

City of Hays  
City Commission  
Work Session Notes  
June 5, 2014

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

**May 15, 2014 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on May 15, 2014; the minutes stand approved as presented.

**2015 Budget Presentations – Outside Agencies**

The following presented requests for Outside Agency funding in the 2015 Budget:

Dr. Edward Hammond

**Fort Hays State University** **\$100,000**

Bob Swift and Joleen Younger

**Wild West Festival** **9,500**

Aaron White

**Ellis County Coalition for Economic Development** **87,550**

Donald Westfall

**Ellis County Historical Society** **12,000**

Megan Colson and Stacey Smith

**Downtown Hays Development Corporation** **53,655**

Ann Leiker and Greg Sund

**Hays Sister Cities Advisory Board** **5,050**

Brenda Meder and Dennis Schiel

**Hays Arts Council, Inc.** **12,000**

Josh Dreher and Jason Rauch

**CARE Council - Social Services/ Special Alcohol Tax** **166,000**

**TOTAL**

**\$445,755**

Note: A budget request was submitted for Alcohol Tax Funds in the amount of \$60,000; this request is not part of the Social Services, Economic Development or Quality of Life budgets.

**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 presented to Commission at the May 15, 2014 work session 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 hotel and auto plaza with restaurants and fuel.

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.

Jim Millensifer, Vice President of Operations for Chance Management, Inc., explained more about the proposal stating it would include an auto plaza, a 90 room upscale hotel, two restaurants and a possibility for other retail outlets.

Aaron White, Executive Director of the Ellis County Coalition for Economic Development explained that Mr. Woofter is seeking incentives such as a Community Improvement District (CID), a Transportation Development District (TDD) and Tax Increment Financing (TIF) to help fund the infrastructure costs. The group's initial plan was to ask City staff not to annex the property for 10 years in exchange for the company paying \$2 million to connect to City water and sewer services.

Commissioner Mellick would like to see a better outline of the number of full and part time jobs that would be created.

Commissioner Steward stated that other than generating funds to extend the utilities he is opposed to any kind of tax incentives for the rest of the project.

Chairperson Schwaller stated that they would need to complete the economic development incentive application and that they must get permission from the Trego County Rural Water District that serves the area in order to move forward with this project.

### **One Year Review of Outside Water Customer Moratorium**

The City Commission placed a moratorium on water customers outside the city limits to be reviewed annually. In conjunction with Mike Woofter's proposal it was suggested that this moratorium be reviewed.

Commissioner Steward stated the moratorium is mute since we are in the second phase of the Drought Response Plan which addresses the issue.

This item will not be brought back as long as the City is in the second phase of the Drought Response Plan.

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

At the May 15, 2014 Work Session, the Commission discussed options for the possible allowance of shipping containers being used as permanent storage units. Currently this use is allowed on a temporary basis only as per ordinance Sec. 11-134 adopted July 24, 2008. Staff has researched other communities as well as evaluated the ramifications of Hays having such an ordinance in place that would allow permanent placement of shipping containers. Regulations on this type of use have been put together in draft form for discussion and consideration.

Jesse Rohr, Planning Inspection and Enforcement Superintendent explained different options for regulating these shipping containers. Proposed rules included allowing electricity to serve the containers, modifying them to include doors or windows, ensuring they are not between the business and the street and setting them back from public view.

Commissioner Mellick was concerned that if utilities are allowed these shipping containers may become a workshop instead of a storage unit. He stated we need to decide if these are no longer storage containers or permanent structures, and if they are permanent structures they should be taxed.

Chris Miller, owner of Auto Tech, thanked the Commissioners for working with the business community to resolve this issue.

A draft of the revised ordinance will be presented to the Hays Area Planning Commission for their review which will then be brought back to the Commission for their approval.

### **Draining of Pools, Hot Tubs and Other Water Tanks into Alleys**

Commissioner Mellick would like to propose a fine be enacted that could be issued to residents that drain pools, hot tubs or other water tanks into alleys. Currently there are 134 pools and an unknown number of hot tubs inside the city limits of Hays. In the past, we have had residents drain pools into alleys which causes damage to the substructure of the alley. Water soaks in, creating soft conditions which are exploited when sanitation, recycling or other large vehicles then attempt to drive in the alley. Once this damage occurs, City staff is forced to enact repairs to bring the alley back up to standards. City staff has had discussions with several residents in the past years about draining pools into the alleys. City staff has pointed out that this is technically damaging public property and asked the property owner to drain to the curb, storm sewer or sanitary sewer.

Since no specific penalty exists for this practice, if a resident were to ignore City staff's concerns and continue draining the pool into the alley, City staff would be forced to react under the general penalties clause of the City's Code of Ordinances. This catch-all clause can be a cumbersome process to follow. Therefore, Commissioner Mellick suggested that a specific monetary penalty be put in place for this type of infraction. If the Commission is amenable to a fine, City staff suggests a comprehensive educational and awareness campaign be implemented informing pool owners of their responsibilities.

This item will be placed on a future work session for further discussion, and a draft ordinance will be created for the Commissioners review.

**Other Items for Discussion**

Commissioner Steward commented that this has been a challenging meeting and Chairperson Schwaller ran it very well.

Commissioner Mellick reminded everyone of the Fly-In at the Hays Regional Airport Saturday June 7, 2014.

Commissioner Musil reminded everyone of the Farmers Market on Saturday June 7, 2014.

The work session was adjourned at 8:47 p.m.

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

Brenda Kitchen – City Clerk