

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 2-18-13
Re: February 21, 2013 Work Session

Please find the attached agenda and supporting documentation for the February 21, 2013 Work Session.

Item 2 – North Central Kansas Technical College – 2013 Big Creek Technical Center Annual Report

As part of their contract for utilizing space at the former Army Reserve facility, the Technical College is required to present the Commission with an annual report.

Item 3 – Award of Bid for Painting of Two Water Basins and One Wastewater Basin

Please refer to the attached memorandum from Director of Utilities Bernie Kitten regarding the painting of two clarifiers at the Water Plant and one clarifier at the Wastewater Treatment Plant. The only item of note with this agenda item is that bids have not been received prior to the preparation of this agenda item. City staff will have bid information at the Work Session on Thursday. City staff prepared the agenda item before bids were due to get a head start on the process as we would like to accomplish the repainting before the heat of the summer.

Item 4, 5 & 6 – DK Ranch Addition – Annexation, Request for Rezoning and Plat

Please refer to the attached memorandums from Planning, Inspection and Enforcement Division Superintendent Jesse Rohr. These items are all related to the proposed DK Ranch development.

Item 7, 8 & 9 – Vehicle Abatements – 3406 Summer Lane, 509 East 5th and 1102 East 17th

Items 7, 8 and 9 are self-explanatory.

Item 10 – Solid Waste Polycart Purchase

Please refer to the attached memorandum from I.D. Creech, Director of Public Works. City staff would like to increase the number of polycarts we have in reserves to provide as replacements. The amount is in excess of my spending authority and will require Commission approval.

Item 11 – Exchange Visit with Sister City in China (Xinzheng, China)

At the last Work Session, Commissioner Schwaller discussed an invitation that had been extended by the Mayor of Xinzheng, China. The invitation was for a member, or members, of our City Commission to attend Xinzheng's annual celebration.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, FEBRUARY 21, 2013 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [February 5, 2013 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [North Central Kansas Technical College – 2013 Big Creek Technical Center Annual Report \(PAGE 5\)](#)**
PERSON RESPONSIBLE: Don Benjamin, Dean of the NCKTC Hays Campus
3. **ITEM FOR REVIEW: [Award of Bid for Painting of Two Water and One Wastewater Basins \(PAGE 9\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Bernie Kitten, Director of Utilities
4. **ITEM FOR REVIEW: [DK Ranch Addition Annexation \(PAGE 19\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
5. **ITEM FOR REVIEW: [DK Ranch Request for Rezoning \(PAGE 27\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
6. **ITEM FOR REVIEW: [DK Ranch Addition Plat \(PAGE 41\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
7. **ITEM FOR REVIEW: [Vehicle Abatement – 3406 Summer Lane \(PAGE 51\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
8. **ITEM FOR REIVEW: [Vehicle Abatement – 509 East 5th \(PAGE 59\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
9. **ITEM FOR REVIEW: [Vehicle Abatement – 1102 E. 17th \(PAGE 67\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
10. **ITEM FOR REVIEW: [Solid Waste Polycart Purchase \(PAGE 75\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
11. **ITEM FOR REVIEW: [Exchange Visit with Sister City in China \(Xinzheng, China\)](#)**
PERSON RESPONSIBLE: Commissioner Steward
12. **OTHER ITEMS FOR DISCUSSION**
13. **EXECUTIVE SESSION (IF REQUIRED)**
14. **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
February 5, 2013

Present: Kent Steward, Ron Mellick, Eber Phelps, John Bird, Toby Dougherty
Absent: Troy Hickman, Henry Schwaller IV

Joint City Commission/Hays Area Planning Commission Meeting with Housing Study Group

The joint meeting will be held at a future work session.

Overland Property Group, LLC – Resolution of Support and RHID Request

Overland Property Group, LLC has submitted an application for tax credits to help finance the construction of additional apartments in Hays. Their proposal is for the development of rental housing to be located on 22nd Street directly south of Hays Medical Center. The development will contain up to 32 units. As part of the tax credit process, Overland Property Group is requesting a Resolution of Support from the City of Hays.

Overland Property Group is also requesting the creation of a Rural Housing Incentive District (RHID) to fund financing. This is the first time a RHID would be used in Hays; staff would like to develop a policy on RHIDs before this economic development tool is utilized. Overland Property Group needs confirmation that the City is considering the creation of a RHID prior to their May submission date. That will enhance their chance of receiving tax credits.

Staff will provide a white paper on this issue at a future work session. The Commissioners will be requested to consider approval of a Resolution of Support for this project at the February 14, 2013 Commission meeting. The City Manager will draft a letter confirming that the City of Hays is considering the creation of a RHID.

Bids for 2013 Street Maintenance Program

Bids have been received for the 2013 Street Maintenance Projects, which include seal coat, chip seal, polypatch, diamond grinding and brick repair of various streets throughout the city. The amount of work proposed totals \$376,000, awarded to four different contractors.

Street maintenance is financed through Special Highway Funds, which receives revenue from the state, mainly from fuel tax reimbursements. The 2013 Budget includes \$1,035,329 in budgeted projects. Approximately \$400,000 of that is to reimburse Capital Projects for money spent on last year's street maintenance, leaving \$630,000 for street maintenance in 2013. Of that amount, \$190,000 will be spent for in-house work and \$20,000 is dedicated to the Sidewalk Rebate Program, leaving \$420,000 for the projects just bid.

The Commissioners will be requested to approve the low bids at the February 14, 2013 Commission meeting.

Business License for Hays Regional Airport

Rex Chambers, representing Aces High Aircraft Refinishing, has acquired hangar G-9 with the intent to perform refinishing and custom painting of certified aircraft. City code requires Commissioners to approve a business license for commercial enterprises at the Hays Regional Airport.

The Commissioners will be requested to give formal approval of a business license at the February 14, 2013 Commission meeting.

Award of Bid – Sand Filter Building and Main Control Building Roof Replacement

At the February 14, 2013 Commission meeting, the Commissioners will be requested to approve a bid submitted by Roof Masters, in the amount of \$50,100, to replace the roofs on the Sand Filter Building and the Main Control Building at the Wastewater Treatment Plant.

SCADA Upgrades at Wastewater Treatment Plant

To fully maximize Wastewater Treatment Plant operations and adequately monitor state approved changes, an upgrade to the current SCADA system is necessary. Upgrading the SCADA system will allow the Wastewater Treatment Plant to continue to stay in compliance with the National Pollutant Discharge Elimination System permit and also save on electrical costs as well as overtime by eliminating operators having to perform a plant check every night.

The Commissioners will be requested to approve a bid in the amount of \$74,635, submitted by R. E. Pedrotti Company, for SCADA upgrades to the Wastewater Treatment Plant at the February 14, 2013 Commission meeting.

Outside Agencies – City of Hays Funds Recognition Policy

Commissioner Schwaller requested discussion of outside agencies funding; however he was not at the meeting; therefore this item was not discussed.

Sister Cities – Exchange Visit with Sister City in China

Commissioner Steward reported that our Sister City in Xinzheng, Henan, China has a new mayor who would like to renew our Sister City relationship with the City of Hays. The new mayor invited the City to send a delegation to visit Xinzheng in April. Commissioner Steward requested the Commissioners discuss this to see if it was something they wanted to pursue.

Further discussion on this topic will be held at the February 21, 2013 work session.

The work session adjourned at 7:38 p.m.

Submitted by: _____

Doris Wing – City Clerk

NCK TECHNICAL COLLEGE
2013 BIG CREEK TECHNICAL CENTER
ANNUAL REPORT

This report is the third annual summary of the activities that have been completed or are in progress at the Big Creek Technical Center housed at 101 South Main Street in agreement with the City of Hays.

NCK Tech has continued to enhance the educational environment for students at Big Creek Technical Center. This has been accomplished by redesigning and adding additional training stations for the electrical students. This allows for greater instructor supervision and working stations for the increased enrollment numbers. The PHAC students now utilize the west building as it has been developed into a live laboratory for both electrical and natural gas heating and cooling units. The Carpentry/ Cabinetmaking program utilizes the classrooms at Big Creek but have leased additional shop space on 22nd Street for the cabinet shop.

The 2011/12 completed projects that enhanced student's hands on applications were the competition of the remodeling of the Parks Department Building. This involved over 1,200 student hours for the construction, additional electrical service, and upgrades to the HVAC system. The current student project is the construction of a three bedroom 1,800 square foot single family home on the main campus. This house will be completed at the end of the current semester and is scheduled to be auctioned on May 18th.

All of NCK Tech lead instructors are licensed under the Hay City codes for their instructional areas. All of the instructors received advance training in code, energy conservation, and building auditing. NCK Tech continues to partner with manufactures and distributors to host technician trainings and workshops. Over 90 technicians and 28 students have received training during the year.

NCK Tech is still the only provider of hands-on training for underground directional drilling. Three weeklong sessions were held in Hays during the year with one student coming from New York for the class. Additional short term classes that NCK Tech has include the utility locator training and the ten hour OSHA certification.

Using standard calculations for the cost of college education the economic impact of the increased enrollment in the programs at Big Creek Technical Center exceeds three quarters of million dollars for the area. More important is the fact that over 80% of the program completers return to or work within fifty miles of their home communities.

PROJECT HOUSE

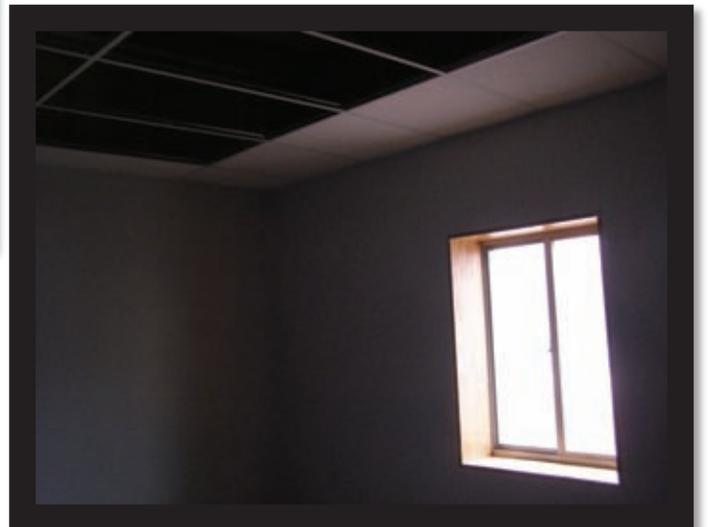
2012 2013





Carpentry 2011-2012

Remodel of the Parks Department Project



Commission Work Session Agenda

Memo

From: Kyle Sulzman, Assistant Director of Utilities

Work Session: February 21, 2013

Subject: Bid Award for Painting of Two Water and One Wastewater Basins

Person(s) Responsible: Toby Dougherty, City Manager
Bernie Kitten, Director of Utilities

Summary

The Water Plant and Wastewater Treatment Plant require maintenance on three total clarifiers. At the Water Plant the east secondary clarifier was installed with the 1975 plant expansion project. The west primary is part of the original plant design of 1950. The Wastewater Treatment Plant's final #1 clarifier is part of the original design of 1967. After years of the clarifier's submersion in water, the paint coatings are failing to protect the metal parts. The project requires sand blasting and painting.

Bids are out to contractors for this project. Staff will obtain costs at Bid Opening on February 20, and will provide a recommendation on February 21st.

Background

In 2012 the Water treatment plant contracted the sandblasting and painting of the west secondary clarifier. The work was done in June during the record temperatures. With one of the two clarifiers being painted we were operating at capacity. Staff was satisfied by the end product and found out that this type of service needs to be done earlier in the year. This year, the other secondary clarifier and a small primary clarifier will be painted. Staff is specifying the contractor be completed a month earlier, on May 31 at the water plant. This is in anticipation of water needs as we gear up for another high demand from the water treatment plant.

The wastewater clarifier is not time restricted. The clarifiers are constructed of metal and concrete. The paint on the metal has degraded over time.

Discussion

The bids will be opened on February 20, 2012, the day before the regular Commission Work Session. The reason for such urgency is we require the contractor to have the water plant east secondary and the west primary clarifier completed before May 31, 2013. Expediting will allow the contractor to gain 2 weeks of time which will create less of a hindrance on the water operations busiest months. The water and wastewater treatment plants have multiple basins used during the treatment process. The most cost effective and least disruptive way to perform maintenance is to schedule it ahead of time and only remove one basin from service at a time. The water plant's east secondary clarifier is used to settle out solids that are formed from the initial softening process. The west primary clarifier is where the water undergoes the chemical treatment in which lime and soda ash are added.

The wastewater final #1 clarifier basin slows down the waste to allow the solids to settle. The settled solids are scraped into a hopper and returned to the Activated Sludge Basin to go through that treatment process again.

The tabulation of bids, the staff recommendation and a more specific action request will be presented at the February 21, 2013 work session.

Legal Consideration

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

Financial Consideration

As an indemnified need, \$165,000.00 is budgeted in this year's Capital Improvement Plan from the Water/Wastewater fund for this project.

Options

The Commission has the following options:

- Option 1: Award Contract as presented by staff at the February 21, 2013 work session.
- Option 2: Provide alternate direction to staff.
- Option 3: Do nothing

Recommendation

City staff recommends proceeding with Option 1.

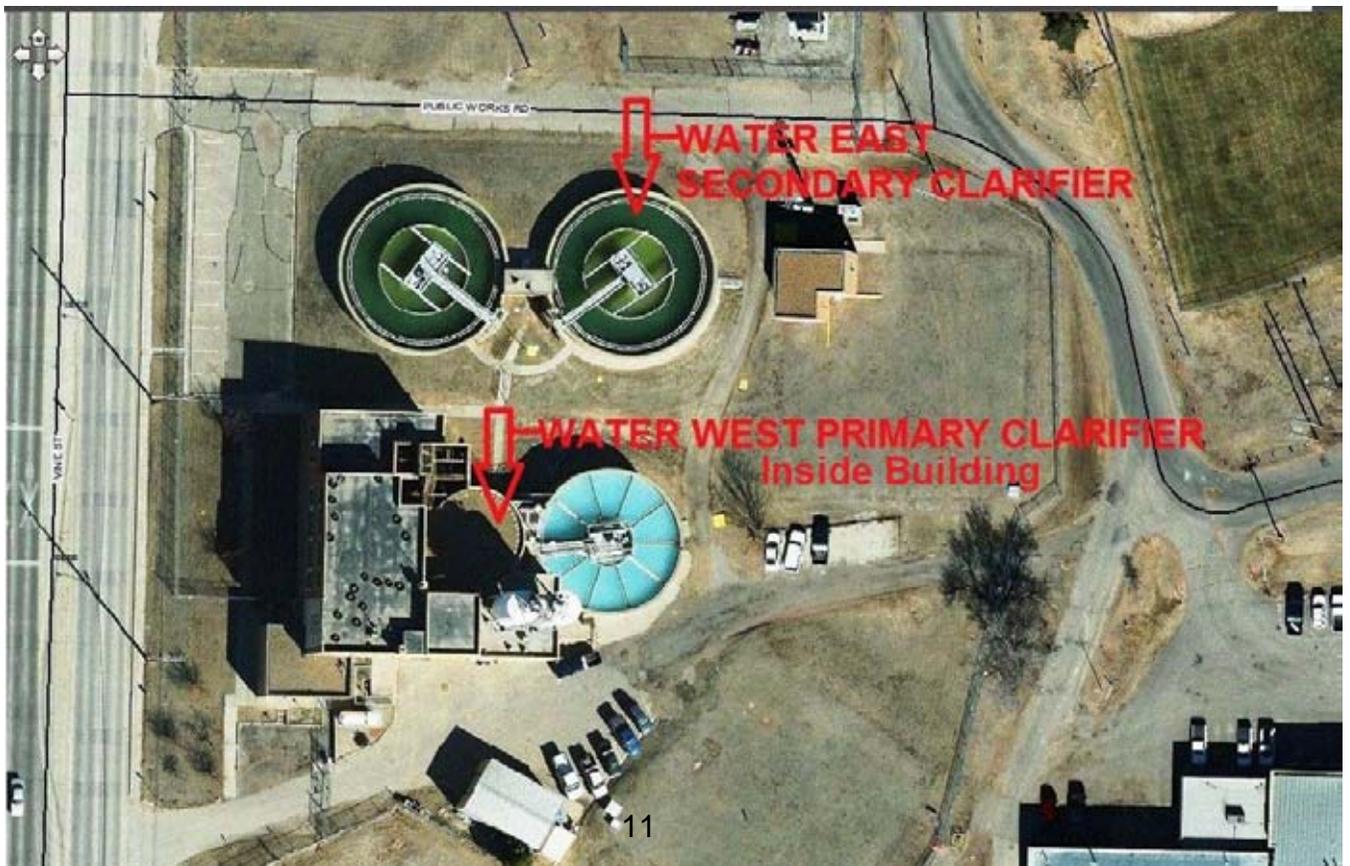
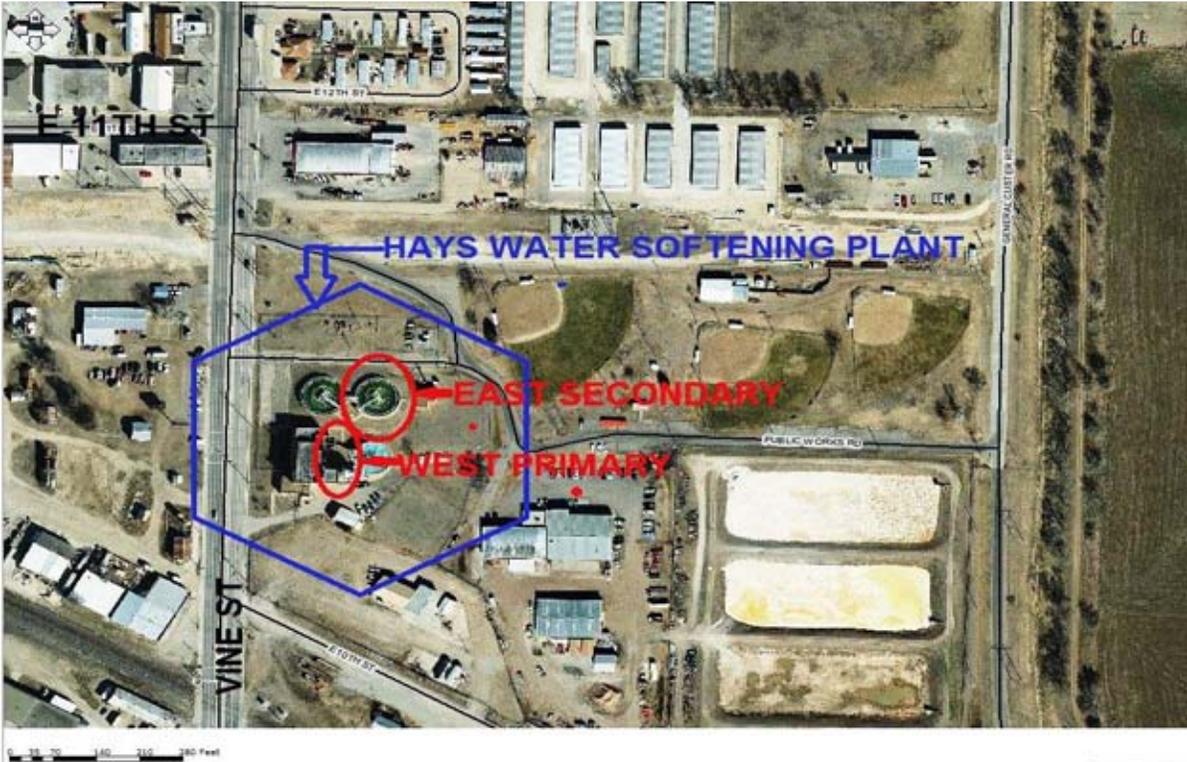
Action Requested

Consider authorizing the City Manager to enter a contract as recommended by staff.

Supporting Documentation

- Attachment 1: Spreadsheet showing bid tabulations. Deliver on February 21, 2013
- Attachment 2: Aerial maps of water and wastewater facilities.
- Attachment 3: Basin photos (3 pics)

Attachment A: Water Plant East Secondary Location Map and Plans



Attachment B: Water Plant West Primary Location Map and Plans



Attachment C: Wastewater Treatment Plant Final #1 Clarifier Location Map & Plans





**HAYS WWTP
FINAL # ONE
CLARIFIER**







04/27/2011 13:26

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: February 21, 2013

Subject: DK Ranch Addition Annexation

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The current owners of the property known as the DK Ranch Addition have submitted a petition for annexing as allowed under K.S.A. 12-520a. The owners intend to develop the property into a single-family residential development containing 30 lots and wish to annex to facilitate the development and allow for connection of City utilities and extension of City services. This property is contiguous with current City limits. The costs of extending City infrastructure through the development will be the responsibility of the developer. City Staff recommends adopting the ordinance approving this annexation.

Background

The owner of the property known as the DK Ranch Addition has submitted a consent to annex for the property known as the DK Ranch Addition. The owner/developer has started the platting process, as well as the rezoning process for the property located near the intersection of W. 27th and Hwy. 183 Alt. Both of these items are being handled under separate agenda items. The intention is to provide large single-family zoned lots (30 lots) within the development. The inclusion of the Addition into the City limits of Hays has received the nod of approval from the Hays Area Planning Commission.

Discussion

The current owners of this property have submitted a consent to annex under K.S.A. 12-520a for the property known as the DK Ranch Addition. The owners intend to develop the property into a single-family residential development. The property is contiguous with current City limits. The property is being platted per City of Hays standards and all necessary right-of-way has already been acquired. Approval of the annexation will allow the property owner to receive the benefit of full City utilities and services. If approved, any and all improvements made to the property will be done under the supervision of City staff.

Legal Consideration

Annexation requires the City to extend services to the area annexed within a reasonable time. There are no known legal obstacles to proceeding as recommended by City staff.

Financial Consideration

Annexing this property and allowing for its development will increase the property tax base for the City of Hays.

Options

Options include the following:

- Annex the property as requested
- Do not annex the property

Recommendation

Staff recommends annexing this property to allow for the development of the 30 residential lots within the DK Ranch Addition.

Action Requested

Approve an ordinance for the annexation of the proposed DK Ranch Addition as legally described within the ordinance.

Supporting Documentation

Map of area being annexed
Signed Petition for Annexation
Annexation Ordinance

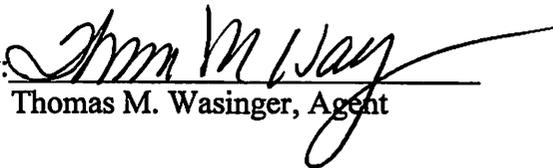
PETITION FOR ANNEXATION

A tract of land situated in the West Half (W/2) of the Southwest Quarter (SW/4) of Section Twenty-nine (29), Township Thirteen (13) South, Range Eighteen (18) West of the 6th P.M., Ellis County, Kansas:

(See attached Exhibit "A" for complete legal description)

That David Krein, Trustee of the Lester and Gladys Confer Trust dated January 7, 2005 is the owner in fee simple of the above described real estate.

That the undersigned is the Agent for the owner and hereby petitions the City of Hays, Ellis County, Kansas to annex the above described real estate.

By: 
Thomas M. Wasinger, Agent

That part of the West Half of the Southwest Quarter of Section 29, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 313.57 feet to the point of beginning of the land to be described; thence continuing North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 1,010.00 feet to the northeast corner of the said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 1650.00 feet; thence South 89 degrees 37 minutes 13 seconds West a distance of 614.49 feet; thence South 00 degrees 35 minutes 28 seconds West a distance of 554.97 feet; thence North 88 degrees 48 minutes 15 seconds East a distance of 604.26 feet; thence on a curve to the right, an arc distance of 10.44 feet, said curve having a radius of 525.00 feet, a central angle of 01 degrees 08 minutes 20 seconds, a chord length of 10.44 feet and a chord bearing of North 89 degrees 53 minutes 14 seconds East to a point on the east line of said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 40.17 feet; thence South 89 degrees 36 minutes 52 seconds West a distance of 1,186.31 feet to a point on the east right of way line of US. Highway 183 Alternate; thence North 02 degrees 53 minutes 57 seconds West, along said right of way, a distance of 63.17 feet; thence North 03 degrees 01 minutes 18 seconds West, along said right of way, a distance of 123.23 feet; thence North 00 degrees 50 minutes 43 seconds West, along said right of way, a distance of 209.59 feet; thence North 89 degrees 09 minutes 17 seconds East a distance of 518.77 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 365.79 feet; thence on a curve to the left, an arc distance of 202.34 feet, said curve having a radius of 460.00 feet, a central angle of 25 degrees 12 minutes 08 seconds, a chord length of 200.71 feet and a chord bearing of North 12 degrees 00 minutes 36 seconds West; thence North 24 degrees 36 minutes 40 seconds West a distance of 705.16 feet; thence on a curve to the right, an arc distance of 224.31 feet, said curve having a radius of 540.00 feet, a central angle of 23 degrees 47 minutes 58 seconds, a chord length of 222.70 feet and a chord bearing of North 12 degrees 42 minutes 40 seconds West; thence on a curve to the right, an arc distance of 142.01 feet, said curve having a radius of 50.00 feet, a central angle of 162 degrees 44 minutes 12 seconds, a chord length of 98.87 feet and a chord bearing of North 09 degrees 13 minutes 22 seconds East; thence South 89 degrees 24 minutes 32 seconds East a distance of 55.00 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 316.96 feet to the point of beginning.

ORDINANCE NO.

**AN ORDINANCE ANNEXING LAND TO THE CITY OF
HAYS, KANSAS.**

WHEREAS, the following described land adjoins the City of Hays, Kansas,

WHEREAS, written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Hays, Kansas, pursuant to K.S.A. 12-520; and

WHEREAS, the governing body of the City of Hays, Kansas finds it advisable to annex such land.

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

Section 1. Pursuant to K.S.A. 12-520(a)(7) the following described land is hereby annexed and made part of the City of Hays, Kansas:

That part of the West Half of the Southwest Quarter of Section 29, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the northwest corner of said Southwest Quarter, thence on an assumed bearing of North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 313.57 feet to the point of beginning of the land to be described; thence continuing North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 1,010.00 feet to the northeast corner of the said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 1650.00 feet; thence South 89 degrees 37 minutes 13 seconds West a distance of 614.49 feet; thence South 00 degrees 35 minutes 28 seconds West a distance of 554.97 feet; thence North 88 degrees 48 minutes 15 seconds East a distance of 604.26 feet; thence on a curve to the right, an arc distance of 10.44 feet, said curve having a radius of 525.00 feet, a central angle of 01 degrees 08 minutes 20 seconds, a chord length of 10.44 feet and a chord bearing of North 89 degrees 53 minutes 14 seconds East to a point on the east line of said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 40.17 feet; thence South 89 degrees 36 minutes 52 seconds West a distance of 1,186.31 feet to a point on the east right of way line of U.S. Highway 183 Alternate; thence North 02 degrees 53 minutes 57 seconds West, along said right of way, a distance of 63.17 feet; thence North 03 degrees 01 minutes 18 seconds West, along said right of way, a distance of 123.23 feet; thence North 00 degrees 50 minutes 43 seconds West, along said right of way, a distance of 209.59 feet; thence North 89 degrees 09 minutes 17 seconds East a distance of 518.77 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 365.79 feet; thence on a curve to the left, an arc distance of 202.34 feet, said curve having a radius of 460.00 feet, a central angle of 25 degrees 12 minutes 08 seconds, a chord length of 200.71 feet and a chord bearing of North 12 degrees 00 minutes 36 seconds West; thence North 24 degrees 36 minutes 40 seconds West a distance of 705.16 feet; thence on a curve to the right, an arc distance of 224.31 feet, said curve having a radius

of 540.00 feet, a central angle of 23 degrees 47 minutes 58 seconds, a chord length of 222.70 feet and a chord bearing of North 12 degrees 42 minutes 40 seconds West; thence on a curve to the right, an arc distance of 142.01 feet, said curve having a radius of 50.00 feet, a central angle of 162 degrees 44 minutes 12 seconds, a chord length of 98.87 feet and a chord bearing of North 09 degrees 13 minutes 22 seconds East; thence South 89 degrees 24 minutes 32 seconds East a distance of 55.00 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 316.96 feet to the point of beginning. Said tract contains 40.168 acres.

Section 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Hays, Kansas, this 28th day of February, 2013.

TROY HICKMAN
Mayor

ATTEST:

DORIS WING
City Clerk

(seal)

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: February 21, 2013

Subject: DK Ranch - Request for Rezoning
(A-L to R-1) Proposed DK Ranch Add.

Person(s) Toby Dougherty, City Manager
Responsible: I.D. Creech, Director of Public Works

Summary

The owners of the property located near the intersection of W. 27th and Hwy. 183 Alt. (Proposed DK Ranch) have submitted a request to rezone the property from A-L (Agriculture District) to R-1 (Single-Family Dwelling District). A public hearing was conducted on December 17, 2012 at the regular meeting of the Planning Commission, and by vote of 6-0-1 (one abstention), a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested. The request does meet the intent of the Comprehensive Plan which denotes the property as Urban Reserve. Urban Reserve areas are open to future development when they can be served with municipal water and sewer, which is the case here. Staff concurs with the recommendation of the Planning Commission and recommends approving this rezoning request from A-L to R-1 as submitted.

Background

The owner/developer of the proposed DK Ranch Addition has started the platting process, as well as the rezoning process for the property located near the intersection of W. 27th and Hwy. 183 Alt. The intention is to provide large single-family zoned lots (30 lots) within the development. The property is currently outside of the City limits but the developer does intend to annex the property into the City which will come as a formal request under a separate agenda item, as well as the recommendation for approval of the final plat.

Discussion

The owners of the property located near the intersection of W. 27th and Hwy. 183 Alt. (Proposed DK Ranch) have submitted a request to rezone the development from A-L (Agriculture District) to R-1 (Single-Family Dwelling District). (See attached map) Zoning of adjacent properties is a mix of primarily single-family residential and agricultural districts. A public hearing was conducted on December 17, 2012 at the regular meeting of the Planning Commission. All property owners within 1000' of the subject property were notified of the

public hearing. A few nearby property owners were present and made comments regarding the rezoning. Approved minutes are attached.

While none of the neighbors present were opposed to the concept of the development, they had concerns including stormwater run-off, traffic, and impacts on domestic wells currently in use if additional private wells are drilled. The stormwater and traffic concerns were addressed by staff and the Planning Commission. The water well issue is State regulated. Originally this request had come forward to the Planning Commission at the October 15, 2012 Planning Commission meeting and was denied due to several issues not being addressed. However, at the hearing on December 17, 2012, the issues were handled accordingly to the satisfaction of staff and the Planning Commission therefore leading to a favorable vote for approval of the rezoning request.

Legal Consideration

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

Financial Consideration

None identified at this time.

Options

Options include the following:

- Approve the rezoning request from A-L to R-1 as recommended by the Planning Commission
- Deny the rezoning request from A-L to R-1 (Requires a 2/3 majority vote to overturn the P.C. recommendation)
- Send the request back to the Planning Commission for further consideration with specific basis for further review

Recommendation

By a vote of 6-0, the Planning Commission recommends approving this rezoning request from A-L (Agriculture) to R-1 (Single-Family) as was submitted. Based on the factors considered, staff concurs with the Planning Commission recommendation.

Action Requested

Approve the ordinance for the rezoning request of the proposed DK Ranch Addition as submitted, from A-L to R-1 as recommended by the Planning Commission and City staff.

Supporting Documentation

Map(s)
Planning Commission Findings of Fact
Planning Commission Minutes
Ordinance

PLANNING COMMISSION FINDINGS OF FACT

1. CASE NO.: **12-06Z** FILING FEE PAID: **\$200.00**
 2. DATE FILED: **11-14-2012**
 3. DATE ADVERTISED FOR HEARING: **11-25-2012 and 11-26-2012**
 4. PUBLIC HEARING DATE: **12-17-2012**
 5. APPLICANT'S NAME: **Lester & Gladys Confer Trust Dated August 17, 2012**
David A Krien, Trustee
 6. LOCATION OF PROPERTY: **Intersection of 27th Street and U.S. Highway 183**
Alternate
 7. DESCRIPTION OF PROPERTY: **Tract proposed to be platted to 30 residential**
lots on a tract of land in the W/2 of the SW/4 of S29-T13S-R18W
 8. PRESENT USE OF PROPERTY: **Vacant – Farm Ground**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-1"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Residential and Farm ground**

SOUTH: **Residential (one Property)**

EAST: **Residential**

WEST: **State Highway - Farm Ground**
2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"R-1" & "R-S"**

SOUTH: **"A-L"**

EAST: **"R-1"**

WEST: **"A-L"**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:

Area is identified as Medium-Density Residential in the current adopted Comprehensive Plan. Property is well suited for residential development and is bounded on two sides by existing or potential residential development.

 - A. DEDICATION OR RESERVATION NEEDED FOR:
 1. DRAINAGE: **Storm Water Development Required**
 2. STREETS: **Not Yet platted**
 3. UTILITY EASEMENTS:
 - a. ELECTRICITY: **Not yet platted**
 - b. GAS: **Not yet platted**
 - c. SEWERS: **Not yet platted**
 - d. WATER: **Not yet platted**
 4. SHOULD PLATTING BE REQUIRED: **Platting is in process**
 - B. TRAFFIC CONDITIONS:
 1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Local**
 2. RIGHT-OF-WAY WIDTH: **60'**
 3. SIGHT DISTANCE: **OK**
 4. TURNING MOVEMENTS: **OK**
 5. COMMENTS ON TRAFFIC: **Local**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The property is suited for Agricultural ground, however this is an area of projected/anticipated residential growth.**
5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY: **Removal of the agricultural designation should not have a negative affect on the most nearby properties, primarily the adjacent single-family neighborhood to the east.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **With the exception of agricultural uses, the property has been vacant since the adoption of 3-mile zoning regulations – 30 plus years.**
7. THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARDSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER: **Neighboring property values should tend to increase as development takes place and infrastructure is extended. The impact of the rezoning, if approved, should not be destructive to neighboring property and should actually enhance the surrounding area.**

8. THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY: **The property in question has been identified on the adopted Comprehensive Plan as Medium Density Residential, such as an “R-2” Single-Family Dwelling District. R-1 and R-2 are compatible zoning districts.**

The owner has requested the use to be “Low Density” in character, with large lots, which is compatible with the character of the surrounding already-developed area.

The request for the residential zoning as presented does fit the overall scheme of the adopted Comprehensive Plan.

**HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
DECEMBER 17, 2012
MINUTES (Excerpt)
6:30 P.M.**

1. CALL TO ORDER: The Hays Area Planning Commission met in regular session Monday, December 17, 2012 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Larry Gould declared that a quorum was present and called the meeting to order.

Present: Larry Gould Paul Phillips Emery Jennings Tom Denning
Jim Fouts Lou Caplan Pam Rein

Absent: Terry Claycamp Jake Glover

City Staff: I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement and Administrative Secretary Linda K. Bixenman.

6. PUBLIC HEARING FOR A CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "R-1" SINGLE FAMILY DWELLING DISTRICT ON A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH P.M. – LOCATION IS INTERSECTION OF 27TH STREET AND ALTERNATE U.S. HIGHWAY 183 :

Jesse Rohr presented the above property on the overhead in the form of the proposed plat that defines the residential lots and incorporates the streets and green space. Property owners within 1,000 feet of the subject property were sent notification of the public hearing.

He explained the preliminary plat was approved by the Hays Area Planning Commission in November and the final plat is scheduled to go before the Planning Commission on January 21, 2013. The annexation and recommendation for the final plat and rezoning will go before the City Commission sometime after that.

Chairman Larry Gould explained that because of the Open Meetings Act by Kansas Law, the first part of the hearing would be the public hearing on this request. After the public hearing, it will be closed for the commission members to discuss the issues relative to this request to make a substantive motion for a recommendation to the City Commission.

He explained that the primary focus of this public hearing is to consider if this property is compatible for the residential uses and special uses of the "R-1" Single Family Zoning Classification. He explained that questions on the final plat would be discussed at a future meeting.

He explained that the reason he voted against the first request to rezone the property to "R-1" in October was because so many issues and concerns had been

voiced at the public hearing. Since then the engineering design for the preliminary plat had been submitted addressing some of the concerns.

He asked for the applicant to come to the podium.

David Krien, Trustee for Lester and Gladys Confer Trust, owner, presented the above rezoning request. Larry Gould asked if there had been any changes to the site plan. Mr. Krien answered that no changes had been made to the site plan.

Pam Rein asked if there would be a road or bridge at Columbine and 30th Street. Jesse Rohr answered that it would be an engineered determination for the passage.

Jim Fouts asked if any decision had been finalized on the green space. Jesse Rohr answered that they have more discussions before the final plat comes forward.

Larry Gould asked if there was anyone in the audience opposed or in favor of the rezoning.

Paul MacDonald, 1711 W 27th St, came before the commission explaining that he is not opposed to the rezoning; although there are three major issues that need to be addressed; water runoff, how it will affect private water wells, how it will affect the traffic patterns in that area along 27th Street. He stated that the owner is doing a good job redefining some of the concerns.

He emphasized that since he has lived at the above address, there have been three rains that have met the 100 year flood plain determination. The water drains all different directions from the subject property to the western portion of his property and the corner of Pokorny's property at 27th Street. Part of the water drains west to the U.S. Alternate Highway 183 Bypass.

He asked about the status of 27th Street since he owns the side adjacent to his property and John Pokorny owns the other side that is adjacent to their property. He understands these concerns will have to be voiced at the meeting for the final plat and cannot be considered at the rezoning hearing.

He asked about the platting process. He had not received notification for the meeting for the discussion of the preliminary plat. Larry Gould and Jesse Rohr explained that notification is required for rezoning although is not required for the plat process other than an announcement of the meeting is published in the Hays Daily News. They explained he would still have a chance to bring forward his concerns when there is the meeting for the final plat on January 21, 2013.

John Pokorny, 2720 W 27th St, came before the commission explaining that he has the three same concerns as voiced by Paul MacDonald.

He asked if Mr. Krien was at the meeting for the discussion of the preliminary plat. It was answered that he was in attendance to present the preliminary plat.

He voiced concern that the nearby property owners were not sent notification of the meeting for the preliminary plat. He stated that "Even though notification is not legally required to consider a preliminary plat does not mean it is always right".

Larry Gould and Jesse Rohr explained that they would have the opportunity to attend the Planning Commission meeting for the final plat on January 21, 2013 for the recommendation to the governing body. They can also attend the City Commission meeting when the agenda goes before them. The notification of the meeting will published in the Hays Daily News.

He asked if that part of 27th Street adjacent to the property would be annexed along with the subject property since he and Mr. MacDonald have ownership of the road.

I.D. Creech, Director of Public Works, explained that 27th Street adjacent to the subject property would be part of the annexation discussion. Generally any street adjacent to an annexed property is included in the annexation. If the street is annexed into the city does not mean it is going to be improved.

He addressed the audience to let them know they could meet with City Staff to look at the status of this project or call the office for information. He gave them the number of 785-628-7350 to set up a time for a meeting.

Larry Gould pointed out that per the Kansas Open Meetings Act that the Hays Area Planning Commissioners would not be able to be part of this meeting.

A member of the audience stated that she was opposed to mixed uses and multi-family residential uses for this property as had been suggested at one of the previous meetings. She was in favor of the "R-1" zoning classification.

Becky Pokorny, 2720 W 27th Street, came before the commission asking if the area identified as green space would also be zoned "R-1". She asked who would be responsible to maintain it. She was concerned that area would be full of trash from the water bringing it all down to that area. She asked what would happen to the green space if it was not accepted by the City.

Jesse Rohr explained the requirements for dedicated green space or cash in lieu thereof with a new plat. He explained that discussion is continuing on the decision about the green space. The decision will come forward with the final plat.

The area noted as green space would be handled differently with this development; it serves as a purpose for drainage dedication for runoff detention. It would not be specific for a park improvement or park equipment.

Larry Gould noted the limited resources available to care for the city parks.

Pam Rein asked if a lot of water would collect in the retention area. Jesse Rohr explained that after a rain, the water would always be draining out slowly.

Larry Gould noted the importance of City Parks that enhance the life of the residents like central park in New York, where the City grew around it.

Larry Gould explained that the plat would be reviewed by the Utility Advisory Committee, City Staff, etc.

Paul Phillips suggested that those interested in the discussion from the meeting for the preliminary plat to ask City Staff for the minutes from that meeting.

Larry Gould asked for Staff Findings of Fact. Jesse Rohr presented the Staff Findings of Fact. It does meet the overall scheme of the current Comprehensive Plan adopted in August, 2012. The property is identified for low to medium density residential use and is compatible with the character of the surrounding properties, particularly to the north and east.

Larry Gould explained to the audience that they could locate the Comprehensive Plan with the future land use map and the definitions of the zoning districts in the Zoning and Subdivision Regulations on the city's web page or stop by the Public Works Planning Office for information.

Larry Gould closed the public hearing. He explained that the first motion would be to approve or disapprove Staff Findings of Fact and the second motion would be a substantive motion.

He entertained a motion of Staff Findings of Fact.

There was a motion by Lou Caplan with a second by Paul Phillips to approve Staff Findings of Fact.

Vote: Ayes	Larry Gould	Paul Phillips	Emery Jennings	Tom Denning
	Jim Fouts	Lou Caplan	Pam Rein	

Larry Gould read the considerations the Planning Commission is to consider for the rezoning request.

There was a motion by Jim Fouts with a second by Pam Rein to recommend to the governing body to approve a change of zoning classification from "A-L" Agriculture to "R-1" Single Family Dwelling District on a tract of land in the West Half of the SW/4 of Section 29-T13S-R18W of the 6th P.M. based on the consideration it is in conformance with the Comprehensive Plan. – Location is Intersection of 27th Street and Alternate U. S. Highway 183 (Please see Legal on application).

Vote: Ayes	Larry Gould	Paul Phillips	Tom Denning
	Jim Fouts	Lou Caplan	Pam Rein

Abstention: Emery Jennings

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND SITUATED ON A PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-NINE (29), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF LOTS 1-22, BLOCK 1, AND LOTS 1-8, BLOCK 2, ALL IN THE DK RANCH ADDITION TO THE CITY OF HAYS;

FROM "A-L" AGRICULTURAL DISTRICT TO "R-1" ONE-FAMILY DWELLING DISTRICT.

WHEREAS, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on November 25, 2012 and November 26, 2012, and after a public hearing held in conformity with such notice on December 17, 2012, did, on the last-mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the re-zoning of the following-described real estate:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

ALL OF LOTS 1-22, BLOCK 1, AND LOTS 1-8, BLOCK 2, ALL IN THE DK RANCH ADDITION TO THE CITY OF HAYS;

from "A-L" AGRICULTURAL DISTRICT to "R-1" ONE-FAMILY DWELLING DISTRICT;

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be subserved by the following recommendation of the Hays Area Planning Commission,

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

Section 1. That the following-described real estate, to-wit:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

ALL OF LOTS 1-22, BLOCK 1, AND LOTS 1-8, BLOCK 2, ALL IN THE DK RANCH ADDITION TO THE CITY OF HAYS;

FROM "A-L" AGRICULTURAL DISTRICT to "R-1" ONE-FAMILY DWELLING DISTRICT.

Section 2. This ordinance shall take effect upon its publication in the Hays Daily News, the official city newspaper.

PASSED by the Governing Body on the _____ day of _____,
2013.

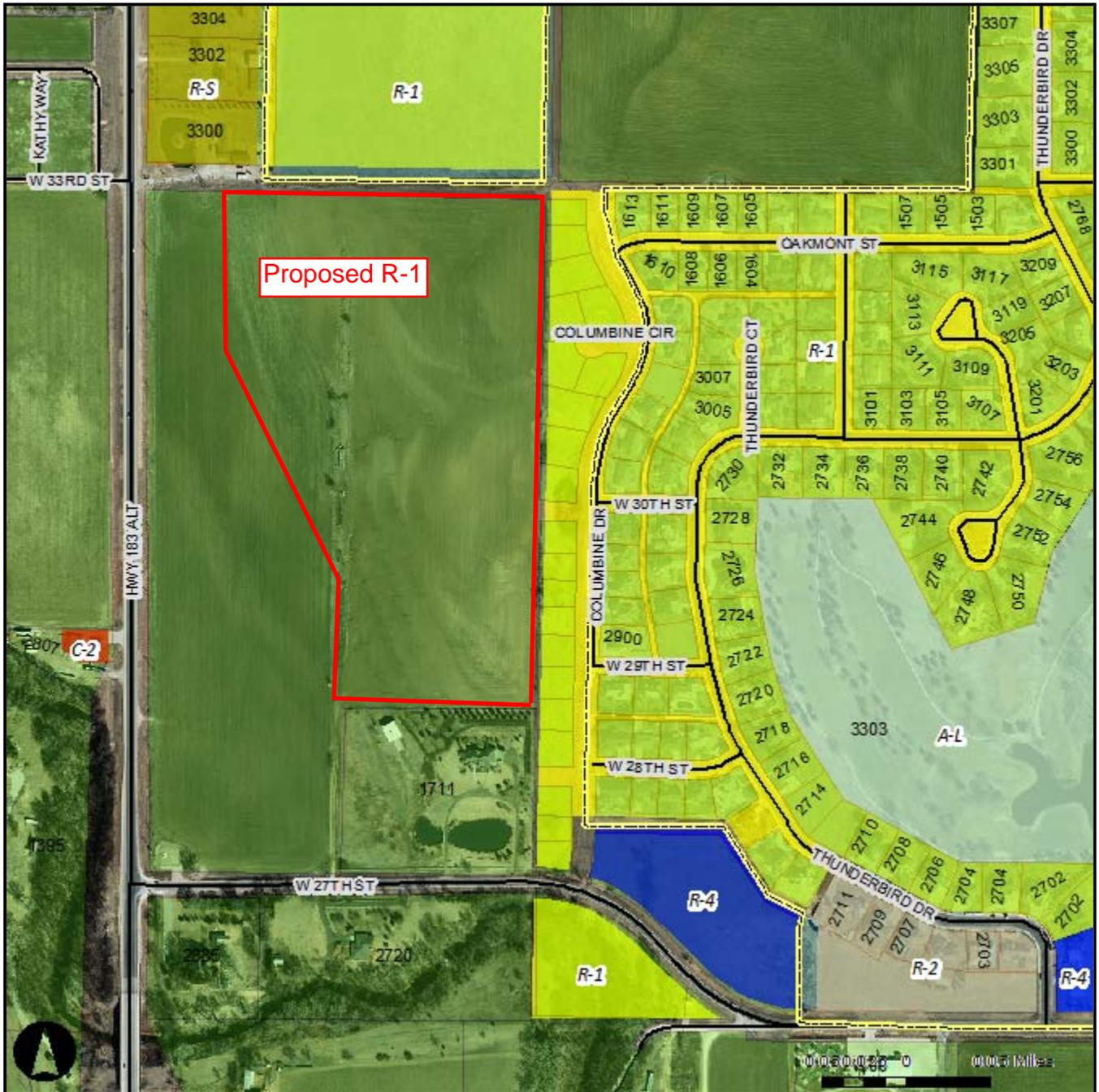
Troy Hickman, Mayor

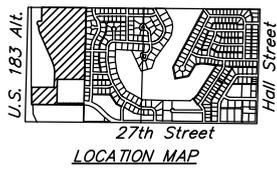
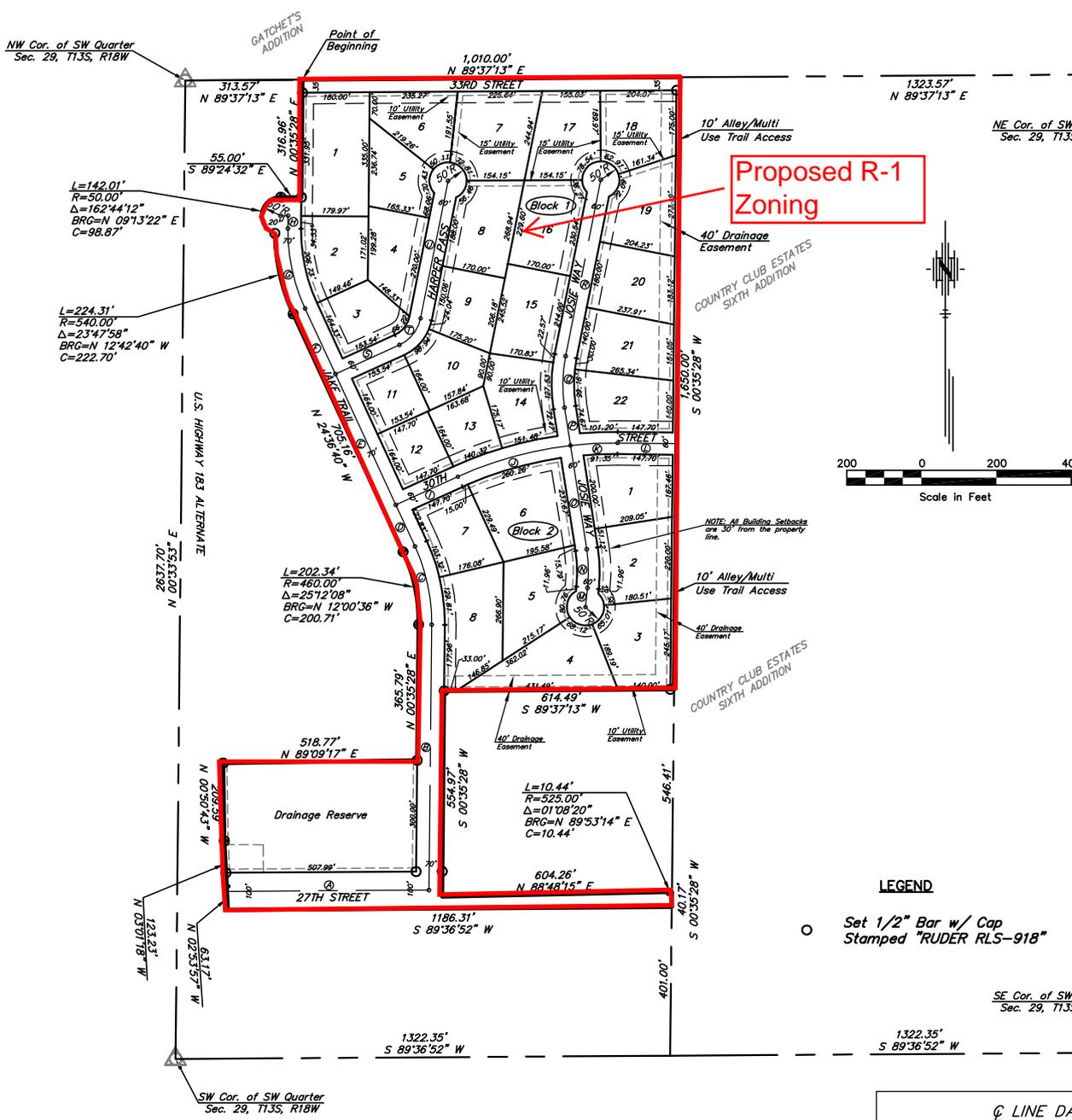
ATTEST:

Doris Wing, City Clerk

(SEAL)

D-K Ranch





Q CURVE DATA				
LABEL	DELTA	R	T	Lc
(C)	2512'08"	495.00'	110.66'	217.73'
(G)	2512'08"	505.00'	112.89'	222.13'
(J)	1737'53"	1000.00'	158.07'	313.55'
(K)	0714'14"	1000.00'	63.24'	126.31'
(O)	15'00'00"	400.00'	52.66'	104.72'
(T)	20'00'00"	400.00'	70.53'	139.63'

Q LINE DATA	
LABEL	BEARING
(A)	N 89°36'52" E
(B)	N 00°35'28" W
(D)	N 24°36'40" E
(E)	N 24°36'40" W
(F)	N 24°36'40" W
(H)	N 00°35'28" W
(I)	N 65°23'20" E
(L)	S 89°24'32" W
(M)	N 06°11'20" E
(N)	N 08°48'40" W
(P)	N 08°48'40" W
(R)	N 11°11'20" E
(S)	N 65°23'20" W
(U)	N 11°11'20" E

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: February 21, 2013

Subject: Plat of DK Ranch Addition

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The owner of the property known as the DK Ranch Addition has submitted a replat of the property for consideration. The proposed plat contains 30 residential lots, and is consistent with the Comprehensive Plan and Future Development Map while also complying with the City's Subdivision and Zoning regulations. Staff, as well as the Planning Commission, recommends approval of the final plat as submitted.

Background

The owner/developer of the proposed DK Ranch Addition has started the platting process, as well as the rezoning process for the property located near the intersection of W. 27th and Hwy. 183 Alt. The intention is to provide large single-family zoned lots (30 lots) within the development. The property is currently outside of the City limits but the developer does intend to annex the property into the City which will come as a formal request under a separate agenda item, as will a recommendation for approval of rezoning to a single-family dwelling district.

Discussion

The owner of the property known as the DK Ranch Addition has submitted a plat of the property for consideration. The plat contains 30 residential lots. The developer will be required to construct the necessary streets, sanitary sewer, water, and storm water utilities required for the development per City of Hays Policy. The Developer does intend to petition for the creation of a special benefit district in the near future to fund the cost of improvements.

The plat consists of a drainage/green space reservation for the control of storm water (both quantity and quality) and also includes a "10' Alley/Multi Use Trail Access" along the eastern most boundary of the addition. This is to provide for a possible link from future trails that abut 27th St. and future development to the north. City staff (Utilities Dept., Public Works, Stormwater, and City Management) has reviewed the proposed plat

which has also been reviewed by the Utility Advisory Committee. All proper easements and right-of-way are in place, and it does comply with the most current development policy. On January 15, 2013 the final plat was reviewed and approved (7-0 vote) by the Hays Area Planning Commission. All parties recommend approval of the submitted plat.

Legal Consideration

There are no known legal obstacles to the proposed action.

Financial Consideration

This action has no immediate financial effect, unless during the construction phase over-sizing of infrastructure (street, water or sanitary sewer) is required, in which case the City of Hays will pay for the over-sizing per the current Development Policy. The expenditure of any City funds for this development will come back to the Commission at a future meeting for review and approval.

Options

Options include the following:

- Approve the plat as submitted
- Recommend changes to the plat
- Do not approve the plat

Recommendation

Staff, as well as the Planning Commission, recommends approving this plat as submitted.

Action Requested

Approve the resolution accepting the final plat known as the DK Ranch Addition.

Supporting Documentation

Final Plat
Planning Commission Minutes
Resolution

DRAFT MINUTES (Excerpt)
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
JANUARY 21, 2013
MINUTES
6:30 P.M.

1. CALL TO ORDER: The Hays Area Planning Commission met in regular session Monday, January 21, 2013 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Larry Gould declared that a quorum was present and called the meeting to order.

Present: Larry Gould Paul Phillips Terry Claycamp Tom Denning
Jim Fouts Jake Glover Pam Rein

Absent: Lou Caplan Emery Jennings

City Staff: I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement and Administrative Secretary Linda K. Bixenman.

6. CONSIDER FINAL PLAT OF DK RANCH LOCATED ON A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH P.M. – LOCATION IS INTERSECTION OF 27TH STREET AND ALTERNATE U.S. HIGHWAY 183 : Jesse Rohr presented the above plat on the overhead. He explained that the preliminary plat had been approved by the Hays Area Planning Commission at the November, 2012 meeting.

David Krien, Trustee for Lester and Gladys Confer Trust, owner, presented the final plat application for the above property.

Larry Gould asked if there had been any changes or comments.

Jesse Rohr explained that the developer agreed on several changes that were recommended by City Staff and the Utility Advisory Committee. The classification for the 10 foot alley changed to alley/multi-use access with the mind set to tie into a potential hike and bike trail.

An easement was added to each of the cul-de-sacs for water line and sewer line access.

He explained the options for green space or cash in lieu of green space required for a new residential plat. The developer reserved the drainage detention area in the southwest corner as green space that would be privately owned and privately maintained.

Jim Fouts asked if the drainage reserve acreage would be required to meet the best management practices such as planting it to native grasses and if it would be dug out. He also asked how it would be enforced so the drainage reserve is adequately maintained. He was concerned not having proper maintenance could get out of control if it was complaint driven only.

Jesse Rohr answered that the engineering design plans for the drainage reserve and the residential lots would be reviewed for approval by the City at the same time. It may be maintained to act as it should for drainage; it could not be tillable. It may keep the same shape as it does now. There has been discussion of the contour if there needs to be a berm and an inspection of the existing culvert of its capacity for water flow. The enforcement to keep it adequately maintained is through compliance with the stormwater ordinances and it must not be in violation of the general nuisances.

Terry Claycamp asked if the Parks Department would be responsible to oversee that the drainage reserve is kept maintained. Jesse Rohr answered that the Stormwater and Public Works Department would oversee that it was adequately maintained.

Paul Phillips asked if a six inch rain within a 24 hour storm event were the determining factors for the acre feet of run off under a 100 year flood determination. Jesse Rohr answered that was correct.

Larry Gould asked if there were any questions from the audience.

Dave Van Doren came before the commission on behalf of Paul MacDonald, 1711 W 27th Street, stating that they would be interested in knowing if there would be any storm sewers planned for this development.

Harvey Ruder, Engineer, explained that the project has not been designed yet. He anticipates there will be a combination of both open channel and storm sewer.

Pam Rein asked if stormwater had ever run over 27th Street in that area.

John Pokorny, 2720 W 27th St, came before the commission to answer that storm water had run over 27th Street at 27th and Thunderbird Drive. There are no storm sewer outlets on Thunderbird Drive. He voiced concern that some of the drainage from the proposed development would exacerbate the problem on 27th and T-Bird Drive. He had the same concern for residents living down hill from the proposed development that would have to deal with the abundance of stormwater from the surface drainage.

Dave Van Doren also voiced concern for the stormwater problem that exists on Thunderbird Drive. Terry Claycamp explained that the design done at that time was for the stormwater to drain down T-Bird Drive to 27th Street.

Dave Van Doren asked about the use of the undeveloped land to the west. Some of the water will drain from that property also. David Krien answered that the land would remain farmland for now.

Becky Pokorny, 2720 W 27th St, came before the commission, to explain her concerns by visually pointing to the proposed plat on the overhead to help explain her concern that it appeared that the contours of the land and drainage area would add more stormwater drainage down Columbine Drive and Paul MacDonald's property. What would keep those areas from flooding?

She was concerned that if there was surface drainage, there would be the same drainage problem as there is on Thunderbird Drive.

She pointed out that the culvert adjacent to the drainage area had never been used for drainage. She was concerned of water pooling in front of 27th Street.

She stated that she realized there were not assurances for everything, but she thought the most appropriate steps for the most likely event should be considered.

I.D. Creech, Director of Public Works, explained by visually pointing to the 40 foot drainage area to the east and south on the proposed plat that would divert the stormwater to the drainage area to the west. He pointed out that the engineering design is required to be reviewed for approval by the City. If it cannot meet all the criteria, it will not be developed with the proposed plan.

He explained that there will be an engineering plan for the drainage reserve acreage; it will not drain to the intersection and run across 27th Street.

Jesse Rohr stated that it could look similar to the drainage area north of 41st Street at Fillmore and Harrison.

Harvey Ruder added that the engineering design had not been done yet. There would be considerable dirt work involved and design of the curb and gutter. The rate water is leaving the property would not be any greater than what it is now. The stormwater would be diverted to the drainage reserve area. It would not add stormwater to Paul MacDonald's or Columbine or T-Bird Drive. It would not fix the existing stormwater problems with those areas. He noted that surface drainage can carry a lot more water than a storm sewer.

Jesse Rohr explained that residences that are in the 100 year flood plain will still have the inherit risk of being flooded.

Larry Gould addressed the audience explaining that the commission will take into consideration their concerns. He acknowledged John and Becky Pokorny for their efforts by cleaning out Big Creek on their property that will be very beneficial in any rain event. The developer and engineer will be working with the city to meet the criteria for the design standards and address the stormwater concerns.

Larry Gould reiterated to the audience that the engineering design must be approved by the City or the development cannot be developed as proposed. The storm water requirements would have to be addressed in the engineering design.

Jesse Rohr explained to the audience that it is not financially advantageous for a developer to do the engineering design before the plat and rezoning is approved. He explained the engineer's calculations for the storm water volume estimate for impervious surface. The depth and size of the drainage area considered for the potential volume of water runoff is greater than what is required.

Larry Gould stated that there is a delicate balance between the developer and the engineer to meet the collective interest of the county and city without a guarantee. Progress has been made with much better stormwater management.

Larry Gould emphasized that many of the issues and concerns have been addressed since the beginning of the platting process for this development three months ago.

There was a motion by Jake Glover with a second by Pam Rein to recommend to the governing body to approve the above final plat.

Paul Phillips asked about the final plat check list of those items marked "No" if there were any concerns. Jesse Rohr explained that those would be satisfied at the final plat approval.

VOTE: AYES	Larry Gould	Paul Phillips	Terry Claycamp	Tom Denning
	Jim Fouts	Jake Glover	Pam Rein	

Jesse Rohr explained that the final plat, annexation and rezoning will go before the governing body at the same time. The work session will be on February 21, 2013 and the meeting will be February 28, 2013.

RESOLUTION NO. _____

GOVERNING BODY OF THE CITY OF HAYS, KANSAS TO THE PUBLIC:

WHEREAS, David Krien, Trustee of the Lester and Gladys Confer Trust dated January 7, 2005 has presented to the Governing Body of the City of Hays, Kansas, a certain Plat of dk ranch, an addition to the City of Hays, Ellis County, Kansas, said plat covering the following described real estate, to-wit:

That part of the West Half of the Southwest Quarter of Section 29, Township 13 South, Range 18 West of the 6th Principal Meridian, Ellis County, Kansas, described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence on an assumed bearing of North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 313.57 feet to the point of beginning of the land to be described; thence continuing North 89 degrees 37 minutes 13 seconds East, along the north line of said Southwest Quarter, a distance of 1,010.00 feet to the northeast corner of the said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 1650.00 feet; thence South 89 degrees 37 minutes 13 seconds West a distance of 614.49 feet; thence South 00 degrees 35 minutes 28 seconds West a distance of 554.97 feet; thence North 88 degrees 48 minutes 15 seconds East a distance of 604.26 feet; thence on a curve to the right, an arc distance of 10.44 feet, said curve having a radius of 525.00 feet, a central angle of 01 degrees 08 minutes 20 seconds, a chord length of 10.44 feet and a chord bearing of North 89 degrees 53 minutes 14 seconds East to a point on the east line of said West Half of the Southwest Quarter; thence South 00 degrees 35 minutes 28 seconds West, along the east line of said West Half of the Southwest Quarter, a distance of 40.17 feet; thence South 89 degrees 36 minutes 52 seconds West a distance of 1,186.31 feet to a point on the east right of way line of US. Highway 183 Alternate; thence North 02 degrees 53 minutes 57 seconds West, along said right of way, a distance of 63.17 feet; thence North 03 degrees 01 minutes 18 seconds West, along said right of way, a distance of 123.23 feet; thence North 00 degrees 50 minutes 43 seconds West, along said right of way, a distance of 209.59 feet; thence North 89 degrees 09 minutes 17 seconds East a distance of 518.77 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 365.79 feet; thence on a curve to the left, an arc distance of 202.34 feet, said curve having a radius of 460.00 feet, a central angle of 25 degrees 12 minutes 08 seconds, a chord length of 200.71 feet and a chord bearing of North 12 degrees 00 minutes 36 seconds West; thence North 24 degrees 36 minutes 40 seconds West a distance of 705.16 feet; thence on a curve to the right, an arc distance of 224.31 feet, said curve having a radius of 540.00 feet, a central angle of 23 degrees 47 minutes 58 seconds, a chord length of 222.70 feet and a chord bearing of North 12 degrees 42 minutes 40 seconds West; thence on a curve to the right, an arc distance of 142.01 feet, said curve having a radius of 50.00 feet, a central angle of 162 degrees 44 minutes 12 seconds, a chord length of 98.87 feet and a chord bearing of North 09 degrees 13 minutes 22 seconds

East; thence South 89 degrees 24 minutes 32 seconds East a distance of 55.00 feet; thence North 00 degrees 35 minutes 28 seconds East a distance of 316.96 feet to the point of beginning. This tract contains 40.168 acres.

all situated in the City of Hays, County of Ellis, State of Kansas, as an addition to Hays, Kansas, to be known as:

dk ranch

Hays, Kansas

WHEREAS, the said plat has been recommended by the City Planning Commission and approved by the City Attorney, as required by law, and application having been made for the approval by the Governing Board of the City of Hays, Kansas, and said Governing Body having found said plat to be legal and conforming with the statutes in such matter provided.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the City of Hays hereby approves said plat and dedication and that the City Clerk is hereby authorized and instructed to endorse on said plat the approval herein set forth.

PASSED AND ADOPTED by the Governing Body of the City of Hays, Kansas this _____ day of _____, 2013.

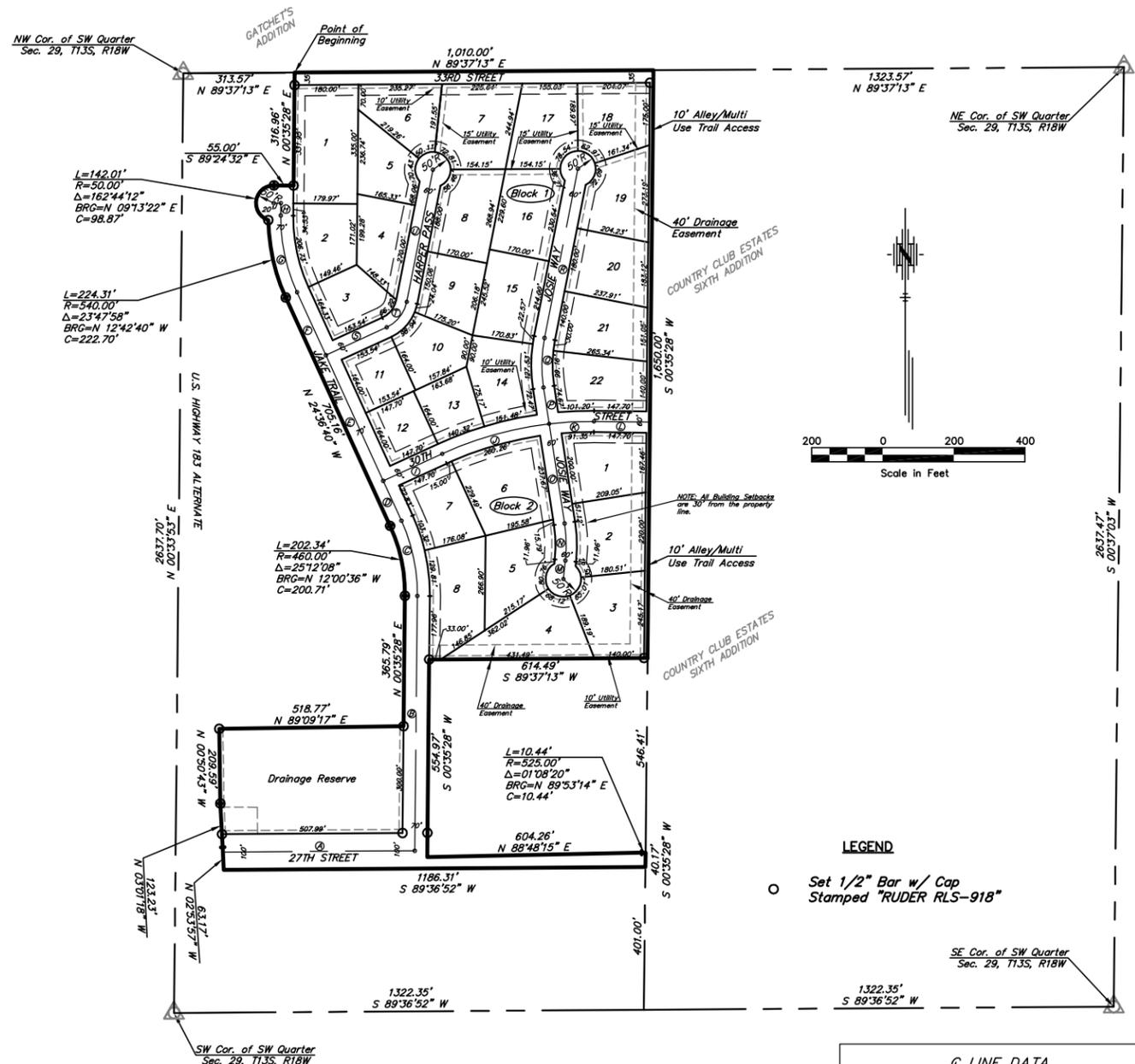
ATTEST:

Doris Wing, City Clerk

Troy Hickman, Mayor

(SEAL)

PLAT OF dk ranch HAYS, KANSAS



Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: February 21, 2013

Subject: Vehicle Abatement at 3406 Summer Ln

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The abandoned vehicle located at 3406 Summer Ln has expired tags deeming it inoperable. Up to this point, all proper notification has been given to the owner of the property. To date, no action has been taken by the owner of the property or the vehicle. If the vehicle is removed by the city, all costs of abatement will be charged to the owner of the property. Staff recommends approving the resolution allowing the vehicle located at 3406 Summer Ln to be abated by the city.

Background

The vehicle located at 3406 Summer Ln does not have current and legal tags. The property belongs to Billy Daley and no personal contact has been made with the owner.

Discussion

Planning, Inspection, and Enforcement is requesting a resolution to abate the inoperable vehicle located at 3406 Summer Ln be placed on the agenda for formal action at the February 28, 2013 City Commission meeting. The property located at 3406 Summer Ln is in violation of City Ordinance Chapter 26 Article II. The vehicle has no current and legal tags, deeming it inoperable. Letters have been sent per City of Hays Ordinance requirements. Attempts to contact the vehicle owner were also made. No progress has been made on this vehicle. Staff is now moving forward for abatement of the vehicle since the owner 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 this vehicle 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 vehicle to be removed
- Do not approve the resolution

Recommendation

Staff recommends approving this resolution allowing the vehicle located at 3406 Summer Ln to be removed from the property.

Action Requested

Approve the resolution to abate the vehicle located on the property at 3406 Summer Ln ten days after the approval date.

Supporting Documentation

Letters to Property Owner
Pictures
Resolution

LD. CRECH, DIRECTOR
JOHN BRAUN, ASST. DIRECTOR
1002 VINE ST., HAYS, KS 67601

TEL 785-628-7350
FAX 785-628-7352

AIRPORT DIVISION
BOB JOHNSON, MANAGER
3950 E 8TH ST., HAYS, KS 67601

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

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

TEL 785-628-7310
FFAX 785-628-7352



ALVIN PEREZ, SUPT. br /> 1002
VINE ST., HAYS, KS 67601

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

NICK WILLIS, SUPT.
1002 VINE ST., HAYS, KS 67601

STORMWATER DIVISION
TEL 785-628-7350
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

PUBLIC WORKS DEPARTMENT
www.haysusa.com

January 10, 2013

Billy Daley
3406 Summer Ln
HAYS, KS 67601-1537

RE: 3406 SUMMER LN
Hays, KS 67601

VIA CERTIFIED MAIL:

Dear Billy Daley :

The violation located at 3406 SUMMER LN , Hays, Kansas still exists (photos attached). We wrote a letter to you on 12/5/2012 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 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,

Curtis Weber
Building Inspector/Code Enforcer

Enclosed: Pictures

Cc: City Prosecutor
File

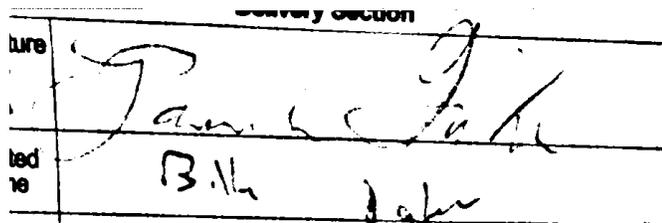


Date: 01/14/2013

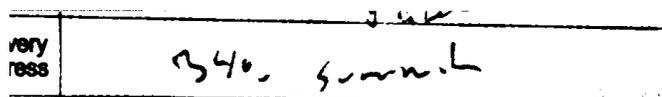
CURTIS WEBER:

The following is in response to your 01/14/2013 request for delivery information on your Signature Confirmation(TM) item number 3408 2133 3931 9032 8361. The delivery record shows that this item was delivered on 01/12/2013 at 01:19 PM in HAYS, KS 67601 to P DALEY. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service



Case Information

Date 12/5/2012
Case Number 20121304
Telephone
Owner Name Billy Daley
Owner Address 3406 Summer Ln
Violation Address 3406 Summer Ln
Violation Inoperable Vehicles on Private Property
Status Certified Sent
Violation Due Date 1/5/2013
Certified Received Date 1/12/2013
Certified Due Date 1/22/2013
Date Case Closed
Complainant Name
Complainant Telephone/Address
Ordinance Number Sec. 26-40 (Inoperable Vehicles)
Assigned To Curtis Weber

Property Information

Parcel#: 026-138-28-0-20-16-009.00-0
 DALEY, BILLY C & GRIBBEN,PAMELA
 3406 SUMMER LN

Owner Information

DALEY, BILLY C & GRIBBEN,PAMELA
 3406 SUMMER LN HAYS, KS 67
 HAYS, KS 67601-1537

Case History

Date	Type	Description
12/5/2012	Activity	1st Notification Letter: Remove inoperable vehicle from property or store inside garage.
12/5/2012	Document	
12/5/2012	Document	
12/5/2012	Letter	1st Letter
1/10/2013	Activity	Certified Letter: Remove inoperable vehicle from property or store inside garage within 10 days.

1/10/2013

Document



1/10/2013

Document



RESOLUTION NO. 2013-

A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS DESIGNATED AGENT TO ABATE NUISANCE LOCATED ON THE PROPERTY AT 3406 SUMMER LN, 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 December 5, 2012, January 10, 2013, and January 25, 2013, inspections of the property were conducted by the City of Hays, and said inspections determined the inoperable vehicle on the property at 3406 Summer Ln was in violation of City Ordinance Chapter 26, Article 2; and

WHEREAS, on December 5, 2012, a letter was sent to the owner of the property at 3406 Summer Ln, requesting that the owner abate the nuisance by removal of the inoperable vehicles within 30 days; and

WHEREAS, on January 10, 2013, a certified letter to the owner of the property at 3406 Summer Ln was prepared giving said owner ten days, upon receipt, in which to abate the nuisance; and

WHEREAS, on January 12, 2013, the certified letter to the owner of the property at 3406 Summer Ln was signed for by the owner of 3406 Summer Ln; and

WHEREAS, an inspection of the property done on January 25, 2013, revealed the inoperable vehicle was not abated from the property; and

WHEREAS, the Governing Body of the City of Hays desires that the inoperable vehicle on the property at 3406 Summer Ln 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 vehicle located at 3406 Summer Ln is hereby found to be in violation of Ordinance Chapter 26, Article 2.

Section 2. That the owner of the property located at 3406 Summer Ln was given proper notice to abate the nuisance condition located at 3406 Summer Ln 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 3406 Summer Ln as provided in Ordinance Chapter 26, Article 2.

PASSED by the City Commission on the 28th day of February, 2013.

Troy Hickman, Mayor

ATTEST:

Doris Wing, City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent
Work Session: February 21, 2013
Subject: Vehicle Abatement at 509 E 5th
Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The abandoned vehicle located at 509 E 5th has expired tags deeming it inoperable. Up to this point, all proper notification has been given to the owner of the property. To date, no action has been taken by the owner of the property or the vehicle. If the vehicle is removed by the city, all costs of abatement will be charged to the owner of the property. Staff recommends approving the resolution allowing the vehicle located at 509 E 5th to be abated by the city.

Background

The vehicle located at 509 E 5th does not have current and legal tags. The property belongs to Mark Ottley and no personal contact has been made with the owner.

Discussion

Planning, Inspection, and Enforcement is requesting a resolution to abate the inoperable vehicle located at 509 E 5th be placed on the agenda for formal action at the February 28, 2013 City Commission meeting. The property located at 3406 Summer Ln is in violation of City Ordinance Chapter 26 Article II. The vehicle has no current and legal tags, deeming it inoperable. Letters have been sent per City of Hays Ordinance requirements. Attempts to contact the vehicle owner were also made. No progress has been made on this vehicle. Staff is now moving forward for abatement of the vehicle since the owner 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 this vehicle 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 vehicle to be removed
- Do not approve the resolution

Recommendation

Staff recommends approving this resolution allowing the vehicle located at 509 E 5th to be removed from the property.

Action Requested

Approve the resolution to abate the vehicle located on the property at 509 E 5th ten days after the approval date.

Supporting Documentation

Letters to Property Owner
Pictures
Resolution

January 28, 2013

Mark Ottley
700 W 48th
HAYS, KS 67601

RE: 509 E 5TH ST
Hays, KS 67601

VIA CERTIFIED MAIL:

Dear Mark Ottley :

The violation located at 509 E 5TH ST , Hays, Kansas still exists (photos attached). We sent a letter to Trevor Ottley by Fax on 12/05/2012 requesting various items to be corrected.

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 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,

Curtis Weber Building Inspector/Code Enforcer

Enclosed: Pictures

Cc: City Prosecutor
File



Date: 01/29/2013

CURTIS WEBER:

The following is in response to your 01/29/2013 request for delivery information on your Signature Confirmation(TM) item number 3408 2133 3931 9037 5228. The delivery record shows that this item was delivered on 01/29/2013 at 11:43 AM in HAYS, KS 67601 to J HERMANN. The scanned image of the recipient information is provided below.

Signature of Recipient:

Signature	Jessica Herrman
Address	Jessica Herrman

Address of Recipient:

Address	700 W 48th
---------	------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service



Case Information

Date 1/28/2013
Case Number 20130028
Telephone
Owner Name Mark Ottley
Owner Address 700 W 48th
Violation Address 509 E 5th
Violation Inoperable Vehicles on Private Property
Status Certified Sent
Violation Due Date
Certified Received Date 1/29/2013
Certified Due Date 2/9/2013
Date Case Closed
Complainant Name
Complainant Telephone/Address
Ordinance Number Sec. 26-40 (Inoperable Vehicles)
Assigned To Curtis Weber

Property Information

Parcel#: 026-182-04-0-10-26-014.00-0
 OTTLEY MARK REV INTER VIVOS TRUST
 509 E 5TH ST

Owner Information

OTTLEY MARK REV INTER VIVOS TRUST
 700 W 48TH ST HAYS, KS 676
 HAYS, KS 67601-1403

Case History

Date	Type	Description
1/28/2013	Activity	Certified Letter: Remove inoperable vehicle from property.

1/28/2013	Document	
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1/28/2013	Document	
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1/28/2013

Document



1/28/2013

Document



RESOLUTION NO. 2013-

A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS DESIGNATED AGENT TO ABATE NUISANCE LOCATED ON THE PROPERTY AT 509 E 5TH, 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 December 6, 2012, January 28, 2013, and February 11, 2013, inspections of the property were conducted by the City of Hays, and said inspections determined the inoperable vehicle on the property at 509 E 5th, was in violation of City Ordinance Chapter 26, Article 2; and

WHEREAS, on December 6, 2012, a fax was sent to the owner of the property at 509 E 5th, requesting that the owner abate the nuisance by removal of the inoperable vehicles within 30 days; and

WHEREAS, on January 28, 2013, a certified letter to the owner of the property at 509 E 5th was prepared giving said owner ten days, upon receipt, in which to abate the nuisance; and

WHEREAS, on January 29, 2013, the certified letter to the owner of the property at 509 E 5th was signed for by the owner of 509 E 5th; and

WHEREAS, an inspection of the property done on February 11, 2013, revealed the inoperable vehicle was not abated from the property; and

WHEREAS, the Governing Body of the City of Hays desires that the inoperable vehicle on the property at 509 E 5th 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 vehicle located at 509 E 5th is hereby found to be in violation of Ordinance Chapter 26, Article 2.

Section 2. That the owner of the property located 509 E 5th was given proper notice to abate the nuisance condition located at 509 E 5th 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 509 E 5th as provided in Ordinance Chapter 26, Article 2.

PASSED by the City Commission on the 28th day of February, 2013.

Troy Hickman, Mayor

ATTEST:

Doris Wing, City Clerk

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: February 21, 2013

Subject: Vehicle Abatement at 1102 E. 17th (Davis Equipment Co., Inc., owner)

Person(s) Toby Dougherty, City Manager
Responsible: I.D. Creech, Director of Public Works

Summary

The abandoned vehicle located at 1102 E. 17th have expired tags deeming it inoperable. Up to this point, all proper notification has been given to the owner of the property (Davis Equipment Co., owner).. To date, no action has been taken by the owner of the property or the vehicles. 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 vehicle located at 1102 E. 17th to be abated by the city.

Background

The vehicle located at 1102 E. 17th does not have current and legal tags. The property belongs to Davis Equipment Co. The vehicles apparently belong to the current or past tenants. The owner of the property wishes to have them removed from the lot and has had no success in getting the vehicle owners to remove the vehicles.

Discussion

Planning, Inspection, and Enforcement is requesting that a resolution to abate the inoperable vehicle located at 1102 E. 17th be placed on the agenda for formal action at the February 28, 2013 City Commission meeting. The property located at 1102 E. 17th (Davis Equipment Co., owner) is in violation of City Ordinance Chapter 26 Article II. The vehicle has no current and legal tags, deeming it inoperable. Letters have been sent per City of Hays Ordinance requirements. No progress has been made on the vehicle. Staff is now moving forward for abatement of the vehicle since the owner 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 are followed, the City is allowed to remove and dispose of the vehicles.

Financial Consideration

Any costs associated with the city removing this vehicle 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 vehicle to be removed
- Do not approve the resolution

Recommendation

Staff recommends approving this resolution allowing the vehicle located at 1102 E. 17th to be removed from the property.

Action Requested

Approve the resolution to abate the vehicle located on the property at 1102 E. 17th ten days after the approval date.

Supporting Documentation

Letters to Property Owner

Pictures

Resolution

I.D. CREECH, DIRECTOR
JOHN BRAUN, ASST. DIRECTOR
1002 VINE ST., HAYS, KS 67601

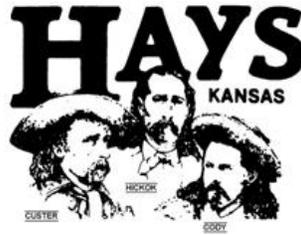
TEL 785-628-7350
FAX 785-628-7352

AIRPORT DIVISION
BOB JOHNSON, MANAGER
3950 E 8TH ST., HAYS, KS 67601

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

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

TEL 785-628-7310
FFAX 785-628-7352



ALVIN PEREZ, SUPT.br /> 1002
VINE ST., HAYS, KS 67601

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

NICK WILLIS, SUPT.
1002 VINE ST., HAYS, KS 67601

STORMWATER DIVISION
TEL 785-628-7350
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

PUBLIC WORKS DEPARTMENT
www.haysusa.com

December 11, 2012

Davis Equipment Co Inc
5780 230th Ave
HAYS, KS 67601-9716

RE: 1102 E 17TH ST
Hays, KS 67601

VIA CERTIFIED MAIL:

Dear Davis Equipment Co Inc :

The violation located at 1102 E 17TH ST , Hays, Kansas still exists (photos attached). We wrote a letter to you on 11/5/2012 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 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,

Chris Rorabaugh
Building Inspector/Code Enforcer

Enclosed: Pictures

Cc: City Prosecutor
File



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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
9134082133393190328170	First-Class Mail	Delivered	December 13, 2012, 7:46 am	HAYS, KS 67601	Proof of Delivery

Check on Another Item

What's your label (or receipt) number?

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Case Information	
Date	11/5/2012
Case Number	20121211
Telephone	
Owner Name	Davis Equipment Co Inc
Owner Address	5780 230th Ave
Violation Address	1102 East 17th
Violation	Inoperable Vehicles on Private Property
Status	Certified Sent
Violation Due Date	12/6/2012
Certified Received Date	12/13/2012
Certified Due Date	12/26/2012
Date Case Closed	
Complainant Name	
Complainant Telephone/Address	
Ordinance Number	Sec. 26-40 (Inoperable Vehicles)
Assigned To	Chris Rorabaugh

Property Information	Owner Information
Parcel#: 026-138-34-0-30-05-003.00-0 DAVIS EQUIPMENT CO INC 1102 E 17TH ST	DAVIS EQUIPMENT CO INC 5780 230TH AVE HAYS, KS 67 HAYS, KS 67601-9716

Case History		
Date	Type	Description
11/5/2012	Activity	1st Notification Letter: The vehicle on your property needs to be legally tagged and made road worthy or it needs to be removed from your property or placed inside a building.
11/5/2012	Document	
11/5/2012	Letter	1st Letter
12/11/2012	Activity	Certified Letter: Upon receipt of this certified letter, you will have 10 days to legally tag and make road worthy the pictured truck or it needs to be removed from your property or placed inside an enclosed building.
12/11/2012	Document	
12/11/2012	Letter	Certified Form

RESOLUTION NO. 2013-

A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS DESIGNATED AGENT TO ABATE NUISANCE LOCATED ON THE PROPERTY AT 1102 E. 17th, 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 November 5, 2012, December 10, 2012, and December 26, 2012, inspections of the property were conducted by the City of Hays, and said inspections determined an inoperable vehicle on the property at 1102 E. 17th was in violation of City Ordinance Chapter 26, Article 2; and

WHEREAS, on November 5, 2012, a letter was sent to the owner of the property at 1102 E. 17th, requesting that the owner abate the nuisance by removal of the inoperable vehicle within 30 days; and

WHEREAS, on December 10, 2012, a certified letter to the owner of the property at 1102 E. 17th was prepared giving said owner ten days, upon receipt, in which to abate the nuisance; and

WHEREAS, on December 13, 2012, the certified letter to the owner of the property at 1102 E. 17th signed for by the owner of 1102 E. 17th; and

WHEREAS, an inspection of the property done on December 26, 2012, revealed the inoperable vehicle was not abated from the property; and

WHEREAS, the Governing Body of the City of Hays desires that the inoperable vehicle on the property at 1102 E. 17th 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 vehicle located at 1102 E. 17th is hereby found to be in violation of Ordinance Chapter 26, Article 2.

Section 2. That the owner of the property located at 1102 E. 17th was given proper notice to abate the nuisance condition located at 1102 E. 17th 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 1102 E. 17th as provided in Ordinance Chapter 26, Article 2.

PASSED by the City Commission on the 28th day of February, 2013.

Troy Hickman, Mayor

ATTEST:

Doris Wing, City Clerk

Commission Work Session Agenda

Memo

From: ID Creech, Director Public Works

Work Session: February 21, 2013

Subject: Solid Waste Polycart Purchase

Person(s) Toby Dougherty, City Manager

Responsible: ID Creech, Director Public Works

Summary

Staff is requesting authorization to purchase three hundred fifty (350) ninety-five (95) gallon polycarts for solid waste collection activities for \$20,250 including freight. Staff recommends the carts be acquired through a sole source authorization from America-Kart in Elkhart, Indiana. Funding is recommended from the Solid Waste Reserves.

Background

Current polycarts have been in use since 2008. Physical demands on the carts cause some to come into disrepair and require replacement. Replacement must come from an in-house inventory because of the special logo on the carts. Additional customers must also be provided carts.

Discussion

We have approximately seven thousand (7,000) carts distributed in the field. This number has grown since inception of the automated system. The 350 carts requested would represent approximately 5% of our distributed inventory. Improvements in software help us to track individual carts by serial number.

ESTIMATED SERVICE LEVELS - RESIDENTIAL

	2008	2009	2011	2013
Single Family		6050	6014	5914
2 nd cart	81	128		119
3 rd cart	5	8		4
4 th cart		1		

Duplexes		426	654	746
Triplexes		132	93	87
Four Plexes		140	132	124
Five Plexes		15	30	35
Six Plexes		18	30	24
Seven Plexes		7		
All Collection Locations*	6626			
TOTAL CARTS	6712	6925	6953	7053

We have to replace a varying amount of carts each year and add to our inventory for new residential construction. As the carts are a special run for the vendor, we have an order/ship threshold reviewed each year. For our current request, earliest ship time would be April 15th. The only replacement supply of poly carts available to us are the extra carts we keep on-hand – we cannot get replacements on a one to one basis.

These carts are delivered with a ten (10) year warranty – we have exercised warranty issues in the past with good success. However, we are required to provide field replacements without the ability to immediately replace inventory. Currently, one hundred twenty-three (123) carts are in-hand for need of warranty replacement and our excess inventory consists of forty (40) useable carts.

Storage of the carts is minimal as assembly is required before use. The carts are stackable in storage.

Legal Consideration

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

Financial Consideration

From the Solid Waste Reserves:

350--- 95 gallon Boss-Karts	53.00 per cart	\$18,550.00
freight		\$ 1,700.00
TOTAL COSTS		\$20,250.00

\$501,670 is held currently in the Solid Waste Reserve Fund with an additional \$240,000 scheduled for transfer from operations in 2013. The Solid Waste Reserve funds are used to purchase new and/or replacement equipment including trucks and polycarts.

We are in the fifth (5th) year of cart useful life expectancy of ten (10) years. A city-wide refit of all carts would be estimated near \$400,000. The City has three (3) automated collection trucks estimated at approximately \$150,000 replacement for each.

Options

1. Authorize the purchase of 350 polycarts from America-Karts in the amount of \$20,250 from Solid Waste Reserves;
2. Authorize the purchase of polycarts from another vendor;
3. Offer some other direction to Staff;
4. Do nothing.

Recommendation

Staff recommendation will be to purchase the carts from America-Karts as presented.

Action Requested

Adopt Motion to authorize the expenditure of \$20,250 from Solid Waste Reserves to purchase three hundred – fifty (350) ninety-five (95) gallon poly trash carts from America-Karts

Supporting Documentation

Pictures of carts:



Example of damaged cart and our current “collection” to be replaced.





Our collection vehicles grab the cart, lift and upend for material deposit in the hopper. The carts are designed with “slots” and a lifting shelf so the carts are not overly squeezed in order to be lifted.

