

City of Hays
City Commission
Work Session Notes
October 7, 2010

Present: Christopher Channell, Barbara Wasinger, Henry Schwaller IV, Ron Mellick, John Bird, Toby Dougherty

Absent: Troy Hickman

City Zoning Approval and Ratification

Prior to 2007, there was a City/County Joint Planning Commission that dealt with zoning and subdivision regulations within Hays and the 3-mile extraterritorial jurisdiction area. There was no county-wide zoning at that time outside of this area. Any plats or rezoning requests recommended by the joint Planning Commission were then taken to the respective governmental entities for final approval; City Commission if within the city limits, Ellis County Commission if outside the city limits. In 2007, county-wide zoning was established with the formation of the Ellis County Planning Commission, and the former joint City/County Joint Planning Commission then became the Hays Area Planning Commission. The Hays Area Planning Commission still handled all zoning and subdivision regulations/requests within Hays and the 3-mile area, and approval within the remainder of Ellis County was handled by the Ellis County Planning Commission.

With the establishment of the Hays Area Planning Commission in 2007, Ellis County gave full jurisdiction over all zoning and subdivision matters within Hays and the 3-mile area to the Hays Area Planning Commission, and the City Commission now had full jurisdiction when approving such matters. Not realizing this, staff continued to take rezoning matters to the Ellis County Commission for final approval, rather than the City Commission. In all, six rezoning requests within the 3-mile area occurred from 2007 to the present and

were all approved by the Ellis County Commission. The six zoning requests are for the following parcels of property:

2615 East 7 th Street	1678 230 th Avenue
3340 East 27 th Street	Tract east of Home Depot
1789 230 th Avenue	Tract on 230 th south of Feedlot Road

In light of this discovery, it will be necessary for the City Commission to approve six ordinances approving the zoning changes. The Commissioners will be requested to consider approval of the ordinances at the October 14, 2010 Commission meeting.

L. Kuhn Addition Rezoning from Agriculture (A-L) to Light Industrial (I-1)

At the October 14, 2010 meeting, the Commissioners will be requested to approve a rezoning request submitted by Louis Kuhn for property located east of 280th Avenue and south of Highway 40. Mr. Kuhn would like his property rezoned from Agriculture (A-L) to Light Industrial (I-1).

At the June 21, 2010 public hearing, many nearby property owners were in attendance and most were opposed to the rezoning. The biggest issue seems to be aesthetics, noise, and lighting. The rezoning request is actually an extension of the I-1 zoning district already in existence. The Planning Commission felt that with proper enforcement of the zoning regulations that are already in place, the concerns of the nearby property owners could be addressed, therefore, the Planning Commission approved the rezoning request by a vote of 5-4 and made a recommendation that the City Commission approve the rezoning request.

Galen Romme, Romme Real Estate, spoke on the planned development of the area.

Nearby property owners Randy Wolf, Don Barton, Brandon Zimmerman, Darren Stieben, and Alan Stecklein spoke against approval of the rezoning request.

Rezoning of 3335 East 13th from Agricultural (A-L) to Business Park (B-P)

The owner of property located at 3335 East 13th Street has requested that the zoning of his property be changed from Agricultural (A-L) to Business Park (B-P). The Commissioners will be requested to consider approval of the rezoning request at the October 14, 2010 Commission meeting.

Request for Proposals for the Comprehensive Plan

The current Comprehensive Plan is almost 17 years old and is past its useful life. Most projects identified within the current plan have been accomplished over the years. Comprehensive Plans should be updated at least every 20 years or sooner depending on the rate of development within the community and the extensiveness of the Plan. Since a Comprehensive Plan relies so heavily on census data, staff has waited until now to decide to go forth with a new plan, as new ten-year census numbers should be available in 2011.

John Braun, Assistant Public Works Director, stated that efforts to select a firm will be coordinated with Ellis County's efforts to develop a Comprehensive Plan.

A Request for Proposals will be issued; staff will present a recommendation at the December 16, 2010 work session for award of a contract to the selected firm, and the Comprehensive Plan development process will begin.

Hays Shooting Range Remediation Agreement

The Hays Shooting Range is located two miles west of Hays on property currently owned by Glenn Diehl. In 1994, a previous owner of the property entered into a 50-year lease for use of the area as a practice shooting range for the Hays Police Department and other law enforcement agencies. The shooting range has been inactive since 1998. The current owner and Kansas Department of Health & Environment (KDHE) personnel have called for the remediation of any possible lead contamination on the site.

KDHE has proposed a contract with the City and Ellis County detailing the roles of each agency in the clean-up. The estimated cost for the City's share of this project is \$69,500. The Commissioners will be requested to authorize the City Manager to execute the contract at the October 14, 2010 meeting.

Bids for 33rd and Sherman Avenue Property

Property at 33rd and Sherman Avenue, specifically Lots 2 through 9, Block 1, Hays Plaza Seventh Addition, was given to the City as part of the green space requirement when that area was under development. In August of 2004, the City sold the property to Vernon and Carol Kinderknecht. In February of 2007, the City purchased Lots 8 and 9 for \$66,000 in anticipation of future infrastructure. In September of 2010, bids were solicited for the sale of Lots 8 and 9; the high bidder was Brad Klaus who submitted a bid of \$80,500.

The Commissioners will be requested to approve the bid at the October 14, 2010 meeting.

SEIU – Receipt of Findings of Fact and Recommendations-Official Hearing to be held October 14, 2010

City staff and SEIU have met and conferred various times throughout the year to discuss the 2011 contract openers consisting of wages and benefits. On June 8, 2010 impasse was declared and in July an unsuccessful mediation took place. A fact finding was conducted September 2, 2010. According to state statute, the City Commission must hold a hearing and make public the findings of fact and recommendations as well as take such action as it deems to be in the public interest, including the interest of the public employees involved.

The official hearing will be held at the October 14, 2010 Commission meeting.

Ordinance Governing Contractual Arrangements with the City of Hays

The City of Hays enters into numerous contracts with dozens of contractors and vendors each year. Many of the entities with which the City

contracts attempt to present contracts with unacceptable provisions which expose the City to less-than-complete protection from breach. City Attorney John Bird has developed a list of unacceptable contractual provisions and has now proposed that the City adopt those provisions in an ordinance which would govern all contracts by and with the City. The ordinance would also require every contract to contain protection for the City from suit by disgruntled bidders.

The Commissioners will be requested to approve an ordinance governing contractual arrangements at the October 14, 2010 Commission meeting.

Other Items for Discussion

Commissioner Schwaller requested that an additional item be added to the October 14, 2010 agenda. He would like the Commissioners to consider a moratorium on accepting Community Improvement District (CID) petitions so that staff and the Commissioners can revisit the CID policy.

Chairman Chris Channell announced his intention to submit his resignation with the City Commission next week, effective October 22, 2010. He has been appointed as City Administrator of Valley Falls, Kansas.

The work session was adjourned at 7:27 p.m.

Submitted by: _____

City Clerk