

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 11-17-16
Re: December 1, 2016 Work Session

Please find the attached agenda and supporting documentation for the December 1, 2016 Work Session.

Item 2 – Vehicle Abatement – 414 East 7th Street

This item is self-explanatory. Please refer to the attached memorandum from Jesse Rohr, P.I.E. Superintendent.

Item 3 – Emergency Snow Routes Amendment

Due to the relocation of the Ellis County emergency services facility, City staff would like to modify the emergency snow routes. Staff needs action of the Commission to formally adopt the modified snow routes.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, DECEMBER 1, 2016 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [November 17, 2016 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Vehicle Abatement – 414 East 7th Street \(PAGE 7\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
3. **ITEM FOR REVIEW: [Emergency Snow Routes Amendment \(PAGE 17\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
4. **OTHER ITEMS FOR DISCUSSION**
5. **EXECUTIVE SESSION (IF REQUIRED)**
6. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

City of Hays
City Commission
Work Session Notes
Thursday, November 17, 2016 – 6:30 p.m.

Present: Shaun Musil, James Meier, Henry Schwaller IV, Lance Jones, Eber Phelps, John Bird, Toby Dougherty, and Kim Rupp

November 3, 2016 Work Session Notes

There were no corrections or additions to the minutes of the work session held on November 3, 2016; the minutes stand approved as presented.

Hays Extended Stay Hotel Partners Community Improvement District (CID) – Ordinance and Development Agreement

Hays Extended Stay Hotel Partners II Community Improvement District (CID) – Ordinance and Development Agreement

These two agenda items were presented together for discussion and are referred to as CID I and CID II.

Kim Rupp, Finance Director, reported that Hays Extended Stay Hotel Partners LP seeks incentives related to construction of an approximately 41,000 square foot Town Place Suites hotel featuring 80 rooms (+/-), to be located at the northeast corner of the intersection of I-70 and Vine Street (Highway 183), immediately east of the Best Western, north of the Hampton Inn, and south of the JT Travel Plaza that is currently under construction.

Two separate CID petitions have been submitted; one petition seeks to impose a 1% CID sales tax on only the hotel property (CID I), and a second petition seeks to impose an additional 1% CID sales tax on the hotel property and the JT Travel Plaza property (CID II).

If approved, the total sales tax at the Travel Plaza would be 10.5%, and the total sales tax at the Hotel would be 16.5%.

Mr. Rupp explained that the first step in the statutorily-outlined process is for the City Commission to hold a public hearing on the matter which has been scheduled for November 22, 2016. Should the Commission choose to move forward with the process, the next step involves negotiating a development agreement, and ultimately, adopting an ordinance creating the Community Improvement District.

The draft Development Agreement has been reviewed by the City's bond counsel and City Attorney. In addition to the standard language, City staff has included that even if the CID sales tax revenues from either of the proposed CIDs exceed expectations, the developer would not be reimbursed from the two CIDs combined for more than \$1,733,318 plus the developer's actual costs of interest on any financing arranged by them at a rate not to exceed 7% per annum.

The Development Agreements will be presented to the Commission for consideration following the Public Hearing at the November 22, 2016 Commission meeting.

Hays Investors Community Improvement District (CID) – Ordinance and Development Agreement

Finance Director, Kim Rupp, also reported that Hays Investors LLC has submitted a petition for the creation of a CID to construct approximately 73,000 square feet of retail space, to be located on approximately 9.1 acres at the northeast corner of I-70 and Vine Street (Highway 183), and directly north of Home Depot. This development is expected to consist of an approximately 50,000 square foot building to be used by a national retailer and another 23,000 square feet of retail space. The CID would impose a 1% CID sales tax on the property. The total retail project cost is estimated to be \$13,671,702. The total CID eligible expenses requested for reimbursement over the 22 year life of the CID is \$3,613,702. If approved, the total sales tax on the retail development proposed would be 10.5%.

The first step in the statutorily-outlined process is for the City Commission to hold a public hearing on the matter which has been scheduled for November

22, 2016. Should the Commission choose to move forward with the process, the next step involves negotiating a development agreement, and ultimately, adopting an ordinance creating the CID.

The draft Development Agreement has been reviewed by the City's bond counsel and City Attorney. In addition to the standard language, City staff has included that even if the CID sales tax revenues exceed expectations, the developer will not be reimbursed for CID-eligible expenses for more than \$3,613,702.17 plus actual costs of interest on any financing by the developer at a rate not to exceed 7%.

In the event certificates of occupancy for 73,000 square feet of retail space are not issued within 36 months of approval of the CID, then the CID will be dissolved.

So long as the CID on the retail project property is in existence, the developer will not request, and the City will not approve, any additional economic development incentives on the retail project property.

The developer has requested a last minute change to Section 20, of the Development Agreement which would give the developer the right to seek changes to the agreement due to changing economic and market conditions.

City Manager, Toby Dougherty, stated with the new language requested in Section 20, the developer would have the right to come back and ask for a modification to the development agreement.

Aaron White, Ellis County Coalition for Economic Development Director, stated this change is likely being requested by the developer's lending bank. He stated the lender is drafting a letter stating that they are expecting the CID as a backstop to their lending.

Vice-Chairperson Meier stated he doesn't understand what difference this makes. Even though we include that you can't ask for more incentives on this property in the development agreement, there isn't anything stopping them from asking for more incentives, and a future Commission could take action to amend it and change it anyway.

City Manager, Toby Dougherty, stated that this change does not obligate the Commission to anything. He also reminded the Commission that we have had declining sales tax revenues and our general fund is funded with sales tax and we need all the general fund revenue we can get.

It was the consensus of the Commission to move the development agreement forward for consideration, with the proposed change, at the November 22, 2016 Commission meeting.

Ordinance and Resolution to Authorize the Issuance of General Obligation Refunding and Improvement Bonds, Series 2016-A

Kim Rupp, Finance Director, reported that on November 22, 2016, the City will take bids for the purchase of approximately \$5,995,000 of General Obligation Refunding Bonds, Series 2016A (the "Bonds"). Final versions of the ordinance and resolution, as well as final payment terms on the Bonds, will be made available by George K. Baum & Co., the City's Financial Advisor, and Gilmore & Bell, P.C., the City's Bond Counsel, after the sale of the Bonds and before the November 22, 2016 Commission meeting. Staff recommends approval of both the ordinance and resolution for the General Obligation Refunding Bonds, Series 2016A.

At the November 22, 2016 Commission meeting, Commissioners will be asked to approve an ordinance authorizing and providing for the issuance of General Obligation Refunding Bonds Series 2016A and approve a resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Refunding Bonds Series 2016A.

Mr. Rupp also reported that the City has received a AA rating with stable outlook on our Standard and Poor rating.

Other Items for Discussion

There were no other items for discussion.

The work session was adjourned at 7:05 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: November 17, 2016

Subject: Vehicle Abatement at 414 E. 7th

Person(s) Responsible: Greg Sund, Director of Public Works

Summary

The abandoned vehicles located in the rear yard at 414 E 7th have expired tags therefore deeming them inoperable. Up to this point, all proper notification has been given to the owner of the property. Both the property owner and the tenant have been sent notifications informing them of the violation. To date, no action has been taken by the owner of the property. If the vehicles are removed by the city, all costs of abatement will be charged to the owner of the property. Staff recommends approving the resolution allowing the vehicles located at 414 E 7th to be abated by the city.

Background

Staff has had various nuisance cases on this property over the past several years (10 over the last 3 years). Most issues have been reluctantly resolved and have not had to be abated by the City.

Discussion

Planning, Inspection, and Enforcement is requesting a resolution to abate the three inoperable vehicles located on the property at 414 E 7th be placed on the agenda for formal action at the November 22, 2016 City Commission meeting. The property located at 414 E 7th is in violation of City Ordinance Chapter 26 Article II. The vehicles have no current and legal tags, therefore deeming them inoperable. Letters have been sent per City of Hays Ordinance requirements. No progress by the owner has been made on this vehicle. Staff is now moving forward for abatement of the vehicle since the owner of the property has not followed through accordingly.

Legal Consideration

The City is required to follow procedures established by the ordinance cited in the Discussion. Assuming those procedures were followed, the City is allowed to remove and dispose of the vehicle.

Financial Consideration

Any costs associated with the city removing these vehicles will be billed to the property owner. If not paid, an assessment will be placed on the tax rolls.

Options

Options include the following:

- Approve the resolution allowing for the vehicles to be removed
- Do not approve the resolution

Recommendation

Staff recommends approving this resolution allowing the vehicles located at 414 E 7th to be removed from the property.

Action Requested

Approve the resolution to abate the vehicles located on the property at 414 E 7th ten days after the approval date.

Supporting Documentation

Letters to Property Owner

Pictures

Resolution

AIRPORT DIVISION
NATHAN MARCUCCI, MANAGER
3950 E 8TH ST., HAYS, KS 67601

TEL 785-628-7370
FAX 785-628-7373



DON STEJSKAL
1002 VINE ST., HAYS, KS 67601

SERVICE DIVISION
TEL 785-628-7353
FAX 785-628-7352

PLANNING, INSPECTION, & ENFORCEMENT DIVISION
JESSE ROHR, SUPT.
1002 VINE ST., HAYS, KS 67601

TEL 785-628-7310
FAX 785-628-7352

MARVIN HONAS, SUPT.
1780 W. 55TH ST., HAYS, KS 67601

SOLID WASTE DIVISION
TEL 785-628-7357
FAX 785-628-7352

GREG SUND, DIRECTOR
JOHN BRAUN, ASSISTANT DIRECTOR
1002 VINE STREET, HAYS, KS 67601
TEL 785-628-7350, FAX 785-628-7352

PUBLIC WORKS DEPARTMENT
www.haysusa.com

Curtis Gasper
417 East 7th Street
HAYS, KS 67601

September 15, 2016

RE: 414 East 7th Street

Dear Curtis Gasper:

It has come to our attention that a city code violation(s) exist at **414 East 7th Street**, Hays, Kansas (photo(s) are attached). The violation consists of **Inoperable Vehicles on Private Property**. Ellis County records indicate that you are the owner of the property. The item(s) listed are in violation of City Ordinance, **Sec. 26-40 (Inoperable Vehicles)**.

We request that you please correct the problem within the next 5 days. We sincerely appreciate your cooperation. Inspectors will revisit the site after **9/26/2016**, and it is our hope that corrective action will have been taken. If not, we will need to take further steps to resolve this issue.

If you have questions, please contact me at the Public Works Department Planning, Inspection, and Enforcement Division at (785) 628-7310. Thanks for working with us to keep Hays a safe, attractive and wholesome place to live.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Rorabaugh".

Chris Rorabaugh
Building Inspector/Code Enforcement Officer

Enclosed: Pictures

Cc: File
Resident (if applicable)

AIRPORT DIVISION
NATHAN MARCUCCI, MANAGER
3950 E 8TH ST., HAYS, KS 67601

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PUBLIC WORKS DEPARTMENT
www.haysusa.com

September 29, 2016

Curtis Gasper
417 East 7th Street
HAYS, KS 67601

RE: 414 East 7th Street

VIA CERTIFIED MAIL:

Dear Curtis Gasper:

The violation located at 414 East 7th Street, Hays, Kansas still exists (photos attached). We wrote a letter to you on 9/15/2016 requesting that you abate the situation.

You have ten (10) days from the date of receipt of this letter to abate the violation. Failure to abate the violation within ten (10) days will result in the City or its authorized agent to file an abatement process for Inoperable Vehicles on Private Property on your property. The costs will be assessed to the owner or agent in charge of the property. Opportunity will be given to the owner to pay the assessment, and if not paid, it will be added to the property tax as a special assessment. Please note that you have ten (10) days from the receipt of this notice to file a written appeal, requesting a hearing before the governing body.

We ask again that you please resolve this situation immediately. If you have questions or need further explanation, feel free to contact me at (785) 628-7310.

Sincerely,

A handwritten signature in black ink that reads "Chris Rorabaugh". The signature is fluid and cursive.

Chris Rorabaugh
Building Inspector/Code Enforcement Officer

Enclosed: Pictures

Cc: City Prosecutor
File









RESOLUTION NO. 2016-

A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS DESIGNATED AGENT TO ABATE NUISANCE LOCATED ON THE PROPERTY AT 414 E 7th ST., HAYS, KANSAS.

WHEREAS, the City of Hays did enact Ordinance Chapter 26, Article 2, declaring certain matters as inoperable vehicles a violation of City Ordinance and providing for the removal or abatement of inoperable vehicles and further providing for the assessment of costs and penalties; and

WHEREAS, on September 15, 2016, September 29, 2016, and October 13, 2016, inspections of the property were conducted by the City of Hays, and said inspections determined the three inoperable vehicles on the property at 414 E 7th St. were in violation of City Ordinance Chapter 26, Article 2; and

WHEREAS, on September 15, 2016, a letter was sent to the owner of the property at 414 E 7th St., requesting that the owner abate the nuisance by removal of the inoperable vehicles within 10 days; and

WHEREAS, on September 29, 2016, a certified letter to the owner of the property at 414 E 7th St. was prepared giving said owner ten days, upon receipt, in which to abate the nuisance; and

WHEREAS, on October 1, 2016, the certified letter to the owner of the property at 414 E 7th St. was verified as received by said owner; and

WHEREAS, an inspection of the property done on October 13, 2016, revealed the inoperable vehicles were not abated from the property; and

WHEREAS, the Governing Body of the City of Hays desires that the three inoperable vehicles on the property at 414 E 7th St. be abated by the City or its authorized agent.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, AS FOLLOWS:

Section 1. That the existence of the inoperable vehicles located at 414 E 7th St. are hereby found to be in violation of Ordinance Chapter 26, Article 2.

Section 2. That the owner of the property located at 414 E 7th St. was given proper notice to abate the nuisance condition located at 414 E 7th St. and has failed to abate the said nuisance.

Section 3. That the City of Hays or its designated agent is hereby authorized to abate the condition causing the violation at

the end of ten days from the date of passage of this Resolution.

Section 4. That the cost incurred by the City shall be charged against the lot located at 414 E 7th St. as provided in Ordinance Chapter 26, Article 2.

PASSED by the City Commission on the 8th day of December, 2016.

Shaun Musil, Mayor

ATTEST:

Brenda Kitchen, City Clerk

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: December 1, 2016

Subject: Emergency Snow Routes Amendment

Person(s) Responsible: Greg Sund, Director of Public Works

Summary

Due to the relocation of Ellis County Emergency Medical Services, City staff recommends amending Section 62-151 of the Municipal Code regarding the designation of emergency snow routes within the City of Hays.

Background

Section 62-151 of the Municipal Code establishes certain streets as emergency snow routes within the City of Hays. During a Winter Storm Traffic Emergency as declared by the City Manager, it is unlawful to park a vehicle on any street designated as an emergency snow route.

When Ellis County Emergency Medical Services (EMS) was located at the 1009 Cody, the streets surrounding EMS were designated emergency snow routes. Now that EMS has moved into the new Ellis County Rural Fire/EMS Building at 1105 E 22nd, it is advisable to amend the emergency snow routes to reflect the change.

Discussion

The City Attorney has prepared an ordinance amending Section 62-151 of the Municipal Code to remove the following street segments:

General Hays Road, from Cody Avenue to Downing Avenue;
Downing Avenue, from General Hays Road to Vine Street;

and to add the following street segment:

General Hays Road, from Cody Avenue to 22nd Street.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

There is no cost associated with the proposed amendment.

Options

The City Commission has the following options:

1. Consider adopting an Ordinance to amend Section 62-151 of the Municipal Code.
2. Direct Staff to another option;
3. Do nothing.

Recommendation

Staff recommends passing the ordinance amending Section 62-151 of the Municipal Code.

Action Requested

Adopt ordinance amending Section 62-151 of the Municipal Code.

Supporting Documentation

Map
Ordinance

ORDINANCE NO. _____

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**AN ORDINANCE AMENDING SECTION 62-151(e) OF THE
CODE OF ORDINANCES, CITY OF HAYS, KANSAS,
RELATING TO EMERGENCY SNOW ROUTES.**

BE IT ORDAINED BY THE BY GOVERNING BODY OF THE CITY OF HAYS,
KANSAS:

Section 1. Sec. 62-151(e) of the Code of Ordinances, City of Hays, Kansas, as first passed and amended, is hereby amended to read as follows:

Sec. 62-151 (e) *Emergency Snow Routes Establishment; Signs.* The following streets are established as emergency snow routes within the city:

Hall Street, from 41st Street to 12th Street;
Elm Street, from 12th Street to 8th Street;
Ash Street, from 27th Street to 8th Street;
Fort Street, from 27th Street to 8th Street;
Allen Street, from 22nd Street to 8th Street;
27th Street, from Thunderbird Drive to Canterbury Road;
22nd Street, from Allen Street to Commerce Parkway;
13th Street, from Hall Street to Wheatland Drive;
8th Street, from Big Creek to Chetolah Creek;
Main Street, from 183 Alternate to 27th Street;
MacArthur Road, from 22nd Street to 13th Street;
Thunderbird Drive, from 27th Street to 41st Street;
41st Street, from 183 Alternate to Vine Street;
Hwy. 40-Bypass from Vine to Chetolah Creek;
Cody Avenue, from Vine Street to General Hays Road;
General Hays Road, from Cody Avenue to ~~Downing Avenue~~22nd Street;
~~Downing Avenue, from General Hays Road to Vine Street;~~
Vine Street, from 183 Alternate to 55th Street;
33rd Street, from Oak Street to Hall Street and from Vine Street to Indian Trail;
Centennial Boulevard, from 22nd Street to 24th Street;
Indian Trail, from 24th Street to 33rd Street;
Canterbury Road, from 13th Street to I-70;
32nd Street, from Oak Street to Vine Street;
Willow Street, from 27th Street to 38th Street

The director of public works shall, upon passage of this section, cause appropriate signs to be installed along each of said streets designated emergency snow routes.

Section 2. Sec. 62-151(e) of the Code of Ordinances, City of Hays, Kansas, as earlier passed and amended, is hereby repealed.

Section 3. This Ordinance shall be effective upon publication in the *Hays Daily News*, the official City newspaper.

PASSED by the Commission on _____, 2016.

SHAUN MUSIL
Mayor

ATTEST:

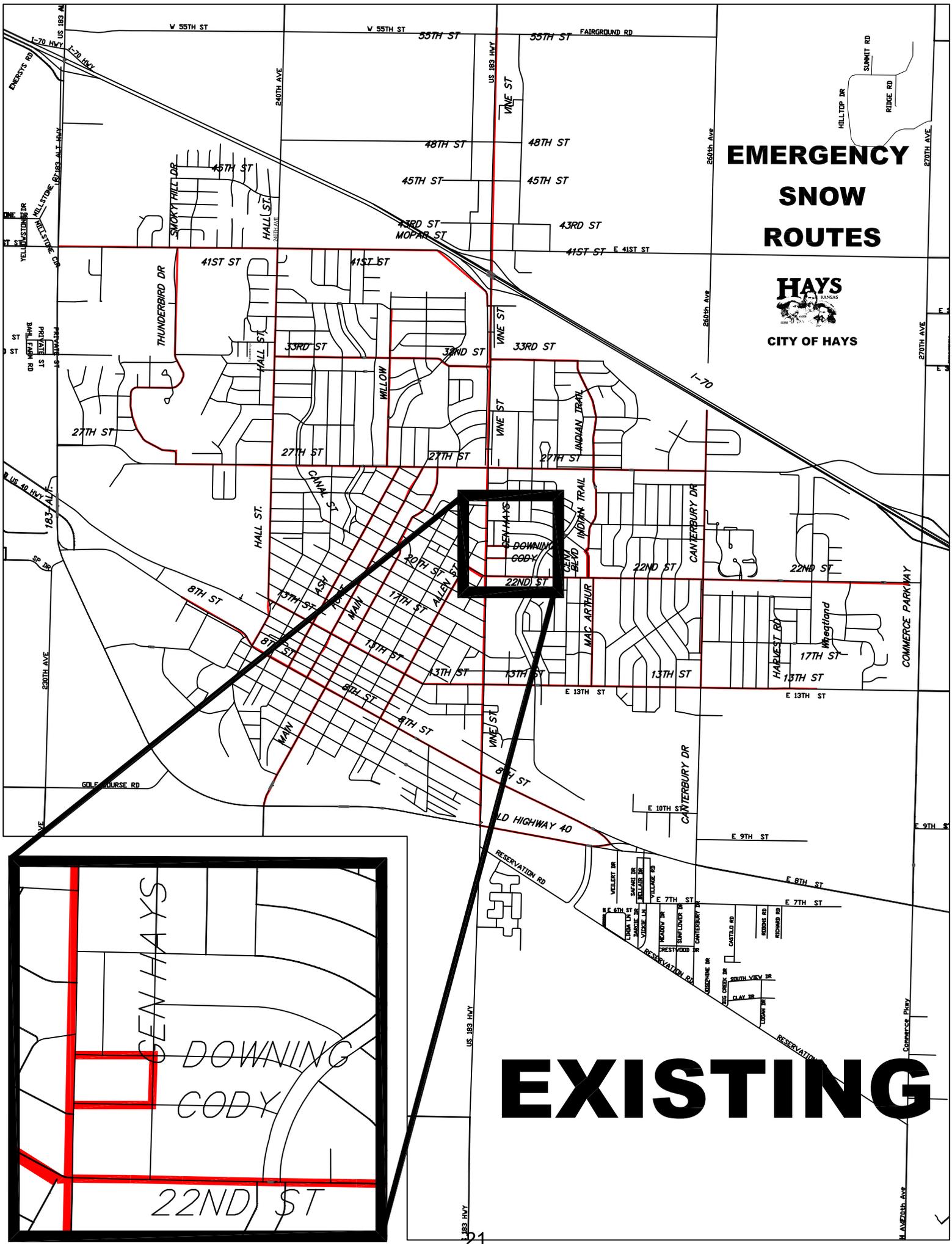
BRENDA KITCHEN
City Clerk

(SEAL)

EMERGENCY SNOW ROUTES



CITY OF HAYS

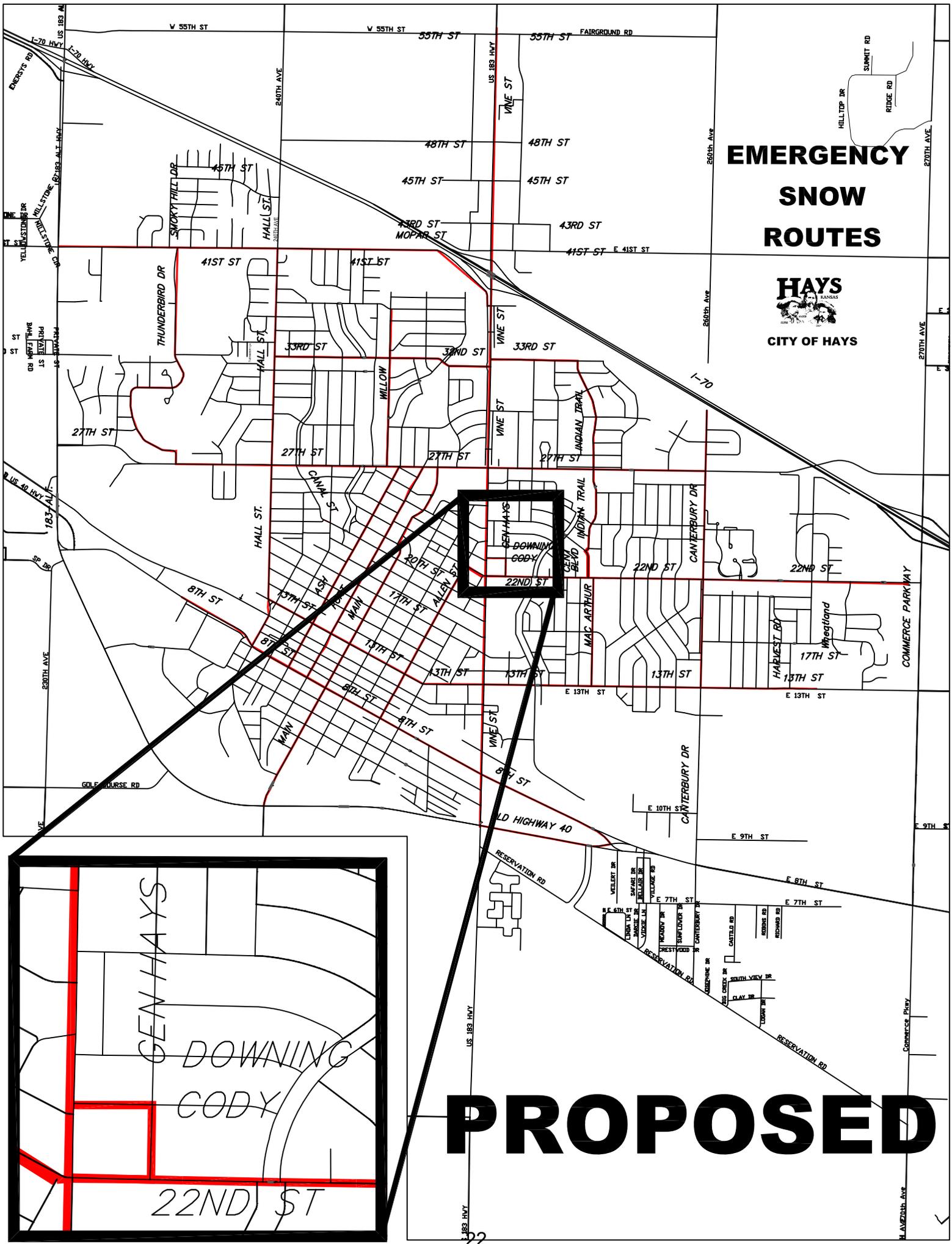


EXISTING

EMERGENCY SNOW ROUTES



CITY OF HAYS



PROPOSED