

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON MARCH 11, 2010

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays met in regular session on Thursday, March 11, 2010 at 6:30 p.m.

Roll Call: Present: Christopher Channell  
Barbara Wasinger  
Troy Hickman  
Absent: Ron Mellick  
Henry Schwaller IV

Vice-chairperson Channell 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 February 25, 2010; the minutes stand approved as presented.

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

**4. CONSENT AGENDA:** Troy Hickman moved, Barbara Wasinger seconded, that the following mayoral appointment be approved:

Public Wholesale Water Supply District #15 Board

James Leiker – open term to expire March 1, 2011

Vote: Ayes: Christopher Channell  
Barbara Wasinger  
Troy Hickman

**NEW BUSINESS**

**5. JOB BOUNTY APPLICATION – KVC WHEATLAND PSYCHIATRIC HOSPITAL:** A Job Bounty Application has been put forward by KVC Wheatland Psychiatric Hospital. At this time, the psychiatric hospital is expanding its

facilities to Hays in the former Hadley Hospital. The application requests a job bounty for 13 full-time employees that will make at least \$10 per hour. The Job Bounty Program provides for a \$1,000 bonus for each job created, paid out in 20% increments over 5 years.

Troy Hickman moved, Barbara Wasinger seconded, that the Job Bounty Application submitted by KVC Wheatland Psychiatric Hospital be approved.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

**6. VEHICLE ABATEMENT – 413 WEST 5<sup>TH</sup> STREET:** The abandoned vehicle located at 413 West 5<sup>th</sup> Street was last registered in March of 2006 and expired March 2007. Attempts have been made to contact the last known registered owner with no response. The property owners have had no success in finding the owner of the vehicle, therefore abatement is necessary. If the vehicle is removed by the City, all costs of abatement will be charged to the owner of the property.

Troy Hickman moved, Barbara Wasinger seconded, Resolution No. 2010-006, being a resolution authorizing the City of Hays or its designated agent to abate nuisance located on the property at 413 West 5<sup>th</sup> Street, Hays, Kansas, be approved.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

**7. VACATE PLAT OF LAND OF OZ ADDITION:** There has been a petition filed by the owner of the Land of Oz First Addition plat requesting the plat be vacated. The plat was approved in 1998, however improvements were never made to the development and it has remained agricultural ground ever since. The land is being platted as a new residential development known as the King's Gate Addition.

Barbara Wasinger moved, Troy Hickman seconded, that Resolution 2010-007, being a resolution vacating the Land of Oz First Addition, be approved.

Vote: Ayes: Christopher Channell  
Barbara Wasinger  
Troy Hickman

**8. KING'S GATE FIRST ADDITION FINAL PLAT:** The owners of the proposed King's Gate Addition have submitted a final plat for consideration. The area of the proposed plat is located along the north side of 41<sup>st</sup> Street west of Madison Drive. The proposed plat would contain 55 residential lots, and is consistent with the Comprehensive Plan and Future Development Map and complies with the City's subdivision and zoning regulations. The Planning Commission recommended approval of the final plat.

Barbara Wasinger moved, Troy Hickman seconded, that Resolution No. 2010-008, being a resolution approving the final plat of King's Gate First Addition, be approved.

Brad Botz, 1413 Washington Circle, expressed concern about future home owners building garages/workshops behind their homes and using Madison Drive to access their garages. He feels it will create an unsafe condition for children in the area. Madison Drive was platted as a street and will revert to an alley if the King's Gate First Addition is approved. He is also concerned about additional noise that may occur because of these detached structures.

Commissioner Wasinger stated there are many garages all over town that are accessed from the alley and this has not been identified as a safety concern. If there is a problem with noise, a call to the Police Department will help resolve the problem.

Public Works Director Brenda Herrman stated that any detached garages/workshops would have to meet all the requirements for set-backs and variances. Out of the 55 lots in the King's Gate Addition, there are only 8 lots that will be adjacent to the alley.

Kevin Davidson, 1407 Washington Circle, stated many in the neighborhood use this street/alley and drive quite fast. He is concerned about safety. The area he lives in was platted with bigger lots and was suppose to be more exclusive. He feels there should be some regulations about what can be

built on the lots in the King's Gate Addition. He requested the Commissioners not approve the final plat as presented this evening.

Commissioner Wasinger stated there will not be any retail shops built and feels Mr. Davidson is worried about something that will not necessarily happen. In her mind, a garage/workshop would be used to build something for the house or to store an additional car. If there is a problem with people driving too fast in the alley, the Police Department should be contacted.

City Manager Toby Dougherty stated the Planning Commission has thoroughly studied this issue and it has been discussed at the last two work sessions. No opposition was voiced throughout the process until this evening.

City Attorney John Bird stated the developer has certain statutory and ordinance rights. The Commissioners cannot decide to not allow something to go forward if the applicant has done everything as required by the Development Policy just because the neighbors don't like it. Someone will get sued and the City does not want to be the one getting sued. The Planning Commission, from a policy point of view, is the advisory board to the City Commission. To override the Planning Commission decision requires a high level of evidence to reject their recommendation.

Scott McGrath, 2225 West 41<sup>st</sup> Street, questioned whether he would have access to his property when the water and sewer lines are extended to the King's Gate Addition.

Assistant Public Works Director John Braun assured him that he will have access; the contractors will give advance notice and coordinate access to the property.

Vote: Ayes: Christopher Channell  
Barbara Wasinger  
Troy Hickman

**9. KING'S GATE ADDITION REQUEST FOR REZONING:** The developer of the proposed King's Gate Addition has submitted a request to rezone the property from R-1 (Single-Family Dwelling District) to R-2 (Single-Family Dwelling District). The proposed rezoning request meets all City of Hays subdivision and zoning

regulations. The area is defined as single-family residential in the adopted Comprehensive Plan, and the request does fit the overall scheme of the Plan and does fit the character of the neighborhood.

Troy Hickman moved, Christopher Channell seconded, that Ordinance No. 3807, being an ordinance rezoning a tract of land in the southwest quarter (SW/4) of Section Twenty (20), Township Thirteen (13) South, Range Eighteen (18) West of the 6<sup>th</sup> Principal Meridian, Ellis County, Kansas, be approved.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

**10. STORMWATER FLAT FEES AND PROPOSED PROJECTS:** For decades, the subject of stormwater has been discussed. A Stormwater Master Plan was prepared in 2001 listing stormwater projects to be accomplished. Very few of those projects have been addressed. The City Commission approved Phase 1 of a Stormwater Utility Study on November 24, 2009. Phase 2 of the Study is estimated to cost \$200,000. If the fee being discussed is approved, it is staff's intent to proceed with Phase 2 of the study, address the National Pollutant Discharge Elimination System (NPDES) permitting requirements, and begin work on six stormwater projects that have been identified. City staff recommended implementing a \$4 stormwater fee for both residential and commercial accounts and that the stormwater fee be transitioned to a comprehensive stormwater utility after Phase 2 of the Study is completed.

Barbara Wasinger moved, Christopher Channell seconded, that Ordinance No. 3808, being an ordinance amending Chapter 65 of the City of Hays, Kansas, Municipal Code, by adding Section 65-230 regarding stormwater fees, be approved.

Vernon Befort, 1404 West 44<sup>th</sup> Street, questioned why residential and business accounts would be charged the same fee.

Commissioner Wasinger stated the initial \$4 fee would be used to pay for Phase 2 of the Study. After the Study is completed and a full-blown stormwater

utility fee is implemented, every business in town will be assessed a fee based on the amount of impervious surface on their property.

City Manager Toby Dougherty stated residential accounts most likely will be charged a flat fee because there is not that great of a difference in impervious surface between residential lots. The fee for residential accounts will be decided after the Phase 2 of the Study; it may go up, it may go down or it may stay the same.

Commissioner Hickman stated he is voting against the stormwater fee because he would rather see the money that is collected used to pay for projects. He would like to find a different funding source to pay for Phase 2 of the Study.

City Manager John Bird stated that it will take 3 votes for this issue to pass.

Vote: Ayes: Christopher Channell

Barbara Wasinger

No: Troy Hickman

The motion failed.

This item will be on the March 25, 2010 agenda for further discussion.

**11. COMMUNITY AIR SERVICE DEVELOPMENT GRANT:** In an effort to promote the Hays Regional Airport and the Fly Hays Campaign to increase enplanements to over 20,000 annually, staff wrote and received a Small Community Air Service Development grant requesting monies from the Department of Transportation in the amount of \$216,450. This is a 3-year project of advertising and promotion, and the grant is established on a reimbursement basis. Airport staff will administer the grant activities and request reimbursement as needed over the duration of the grant.

Troy Hickman moved, Barbara Wasinger seconded, that the Department of Transportation Small Community Air Service Development Grant Agreement to promote the Hays Regional Airport and the Fly Hays Campaign be accepted.

Vote: Ayes: Christopher Channell

Barbara Wasinger

Troy Hickman

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

**13. COMMISSION INQUIRIES AND COMMENTS:** There were no comments.

The meeting was adjourned at 7:26 p.m.

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

City Clerk