

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON FEBRUARY 12, 2015

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 12, 2015 at 6:30 p.m.

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

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

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on January 8, 2015; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp presented the December, 2014 Financial Report and stated that month-to-date general fund sales tax collections were at \$615,074 which is another nice increase, a total of \$21,013 as compared to last year. Therefore, the year-to-date general fund sales tax collections end the year up \$90,425 or 1.24%. This is great news given the 2014 budgeted general fund tax collections were anticipated to be flat off of a 1% decline of the 2013 projection.

The Finance/City Clerk's Office invested \$2,800,000 of maturing or renewing certificates with a weighted average interest rate of .24%. The portfolio of certificates of deposit on December 31, 2014 totaled \$53,000,000 with a weighted average interest rate of .25%. The total balance of the Money Market account on December 31, 2014 was \$600,000 with a current yield of .20%. Total investments are up \$850,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, that the Financial Statement for the month of December 2014 be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Chairperson Schwaller presented the following mayoral appointments, which will be presented at the February 26, 2015 Commission meeting for approval:

Hays Area Planning Commission – three year terms

Robert Readle – unexpired term to expire April 30, 2017

Darrell Hamlin – unexpired term to expire April 30, 2017

NEW BUSINESS

6. Z M M DEVELOPMENT ADDITION – REZONING OF LOTS 7-20 (R-1 TO R-3): The owners of Lots 7-20, Z M M Development Addition, have submitted a request asking that the property be rezoned from single-family dwelling district R-1 to two-family dwelling district R-3. A public hearing was conducted on January 19, 2015 at the regular meeting of the Hays Area Planning Commission and it was recommended by a vote of 7-1 that the rezoning be approved. The zoning change from R-1 to R-3 would allow for duplex dwelling units to be constructed, as well as single-family homes. Staff, as well as the Planning Commission, recommends approving an ordinance rezoning Lots 7-20, Z M M Development Addition from R-1 single-family dwelling district to R-3 two-family dwelling district.

This property is bordered by West 33rd Street, West 35th Street, Elm Street, and Canal Blvd. This property has been in its current vacant state as

open space for years. When originally platted in 1974, the property was set aside for a school site and was owned by the school district prior to the sale this past year. The adjacent properties have similar or more intense multi-family zoning districts as what is being requested.

Ron Mellick moved, Kent Steward seconded, to approve Ordinance No. 3895 rezoning Lots 7-20, Z M M Development Addition, from R-1 to R-3 as legally described within the ordinance.

Jennifer Wittman, an area resident, presented the following letter to the Commissioners along with an un-official petition containing 249 signatures expressing their opposition to the rezoning of the proposed Z M M Development Addition.

February 12, 2015

Jennifer Wittman
3301 Elm Street
Hays, KS 67601

Hays City Commissioners
1507 Main Street
Hays, KS 67601

Dear City of Hays Commissioners,

Please find attached the signatures of 249 individuals of the City of Hays that have expressed their opposition to the rezoning of the proposed ZMM Development Addition. Our neighborhood citizens have come together to ask of you to leave the zoning as is, R-1 Single-Family Dwelling District. There is a clear voice with a clear message that we are shouting.

February 6th through 11th we acquired the signatures of the people in our neighborhood area. Property owners next to the ZMM Development, the extended neighborhood, and Seven Hills Park were petitioned.

Out of the 34 property owners that had property within 200 feet of the subject property and received the publication notice, 22 were able to be reached and signed the petition. There was tremendous concern expressed about property values, increased traffic, reckless traffic, college kids moving into the duplexes, and the decline/mismanagement of the duplexes over time.

Households from West 36th Street to West 27th Street and Hall Street to Hillcrest Drive were visited. Very few turned away the petition, most were very welcome to see the issue being protested, and some were very alarmed because they had no idea what was going on. The same concerns were reiterated.

Lastly, we collected signatures from families that use Seven Hills Park and many expressed worry for the increased traffic so close to the park. Another issue brought up that has not yet been touched upon at the meetings was the sheer amount of "unknown faces" living so close to the vicinity of our kids and the constant turnover with more "unknown faces". Where as permanent neighbors in single family homes can establish a sense of accountability and trust within the neighborhood.

Along with our petition, please take into consideration all of the emails and letters that you have been receiving. We ask you to please honor our wishes, for we are a strong neighborhood, and we who live here can attest to what it needs most.

Sincerely,

Jennifer Wittman

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Several other area residents voiced their concerns with possible decreasing property values, increased traffic, and safety issues.

Commissioner Phelps gave several examples of property that had risen in value over the years despite being located close to multi-family units.

Commissioner Steward stated he understands the interest of the neighbors to leave the property as it is, he also sees the benefits to the city as a whole to allow this property to be developed. He also is considering the owners of the property and what they have presented is in total conformity to the neighborhood and what they have proposed is reasonable.

Commissioner Mellick asked how many of those in the audience would be here voicing their concerns if a school was built on this lot as was originally intended. He stated the change to R-3 two-family dwelling district will have less of an impact on traffic and parking issues than if a school had been built there.

Commissioner Musil asked what the City will do to ensure traffic safety in the area.

City Manager Toby Dougherty responded the City conducts traffic counts year round and would monitor the area. He thought the traffic increase on 33rd Street would be minimal. He also stated there wasn't enough volume at the site to justify a stop light.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

7. Z M M DEVELOPMENT ADDITION – FINAL PLAT: The owners of the proposed Z M M Development Addition have submitted a final plat for consideration. The property is adjacent to previously platted property and has become an island of undeveloped property. The plat is comprised of 26 lots slated for residential development and does include dedication of street and alley right-of-way. Staff has reviewed the proposed plat which has also been reviewed by the Utility Advisory Committee. On November 17, 2014 the final plat was

reviewed and approved with a vote of 5-0 by the Hays Area Planning Commission. Staff, as well as the Planning Commission, recommends approving the resolution accepting this plat of the Z M M Development Addition as submitted.

Ron Mellick moved, Eber Phelps seconded, to approve Resolution No. 2015-002 accepting the final plat known as Z M M Development Addition.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

8. TALLGRASS ADDITION PHASE 5 – RESOLUTION TO ESTABLISH BENEFIT DISTRICT (17TH STREET, TALLGRASS DRIVE AND PRAIRIE RUN COURT):

TG Investments, LLC has petitioned for street, storm sewer, water, and sanitary sewer improvements to an area containing 33 lots in the Tallgrass Addition to be financed through the establishment of a special benefit district. The engineer's estimate for total construction costs is \$1,055,000. In accordance with the City's Development Policy, the City's estimated share of the cost for oversizing would be \$104,000; however, staff is recommending that 17th Street and Tallgrass Drive be built to only 40' width rather than the 45' width. That reduction in width would reduce the City share by approximately \$40,000. The cost to oversize the sanitary sewer would be funded out of Water/Sewer Capital. It is recommended the actual cost to oversize the street be funded out of City Commission Capital Reserve. Staff recommends adopting the resolution authorizing the creation of a special benefit district with 17th Street and Tallgrass drive constructed at 40' width.

Shaun Musil moved, Ron Mellick seconded, to approve Resolution No. 2015-003 authorizing the creation of a special benefit district for infrastructure improvements for the development of 33 lots along East 17th Street, Tallgrass Drive, and Prairie Run Court within Tallgrass Addition with 17th Street and Tallgrass Drive constructed at 40' width.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

9. TALLGRASS ADDITION PHASE 5 – ENGINEERING SERVICES AGREEMENT (17TH STREET, TALLGRASS DRIVE AND PRAIRIE RUN

COURT): TG Investments, LLC has petitioned for street, storm sewer, water, and sanitary sewer improvements to an area containing 33 lots in the Tallgrass Addition. The developer's engineer, Baughman Company, P.A., has prepared an agreement for engineering services to include engineering design and contractor solicitation. The agreement is for a not-to-exceed amount of \$58,000.

Eber Phelps moved, Shaun Musil seconded, to approve the Engineering Services Agreement with Baughman Company, P.A. for an amount not to exceed \$58,000 for the design of Phase 5 of the Tallgrass Addition.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

10. FORT HAYS MUNICIPAL GOLF COURSE RENTAL GOLF CART SHED – AWARD OF BID:

On September 9, 2014 the city-owned rental cart storage building was destroyed by a major storm. This building is essential to the golf cart rental program and Golf Course Pro Shop Manager. City staff recommends reconstructing the facility at an expected cost of \$49,880 which includes a low bid from Quality Structures Incorporated and separate concrete and electrical costs.

City staff recommends the following funding sources:

Insurance	\$16,837
Recoverable Depreciation	\$ 4,140
Golf Course General Fund	\$10,000
City Manager Contingency	\$10,000
Special Parks and Rec Fund	<u>\$ 8,903</u>
Total	\$49,880

Kent Steward moved, Eber Phelps seconded, to approve the replacement of the golf cart shed for \$49,880 which includes a low bid from Quality Structures Incorporated for \$35,980 with funding from the Park Improvement and Special Parks and Recreation funds.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

11. UTILITIES MAINTENANCE FACILITY – AWARD OF BID: The Utilities Department is requesting approval to construct a maintenance facility to store weather sensitive vehicles and maintenance equipment. Currently, this equipment is stored in the Public Works buildings and when removed will give Public Works much needed space. Staff recommends constructing the facility at an expected cost of \$300,000 which contains a low bid from Haselhorst Construction and separate site work including sidewalks, gravel and stormwater drainage to be completed in-house. A new maintenance facility has been planned for many years. However, remediation of the prioritized site located just south of the Water Plant stalled further development until now. The City has a 30 year lease on the site from DOW Chemical Company that ends in December 2038 which includes an option to purchase at the end of the lease or upon achievement of the contamination cleanup. The purchase option allows City staff to feel comfortable with building on a lease with 25 years remaining.

The Utility Department Director and staff have offices in the plant which makes this nearby location ideal for management and security.

Eber Phelps moved, Shaun Musil seconded, to approve the construction of a Utilities maintenance facility for \$300,000 which includes a low bid from Haselhorst Construction of Hays with alternates for \$285,700 and rock drive/sidewalk improvements from the Water/Sewer Capital Fund.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

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

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps commented that he and Commissioner Musil participated in the last water conservation program in the elementary schools and complimented Jason Riegel, Water Conservation Specialist, on a good job educating the students about water conservation. He also commended Mayor Henry Schwaller IV on his participation in the Soup'r Bowl, the annual fund raising event for the Humane Society of the High Plains, and congratulated the Police Department for taking third place in the competition.

14. EXECUTIVE SESSION: Ron Mellick moved, Shaun Musil seconded, that the Governing Body recess to executive session at 8:05 p.m. for 20 minutes to discuss personnel matters. The executive session included only the members of the Commission. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

No action was taken during executive session.

The meeting was adjourned at 8:25 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk