

City of Hays
City Commission
Work Session Notes
Thursday, January 15, 2015 – 6:30 p.m.

Present: Henry Schwaller IV, Eber Phelps, Shaun Musil, Ron Mellick, Kent Steward, John Bird, Toby Dougherty

December 30, 2014 Work Session Notes

There were no corrections or additions to the minutes of the work session held on December 30, 2014; the minutes stand approved as presented.

Airport Multi-year Capital Improvement Program Update

John Braun, Assistant Director of Public Works, presented to the Commissioners information regarding the Airport Capital Improvement Program (ACIP). The ACIP is created in conjunction with the Federal Aviation Administration (FAA), to make federal entitlement money available for eligible airport improvement projects. The FAA has solicited the City's desired priority for the federal fiscal year 2016-2020 planning period. The proposed projects, which include a new aircraft fueling system, snow removal equipment, wildlife fence, and rehabilitation of the parking lot and apron, have been reviewed and supported by the Airport Advisory Committee. The next update to the five-year ACIP is due to the FAA for review and consideration by February 16, 2015. If approved, these projects will be included in the City's Capital Improvement Program as part of the 2016 budget.

Projects are typically funded at 90%, leaving 10% to be funded by the City. Local funding usually comes from the Airport Improvement Fund. Recent projects have included the airport terminal remodel, reconstruction of the main runway, acquisition of a snow blower, taxiway lighting, the new Airport Rescue and Fire Fighting (ARFF) building, and new ARFF truck.

Phase II Municipal Separate Storm Sewer System (MS4) Permit

Steven Walters, Stormwater Specialist, informed the Commissioners of the new National Pollutant Discharge Elimination System (NPDES) permit as issued under the Clean Water Act (CWA) and administered by the Kansas Department of Health and Environment (KDHE). The information is intended to provide a precursor to proposed changes to local regulations that will come before the City Commissioners in the coming months. The proposed changes to local regulations are intended to bring the City of Hays into compliance with the permit requirements.

The new MS4 permit extends many of the same requirements from the previous permit, but also places additional requirements on the City of Hays pertaining to total maximum daily load (TMDL) pollutants. City staff is continuing existing programs and non-structural best management practices already in place to meet permit requirements. However, the current local ordinances do not allow the City of Hays to be in complete compliance with the new MS4 permit, and additional efforts and programs will need to be put in place to meet the requirements for TMDL pollutants.

City staff is proposing the following changes and additions to City Code:

- 1) Revisions to the Zoning and Subdivision Regulations, which have been discussed with Kendig Keast Collaborative, the consultant rewriting the zoning and subdivision regulations. The revisions are needed to ensure consistency across multiple chapters of the Zoning and Subdivision regulations.
- 2) Revision to Chapter 53, Stormwater Management, which includes:
 - a. Adoption of a Post Construction Stormwater Best Management Practices (BMP) manual authored by Wilson and Company and CDM Smith for the consortium of Phase II communities in Kansas. The adoption of the manual will bring the City of Hays into full compliance with the six minimum control measures of the MS4 permit. In general, the manual addresses water quality BMPs and requirements for development and redevelopment projects. The

manual shifts stormwater infrastructure to green methods, which promote infiltration and treatment of the first flush of stormwater runoff.

b. Updating the Design Criteria, Storm Drainage Systems, and Facilities manual; which is already by reference part of Chapter 53 Stormwater Management.

3) Consideration of a Stream Buffer Ordinance. The ordinance will place restrictions on new development when natural watercourses traverse the property. The restrictions would include vegetative buffers of varying distances between the development and natural watercourse.

The proposed changes to local regulations along with other minor edits to be brought before the City Commission will bring the City of Hays into compliance with the MS4 permit's six minimum control measures.

Exposed Zoning Areas

A recent request to locate a scrap facility on a property located at 13th and General Custer exposed the fact that the property is zoned in a manner that does not necessarily conform with the surrounding area. City staff was asked to investigate all zoning districts to determine if there were other areas where properties were zoned in a manner that did not conform to the surroundings. In addition to the aforementioned property, City staff has identified several areas where the zoning designation should be changed. However, City staff is not suggesting the Commission take formal action to rezone the properties at this time. City staff suggests rezoning the properties as part of the comprehensive rewrite of the zoning and subdivision regulations that is currently taking place and should be completed later this year. This way the changes are implemented en-masse as part of a comprehensive review process.

CID Policy Review

After the submission, discussion, and approval of a Community Improvement District (CID) request by the owners of the Hays Mall, the City Commission asked that discussion of the CID Policy be placed on a future work session to determine if further restrictions or requirements should be incorporated into the policy.

Currently, the CID Policy is part of the City's overall Economic Development Policy. The CID Policy states that CIDs are to be used for reimbursable expenses in the amount of \$250,000 or greater in order to promote economic development and tourism within the City. When discussing the CID Policy, it was assumed that any applicant wishing to utilize a CID would be incorporating CID funds into a much larger project. With the application by the Mall owners, this was not the case.

Chairperson Schwaller stated there are three options; leave the policy as it is, eliminate all regulation of CIDs and allow every incoming or existing business to approach the Commission with their idea, or change the CID policy and require the applicant to have his own money in the game.

Commissioner Steward proposed another option, to ban it altogether. He recommended replacing the City's complicated economic development plan with a policy he presented. This policy would eliminate unnecessary regulations and would not collect money from taxpayers and give it to private businesses and individuals.

Commissioner Mellick was concerned if CIDs are eliminated completely the City could find ourselves economically falling behind other peer cities. He would like to see the CID Policy remain in place, but with at least 1/3 of the money coming from the developer.

Chairperson Schwaller asked City staff to research other cities CID Policies and report back at a future work session.

Other Items for Discussion

City Manager Toby Dougherty stated he was interviewed by Mike Cooper for Community Connections and shared with the Commissioners the city projects that were discussed in the interview.

He also stated the City will be co-hosting with Ellis County, a Curb Side Chat on May 19, 2015 regarding Strong Town's principals.

Commissioner Phelps wished City Manager Toby Dougherty a happy birthday.

The work session was adjourned at 7:36 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk