

City of Hays  
City Commission  
Work Session Notes  
May 15, 2014

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

Before the meeting began Chairperson Schwaller stated that due to a conflict in schedules and to make sure everyone had adequate time to discuss what is on the agenda, a special meeting was called to begin at 5:30 p.m. in order to ensure compliance with the Kansas Open Meetings Act. If at 6:30 p.m. the Commission is still dealing with agenda items the special meeting will be adjourned and will continue as a regularly scheduled work session.

**May 1, 2014 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on May 1, 2014; the minutes stand approved as presented.

**Mike Woofter Proposal to Develop Property at the SE Corner of 55<sup>th</sup> Street and 230<sup>th</sup> Avenue**

Mike Woofter with NWK Investments requested to address the Commission in order to present his proposal to develop the property located at the southeast corner of 55<sup>th</sup> Street and 230<sup>th</sup> Avenue. Kenny Doonan currently owns the property and is building a Peterbilt dealership on the easternmost portion of the property. Mr. Woofter has an option to purchase the remainder of the property and plans to build a travel plaza and hotel.

There is no water and sewer infrastructure in the area and the road is not built to City standards. Currently the property is located outside the city limits. Staff has estimated it could cost upwards of two million dollars to extend and

improve infrastructure to serve the area. Mr. Woofter has not submitted any drawings for the proposed development.

Mr. Woofter is proposing to extend and improve the infrastructure, at his cost, as part of the development process. In exchange for this investment, Mr. Woofter is asking to remain outside the city limits for a period of 10 years, or whenever his USDA loan is paid if sooner. The reason Mr. Woofter would like to remain outside the city limits is that he plans on asking the County Commission to approve a CID (Community Improvement District) and a TDD (Tax Development District) for the area in order to help pay for the infrastructure. Mr. Woofter feels that remaining in the county would allow him to charge the higher sales tax and still remain competitive.

Commissioner Steward stated that we are in a water warning and have a moratorium on providing water outside the City and would be hesitant to change that in the middle of a drought.

Commissioner Musil commented that in the policy it states that we could revisit the policy if it would benefit the City.

Commissioner Mellick commented that the property is in the Trego County Water Supply District and asked for clarification about Trego County water district rights. It was suggested that the developer look into this.

City staff will work with Mr. Woofter and bring the Commission a more detailed plan at a future work session.

### **Portable Shipping Containers as Storage Units**

Prior to 2008, shipping containers were not regulated by ordinance. The containers became available from a local vendor which made it very easy for property owners to rent or purchase and have them placed on their property. The City and Planning Commission's main issue with the containers was aesthetics. After much discussion by the Planning Commission and the City Commission, an ordinance was adopted July 24, 2008

The Ordinance does not allow permanent use of shipping containers in any manner and is enforceable within the entire City limits. The three mile area

of zoning jurisdiction does not fall under the scope of this ordinance. There are some exceptions found within the ordinance that allow shipping containers on a temporary basis. It is important to note that any shipping containers existing at the time the Ordinance was adopted are considered “existing nonconforming” and are allowed to remain in place.

Recently a group of local business owners asked the City Commission to allow certain zoning districts to be able to utilize shipping containers as permanent storage options.

Jesse Rohr, Planning Inspection and Enforcement Superintendent reported on various communities and their regulations regarding shipping containers.

Several Hays business owners presented suggestions for relaxing the rules on shipping storage containers.

The special meeting was adjourned at 6:30 p.m. No action was taken.

Chairperson Schwaller called the work session to order.

Commissioners requested City staff to draft a proposed ordinance detailing the setback rules, tie downs, number of containers, lot sizes and other aspects discussed.

This item will be revisited at a future work session.

### **Future Funding of the Hays Regional Airport**

Past funding methods at the Hays Regional Airport are no longer sufficient to meet the operational and capital needs of the facility. Current revenue and expenditure projections do not produce enough revenue to support funding both normal operations and capital expenditures and match amounts for Federal Aviation Administration Airport Improvement Grant Projects.

Chairperson Schwaller and Commissioner Steward left the meeting.

I D Creech, Director of Public Works stated staff examined several revenue options and is recommending a combination of methods to bridge the funding gap. These include initiation of a passenger facilitation charge on commercial operations; slight increases in lease rates; and an increase in the fuel surcharge. It was recommended that the identified revenue improvements be made in the 2015 Budget Development.

### **Bids for Airport Terminal Project – Hays Regional Airport**

The existing terminal building was constructed in 1991 and requires multiple updates to attain compliance with current code requirements. The numbers of leaks in the roofing system are beginning to mount and the heating and air conditioning units are adaptations of the initial installation of 1991. Major expenses are projected for 2014 and 2015 to provide much needed maintenance to these systems. Upgrades to the mechanical/ electrical utility and incorporating Americans with Disabilities Act (ADA) requirements to existing lavatory facilities are also included. Many of these improvements will also result in less energy consumption and lower utility and maintenance costs.

On April 30, 2014, the City received bids for the Airport Terminal Project. The apparent low bid was submitted by Paul-Wertenberger Construction of Hays in the amount of \$1,188,860 in base bid and was the only bid received. The bid is under the engineer's adjusted estimate of \$1,190,544 and the contractor can meet all the qualifications necessary to complete the project. Staff will recommend accepting the bid from Paul-Wertenberger Construction including alternates #1 and #8 for a total bid amount of \$1,220,185 with funding derived from the Federal Aviation Administration (FAA) AIP Grant, the Airport Improvement Fund, the Airport Operating Fund and the City Commission Financial Policies Account.

At the May 22, 2014 Commission meeting Commissioners will be requested to accept the bid from Paul-Wertenberger Construction in the amount

of \$1,220,185 for airport terminal improvements subject to FAA grant funding and direct Staff to make application to the FAA for grant funding.

**Sale and Use of Fireworks for 2014**

According to the City's ordinance, now is the time the City Commission discusses the sale and use of fireworks for the upcoming fireworks season. At this time, City staff will make the same recommendation as in 2013, to not allow fireworks for the 2014 season.

At the May 22, 2014 Commission meeting Commissioners will be requested to not allow the sale and use of fireworks for the 2014 season.

**Other Items for Discussion**

Commissioner Mellick requested City staff to look into prohibiting swimming pools, horse tanks, and hot tubs to be drained into City alleys as this is causing ruts in the alleys. He requested this item will be put on a future work session.

The work session was adjourned at 7:10 p.m.

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

Brenda Kitchen – City Clerk