92.44	\$2,680.76
B5	24" 18th & Oak	31	LF	\$130	\$4,030	\$ 96.25	\$ 2,983.75	\$92.44	\$2,865.64
B6	18" 22nd Gen Custer to Farley	280	LF	\$130	\$36,400	\$ 96.00	\$ 26,880.00	\$86.43	\$24,200.40
B7	18" Farley Place 22nd North	89	LF	\$130	\$11,570	\$ 96.00	\$ 8,544.00	\$86.43	\$7,692.27
B8	18" Farley Place East	19	LF	\$130	\$2,470	\$ 96.00	\$ 1,824.00	\$86.43	\$1,642.17

Engineer's Estimate	Utility Solutions LLC	Blue Nile Contractors
\$168,640	\$123,663.00	\$127,065.24

Alternate	Description	Length	Unit	Engineer's Estimate		Utility Solutions LLC		Blue Nile Contractors	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
A1	24" @ 13th & Oak	31	LF	\$200	\$6,200	\$110.00	\$ 3,410.00	\$92.44	\$2,865.64
A2	54" Arch (13th & Haney)	88	LF	\$250	\$22,000	\$189.00	\$ 16,632.00	\$183.30	\$16,130.40
A3	24" 13th & Haney	17	LF	\$130	\$2,210	\$ 96.25	\$ 1,636.25	\$92.44	\$1,571.48
A4	18" 13th & Haney	27	LF	\$130	\$3,510	\$ 96.00	\$ 2,592.00	\$86.43	\$2,333.61
A5	18" 13th & Haney	17	LF	\$130	\$2,210	\$ 96.00	\$ 1,632.00	\$86.43	\$1,469.31
A6	24" NW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$130	\$1,950	\$ 96.25	\$ 1,443.75	\$92.44	\$1,386.60
A7	24" SW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$130	\$1,950	\$ 96.25	\$ 1,443.75	\$92.44	\$1,386.60
A8	24" SE Corner of 7th St. Montgomery Ditch Bridge	337	LF	\$130	\$43,810	\$ 96.25	\$ 32,436.25	\$92.44	\$31,152.28
A9	24" 7th St. E of Montgomery Ditch south side	10	LF	\$130	\$1,300	\$150.00	\$ 1,500.00	\$92.44	\$924.40
A10	24" 7th St. E of Montgomery Ditch north side	29	LF	\$130	\$3,770	\$ 96.25	\$ 2,791.25	\$92.44	\$2,680.76
A11	24" NW Corner of 6th St. Montgomery Ditch Bridge	94	LF	\$130	\$12,220	\$ 96.25	\$ 9,047.50	\$92.44	\$8,689.36
A12	30" SW Corner of 6th St. Montgomery Ditch Bridge	82	LF	\$150	\$12,300	\$115.00	\$ 9,430.00	\$92.44	\$7,580.08
A13	24" SE Corner of 6th St. Montgomery Ditch Bridge	73	LF	\$130	\$9,490	\$ 96.25	\$ 7,026.25	\$92.44	\$6,748.12
A14	24" 6th St. E of Montgomery Ditch cross-pipe	32	LF	\$130	\$4,160	\$ 96.25	\$ 3,080.00	\$92.44	\$2,958.08

Engineer's Estimate	Utility Solutions LLC	Blue Nile Contractors
\$127,080	\$ 94,101.00	\$87,876.72

Attachment 2

2013-01 Recommended award

Compiled on April 18, 2013 by Nicholas Willis, P.E. City of Hays

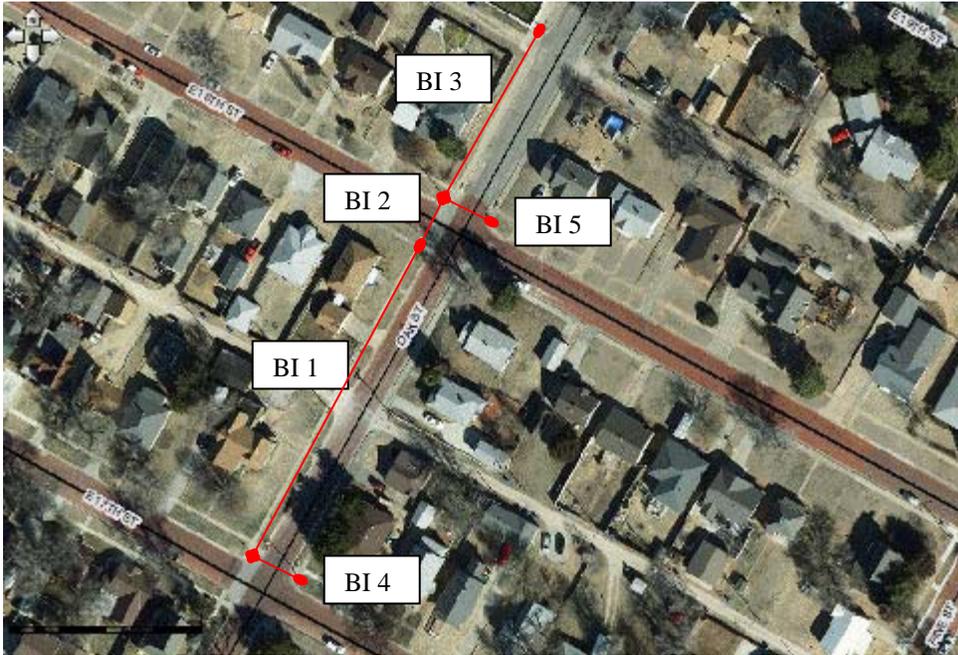
Apparent low bidder is Utility Solutions, LLC of Basehor, KS

Bid Item	Description	Length	Unit	Unit Cost	Total
B1	48" Arch (17th & Oak)	300	LF	\$ 168.00	\$ 50,400.00
B2	48" Arch (18th & Oak)	33	LF	\$ 168.00	\$ 5,544.00
B3	48" Arch (18th & Oak north)	147	LF	\$ 168.00	\$ 24,696.00
B4	24" 17th & Oak	29	LF	\$ 96.25	\$ 2,791.25
B5	24" 18th & Oak	31	LF	\$ 96.25	\$ 2,983.75
B6	18" 22nd Gen Custer to Farley	280	LF	\$ 96.00	\$ 26,880.00
B7	18" Farley Place 22nd North	89	LF	\$ 96.00	\$ 8,544.00
B8	18" Farley Place East	19	LF	\$ 96.00	\$ 1,824.00
A1	24" @ 13th & Oak	31	LF	\$ 110.00	\$ 3,410.00
A6	24" NW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$ 96.25	\$ 1,443.75
A7	24" SW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$ 96.25	\$ 1,443.75
A8	24" SE Corner of 7th St. Montgomery Ditch Bridge	337	LF	\$ 96.25	\$ 32,436.25
A9	24" 7th St. E of Montgomery Ditch south side	10	LF	\$ 150.00	\$ 1,500.00
A10	24" 7th St. E of Montgomery Ditch north side	29	LF	\$ 96.25	\$ 2,791.25
A11	24" NW Corner of 6th St. Montgomery Ditch Bridge	94	LF	\$ 96.25	\$ 9,047.50

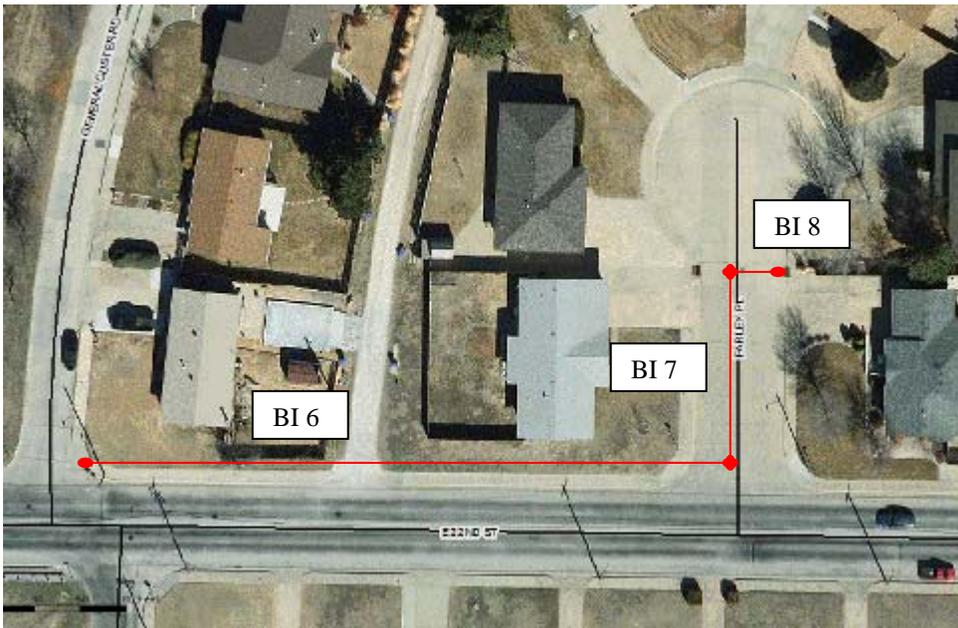
Total Feet
1,459

Total Award
\$175,735.50

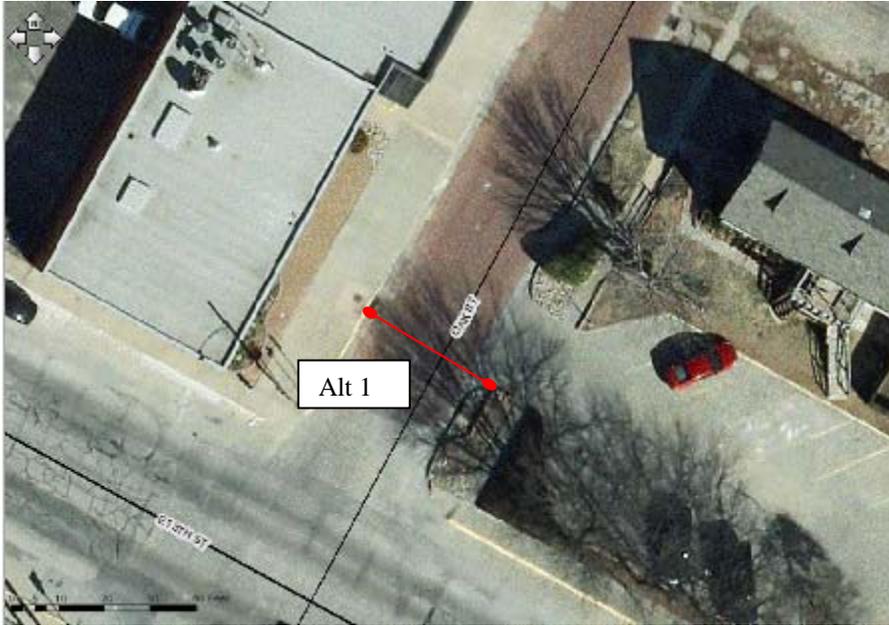
Attachment 3: Maps and photos of bid items and suggested alternates.



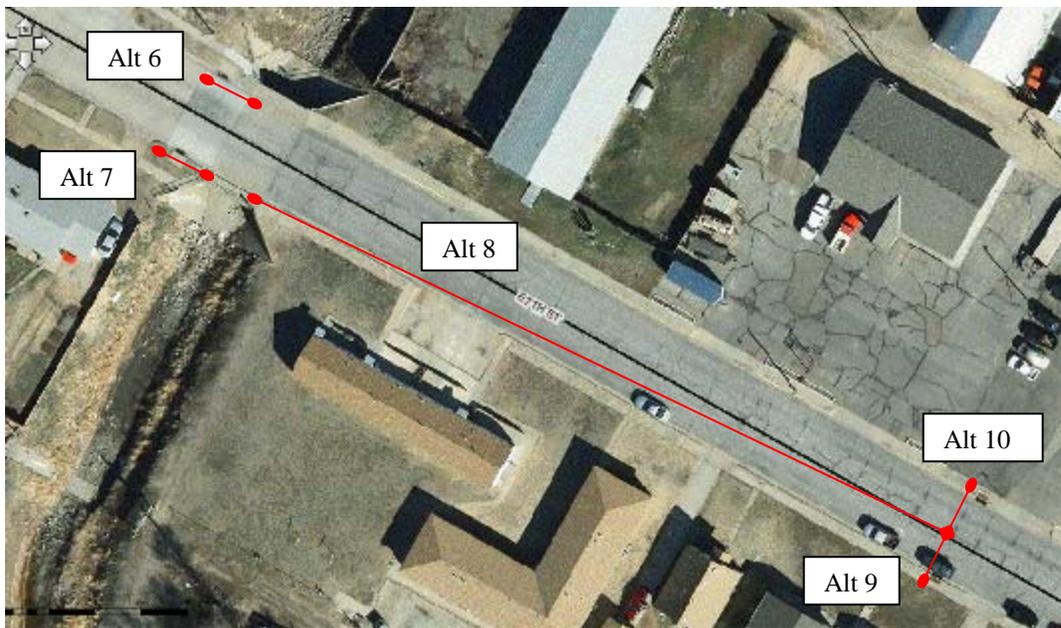
Approximate location of Bid Items Number 1 through Number 5



Approximate location of Bid Items 6 through 8.



Approximate Location of Alternate Item 1.



Approximate locations of Alternate Items 6 through 10.



Approximate location of Alternate Number 11.

CITY OF HAYS
AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 9

MEETING DATE: 5-9-13

TOPIC:

Elimination of Various School Zones

ACTION REQUESTED:

Consider passing Ordinance No. 3861 amending Section 62-109 of the Municipal Code and directing staff to remove related signage.

NARRATIVE:

Certain school zones exist in locations that no longer have active schools. Those locations include the area around Kennedy Middle School at 14th and Fort and High Plains Baptist Church at 27th and Canterbury. The City Attorney has prepared an Ordinance amending Section 62-109 of the Municipal Code to eliminate those school zones.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

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

ADMINISTRATION RECOMMENDATION:

Staff recommends passing the ordinance amending Section 62-109 of the Municipal Code.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Ordinance No. 3861
Staff Memorandum
Ordinance

ORDINANCE NO. 3861

AN ORDINANCE AMENDING CHAPTER 62 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE III, DIVISION 3, SECTION 62-109, REGARDING SCHOOL ZONES.

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

Section 1. Chapter 62, Article III, Division 3, Section 62-109 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 62

TRAFFIC AND VEHICLES

ARTICLE III. SPECIFIC STREET REGULATIONS

DIVISION 3. SPEED LIMITS

Sec. 62-109. School zones.

No person shall drive any vehicle on the portion of any of the following streets as designated immediately below:

3rd Street, from Fort Street to Main Street;
Fort Street, from 3rd Street to 4th Street;
Main Street, from 3rd Street to 4th Street;
4th Street, from Main Street to Fort Street;
13th Street, from 360 feet east of Canterbury Drive to Anthony Drive;
Hall Street, from 13th Street to 16th Street;
18th Street, from Milner Street to Vine Street;
Milner Street, from 18th Street to 19th Street;
19th Street, from Milner Street to Vine Street;
Ash Street, from 19th Street to 20th Street;
Fort Street, from 19th Street to 20th Street;
20th Street, from Ash Street to Fort Street;
28th Street, from Fort Street to Oak Street;
Fort Street, from 28th Street to 29th Street;
Oak Street, from 28th Street to 700 feet north of 29th Street;
29th Street, from Ash Street to Oak Street;
22nd Street, from MacArthur Road to Donald Drive;

Donald Drive, from 22nd Street to Lawrence Drive;
Lawrence Drive, from Donald Drive to 19th Street;
19th Street, from Lawrence Drive to MacArthur Road;
MacArthur Road, from 19th Street to 22nd Street;
Ash Street, from 29th Street to 950 north of 29th Street;

or through any designated school crosswalk between the hours as posted in such zones on the days when school is in session or when school grounds are being used for organized playground activities, at a rate of speed greater than 20 miles per hour; however, the speed limit in school zones marked by wink-o-matic lights shall be 20 miles per hour when the lights are flashing and the normal rate of speed when not flashing. The driver of any vehicle traveling on any street where there is a designated school crosswalk shall bring his vehicle to a complete stop before entering such crosswalk whenever he is signaled or requested to do so by a traffic officer, school flagman, school patrol or any other authorized person placed in such street for the purpose of directing traffic across such crosswalk; and after being signaled to stop, it is unlawful for the driver of any such vehicle to proceed along any such street until such street is cleared of school children or until the person giving such signal shall have signaled the driver of such vehicle to proceed.

Section 2. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on May 9, 2013.

KENT L. STEWARD
Mayor

ATTEST:

DORIS WING
City Clerk
(SEAL)

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: May 2, 2013

Subject: Elimination of Various School Zones

Person(s) I.D. Creech, Director of Public Works

Responsible: Toby Dougherty, City Manager

Summary

Certain school zones exist in locations that no longer have active schools. Those locations include the area around Kennedy Middle School at 14th and Fort and High Plains Baptist Church at 27th and Canterbury. The City Attorney has prepared an Ordinance amending Section 62-109 of the Municipal Code to eliminate those school zones.

Background

Kennedy Middle School closed in the spring of 2012 and there are no immediate plans to reopen the school. Likewise, High Plains Baptist Church no longer has a school with no plans to reopen. Both entities have been contacted and have no objection to removing the school zone designation.

Discussion

The City attorney has prepared an ordinance amending Section 62-109 of the Municipal code to remove the currently designated school zones:

Ash Street, from 12th to 15th Street

Fort Street from 13th to 15th Street

13th Street from Walnut to Fort Street

27th Street from Canterbury to the East City Limit

Legal Consideration

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

Financial Consideration

None – in-house labor will be used to make the subsequent signage adjustments (remove school zone and 20 mph speed limit signs).

Options

Options include the following:

1. Consider passing the ordinance amending Section 62-109 of the Municipal Code and direct staff to remove related signage.
2. Provide alternate direction to City Staff.

Recommendation

Staff recommends passing the ordinance amending Section 62-109 of the Municipal Code.

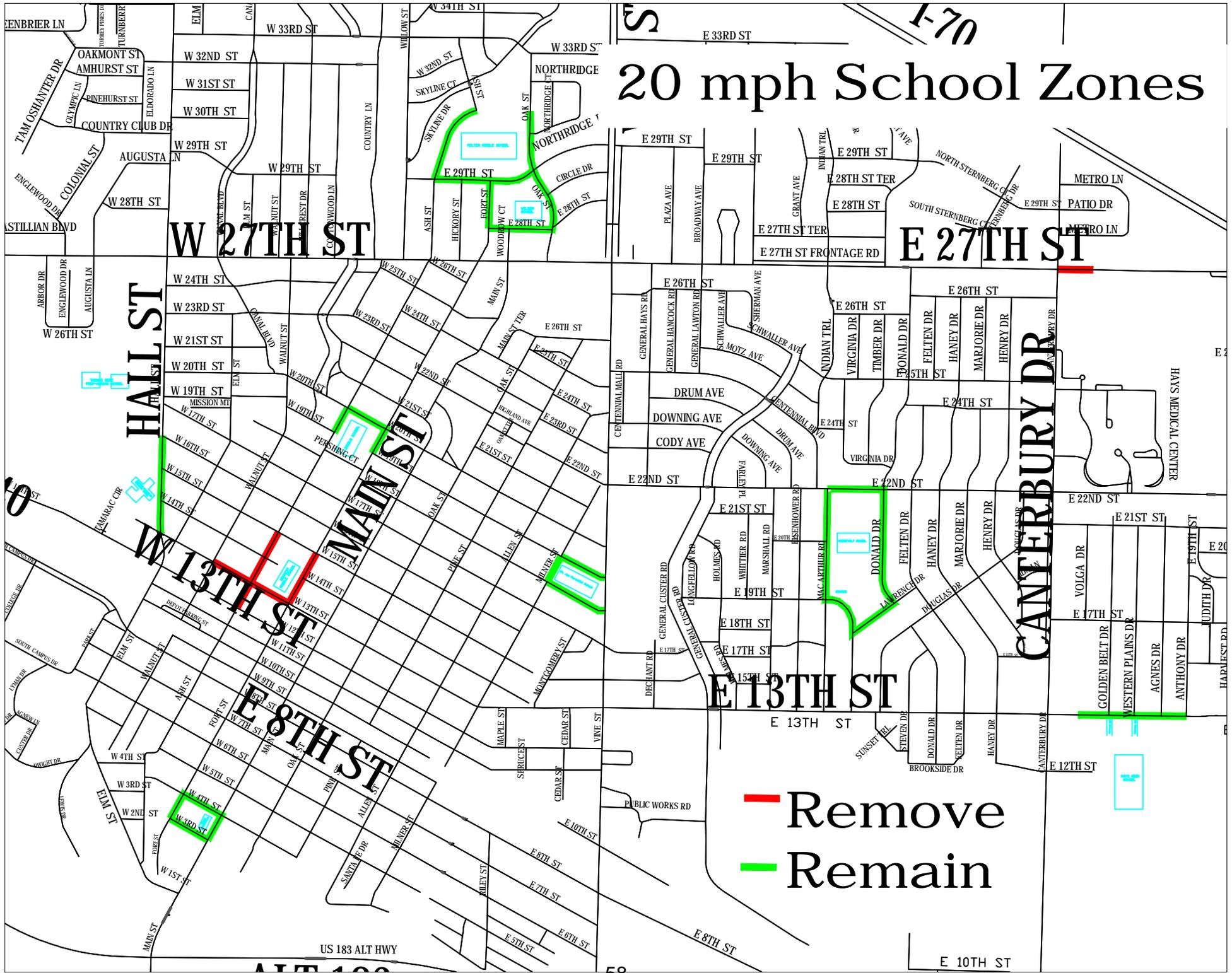
Action Requested

Consider passing the ordinance amending Section 62-109 of the Municipal Code and direct staff to remove related signage.

Supporting Documentation

Ordinance
Map

20 mph School Zones



— Remove
— Remain

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 10

MEETING DATE: 5-9-13

TOPIC:

TEFRA Public Hearing for June 13, Retirement of Health Care Facility Revenue Bonds, Series 2012-A

ACTION REQUESTED:

Schedule a TEFRA Public Hearing for June 13, 2013 for the purpose of the retirement of Via Christi Health Care Facility Revenue Bonds, Series 2012-A

NARRATIVE:

On September 20, 2012, the City of Hays, Kansas issued \$13,000,000 of its Kansas Health Care Facility Revenue Bonds, Series 2012-A (St. John's, Inc.) for the construction of the new St. John's care center located on Canterbury (now known as Via Christi Village Hays, Inc.). Effective this April, Via Christi's sole member and owner has been changed to "Ascension Health" through the Sisters of St. Joseph sponsorship. Accordingly, Via Christi is exercising its option to purchase back St. John's under the IRB Lease and is requesting the City hold a TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) public hearing to consider whether Ascension may use proceeds from its Wisconsin Health and Educational Facility Revenue Bonds to pay off all the debt on St. John's.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Kim Rupp, Finance Director

ADMINISTRATION RECOMMENDATION:

Staff recommends the approval of the TEFRA Public Hearing for June 13, 2013.

COMMITTEE RECOMMENDATION(S):

NA

ATTACHMENTS:

Staff Memo
Via Christi Notice of Project Purchase and Bond Retirement

Commission Work Session Agenda

Memo

From: Kim Rupp, Director of Finance

Work Session: May 2, 2013

Subject: Set TEFRA Public Hearing for June 13, retirement of Health Care Facility Revenue Bonds, Series 2012-A

Person(s) Responsible: Kim Rupp, Director of Finance
Toby Dougherty, City Manager

Summary

On September 20, 2012, the City of Hays, Kansas issued \$13,000,000 of its Kansas Health Care Facility Revenue Bonds, Series 2012-A (St. John's, Inc.) for the construction of the new St. John's care center located on Canterbury (now known as Via Christi Village Hays, Inc.). Effective this April, Via Christi's sole member and owner has been changed to "Ascension Health" through the Sisters of St. Joseph sponsorship. Accordingly, Via Christi is exercising its option to purchase back St. John's under the IRB Lease and is requesting the City hold a TEFRA (Tax Equity and Fiscal Responsibility Act of 1982) public hearing to consider whether Ascension may use proceeds from its Wisconsin Health and Educational Facility Revenue Bonds to pay off all the debt on St. John's.

Background

Via Christi Villages is a subsidiary of Via Christi Health, Inc., which since its formation in the mid-1990's has been co-sponsored by (1) the Sisters of the Sorrowful Mother, Broken Arrow, Oklahoma through its health care sponsorship entity known as "Marion Health" and (ii) the Sisters of St. Joseph of Wichita, Wichita, Kansas through its health care sponsorship entity known as "Ascension Health." Effective this April, Via Christi's sole member and owner has been changed to "Ascension Health" through the Sisters of St. Joseph sponsorship. Marion Health is no longer an owner/sponsor. Ascension Health has elected to retire and defease all outstanding indebtedness of Via Christi.

Discussion

Under the internal revenue code, when tax-exempt bond proceeds are used in conjunction with a facility (even to just pay off all other debt), the local government must approve that use. This is also true of Bonds issued in Wisconsin. If ultimately approved at the

hearing, the City of Hays Bonds will be defeased with Wisconsin Bond proceeds and all monies necessary to pay the Bondholders will be escrowed until the first available bond redemption date. The City of Hays is just being asked to publish a notice of the proposed public hearing for this issue. Immediately following the public hearing (June 13), the City Commission would then consider approval of the use of tax-exempt proceeds from Wisconsin to retire the Bonds. Ultimately, the City cannot prevent the retirement of its IRBs. The City could prevent the facility from benefitting any further from tax-exempt financing, even though the City of Hays Bonds were issued on that basis. Neither the public hearing nor any approval associated therewith will effect St. John's exclusion from property taxes.

Legal Consideration

The City Attorney has reviewed the proceedings and there are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

The City will receive the \$1,000 nominal purchase price Via Christi will be required to pay the City for exercising its option to purchase. Via Christi will pay all costs of the defeasance.

Options

- 1) The City Commission can approve the TEFRA Public Hearing for June 13, 2013
- 2) Do Nothing
- 3) Provide staff with further direction

Recommendation

Staff recommends the approval of the TEFRA Public Hearing for June 13, 2013

Action Requested

Conduct a TEFRA Public Hearing on June 13, 2013 for the purpose of the retirement of Via Christi Health Care Facility Revenue Bonds, Series 2012-A.

Supporting Documentation

Via Christi notice of project purchase and bond retirement



April 26, 2013

...because your life matters

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

City of Hays, Kansas
1507 Main St. – City Hall
Hays, Kansas 67601
Attention: City Clerk

The Bank of New York Mellon Trust
Company, N.A., as successor trustee
911 Washington Ave. 3rd Floor
St. Louis, Missouri 63101
Attention: Lori Ann Soriano

Doctors
Hospitals
Senior Villages
Health Services

RE: City of Hays, Kansas, Health Care Facility Revenue Bonds, Series 2012-A (St. John's, Inc.) (the "Bonds")

Ladies and Gentlemen:

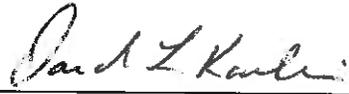
Subject to the second paragraph hereof, this letter is to provide any and all necessary notice pursuant to Section 16.1 of that certain Lease Agreement, dated as of September 15, 2012 (the "Lease"), by and between Via Christi Village Hays, Inc., formerly St. John's, Inc. (the "Corporation"), and the City of Hays, Kansas (the "Issuer"), that the Corporation hereby intends and elects to purchase the Project (as defined in the Lease) on June 12, 2013, or as soon thereafter as practicable (the "Closing Date").

This notice and the purchase of the Project on the Closing Date are conditioned upon the payment in full of, or provision with the Trustee for payment in full of, and defeasance of the Bonds on or prior to the Closing Date. In the event the funds are not available for any reason now unknown to the Corporation, this letter shall be of no further force or effect.

A check for the \$1,000 purchase option price required by Section 16.2(B) of the Lease is enclosed herewith. Words and terms not otherwise defined herein shall have the meaning ascribed to them by the Lease and the Trust Indenture, dated September 15, 2012, by and between the Issuer and The Bank of New York Mellon Trust Company, N.A., as Trustee.

Very truly yours,

VIA CHRISTI VILLAGE HAYS, INC.

By 
David Karlin, Executive Director

COMMISSION INFORMATIONAL MEMORANDUM

TO: City Commission
FROM: Toby Dougherty, CPM
City Manager
DATE: May 2, 2013

Attached are the following items:

1. The minutes of the March 12, 2013 meeting of the **Hays Public Library Board**.
2. The minutes of the March 26, 2013 meeting of the **Hays Housing Authority Board**.
3. The **Great Lakes On-Time Report** for April 2013.

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

ab

Minutes from HPL Board Meeting

March 12, 2013

The meeting was called to order at 4:00 by Chairman Avry St. Peter. Others present were Ann Crowley, Marcia Dinkel, David Dunn, Judy Flax, Eric Norris, Jennifer Riat.

Guests: Patty Rohr, Emma Detruxhe

It was moved and seconded to pay February bills. (Dunn/Flax)

It was moved and seconded to approve minutes from February 12, 2013 (Riat/Crowley)

Directors Report:

Audit went well. HPL is encouraged to make sure it is clear how public funds are used. Auditor representative will attend the board meeting in April.

TLC update. Intensive work in being done to implement the program. Hope to be done by May 13. The library will be closed May 13 & 14 for intensive staff training. Library will reopen May 15 with the new catalog ready to go. The TLC trainers will be here until May 17th.

A policy will be added to close the library when USD 489 closes due to inclement weather.

The state library has not granted HPL about \$8,500 in grant money. This is due to the fact the Library does not ask the city for the full mil levy amount it could ask for. Eric has/is writing a letter explaining why we SHOULD qualify for the grant. He will keep the board posted. The city informed Eric we do have about \$45,000 in back taxes to be added to the budget.

The beginning phases of implementing a strategic plan has begun. Luci Flame has experience. A list of community needs and a vision statement will be the first step in the process. Staff will work on creating goals and direct ways to meet the goals. The TLC implementation will keep all staff busy so it will be after TLC processes before staff can give it more attention and time.

HPL is waiting for the state's decision in regards to conceal and carry of weapons.

The filters will be turned on in the YA department. There are currently filters on the computers in the children's department.

Discussed the Foundation Meeting planned for the end of March. There is a need to revitalize the Foundation and discuss the purpose of having a Foundation for the library.

The new cleaning and maintenance staff are doing an excellent job.

Trivia night at the library went well. There are plans to hold library sponsored trivia nights

Old Business:

It was moved and passed to strike and inaccurate personnel policy in regards to full time employee day off occurring during a scheduled closing of the library. (Riat/Dinkel)

New Business: No new business

Open Discussion:

Judy encouraged the library research and to apply for grants.

Judy suggested placed outreach book drops in locations around town for people to return books.

It was brought up that it would also be a good idea to take books out to the community.

Minutes Submitted by Marcia Dinkel

HAYS HOUSING AUTHORITY
March 26, 2013 Minutes

The Board of Commissioners of the Public Housing Authority of the City of Hays met in the Community Room for the annual and monthly meeting Tuesday, March 26, 2013.

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

Commissioners Absent: Daron Jamison

HHA Staff Present: Kathy Nelson, Executive Director

ANNUAL MEETING

The 2012 Annual Report of the Executive Director was discussed by Commissioners. Gloria Funk moved to accept the 2012 Annual Report as presented, Al Klaus seconded the motion. All Commissioners voted "Aye" – motion carried.

ELECTION OF OFFICERS – Gloria Funk nominated Sue Rouse for Chairperson of the Board, Al Klaus seconded the motion. All Commissioners voted "Aye" – motion carried. Al Klaus nominated Gloria Funk for Vice-Chairperson of the Board, Sue Rouse seconded the motion. All Commissioners voted "Aye" – motion carried.

MINUTES

- Al Klaus moved to approve the minutes of the February 25, 2013 meeting as presented, Gloria Funk seconded the motion. All Commissioners voted "Aye" – motion carried.

AGENDA

There were no changes or additions to the agenda.

SECTION 8 FINANCIALS

- December 2012 Section 8 financial reports prepared by the fee accountant 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. January and February 2013 Section 8 financial reports prepared by the fee accountant 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 66 families for the month of March. One voucher is outstanding and should lease-up for April.

HAYS HOUSING AUTHORITY
March 26, 2013 Minutes

BILLS AND COMMUNICATIONS

- December 2013 Public Housing financial reports prepared by the fee accountant were presented to the Commissioners. Al Klaus moved to accept the reports as presented, Gloria Funk seconded the motion. All Commissioners voted "Aye" – motion carried. January and February 2013 Public Housing financial reports prepared by the fee accountant 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.

OLD BUSINESS

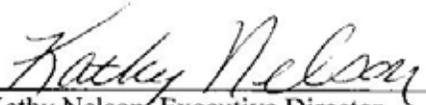
- **Capital Fund Program** – There was nothing new to report for the Capital Fund Program.

NEW BUSINESS

- There is still 1 open position on the board.
- Kathy Nelson reported that she had received notice from the auditor that the on-site portion of the financial statement audit for the year ending 12/31/12 has been scheduled for April 8, 2013.
- Kathy Nelson reported that the 12/31/12 un-audited financial information had been submitted to HUD. The Housing Authority's PHAS score will not be determined until after the audited financials are submitted.
- **Review of Ethics Policy** – Commissioners reviewed the current Ethics Policy of the Housing Authority. Gloria Funk moved to approve the current Ethics Policy without any changes, Al Klaus seconded the motion. All Commissioners voted "Aye" – motion carried.
- **Review of Internal Control Procedures** – Commissioners reviewed the current Internal Control Procedures of the Housing Authority. Al Klaus moved to approve the current Internal Control Procedures without any changes, Gloria Funk seconded the motion. All Commissioners voted "Aye" – motion carried.

HAYS HOUSING AUTHORITY
March 26, 2013 Minutes

Next meeting will be held Monday, April 29, 2013.


Kathy Nelson, Executive Director


Sue Rouse, Chairperson



Great Lakes Airlines On-Time Report

Apr-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	On-Time	Under 15 Min Late	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			C	L	C	L	x			x	C	x	L	x			x	C	x	x	C			x	x	59%	5%	5%		5%	27%		
645	C	x	x	x	x			C	L	C	L	x			x	C	x	L	x			x	C	x	x	x			x	x	64%	5%	5%		5%	23%		
1016	x	C	x	x	x			C	C	L	x	x			x	C	C	L	x			L	C	x	x	L			x	x	55%	18%				27%		
1026	x	C	x	x	x			C	C	L	x	x			x	C	C	L	x			L	C	x	x	L			x	x	55%	14%	5%			27%		
1311	L	x	x	x	x			x	L	x	x	x			C	L	C	x	x			x	x	x	x	x			x	x	77%	5%	5%	5%		9%		
1321	L	x	x	x	x			x	L	L	x	x			C	L	C	x	x			x	L	x	x	x			x	x	68%	14%	5%		5%	9%		
1425	L	x	x	x	x			L	C	C	x	x			C	L	L	x	x			x	L	x	x	x			L	x	59%	23%	5%			14%		
1435	L	x	x	x	x			L	C	C	x	x			C	L	L	x	x			x	L	x	x	x			L	x	59%	23%	5%			14%		
1626	x	x	x	x	x			x	C	x	x	x			L	x	C	x	x			L	x	x	x	x			x	x	82%		9%			9%		
1636	L	L	x	x	x			x	C	x	x	C			L	x	C	L	x			L	x	x	x	x			x	x	64%	14%	9%			14%		
2156	x	x	x	L	x			L	C	C	x	x			C	L	C	x	x			C	x	x	x	x			x	x	64%		5%	5%	5%	23%		
2206	x	x	x	L	x			L	C	C	x	x			C	L	C	x	x			C	x	x	x	x			x	x	64%		5%			9%	23%	
Saturday																																						
715						x							x																									
725						x							x																									
1250						x							x																									
1300						x							x																									
1406						x							x																									
1416						x							x																									
1931						x							x																									
1941						x							x																									
Sunday																																						
845						x							x																									
855						x							x																									
1250						x							L																									
1300						x							L																									
1626						x							L																									
1636						x							L																									
2156						x							x																									25%
2206						x							x																								25%	

Average 68% 10% 4% 1% 2% 15%

Total Flights - 328 222 34 14 2 6 50

Percentage of flights delayed or canceled 32%

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

On time means <= 15 minutes