

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JULY 11, 2013

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 11, 2013 at 6:30 p.m.

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

Chairperson Steward 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 June 27<sup>th</sup>, 2013; the minutes stand approved as presented.

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

**4. CONSENT AGENDA:** Henry Schwaller IV moved, Ron Mellick seconded, that the following mayoral appointment be approved.

Hays Area Planning Commission

Travis Rickford – unexpired term to expire April 30, 2014

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

Mayor Steward presented the following proposed mayoral appointments, which will be voted upon for approval at the July 25, 2013 Commission meeting.

Hays Beautification Committee

Janis Lee – 3 year term to expire August 1, 2016

Marcia Tacha – 3 year term to expire August 1, 2016

## **NEW BUSINESS**

**5. RAG ADDITION FINAL PLAT:** Ron Mellick moved, Eber Phelps seconded, that Resolution No 2013-019, being a resolution accepting the final plat known as RAG Addition be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Agenda Item No. 7 was addressed before item No. 6.

## **7. RECONSIDER REQUEST FOR REZONING (A-L TO C-2) – PROPOSED**

**LUECKE ADDITION (ZONING CASE #13-01):** The owners of the property located along and south of 41<sup>st</sup> St. east of Home Depot (Proposed Luecke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to C-2 (General Commercial and Service District). A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission, and by vote of 7-0, a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested. The City Commission sent the item back to the Planning Commission for further review based on concerns of the agricultural carve-out, and upon further review, the Planning Commission voted to deny the zoning request. The contributing factor in this new recommendation is the fact that the developer submitted a new zoning application which removes the agricultural carve-out adjacent to the commercial zoned area.

Henry Schwaller IV moved, Eber Phelps seconded, that the rezoning request from A-L (Agriculture District) to C-2 (General Commercial and Service District) for a portion of the proposed Luecke Addition be denied.

Vote: Ayes: Kent Steward

Henry Schwaller IV  
Eber Phelps  
Shaun Musil  
Ron Mellick

**6. REQUEST FOR REZONING (A-L TO C-2) – PROPOSED LUECKE**

**ADDITION (ZONING CASE #13-05):** The owners of the property located along and south of 41<sup>st</sup> St. east of Home Depot (Proposed Luecke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to C-2 (General Commercial and Service District). A public hearing was conducted on June 17, 2013 at the regular meeting of the Planning Commission, and by vote of 8-0, a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested by the applicant. This application is a revised application from what the City Commission originally heard at the May 23, 2013 Commission meeting that removes the tract of agricultural zoned property from the development.

Henry Schwaller IV moved, Ron Mellick seconded that Ordinance No. 3867 rezoning a portion of the proposed Luecke Addition from A-L (Agriculture District) to C-2 (General Commercial and Service District) be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV  
Eber Phelps  
Shaun Musil  
Ron Mellick

**8. RECONSIDER REQUEST FOR REZONING (A-L TO R-3) – PROPOSED**

**LUECKE ADDITION (ZONING CASE#13-02):** The owners of the property located along and south of 41<sup>st</sup> St. east of Home Depot (Proposed Luecke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to R-3 (Two-Family Dwelling District). A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission, and by vote of 7-0, a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested. The City

Commission sent the item back to the Planning Commission for further review based on concerns of the agricultural carve-out near the area of the commercial zoning request. Upon further review at the June 17, 2013 Planning Commission Meeting, the Planning Commission voted to still approve the zoning request. The contributing factor in this recommendation is the fact that the developer submitted a new zoning application which removes the agricultural carve-out adjacent to the commercial zoned area.

A letter was received on July 10<sup>th</sup>, 2013 from the property owner Luecke Properties, LLC, asking that this rezoning request be cancelled. Commissioner Steward clarified that both the property owner and the developer asked that this request be denied so they can go back to the drawing board for this area.

Ron Mellick moved, Henry Schwaller seconded, that Ordinance No. 3868 rezoning a portion of the proposed Luecke Addition from A-L (Agriculture District) to R-3 (Two-Family Dwelling District) be denied.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

**9. REPLAT OF LOT 2, BLOCK 9, GOLDEN BELT 8<sup>TH</sup> ADDITION – ENGINEERING SERVICES AGREEMENT:** Henry Schwaller IV moved, Eber Phelps seconded, to approve the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for an amount not to exceed \$15,300 for professional services related to improvements in the Replat of Lot 2, Block 9, Golden Belt 8<sup>th</sup> Addition.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

**10. AMENDED ECONOMIC DEVELOPMENT POLICY – RURAL HOUSING IMPROVEMENT DISTRICT (RHID):**

The Rural Housing Improvement District Policy (RHID) has come before the Commissioners several times this year and Commissioner Mellick requested changes to the policy to include only developments containing a minimum of ten renter-occupied low income or income qualified units will be considered for RHID status, and the policy would be in place only as long as there is a local need for low income and income-qualified housing.

Greg Thyfault and Brian Atwell of LINK addressed the Commission stating their concerns and the need for more affordable housing.

Commissioner Steward stated the private sector should be allowed to handle this housing shortage, and it is not fair to put the tax burden on everyone else.

Commissioner Schwaller had several concerns with the policy and would like to see it tabled, and a more thorough policy created.

Commissioner Musil stated local developers have not responded to the need for income-qualified housing.

City Manager Toby Dougherty informed the Commission that development agreements within the RHID can specify rental costs and how many handicapped accessible units are built in each development. Those developers who obtain federal tax credits are obligated to keep rental rates at the same level for the life of the property.

Ron Mellick moved, Shaun Musil seconded, to approve the amended Economic Development Policy for the City of Hays containing the Rural Housing Improvement District Policy.

Vote Ayes: Eber Phelps

Shaun Musil

Ron Mellick

Vote No: Kent Steward

Henry Schwaller IV

**11. ADDENDUM TO THE MEMORANDUM OF AGREEMENT WITH THE HAYS FRATERNAL ORDER OF POLICE (FOP) LODGE 48 INC. FOR 2014:**

The City of Hays and the Fraternal Order of Police Lodge 48 Inc. have an agreement for fiscal year 2014 wages, and administration of the pay plan. The agreement states the City will provide members of the FOP bargaining unit with a 1% merit increase with the first payroll in 2014, and the City will continue the current pay ranges.

Shaun Musil moved, Henry Schwaller IV seconded, authorizing the Mayor, City Manager, and Police Chief to sign the 2014 Addendum to the 2013 thru 2015 Union Contract.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

**12. REPORT OF THE CITY MANAGER:** City Manager Toby Dougherty informed the Commission he will be presenting to them next month a set of landscaping regulations to encourage proper watering techniques.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Mellick recognized the Wild West Festival for doing a great job putting on the 4<sup>th</sup> of July celebration.

Commissioner Musil is pleased with all the discussion on water conservation and feels people are trying to conserve water.

Commissioner Phelps commented that in 2013 the City has issued permits for 17 new homes within the city limits of Hays, and 4 within the three mile area.

Commissioner Schwaller asked if police are spending more time looking for water violations. He also asked about charges for lawn meters, and a clarification on a water watch and water emergency.

City Manager, Toby Dougherty, responded that the police are more actively patrolling for watering violations. Staff will be presenting to the

Commission new rates for lawn meters, and during a water emergency all outside watering is banned.

Commissioner Steward appreciated the vast majority of citizens that observed the fireworks ban.

The meeting was adjourned at 7:46 p.m.

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

Brenda Kitchen – City Clerk