

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 26, 2015

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, March 26, 2015 at 6:30 p.m.

Roll Call: Present: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Absent: 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 March 12, 2015; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: City Manager Toby Dougherty presented the Financial Report for the month ended February 28, 2015. Month-to-date general fund sales tax collections were at \$735,385 which is an increase of \$41,640 as compared to last year. Year-to-date general fund sales tax collections are up \$73,870 or 5.75%.

The Finance/City Clerk's Office invested \$500,000 of maturing or renewing certificates with a weighted average interest rate of .20%. The portfolio of certificates of deposit on February 28, 2015 totaled \$54,750,000 with a weighted average interest rate of .25%. The total balance of the Money Market account on February 28, 2015 was \$1,000,000 with a current yield of .20%. Total investments are up \$1,200,000 when compared to this time last year.

Shaun Musil moved, Eber Phelps seconded, that the Financial Statement for the month of February 2015 be approved.

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

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA:

- A. Approve the Cereal Malt Beverage License for Southside Convenience.
- B. The following appointment was recommended at the March 12, 2015 City Commission meeting and is now being presented for approval:

CARE Council

Kayla Lonnon – two-year term to expire March 1, 2017 (3rd term)

- C. The following proposed appointments will be presented for approval at the April 9, 2015 City Commission meeting.

Hays Area Planning Commission

Paul Phillips (resides in city limits) – three-year term to expire April 30, 2018 (4th term)

Care Council

Kim Thomason – two-year term to expire March 1, 2017 (1st term)

Ron Mellick moved, Shaun Musil seconded, that consent agenda items A and B be approved.

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

NEW BUSINESS

6. NORTH HAYS ADDITION REPLAT (LOTS 5-8, BLOCK 3): The owners of lots 5-8, Block 3 of the North Hays Addition have submitted a replat for consideration. The property being replatted is currently two lots (four counting the previously platted remnants) and will remain two lots after replatting;

however, the orientation of the lots will change. Also, the replat will serve as a mechanism to absorb into the parent tract the remnant tracts previously owned by the City and recently deeded to the adjacent owner. On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission. Staff, as well as the Planning Commission, recommends approving this plat as submitted.

The property has been in its current state as agricultural land/cultivation ground since being platted approximately 10 years ago. This property lies adjacent to the reverse access roads (General Hays Rd. and 48th St.) and is contiguous with incorporated territory. The property was rezoned to commercial and also annexed into the City in December of 2014.

Eber Phelps moved, Ron Mellick seconded, to approve Resolution No. 2015-005 accepting the final plat known as the Replat of Lots 5-8, Block 3, North Hays Addition.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

7. CLUBHOUSE GARDENS II ADDITION – FLAT PLAT: The owners of the proposed Clubhouse Gardens II Addition have submitted a final plat for consideration. The property is adjacent to previously platted property and is mostly undeveloped with the exception of one older house on the property. The plat is comprised of 10 lots slated for residential development and does include dedication of alley right-of-way. The proposed plat has been reviewed by the Utility Advisory Committee with no issues found. On February 16, 2015 the final plat was reviewed and approved (8-0 vote) by the Hays Area Planning Commission. The plat of the Clubhouse Gardens II Addition is submitted to the City Commission for acceptance as submitted.

The Planning Commission voted (8-0) in support of the plat as presented; however, staff's recommendation remains the same as presented to the Planning

Commission; whereas, the two large lots do not conform with the spirit of the Comprehensive Plan.

Ron Mellick moved, Eber Phelps seconded, to approve Resolution No. 2015-006 accepting the final plat known as Clubhouse Gardens II Addition.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

8. CLUBHOUSE GARDENS II ADDITION – REZONING OF LOTS 1-10 (A-L TO

R-3N): The developer of the Clubhouse Gardens II Addition has submitted a request to rezone the property from agriculture district (A-L) to two-family neighbor dwelling district (R-3N). A public hearing was conducted on February 16, 2015 at the regular meeting of the Planning Commission and it was recommended by a vote of 8-0 that the rezoning be approved. The zoning change from A-L to R-3N would allow for single-family and/or duplex dwelling units to be constructed. If approved, this zoning would be consistent with the Clubhouse Gardens I Addition.

Shaun Musil moved, Ron Mellick seconded, to approve Ordinance No. 3897 rezoning the property within the Clubhouse Gardens II Addition from A-L to R-3N as legally described within the ordinance.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

9. KING'S GATE ADDITION PHASE II – RESOLUTION TO ESTABLISH

BENEFIT DISTRICT (KING'S GATE DRIVE): Covenant Land and Developing, Inc. has petitioned the City for street, storm sewer, water, and sanitary sewer improvements to an area containing 23 lots in Phase II of King's Gate Addition. The engineer's estimate for total construction costs is \$725,000. This project is consistent with past residential developments within the City of Hays. There are no over-sizing costs in this project, therefore no City capital will be expended for

the construction of this project. Staff recommends adopting the resolution authorizing the creation of a special benefit district with King's Gate Drive constructed at 31' width.

This is the logical continuation of the King's Gate Addition and it follows the plan that has been set forth and constructed in phases over the last 5 years. This project would complete the connection of King's Gate Drive to 41st Street.

The developer proposes to finance the project through the creation of a special benefit district. Seventy percent of the costs for this project will be allowed to be special assessed with the remaining thirty percent being paid in full by the developer prior to award of the construction contract.

Ron Mellick moved, Henry Schwaller IV seconded, to approve Resolution No. 2015-007 authorizing the creation of a special benefit district for infrastructure improvements in the estimated amount of \$725,000 for the development of 23 lots along King's Gate Drive within Phase II of the King's Gate Addition.

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

10. KING'S GATE ADDITION PHASE II – ENGINEERING SERVICES

AGREEMENT: Covenant Land and Developing, Inc. has petitioned the City for street, storm sewer, water, and sanitary sewer improvements to an area containing 23 lots in the King's Gate Addition. Ruder Engineering and Surveying, L.L.C. has prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection. The contract is for a not-to-exceed amount of \$33,900.

Eber Phelps moved, Shaun Musil seconded, to approve the Engineering Services Agreement with Ruder Engineering & Surveying, L.L.C. for an amount not to exceed \$33,900 for the development of Phase II of King's Gate Addition.

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

11. SPECIAL ASSESSMENT PROCEEDINGS: Special assessments for two special improvement districts within the City of Hays are ready to be finalized and assessed to the property owners. To begin the Special Assessment Proceedings a resolution must be approved setting a Public Hearing for April 23, 2015 to consider the proposed assessments. Staff recommends pursuing this process for the following properties:

- 46th Street Second Addition will be a fifteen year assessment split equally among 28 lots. Per City policy, the City's 30% apportionment stated in Resolution No. 2012-015 will be largely paid from an upfront payment made by the developer; such amount was determined based on estimates of the final costs of the improvements.
- Golden Belt Estates Fifth Addition – Danby Lane (Resolution No. 2013-021) will be a fifteen year assessment split equally among 18 lots.
- Golden Belt Estates Fifth Addition – Jagger Court (Resolution No. 2013-023) will be a fifteen year assessment split equally among 16 lots.

Shaun Musil moved, Eber Phelps seconded, to approve Resolution No. 2015-008 providing for a notice of public hearing to be held on April 23, 2015 to consider proposed special assessments.

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

12. PROGRESS REPORT: Assistant City Manager Paul Briseno presented a monthly report of city-related activities, services, and programs.

13. REPORT OF THE CITY MANAGER: The City Manager had nothing to report.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Mellick thanked the City employees that were working on a water main break at 22nd and Donald.

Commissioner Musil commented he had the opportunity to help run the scoreboard at Special Olympics and enjoyed the experience.

15. EXECUTIVE SESSION: Ron Mellick moved, Shaun Musil seconded, that the Governing Body recess to executive session at 7:09 p.m. for five minutes to discuss labor negotiations. The executive session included the City Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A.75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

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

No action was taken during executive session.

The meeting was adjourned at 7:14 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk