

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 4-29-13
Re: May 2, 2013 Work Session

Please find the attached agenda and supporting documentation for the May 2, 2013 Work Session.

Item 2 – Big Creek Levee Report

Please refer to the attached memorandum from Stormwater/Water Conservation Superintendent Nick Willis regarding the Big Creek levee report. City staff received the first draft of the report in November of 2012, but the report is somewhat incomplete as the engineer is still waiting on LiDAR data from the State of Kansas. At this time, City staff feels it necessary to present the draft report to the Commission to give it an idea of the current status of the levee and what to expect in the future.

Items 3 – Airport Snow Blower Acquisition

This is in regard to the purchase of a snow blower for the Hays Regional Airport. This item contains the award of bid for the snow blower as well as requested Commission approval to seek the FAA Grant which will reimburse us for 90% of the cost to procure the snow blower. City staff is very happy with the bids as they are significantly less than the engineer's estimate.

Items 4 & 5 – Proposed Leucke Addition – Requests for Rezoning (A-L to C-2 and A-L to R-3)

Items 4 and 5 are both related to the Leucke property located immediately to the east of Home Depot next to Vineyard Road Park. The first item is a rezoning of part of the property from "A-L" to "C-2". This would be the small portion of the property that fronts 41st Street. The second item is to rezone the back two-thirds of the property from "A-L" to "R-3". At this time, the intent of the property owner is to develop higher-density housing on the back two-thirds of that property with a commercial development on 41st Street. While City staff has some concerns with a housing development in this area, we feel it does fit the overall intent of the Comprehensive Plan and is probably just as viable economically for housing as it would be for commercial. City staff does have concerns with the "C-2" frontage in that there is a possibility the frontage could be developed in a half-hazard manner, or left in its current undeveloped manner, when and if the housing goes in on the south two-thirds of the property. Therefore, City staff voiced the concern to the Hays Area Planning Commission that, in our opinion, the property needs to be developed as one

contiguous parcel rather than in a piecemeal fashion. This allows City staff to review the development in total and provide input. It also provides the Planning Commission the opportunity to weigh the aesthetics, compatibility and ingress and egress for both the "C-2" and "R-3" portions at the same time.

Item 6 – Lining of Metal Storm Sewer Award of Bid

Please refer to the attached memorandum from Nick Willis regarding the lining of the metal storm sewer. This is the third year the City is aggressively rehabbing metal storm sewer pipe. City staff budgeted \$180,000 for pipe rehabilitation this year, received what we thought were very good bids and suggests the Commission approve the award of the bid.

Item 7 – Elimination of Various School Zones

Please refer to the attached memorandum from Assistant Director of Public Works John Braun regarding the elimination of a few school zones within the city. These are zones that no longer have active schools in the area. City staff feels it is better to formally deactivate these zones, which requires Commission approval.

aw

**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, MAY 2, 2013 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [April 18, 2013 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Big Creek Levee Report \(PAGE 7\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
3. **ITEM FOR REVIEW: [Airport Snow Blower Acquisition \(PAGE 15\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
4. **ITEM FOR REVIEW: [Request for Rezoning \(A-L to C-2\) Proposed Leucke Addition \(PAGE 35\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
5. **ITEM FOR REVIEW: [Request for Rezoning \(A-L to R-3\) Proposed Leucke Addition \(PAGE 55\)](#)**
6. **ITEM FOR REVIEW: [Lining of Metal Storm Sewer Award of Bid \(PAGE 75\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
7. **ITEM FOR REVIEW: [Elimination of Various School Zones \(PAGE 83\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
8. **OTHER ITEMS FOR DISCUSSION**
9. **EXECUTIVE SESSION (IF REQUIRED)**
10. **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
April 18, 2013

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

Dog Park Phase I Request

At the June 28, 2012 meeting, the Commission set aside a tract of land approximately six acres in size for the Friends of the Hays Dog Park (FHDP) for the construction of a dog park. The land is located east of the maintenance building at the Bickle-Schmidt Sports Complex. The dog park has a 'small dogs' section consisting of approximately one acre and a 'large dogs' section consisting of approximately five acres. The Commission gave the FHDP two years to begin construction of the dog park.

Kim Perez, representing FHDP, requested approval to complete construction of the dog park in three phases. To date, FHDP has raised \$15,873 and are not requesting any funding assistance at this time. Their intent is to construct Phase 1 so people can see progress is being made and also to be able to use the park, which in turn should increase interest in the dog park and increase the amount of donations coming in for the remainder of the park. Phase 1 has a projected cost of \$32,845 and consists mainly of road improvements, parking lot, staging area and approximately one acre of fenced-in area, which will be known as the 'small dog park' portion of the park. Phase 2, estimated to cost \$42,269, includes mostly fencing and will be known as the 'large dog' portion of the project. Phase 3, estimated to cost \$33,686, consists mainly of various amenities needed to complete the dog park, such as shelters and additional benches. If Phase 1 is approved, both small and large dogs will be allowed to use the 'small dog' portion of the dog park until Phase 2 has been completed. City staff will provide some of the labor for the construction of the dog park when

time allows and will not take priority over maintenance of existing facilities. The estimate for labor hours by City staff is 128 hours or \$1,664.

Commissioner Mellick stated that it bothers him that not all of the money has been raised to fund Phase 1. He feels they should have the money before Phase 1 is started.

Mrs. Perez stated that Phase 1 will not be started until FHDP has the full \$32,845, nor will the other phases be started until the FHDP has raised the full amount for each phase. Five additional fund raisers are in the planning stages.

Commissioner Mellick expressed concern that the project might not be finished and the City would be expected to step up and finish the dog park.

Commissioners Schwaller and Phelps agreed that completion of Phase 1 would increase donations and interest in the park and they felt the group would not have any trouble raising the rest of the money needed to fund Phase 1.

Chairperson Steward stated he is concerned about the project never getting finished and becoming an eyesore. He is also concerned about putting small dogs and big dogs together in the same fenced-in area.

Mrs. Perez stated that it is not ideal; however she is hopeful the people using the park will know the temperament of their dogs and whether or not their dog can be placed in the same area with other dogs. Another possibility would be to allow small dogs to use the park on certain days of the week and large dogs on alternating days of the week. She stated that if no other money was raised for Phase 2, the small dog park would still be utilized and maintained.

Commissioner Steward stated he would be comfortable with extending the two-year deadline to a longer period of time if necessary.

Commissioner Musil questioned who was liable if a dog attacks another dog.

City Attorney John Bird stated there is broad immunity for cities regarding recreational activities; the City would not have any responsibility for anything that might occur.

The Commissioners will be requested to approve the FHDP proceeding with Phase 1 at the April 25, 2013 Commission meeting.

Commission Direction Regarding Sister Cities Advisory Board

The Sister Cities program is not a City program, but the City does contribute support to the group. The Sister Cities program is citizen-driven by people with a lot of enthusiasm for cultural exchange programs. It was decided that the group will relay their mission and strategy when requesting 2014 funding.

Recycling Presentation

Marvin Honas, Solid Waste Superintendent, presented information regarding the City of Hays Recycling Program. The City recycles residential paper, plastic, glass, aluminum, tin beverage and food cans and commercial paper. The City has a compost/yard waste program that is replenished with yard waste that is hauled to the compost site by citizens. Compost is provided to the public at no cost. The City also recycles household batteries and bicycles. Every year, the City holds a fall alley clean-up. Metal is taken to the Ellis County Transfer Station and recycled. Tree limbs and Christmas trees are chipped; the mulch is provided to the public free of charge. Sand that is collected from the street sweeper is used for concrete projects.

Building Condemnation – Fort Hays Trailer Park (618 East 5th St.)

The property located at 618 East 5th, known as Fort Hays Trailer Park, has several abandoned homes on site that meet the definition of unsafe structures that need to be remediated. The owner, Loren Heiser, has not taken steps to remediate the issues on the property. The conditions in which the homes are in continue to invite vandals and vagrants to the site, causing increasing amounts of damage. The current condition of the homes presents a severely blighting issue to the surrounding properties. Staff recommends passing a resolution directing the structures at 618 E. 5th to be repaired or removed and the premises made safe within the timeframe specified in the resolution.

The Commissioners will be requested to approve a resolution at the April 15, 2013 Commission meeting directing the structures at 615 East 5th be repaired or removed and the premises made safe within a defined time frame.

Newly Seeded Lawn Permit

The City of Hays prohibits outdoor watering between the hours of noon and 7:00 p.m. between June 1st and September 30th of each year. Residents wishing to seed or sod a lawn during this period are able to obtain a 30 day permit from the City Clerk's Office at no charge which allows them to water outdoors during the prohibited time while establishing a lawn.

Staff has reviewed the Newly Seeded Lawn Permit and determined the permit needs to be updated. The current permit allows for significant waste of water and encourages residents to plant and sod cool season grasses (fescue or bluegrass) during periods when they should not be planted or sodded. Cool season grass should not be planted in June, July, or the better part of August as the water requirements to establish cool season grass during those months is significantly higher than in the spring or fall. Staff suggested that permits for cool season grass plantings be available for a 10 day period from August 25th to September 30th.

Warm season grasses (buffalo or bermuda) require higher ground temperature, and must be planted in the heat of the summer, therefore staff recommended that a watering permit be available for a 10 day period between June 1st and August 1st. When seeding or sodding a lawn in the correct manner, the lawn should be established within 10 days and not require watering during the prohibited times.

All permits will be issued on a weather-proof sign that is to be placed in the yard where the seeding or sodding is taking place. The sign will have an expiration date written clearly upon it. Staff suggested a fee of \$100 for new cool season lawn permits and no fee for warm season lawn permits. Money collected from permit fees will be utilized to offset the cost and incentivize the purchase of buffalo grass seed for residents who are willing to convert from cool season grasses.

Plantings at new construction must have two cubic yards of compost added and incorporated into existing soil via mechanical means per 1000 square feet of landscape installation or the permit is subject to be revoked.

The Commissioners will be requested to approve the revised Newly Seeded Lawn Permit and adopt the amended ordinance regarding water conservation at the April 25, 2013 Commission meeting.

City Commission Rules of Procedure

At the April 25, 2013 Commission meeting, the Commissioners will be requested to approve a resolution adopting the City Commission Rules of Procedure. This is done every year when the Commission elects a chairman and reorganizes.

Executive Session

Eber Phelps moved, Henry Schwaller IV seconded, that the Governing Body recess to executive session at 7:50 p.m. for 15 minutes to discuss property acquisition. The executive session included the City Commissioners, the City Manager, the City Attorney, and the Assistant Director of Public Works. K.S.A. 75-4319 authorizes the use of executive session to discuss property acquisition.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Chairperson Steward called the meeting back to order at 8:05 p.m. He stated no action was taken during the executive session.

The work session was adjourned.

Submitted by: _____

Doris Wing – City Clerk

Commission Work Session Agenda

Memo

From: Nicholas Willis, Stormwater Superintendent

Work Session: May 2, 2013

Subject: Levee Inspection Presentation by Wilson & Co.

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

Summary

Doug Danaher and Matt Long, engineers with Wilson & Co., will be presenting the findings of the levee inspection to the City Commission.

This is an informational presentation and no action is being requested at this time. Staff is seeking input on the scale of repairs and improvements desired at the levee.

Background

The levee was constructed in the early 1950's with the intention that upgrades would be completed in the future for known deficiencies. No upgrades have been made to date. Wilson & Co. was contracted in 2012 to complete an inspection of the levee system. A report of their findings was distributed to City Commissioners in April 2013.

Discussion

The levee inspection found some areas needing repairs and upgrades. An additional item for discussion is the levee to the east of Main Street. This cross section is not built to the same standards as the upstream portions of the levee.

Legal Consideration

This is an informational issue only and there are no known legal issues presented at this time.

Financial Consideration

At this time, there are no financial considerations. However, repairs and upgrades will cost money when they are performed. Due to the importance of the levee system in flood protection, financial resources should be dedicated to making necessary and desired repairs and upgrades to the levee.

Options

N/A. No action is being requested at this time.

Recommendation

N/A. No action is being requested at this time.

Action Requested

N/A.

Supporting Documentation

Levee Safety Inspection Engineering Report (select pages)

LEVEE SAFETY INSPECTION ENGINEERING REPORT

City of Hays, Kansas

October 2012

Prepared for:

City Commission

Troy Hickman, Mayor
Keth Steward, Vice Mayor
Henry Schwaller IV
Ron Mellick
Barbara K. Wasinger

City Administrator

Toby Dougherty, City Manager
Paul Briseno, Assistant City Manager

Public Works Department

I.D. Creech, Director of Public Works
John Braun, Assistant Director of Public Works
Nicholas Willis, Stormwater/Water Conservation Division
Superintendent

Address communication regarding this work to:

Wilson & Company, Inc., Engineers & Architects
800 East 101st Terrace, Suite 200
Kansas City, MO 64131
(816) 701-3100



WCI Proj. No. 12-600-305-00

**WILSON
& COMPANY**



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Figure 2 Maintenance Items Map
Figure 3 Stream Gage Location Map
Figure 4 FEMA Floodplain Map

Appendices

Appendix A Field Inspection Forms, Photos, Photo Location Map
Appendix B Stormwater Infrastructure Inspection Forms

1. Introduction

This document summarizes the findings and recommendations of the Levee Safety Inspection for the City of Hays, Kansas. The Levee Inspection included data collection, data review, and determination of additional data collection and analyses required to further evaluate the levee system. The levee system is approximately 2.5 miles long and includes all embankments, structures, interior drainage systems, operation, and maintenance working together to reduce flooding to the City of Hays. The levee system extends from approximately 650 feet north of 12th Street, south and east 1.9 miles to U.S. Highway 183 Bypass along Big Creek. At this point, the U.S. Highway 183 Bypass embankment acts as a levee. Construction of the Hays levee system, excluding the U.S. Highway 183 Bypass embankment, was built in 1952. U.S. Highway 183 Bypass was constructed in 1953 (Servis, Van Doren and Hazard Engineers, 1958).

The Hays Levee System is illustrated in Figure 1.

2. Summary

Wilson & Company, Engineers & Architects, Inc. (Wilson & Company) collected data from the City of Hays, U.S. Geological Survey (USGS), Kansas Data Access & Support Center (DASC) website, Federal Emergency Management Agency (FEMA), Natural Resources Conservation Service (NRCS), and U.S. Army Corps of Engineers, Kansas City District (USACE).

No as-built drawings, only partial construction plans, were made available for the Hays Levee System at the time of this report. The levee horizontal alignment for this assessment was delineated using the 2010 NAIP imagery.

The following list provides the sources of digital elevation data currently available for this project:

- 2-foot contours (Burns & McDonnell, 2001), coverage begins 550 feet west of Main Street and extends to the east, including U.S. Highway 183 Bypass embankment.
- USGS quadrangle topographic maps

LiDAR data for Ellis County is scheduled to be collected in 2012 by Kansas Division of Water Resources (DWR). The LiDAR data will be the best ground surface data for the project. The data is anticipated to be available in January 2013.

Wilson & Company completed a field inspection of the Hays Levee System on August 21, 2012. The field team members visually assessed the integrity, stability, and maintenance of the levee system including the embankments, drainage structures, sluice gates, flap gates, low flow weir, and all associated appurtenances. All critical features observed during the visual assessment were documented using digital cameras, hand-held global positioning system (GPS) units, and field notes (see Appendix A). Table 1 summarizes the maintenance items documented during the site visit. A map depicting the locations of the maintenance items is included as Figure 2.

1. The flood warning system that triggers the operation activities shall be described and will reflect current processes. Items that would provide more effective and efficient operation, such as utilizing real-time on-line Stream gages to monitor by computer in real time should be considered during Phase II. A systematic approach to when and how a warning communicated to the public should be determined.
2. The detailed operation plan should designate individuals and their assignments by title or name. The detailed operation plan needs to be based on current processes and actual internal drainage infrastructure, such as flap gates, sluice gates, ponding areas, etc.
3. The detailed operation plan should include a large drawing showing all the important components to the levee system operation.

3.9. As-Built (or As-Is) Drawings

3.9.1. As-Built (or As-Is) Drawings Findings

Two sets of construction plans, Flood Control Improvements, Project No. 1 and Flood Control Improvements Project No. 2, were made available during this assessment. Neither of these plans appear to be as-built drawings. As-built drawings or construction plans for the levee system located adjacent to Fort Hays State University were not available.

3.9.2. As-Built (or As-Is) Drawings Recommendations

It is recommended as-built (or As-Is) drawings be developed for the levee system. Current aerial photography and LiDAR data can be used when developing a base map for the as-builts.

4. Summary of Recommendations

1. Address the maintenance items listed in Table 1.
2. Update river hydrologic and hydraulic models of Big Creek.
3. Complete updated freeboard analysis using revised WSE profile from the updated river hydraulics and new LiDAR data (when available).
4. Provide necessary materials for closure and storage at each traffic gap location.
5. Verify traffic gaps when new LiDAR is available.
6. Collect and evaluate videos of the drainage structures not previously video documented to determine the structural integrity of these structures, including structures only partially inspected. This includes the drainage structures at Gustad Drive and the abandoned structure at Station 75+05. Partial video will need to be documented for the drainage structure at South Ash Street.
7. Remove debris and verify functionality of sluice gate at Gustad Drive.
8. Clean and re-grade channel downstream of Gustad Drive drainage structure.
9. Repair or rehabilitate drainage structures at South Pine Street and South Ash Street.
10. Determine appropriate method to abandon structure at Station 75+05.
11. Repair the end of the Swimming Pool Drain.
12. Install flap gates at South Ash Street, South Main Street, and South Pine Street

13. Complete embankment protection analysis, including but not limited to, the area between Stations 3+00 and 6+00.
14. Complete Embankment and Foundation Stability Analyses (including Seepage and Settlement Analyses), including geotechnical explorations and analysis.
15. Complete Settlement Analysis.
16. Complete interior drainage analysis to determine ponding areas.
17. Develop operation and maintenance plan.
18. Develop a detailed operation plan.
19. Develop as-built plans to reflect current conditions.
20. Establish levee right-of-way and provide monuments or markers along established right-of-way.

5. Works Cited

Burns & McDonnell. (2001). *Storm Water Master Plan for the City of Hays, Kansas*. Kansas City: Burns & McDonnell.

FEMA. (1986). *Flood Insurance Study, City of Hays, Kansas, Ellis County*. FEMA.

Servis, Van Doren and Hazard Engineers. (1958). *Engineering Report, Hays Flood Control Study*. Topeka, Kansas: Servis, Van Doren and Hazard Engineers.

USACE. (1989). *Draft Detailed Project Report and Environmental Assessment, Lincoln Draw, Hays, Kansas*. Kansas City: U.S. Army Corps of Engineers.

USACE. (1969). *Flood Plain Information, Big Creek, Chetolah Creek and Lincoln Draw, Hays, Kansas*. Kansas City: U.S. Army Corps of Engineers.

USACE. (1972). *Flood Protection Project, Big Creek, Hays, Kansas, General Design Memorandum No. 1*. Kansas City: U.S. Army Corps of Engineers.

USACE. (1983). *Reconnaissance Report, Flood Control Study, Hays, Kansas, Lincoln Draw*. Kansas City: U.S. Army Corps of Engineers.

USACE. (1963). *Review Report on Flood Control, Big Creek, at Hays, Kansas*. Kansas City: U.S. Army Corps of Engineers.

USGS. (1997). Digital Raster Graphics (DRG) UTM NAD 83 Clipped. Reston, Virginia.

USGS. (2012). *Water Year 2011: U.S. Geological Survey Water-Data Report WDR-US-2011, site 06863500*.

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: May 2, 2013

Subject: Airport Snow Blower Acquisition

Person(s) I.D. Creech, Director of Public Works

Responsible: Toby Dougherty, City Manager

Summary

The 2013 budget included funds for the purchase of a snow blower for the Hays Regional Airport. The snow blower is eligible for FAA Airport Improvement Program funding, which covers 90% of eligible costs. FAA requires actual bids prior to awarding a grant to cover the costs. Bids were received on April 24th, and the total cost of the snow blower including administration and acquisition is \$89,891, with the City's share being \$9,080. The City's Airport Engineer, Burns & McDonnell, has prepared a grant application to be submitted to FAA to fund 90% of the cost of the snow blower. Staff requests authorization to apply for federal assistance in paying for the snow blower, and acceptance of the bid from Kodiak America contingent on FAA grant funding.

Background

As FAA requirements for snow removal continue to increase and reopening the runway quickly after a heavy snow becomes more important, the need for a large capacity snow blower is more pressing. Heavy snows this winter/spring emphasized that point. Currently, the 1985 snow blower used by Public Works to remove snow downtown and around schools is used on the airport as well. However, that machine does not have the power or capacity to adequately displace snow on the airfield. Plus having only one machine means that either the runway or downtown needs to wait until the other is finished. The new snow blower, financed primarily with federal funds will solve these problems.

Discussion

The City's Airport Engineer, Burns & McDonnell (BMcD), prepared bid documents for the snow blower and a grant application to be submitted to FAA to fund 90% of the eligible costs of the snow blower. A work authorization with BMcD was approved in October 2012.

FAA requires actual bids prior to awarding grant money for these types of acquisitions; therefore, bids were received from three (3) manufacturers on April 24th, with the low bid coming from Kodiak American, LLC of Burley, Idaho at a price of \$75,300, which is below the engineer's estimate of \$110,000. Delivery would be on or before November 1, 2013.

Award of bid would be contingent upon FAA awarding a grant to fund 90% of the eligible cost.

Legal Consideration

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

Financial Consideration

The 2013 Budget included \$14,500 from the New Equipment Reserve Fund to cover the City's share of this acquisition. Including administration/engineering and acquisition, the total cost of the project is \$89,891, with the City's share being \$9,080.00, which is below the budgeted amount of \$14,500.

The detailed breakout of costs included in the grant application is listed below:

Administration (eligible)	\$500
Engineering (eligible)	\$14,091
Equipment (eligible – snow blower)	\$75,200
Equipment (non-eligible - insurance)	\$100
<u>Total</u>	<u>\$89,891</u>
FAA Reimbursement (90% of eligible)	\$80,811
City Share (10% of eligible)	\$9,080

Options

Options include the following:

1. Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport, and accept the low bid from Kodiak America, LLC contingent upon FAA grant approval.
2. Provide alternate direction to City Staff.

Recommendation

Staff recommends authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport and accept the bid from Kodiak contingent upon FAA grant funding.

Action Requested

Consider authorizing staff to submit an application for federal assistance for the purchase of a snow blower for the Hays Regional Airport, and accept the low bid from Kodiak

American, LCC contingent upon FAA grant offer. All to be funded from the New Equipment Reserve Fund.

Supporting Documentation

Grant Application

Bid Tabulation and Engineer's Recommendation

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

12. Funding Opportunity Number:

Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Hays, Kansas at the Hays Regional Airport

***15. Descriptive Title of Applicant's Project:**

Procurement of Snow Removal Equipment Rotary Plow

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:
 *a. Applicant: KS-001 *b. Program/Project: KS-001

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
 *a. Start Date: May 1, 2013 *b. End Date: November 1, 2013

18. Estimated Funding (\$):

*a. Federal	_____	\$80,811.00
*b. Applicant	_____	\$9,080.00
*c. State	_____	
*d. Local	_____	
*e. Other	_____	
*f. Program Income	_____	
*g. TOTAL	_____	\$89,891

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**
 Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
 ** I AGREE
 ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. _____ *First Name: I.D. _____
 Middle Name: _____
 *Last Name: Creech _____
 Suffix: _____

*Title: Director of Public Works

*Telephone Number: 785-628-7350 Fax Number: 785-628-7352

* Email: idcreech@haysusa.com

*Signature of Authorized Representative: _____ *Date Signed: _____

Application for Federal Assistance SF-424

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

Not Applicable

PART II

**PROJECT APPROVAL INFORMATION
SECTION A**

Item 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes No

Name of Governing Body:

Priority:

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

Yes No

Name of Agency or Board:
(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

Yes No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

Yes No

Name of Approving Agency:

Date: / /

Item 5.

Is the proposal project covered by an approved comprehensive plan?

Yes No

Check one:

State	<input type="checkbox"/>
Local	<input type="checkbox"/>
Regional	<input type="checkbox"/>

Location of Plan:

Item 6.

Will the assistance requested serve a Federal installation?

Yes No

Name of Federal Installation:

Federal Population benefiting from Project:

Item 7.

Will the assistance requested be on Federal land or installation?

Yes No

Name of Federal Installation:

Location of Federal Land:

Percent of Project:

Item 8.

Will the assistance requested have an impact or effect on the environment?

Yes No

See instruction for additional information to be provided

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

Yes No

Number of:

Individuals:
Families:
Businesses:
Farms:

Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

Yes No

See instructions for additional information to be provided.

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Procurement of Snow Removal Equipment Rotary Plow project is an AIP eligible equipment project and is located within the limits of the Hays Regional Airport.

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None.

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

None.

4. Consistency with Local Plans. - The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes.

5. Consideration of Local Interest - It has given fair consideration to the interest of communities in or near where the project may be located.

Yes.

6. Consultation with Users. In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport which project is proposed.

Yes.

7. Public Hearings. - In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

This project is associated with an AIP approved project. As a result, no public hearings will be required.

8. Air and Water Quality Standards. - In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

Not applicable.

PART II - SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

10. Land. – (a) The sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

AIRPORT PROPERTY ACQUISITION TABLE					
EXISTING AIRPORT PROPERTY					
TRACT	PROPERTY INTEREST	CURRENT PROPERTY OWNER/INTEREST	FEDERAL GRANT NUMBER	ACQUISITION DATE	ACREAGE
C	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-5801	November 18, 1957	309.98
A-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	October 4, 1966	28.35
A-2	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	October 4, 1966	12.27
A-3	Fee Simple Ownership	HAYS REGIONAL AIRPORT	9-14-072-C705	July 15, 1966	0.80
B	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	June 11, 1988	0.284
C-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 12, 1988	2.32
D-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 12, 1988	4.271
F	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 15, 1987	51.284
O-1	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 23, 1986	39.93
O-3	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 20, 1988	0.368
U	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	July 20, 1988	7.911
T	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-*	November 6, 1992	73.381
H	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-02	June 29, 1999 (RE-RECORDED)	13.40
V	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 29, 1999	97.701
W	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 29, 1999	18.772
X	Fee Simple Ownership	HAYS REGIONAL AIRPORT	3-20-0028-11	June 15, 2000	20.124
Y-1	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-17	April 24, 2008	2.160
Y-2	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-17	February 6, 2007	1.382
Z	Avigation Easement	HAYS REGIONAL AIRPORT	3-20-0028-02	N/A	22.841
* Tract T (44 Acres FAA Eligible) 18.4 Acres Encumbered AIP 3-20-0028-11, 25.6 Acres Encumbered AIP 3-20-0028-12					

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

Not applicable for this project.

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A"

Not applicable for this project.

**State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.*

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

- 1. Federal Domestic Assistance Catalog No..... _____
- 2. Functional or Other Breakout _____

SECTION B -CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$500.00
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			\$14,091.00
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			\$75,300.00
13. Miscellaneous			
14. Total (Lines 1 through 13)			\$89,891.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			\$89,891.00
17. Less: Ineligible Exclusions			(\$100.00)
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			\$89,791.00
20. Federal Share requested of Line 19			\$80,811.00
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			\$80,811.00
23. Grantee share			\$9,080.00
24. Other shares			
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$89,891.00

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a. Bid Item #2: Certificate of Insurance naming City & Engineer	\$ 100.00	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$ 100.00	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share (Cash)	\$ 9,080.00
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	\$9,080.00
28. Other Shares	
a. State	
b. Other	
c. Total Other Shares	
29. TOTAL	\$ 9,080.00

SECTION E - REMARKS

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

PART IV
PROGRAM NARRATIVE
(Suggested Format)

DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 2120-0569

PROJECT : Procurement of Snow Removal Equipment Rotary Plow

AIRPORT : Hays Regional Airport

1. Objective:

The rotary plow will be used for snow removal on primary runway, associated taxiways, and apron pavement.

2. Benefits Anticipated:

The purchase of the rotary plow will enhance safety during/after snowfall events and reduce airport closure times due to snowfall events.

3. Approach : *(See approved Scope of Work in Final Application)*

The procurement will adhere to the project manual requirements.

4. Geographic Location:

The equipment will be used and stored at the Hays Regional Airport located in Hays, Kansas.

5. If Applicable, Provide Additional Information:

Organizations participating in the project include: Sponsor – City of Hays, Kansas, Consultant – Burns & McDonnell Engineering Company, and Federal Agency – Federal Aviation Administration.

6. Sponsor's Representative: *(include address & telephone number)*

Mr. I.D. Creech, Director of Public Works

1507 Main Street, P.O. Box 490

Hays, Kansas 67601

785-628-7350

**U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL AVIATION ADMINISTRATION
 AIRPORT IMPROVEMENT PROGRAM
 SPONSOR CERTIFICATION
 DRUG-FREE WORKPLACE**

City of Hays, Kansas

Hays Regional Airport

3-20-0028-029

(Sponsor)

(Airport)

(Project Number)

Description of Work:

Procurement of Snow Removal Equipment Rotary Plow

Title 49, United States Code, section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within Federal grant programs are described in Title 49, Code of Federal Regulations, Part 29. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

	Yes	No	N/A
1. A statement has been or will be published notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. An ongoing drug-free awareness program has been or will be established to inform employees about:			
a. The dangers of drug abuse in the workplace;			
b. The sponsor's policy of maintaining a drug-free workplace;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Any available drug counseling, rehabilitation, and employee assistance programs; and			
d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.			
3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant, the employee will:			
a. Abide by the terms of the statement; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.			

	Yes	No	N/A
5. The FAA will be notified in writing within ten calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of the employee, to the FAA. Notices shall include the project number of each affected grant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. One of the following actions will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:			
a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.			
7. A good faith effort will be made to continue to maintain a drug-free workplace through implementation of items 1 through 6 above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I have prepared documentation shown below or attached hereto with site(s) for performance of work (street address, city, county, state, zip code). There are no such workplaces that are not identified below or in the attachment. I have prepared additional documentation for any above items marked "no" and attached it hereto. I certify that, for the project identified herein, responses to the forgoing items are accurate as marked and attachments are correct and complete.

	Location	Location	Location
Street Address:	1507 Main Street		
City:	Hays		
State:	Kansas		
Zip code:	67601		

City of Hays, Kansas

Name of Sponsor

Signature of Sponsor's Designated Official Representative

I.D. Creech

Type Name of Sponsor's Designated Official Representative

Director of Public Works

Typed Title of Sponsor's Designated Official Representative

Date of Signature

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
AIRPORT IMPROVEMENT PROGRAM
SPONSOR CERTIFICATION
EQUIPMENT/CONSTRUCTION CONTRACTS**

City of Hays, Kansas

(Sponsor)

Hays Regional Airport

(Airport)

3-20-0028-029

(Project Number)

Description of Work

Procurement of Snow Removal Equipment Rotary Plow

Title 49, United States Code (USC), section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General standards for equipment and construction contracts within Federal grant programs are described in Title 49, Code of Federal Regulations (CFR), Part 18.36. AIP standards are generally described in FAA Advisory Circular (AC) 150/5100-6, Labor Requirements for the Airport Improvement Program, AC 150/5100-15, Civil Rights Requirements for the Airport Improvement Program, and AC 150/5100-16, Airport Improvement Program Grant Assurance One--General Federal Requirements. Sponsors may use State and local procedures provided procurements conform to these Federal standards.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

	Yes	No	N/A
1. A code or standard of conduct is or will be in effect governing the performance of the sponsor's officers, employees, or agents in soliciting and awarding procurement contracts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Qualified personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The procurement was or will be publicly advertised using the competitive sealed bid method of procurement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. The bid solicitation clearly and accurately describes or will describe:			
a. The current Federal wage rate determination for all construction projects, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. All other requirements of the equipment and/or services to be provided.			
5. Concurrence was or will be obtained from FAA prior to contract award under any of the following circumstances:			
a. Only one qualified person/firm submits a responsive bid,			
b. The contract is to be awarded to other than the lowest responsible bidder,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Life cycle costing is a factor in selecting the lowest responsive bidder, or			
d. Proposed contract prices are more than 10 percent over the sponsor's cost estimate.			

	Yes	No	N/A
6. All contracts exceeding \$100,000 require or will require the following provisions:			
a. A bid guarantee of 5 percent, a performance bond of 100 percent, and a payment bond of 100 percent;			
b. Conditions specifying administrative, contractual, and legal remedies, including contract termination, for those instances in which contractors violate or breach contract terms; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Compliance with applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 1857(h)), Section 508 of the Clean Water Act (33 USC 1368), and Executive Order 11738.			
7. All construction contracts contain or will contain provisions for:			
a. Compliance with the Copeland "Anti-Kick Back" Act, and			
b. Preference given in the employment of labor (except in executive, administrative, and supervisory positions) to honorably discharged Vietnam era veterans and disabled veterans.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. All construction contracts exceeding \$2,000 contain or will contain the following provisions:			
a. Compliance with the Davis-Bacon Act based on the current Federal wage rate determination; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Compliance with the Contract Work Hours and Safety Standards Act (40 USC 327-330), Sections 103 and 107.			
9. All construction contracts exceeding \$10,000 contain or will contain appropriate clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. All contracts and subcontracts contain or will contain clauses required from Title VI of the Civil Rights Act and 49 CFR 23 and 49 CFR 26 for Disadvantaged Business Enterprises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Appropriate checks have been or will be made to assure that contracts or subcontracts are not awarded to those individuals or firms suspended, debarred, or voluntarily excluded from doing business with any U.S. Department of Transportation (DOT) element and appearing on the DOT Unified List.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have prepared documentation attached hereto for any item marked "no" that is correct and complete.

City of Hays, Kansas

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

I.D. Creech

(Typed Name of Sponsor's Designated Official Representative)

Director of Public Works

(Typed Title of Sponsor's Designated Official Representative)

(Date)

April 25, 2013

Mr. John Braun
 Assistant Director of Public Works
 1002 Vine St.
 Hays, Kansas 67601

Re: Procurement of Snow Removal Equipment Rotary Plow
 AIP NO. 3-20-0028-029
 City of Hays PN 2012-32
 Engineer's Recommendation to Award

Dear Mr. Braun:

Burns & McDonnell has tabulated and confirmed the bids received for the aforementioned project and dated April 24, 2013. The tabulation summary of bids is provided in Table A.

TABLE A

Bidder/Engineer	Base Bid
Burns & McDonnell (Engineer)	\$110,000.00
Kodiak America, LLC	\$75,300.00
Wausau Equipment Company, Inc.	\$79,454.00
R.P.M. Tech, Inc.	\$95,952.49

There were no discrepancies between the tabulated bid values and the submitted bid values of the Bidders. All proposals were signed by an officer of the company.

On April 25, a telephone interview was conducted with the Apparent Low Bidder, Kodiak America, LLC. This interview was performed for the purpose of reviewing their bid and confirming their understanding of project requirements. Kodiak America confirmed the following information:

1. Kodiak America is agreeable to the calendar days provided for in the contract. Subject to the City of Hays' receipt of a FAA grant, their intent is to deliver the rotary plow within 8 weeks of an executed contract agreement.
2. They do not have any concerns regarding the technical equipment requirements as described in the Project Manual.

The City may hold the Bids for a period up to 90 calendar days from the date of the bid opening to evaluate the proposals. Award of this project is contingent upon available funding and FAA approval. Based on the results of the tabulation of bids, review of the required bid documentation, and discussions with the Apparent Low Bidder, Burns & McDonnell recommends award to Kodiak America, LLC for the Base Bid tabulated amount of \$75,300.00.

Mr. John Braun
April 25, 2013
Page 2

We trust this information is sufficient for your purposes. If you should have any additional questions or comments regarding this information, please contact me at 816-823-7034.

Sincerely,



Jason Fuehne, P.E.

cc: D. Hadel, BMCD
S. Henderson, BMCD

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: May 2, 2013

Subject: Request for Rezoning (A-L to C-2)
Proposed Leucke Addition

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

Summary

The owners of the property located along and south of 41st St. east of Home Depot (Proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to C-2 (General Commercial and Service District) A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission., and by vote of 7-0, a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested. Staff concurs with the recommendation of the Planning Commission and recommends approving this rezoning request from A-L to C-2 as submitted.

Background

The owner/developer of the proposed Leucke Addition has started the platting process, as well as the rezoning process for the property located along and south of 41st St. east of Home Depot. The intention is to provide for a commercial zoned area as well as a residential zoned area. The residential zoning request has been requested under a separate agenda item. The property is also currently outside of the City limits but the developer does intend to annex the property into the City.

Discussion

The owners of the property located along and south of 41st St. east of Home Depot (Proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to C-2 (General Commercial and Service District). (See attached map) Zoning of adjacent properties is primarily commercial and agricultural districts. A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission. All property owners within 1000' of the subject property were notified of the public hearing. Two nearby property owners were present and made comments regarding the rezoning. They were concerned about the type of commercial uses that may be developed and were opposed to such uses as storage units. Draft minutes are attached.

The Planning Commission voted in favor of the request by a vote of 7-0 based on the consideration it meets the character of the neighborhood and the zoning of surrounding properties, both of which are factors required to be considered in any rezoning case per *Golden V. City of Overland Park, 1978*.

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 C-2 as recommended by the Planning Commission
- Deny the rezoning request from A-L to C-2 (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 7-0, the Planning Commission recommends approving this rezoning request from A-L (Agriculture) to C-2 (General Commercial and Service District) as was submitted. Staff concurs with the Planning Commission recommendation.

Action Requested

Approve the rezoning request from A-L to C-2 as recommended by the Planning Commission and City staff.

Supporting Documentation

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

PLANNING COMMISSION FINDINGS OF FACT

1. CASE NO.: **13-01Z** FILING FEE PAID: **\$200.00**
 2. DATE FILED: **03-11-2013**
 3. DATE ADVERTISED FOR HEARING: **03-22-2013 and 03-24-2013**
 4. PUBLIC HEARING DATE: **04-15-2013**
 5. APPLICANT'S NAME: **Luecke Properties LLC**
 6. LOCATION OF PROPERTY: **East 41st Street East of Sherman**
 7. DESCRIPTION OF PROPERTY: **Tract proposed to be lot for commercial use in the process to be platted on a tract of land in the NW/4 of Section 27-T13S-R18W, Ellis County, Kansas**
 8. PRESENT USE OF PROPERTY: **Private Hobby Buildings**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"C-2"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Single Family Residence**

SOUTH: **Agricultural**

EAST: **City Park**

WEST: **Commercial**
2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"A-L"**

SOUTH: **"A-L"**

EAST: **"A-L"**

WEST: **"C-2"**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:

Area is identified as Urban Reserve in the current adopted Comprehensive Plan; although with commercial land use directly to the west, the property would be well suited for commercial development.

 - A. DEDICATION OR RESERVATION NEEDED FOR:
 1. DRAINAGE: **Provided**
 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: **Not Yet platted**
 - B. TRAFFIC CONDITIONS:
 1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: **Arterial/Commercial**
 2. RIGHT-OF-WAY WIDTH: **100'**
 3. SIGHT DISTANCE: **OK**
 4. TURNING MOVEMENTS: **OK**
 5. COMMENTS ON TRAFFIC: **Local/Commercial**
4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED: **The property is suited for Agricultural ground, however with being located adjacent to an arterial street, this is an area of projected/anticipated commercial 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.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **With the exception of agricultural uses, the property has been in it's current state 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 Urban Reserve making it fitting for development once infrastructure is extended to the area.**

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

**DRAFT MINUTES
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
APRIL 15, 2013
MINUTES
6:30 P.M.**

1. CALL TO ORDER: The Hays Area Planning Commission met in regular session Monday, April 15, 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 Lou Caplan Jim Fouts Pam Rein
Paul Phillips Tom Denning Jake Glover Emery Jennings

Absent: Terry Claycamp

City Staff: John Braun, Assistant Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, Nick Willis, Stormwater Superintendent and Administrative Secretary Linda K. Bixenman.

2. MINUTES: There were no additions or corrections to the minutes from the March 18, 2013 meeting that were approved by consensus.

3. CITIZEN COMMENTS: - None.

4. CITY/COUNTY COMMISSION ACTION & PLANNING & DEVELOPMENT ISSUE UPDATES: There were no updates from the City Commission meetings.

5. REZONING CASE # 13-01 - PUBLIC HEARING FOR A REQUEST OF CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "C-2" GENERAL COMMERCIAL & SERVICE DISTRICT ON A TRACT OF LAND IN THE NW/4 OF S27-T13S-R18W OF THE 6TH P.M. - LOCATION IS EAST 41ST ST EAST OF SHERMAN AVE (2.186 ACRES): Jesse Rohr presented the property location of the property requested to be rezoned as listed above on the overhead visual. He explained the first case was a rezoning request for "C-2" General Commercial and Service District and the second case would be a request for rezoning the southern part of property to "R-3" Two-Family Dwelling District.

Jesse Rohr explained that the L-shaped hatched area on the copy of the publication notice reflected the area to be rezoned consisting of 2.186 acres.

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.

Emery Jennings recused himself from the public hearing since he was the representative of the applicant.

Emery Jennings, agent for the owner Luecke Family Trust, presented the application to request the change of zoning as listed above. He used an easel to display the L-shaped property for the rezoning request.

Paul Phillips asked if he was reserving a portion of the property to remain as agriculture. John Braun answered that the adjoining area would remain agriculture where he has his hobby buildings.

Larry Gould asked if there was anyone in the audience opposed to the request.

Leroy L Herrman, nearby property owner, came before the commission stating the importance to keep the land commercial to continue to attract nice commercial development as it has like Home Depot, I-hop and the motels. He was against any change of zoning for residential land use. He was fearful that would prevent nice commercial developments to continue to occur.

Mr. Herrman explained that per the history of commercial development in that area; they struggled a long time to get sewer and water to have everything the way they want to have it. Lewis Chrysler and Goodwill were two of the original commercial properties that were developed in that area. They sure do not want a housing project to move in there.

Darrell Unrein, business owner of 635 E 41st, came before the commission emphasizing the importance to keep the land commercial to attract nice clean commercial development like what is already in that area.

He was opposed to the residential rezoning request because he did not believe residents would want to see commercial businesses next door and he voiced concern people coming and going could increase the inherit risk for theft. He voiced concern that if it is not developed in a similar manner, there would be a decline in market value of properties in that area and it would kill the development that is there now.

He explained the history of how things developed around his property. He expressed gratitude of his location because he has good exposure to his business property. With the good things, there has also been the inherit risk of theft. He has to keep everything locked up.

Larry Gould explained to the audience that this respective case was the request to change from Agriculture to "C-2" General and Commercial and Service District; the next case would be the request for the "R-3" Two-Family Dwelling District. He explained that the commission had to consider all the uses and exceptions for the

"C-2" zoning classification. He pointed out that the potential land uses for agriculture are less restrictive.

Bill Luecke, representing his family that own the property, came before the board to ask his good neighbor Darrell Unrein how a commercial endeavor would impact the nearby businesses in a negative way.

Darrell Unrein stated that all the traffic in that area is business traffic. He asked that the land stay the same type of commercial land uses as is there now to continue to attract more similar commercial businesses as is there now.

Tom Denning noted the L shape of the subject property; he asked about access and width of the long strip and number of acres. Bill Luecke and Jesse Rohr answered that the long strip from east to west is 135 feet wide; there is a 60 foot street right of way to access at 41st Street.

Jim Fouts asked where the infrastructure stops from the west. Jesse Rohr answered that it stops on the west edge of Home Depot.

Jake Glover asked what designation of land use was identified for this area in the comprehensive plan. He also asked city staff if they had any concerns regarding how the new development would impact the new Vineyard Park. Jesse Rohr answered that the park would not be impacted in a negative way. Parks are to be used by people. The area is designated as 'Urban Reserve' in the Comprehensive Plan; it is reserved for development once the infrastructure is in place to sustain the development. Urban reserve includes a whole variety of mixed land uses of commercial and residential.

Larry Gould asked for staff findings of fact.

Jesse Rohr presented the staff findings of fact. The way the land lays with 41st Street (Arterial Street) for access to the north, Interstate 70 near the south border and the City Vineyard Park on the east border with commercial properties nearby lend itself to a commercial zoning classification.

Larry Gould closed the public hearing.

There was a motion by Jim Fouts with a second by Lou Caplan to concur with staff findings of fact.

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

Recused: Emery Jennings Conflict of Interest

Larry Gould reopened the public hearing as a courtesy to those in the audience that had further comments.

Darrell Unrein acknowledged that Mr. Luecke is a good neighbor. He suggested to Mr. Luecke to make his prime area of land work for him without him having to do any work. There has been interest for properties in that area for commercial developments. There are good real estate agents in town that could match up a buyer without him ever having to put up a sign. He asked him to keep it a nice clean attractive area. With the type of development as being proposed, it would put Mr. Luecke's hobby items of pride and joy at risk of theft.

Jake Glover asked if there was a limit how small of an area could qualify for rezoning. Jesse Rohr answered that there are no state or city regulations that dictate the size of property requested to be rezoned.

Larry Gould closed the public hearing and asked for a substantial motion.

There was a motion by Jake Glover with a second by Lou Caplan to recommend to the City Commission to approve the request of the change of zoning classification from "A-L" Agriculture to "C-2" General Commercial and Service District on a tract of land in the NW/4 of S27-T13S-R18W (See Legal) 2.186 acres based on the consideration it meets the character of the neighborhood and the zoning of surrounding properties and the recommendation of Professional Staff.

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

Recused: Emery Jennings Conflict of Interest

Jesse Rohr explained to the audience that this was a recommendation that will go before the City Commission for formal action if anyone would like to attend the City Commission meeting for that agenda item.

6. REZONING CASE # 13-02 - PUBLIC HEARING FOR A REQUEST OF CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "R-3" TWO-FAMILY DWELLING DISTRICT ON A TRACT OF LAND IN THE NW/4 OF S27-T13S-R18W OF THE 6TH P.M. - LOCATION IS EAST 41ST STREET EAST OF SHERMAN AVE (11.767 ACRES):

Jesse Rohr presented the property location and proposed plat of the property requested to be rezoned as listed above on the overhead visual. He explained that the hatched area on the copy of the publication notice reflected the area to be rezoned consisting of 11.767 acres.

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.

Emery Jennings recused himself from the public hearing since he was the agent for the applicant.

Emery Jennings, agent for the owner Luecke Family Trust, presented the application to request the change of zoning as listed above. He displayed the proposed residential development on an easel.

Larry Gould asked if there were any comments from the Planning Commission.

Tom Denning asked about the entrance/exit reflected on east side. Emery Jennings answered that it would be an alley.

Larry Gould asked if there was anyone in opposition to the rezoning.

Darrell Unrein, business owner of 635 E 41st, came before the commission to state that he was against any change of zoning to residential land use. He also emphasized the importance to leave the land to attract nice clean commercial development so it can continue the same type of commercial development already in that area. He continued to say that his comments from the first case are the same for this case all the way. There is a better spot for residential; not this spot.

He asked everyone to rethink the land use for this property so it would remain attractive to bring more businesses to Hays similar to the ones already there.

He commented that the pedestrian traffic in the city park is people and their pets out to litter.

Larry Gould asked if there was anyone in favor of the rezoning. There was no response.

Larry Gould asked for Staff Findings of Fact.

Jesse Rohr presented the staff findings of fact. He stated that over the last three months, staff had looked at different proposals from this request that calls for opening up residential where there has never been residential. There were many staff meetings as well as meeting with City Management. Upon review of the comprehensive plan, and adjacent properties, staff recommends this property would be fitting to be rezoned to "R-3" Two-Family Dwelling District.

Jesse Rohr explained that they understand those property owners voicing their concern; it is a unique piece of land. The proposed development plans for homes or duplexes in the \$160,000.00 range.

Larry Gould asked for any comments to staff findings of fact.

Darrell Unrein came before the board to ask the commission to put their heads together and come out and see other nearby property owners before they make this recommendation. He has seen where it takes a petition before it is understood what is not wanted.

More importantly what would help Mr. Luecke would be for the City to concentrate on extending the infrastructure from the edge of Home Depot east to connect to Commerce Parkway to Interstate 70 so trucks making deliveries coming from the east would not crowd up the interstate exits to Highway 183/Vine and keep the bottleneck from occurring at the stop lights. He asked the Planning Commission "To make it Happen".

He emphasized the importance of keeping development for the clean commercial developments like the ones already there; developments that are good for Hays. They would like the property values to be maintained for what they worked hard to get.

He expressed to Mr. Luecke that he could find a buyer for a nice commercial development good for Hays. Having it residential would mean people being able to walk around and thru the business area and around his hobby building increasing the risk for theft.

He did not think residents would want to wake up to commercial businesses around them.

Jesse Rohr explained that there are screening requirements between residential and commercial properties. Because the commercial development is already there, it will be up to the residential developer to provide the screening required at time of development.

Pam Rein explained that notification was sent to nearby properties within 1,000 feet of the subject property. Darrell Unrein stated that in the future for them to knock on doors to get a census.

Larry Gould clarified as per the Kansas Open Meetings Act that the Planning Commission did not come up with this request. They cannot get together to discuss this request made by a citizen; they can listen and discuss it at a public hearing only. The Planning Commission represents the citizens of the City of Hays to balance their interest and make a recommendation to the City Commission.

Paul Phillips asked if fire protection has been considered for that area. Jesse Rohr answered that the Fire Chief did include a memo in the agenda packet of fire protection; the response time will be seven minutes.

He also asked about the proposed lot sizes, if they were comparable to the lots near the Fort Hays State University. Jesse Rohr answered that the proposed lots would be larger.

There was a motion by Pam Rein with a second by Lou Caplan to concur with staff findings of fact.

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

Recused: Emery Jennings Conflict of Interest

Larry Gould explained that the next motion was a substantive motion. He closed the public hearing.

Jim Fouts commented that in most cases he can envision if the area is suited for the requested change of zoning; if it will work or not work. He stated that all he can envision is an isolated patch of houses with the city park to the east, commercial properties to the west and I-70 to the south. It is difficult for him to envision especially with all the commercial development up to that area.

He pointed out what about the possibility of a truck thoroughfare as from I-70/Commerce Parkway along 41st Street of how that would affect the growth of this area.

Paul Phillips pointed out that if there was a residential development to the east, it would be easier to envision this development; it could go residential or commercial to the east.

Pam Rein noted that there are residential developments behind commercial properties along Vine Street. The new comprehensive plan calls for mixed uses.

Lou Caplan stated that he did not believe a box store would develop that far east. He noted that there are residential behind commercial businesses all over town. He stated that there is a shortage of affordable housing; the problem is the location.

Larry Gould reopened the public hearing as a courtesy to those in the audience that had further comments.

Darrell Unrein came before the board pleading not to ruin the frontage. He asked what would they rather look at storage buildings or something similar to the beautiful Best Western that was formerly a location of storage units. Let us quit stacking and cluttering and do what is best for the citizens of Hays, Kansas. This is just not a good spot for residential. He emphasized to keep 41st Street clean on both sides for more commercial businesses or you will kill further nice commercial development such as restaurants and motels. The off ramp to the east brings in a tremendous amount of business.

He noted that he has been approached by potential commercial businesses of an interest in his property and that same potential is there for Mr. Luecke. He pointed out the motels combined have a total of 300 rooms and only two restaurants to accommodate them on that side of 41st Street. It is dangerous to cross Highway 183 to go to the restaurants to the west.

Leroy Herrman came before the board stating that he has lived on the east side of the town for 44 years. The growth for residential housing is to the south of Interstate 70 and to the east. They do not need any housing developments out here.

Larry Gould closed the public hearing.

Jake Glover stated that he grew up in a multi-family residential district, more condensed than the requested zoning district, next to some large box stores. Having a park nearby would have been fantastic.

He suggested that the City plan for pedestrian traffic across Highway 183 to Walmart and the restaurants to the west. With the growth of more businesses is the need for homes for people to live that work in the businesses.

Emery Jennings stated that a potential commercial entity had done a feasibility study of eight sites and placed this property at number eight because it is difficult to get to this property.

Emery Jennings stated that the large businesses would want their customers close by. This is an extension of Vine Street. Growth has to start somewhere. Hays needs affordable housing for a place for people to live that work in the commercial businesses. This is an extension of Vine Street. Darrell Unrein stated that local people go out of town to shop; out of town people come to Hays to shop.

Larry Gould pointed out that the issue is location versus needs. As per the housing needs assessment, there is a need for affordable residential housing.

Larry Gould closed the public hearing and asked for a substantial motion.

There was a motion by Lou Caplan with a second by Jake Glover to recommend to the City Commission to approve the request for the change of zoning classification from "A-L" Agriculture to "R-3" Two-Family Dwelling District on a tract of land in the NW/4 of S27-T13S-R18W (See Legal) 11.767 acres based on the consideration it meets the consistency with the comprehensive plan and ordinances of the city and the extent to which the zoning amendment does not detrimentally affect nearby property and the recommendation of professional staff.

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

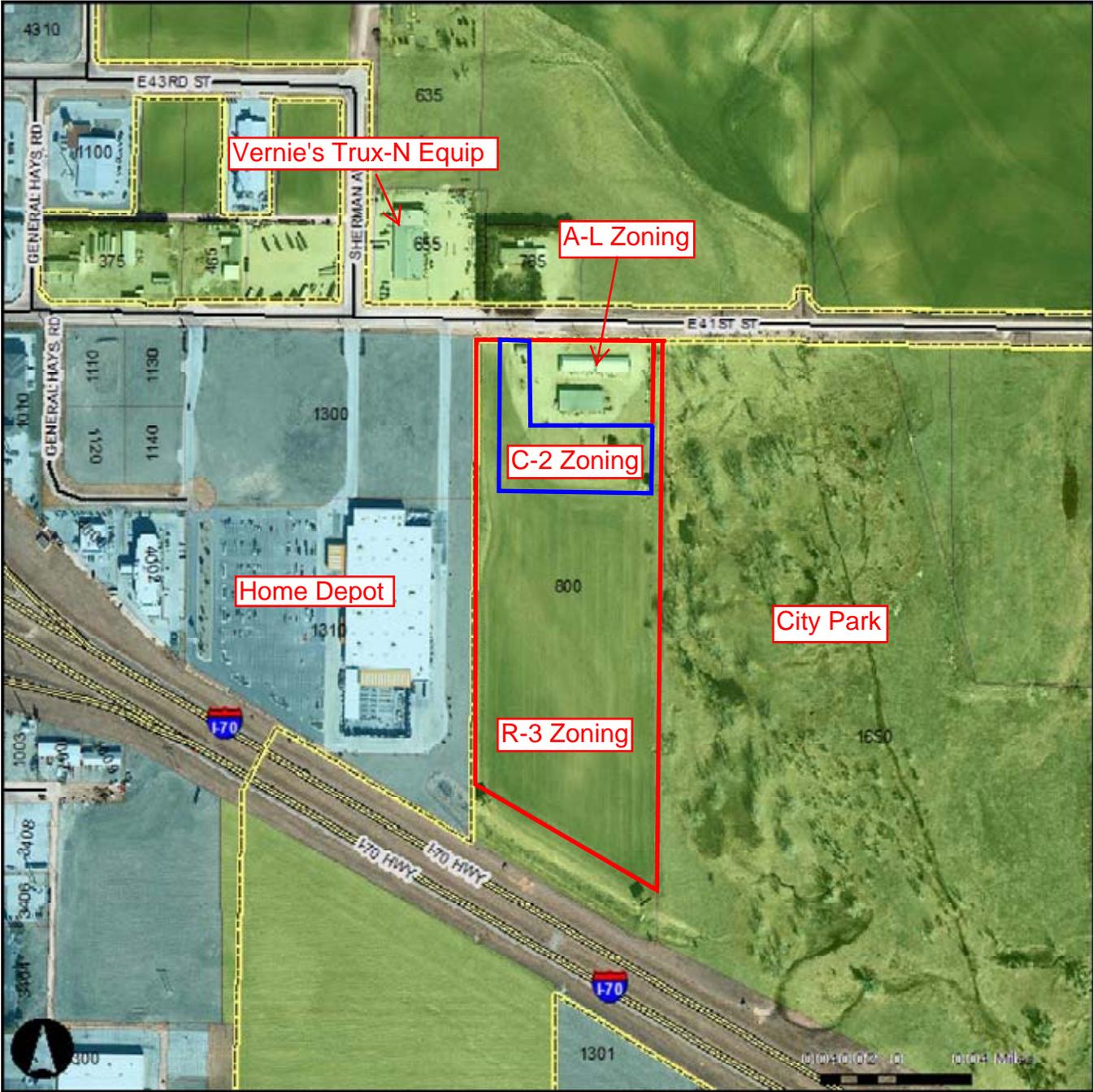
Recused: Emery Jennings Conflict of Interest

Jesse Rohr explained to the audience that this was a recommendation that will go before the City Commission for formal action if anyone would like to attend the City Commission meeting for that agenda item.

Submitted by: Administrative Secretary,
Planning, Inspection and Enforcement

DRAFT

Leucke



GENERAL HAYS RD

SHERMAN AVE

E 41ST ST

GENERAL HAYS RD

C-2

BROADWAY AVE

INTERSTATE 70

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND SITUATED ON A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 276.00 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST A DISTANCE OF 320.96 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 187.07 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET AND THE POINT OF BEGINNING;

FROM "A-L" AGRICULTURAL DISTRICT TO "C-2" GENERAL COMMERCIAL AND SERVICE DISTRICT.

WHEREAS, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on March 22, 2013 and March 24, 2013, and after a public hearing held in conformity with such notice on April 15, 2013, 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 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF

60.00 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 276.00 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST A DISTANCE OF 320.96 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 187.07 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET AND THE POINT OF BEGINNING;

from "A-L" AGRICULTURAL DISTRICT to "C-2" GENERAL COMMERCIAL AND SERVICE 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 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 75.00 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 276.00 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST A DISTANCE OF 320.96 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 187.07 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET AND THE POINT OF BEGINNING;

FROM "A-L" AGRICULTURAL DISTRICT to "C-2" GENERAL COMMERCIAL
AND SERVICE 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 9th day of May, 2013.

Kent Steward, Mayor

ATTEST:

Doris Wing, City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: May 2, 2013

Subject: Request for Rezoning (A-L to R-3)
Proposed Leucke Addition

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

Summary

The owners of the property located along and south of 41st St. east of Home Depot (Proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to R-3 (Two-Family Dwelling District) A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission., and by vote of 7-0, a recommendation was made by the Planning Commission to the City Commission to approve the rezoning as requested. Staff's concerns and additional comments are noted in the Discussion Section below. Taking into consideration these concerns, staff concurs with the recommendation of the Planning Commission and recommends approving this rezoning request from A-L to R-3 as submitted.

Background

The owner/developer of the proposed Leucke Addition has started the platting process, Along with the rezoning process for the property located along and south of 41st St. east of Home Depot. The intention is to provide for a residential zoned area as well as a commercial zoned area. The commercial zoning request has been requested under a separate agenda item. The property is also currently outside of the City limits but the developer does intend to annex the property into the City prior to development.

Discussion

The owners of the property located along and south of 41st St. east of Home Depot (Proposed Leucke Addition) have submitted a request to rezone a portion of the property from A-L (Agriculture District) to R-3 (Two-Family Dwelling District). (See attached map) Zoning of adjacent properties is primarily commercial and agricultural districts. A public hearing was conducted on April 15, 2013 at the regular meeting of the Planning Commission. All property owners within 1000' of the subject property were notified of the public hearing. Two nearby property owners were present and made comments regarding the rezoning. They were concerned about having any residential uses in the area for several reasons. Draft minutes are

attached. Primarily, one property owner was concerned about people in the area that would possibly cause trouble for his business. In their words, “riff-raff” is a concern as people move into the area and the perceived risk of theft and vandalism increases.

Staff provided a recommendation to the Planning Commission which included the following language:

Staff has reviewed this addition during several recent meetings with the developer and does generally agree with the overall plan; so long as, during development, proper attention is given to aesthetics, ingress/egress, and other issues typical of development along commercial corridors. Furthermore, staff expects the entire property to be annexed and developed in its entirety rather than piece-meal.

The Planning Commission voted in favor of the request by a vote of 7-0 based on the consideration it is consistent with the intent of the Comprehensive Plan, the extent to which it will NOT affect nearby property, and the recommendation of staff., all of which are some of the factors required to be considered in any rezoning case per *Golden V. City of Overland Park, 1978*.

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-3 as recommended by the Planning Commission
- Deny the rezoning request from A-L to R-3 (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 7-0, the Planning Commission recommends approving this rezoning request from A-L (Agriculture) to R-3 (Two-Family Dwelling District) as was submitted. Staff concurs with the Planning Commission recommendation as long as adequate and acceptable provisions for screening are in place prior to any residential development.

Action Requested

Approve the rezoning request from A-L to R-3 as recommended by the Planning Commission and City staff.

Supporting Documentation

Planning Commission Findings of Fact

Planning Commission Draft Minutes

Map(s)

Ordinance

PLANNING COMMISSION FINDING OF FACT

1. CASE NO.: **13-02Z** FILING FEE PAID: **\$200.00**
 2. DATE FILED: **03-11-2013**
 3. DATE ADVERTISED FOR HEARING: **03-22-2013 and 03-24-2013**
 4. PUBLIC HEARING DATE: **04-15-2013**
 5. APPLICANT'S NAME: **Luecke Properties LLC**
 6. LOCATION OF PROPERTY: **East 41st Street East of Sherman Ave**
 7. DESCRIPTION OF PROPERTY: **Tract proposed to be platted to 35 residential lots on a tract of land in the NW/4 of S27-T13S-R18W of the 6th p.m.**
 8. PRESENT USE OF PROPERTY: **Vacant – Farm Ground**
 9. PRESENT ZONING: **"A-L"** REQUESTED ZONING: **"R-3"**
-

1. CHARACTER OF THE NEIGHBORHOOD:
DIRECTION

NORTH: **Privately owned hobby buildings**

SOUTH: **Right of Way (Interstate 70)**

EAST: **City Park**

WEST: **Commercial**
2. THE ZONING OF SURROUNDING PROPERTY:
DIRECTION

NORTH: **"A-L"**

SOUTH: **Right of Way (Interstate 70)**

EAST: **"A-L"**

WEST: **"C-2"**

3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:

Area is identified as Urban Reserve in the current adopted Comprehensive Plan. Property is well suited for residential development; it would be the first residential area north of I-70. This residential area would be fronted by commercially zoned property. The proposed residential development should help provide some affordable housing options for Hays. Proper screening will be required between adjacent residential and commercial properties.

 - A. DEDICATION OR RESERVATION NEEDED FOR:
 1. DRAINAGE: **Completed**
 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 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 including the adjacent City Park and adjacent Home Depot property.**
6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED: **With the exception of agricultural uses, the property has been in it's current state 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 Urban Reserve. It is suitable for development once utilities and other infrastructure are extended to serve the property.**

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

**DRAFT MINUTES
HAYS AREA PLANNING COMMISSION
CITY HALL IN COMMISSION CHAMBERS
APRIL 15, 2013
MINUTES
6:30 P.M.**

1. CALL TO ORDER: The Hays Area Planning Commission met in regular session Monday, April 15, 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 Lou Caplan Jim Fouts Pam Rein
 Paul Phillips Tom Denning Jake Glover Emery Jennings

Absent: Terry Claycamp

City Staff: John Braun, Assistant Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, Nick Willis, Stormwater Superintendent and Administrative Secretary Linda K. Bixenman.

2. MINUTES: There were no additions or corrections to the minutes from the March 18, 2013 meeting that were approved by consensus.

3. CITIZEN COMMENTS: - None.

4. CITY/COUNTY COMMISSION ACTION & PLANNING & DEVELOPMENT ISSUE UPDATES: There were no updates from the City Commission meetings.

5. REZONING CASE # 13-01 - PUBLIC HEARING FOR A REQUEST OF CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "C-2" GENERAL COMMERCIAL & SERVICE DISTRICT ON A TRACT OF LAND IN THE NW/4 OF S27-T13S-R18W OF THE 6TH P.M. - LOCATION IS EAST 41ST ST EAST OF SHERMAN AVE (2.186 ACRES): Jesse Rohr presented the property location of the property requested to be rezoned as listed above on the overhead visual. He explained the first case was a rezoning request for "C-2" General Commercial and Service District and the second case would be a request for rezoning the southern part of property to "R-3" Two-Family Dwelling District.

Jesse Rohr explained that the L-shaped hatched area on the copy of the publication notice reflected the area to be rezoned consisting of 2.186 acres.

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.

Emery Jennings recused himself from the public hearing since he was the representative of the applicant.

Emery Jennings, agent for the owner Luecke Family Trust, presented the application to request the change of zoning as listed above. He used an easel to display the L-shaped property for the rezoning request.

Paul Phillips asked if he was reserving a portion of the property to remain as agriculture. John Braun answered that the adjoining area would remain agriculture where he has his hobby buildings.

Larry Gould asked if there was anyone in the audience opposed to the request.

Leroy L Herrman, nearby property owner, came before the commission stating the importance to keep the land commercial to continue to attract nice commercial development as it has like Home Depot, I-hop and the motels. He was against any change of zoning for residential land use. He was fearful that would prevent nice commercial developments to continue to occur.

Mr. Herrman explained that per the history of commercial development in that area; they struggled a long time to get sewer and water to have everything the way they want to have it. Lewis Chrysler and Goodwill were two of the original commercial properties that were developed in that area. They sure do not want a housing project to move in there.

Darrell Unrein, business owner of 635 E 41st, came before the commission emphasizing the importance to keep the land commercial to attract nice clean commercial development like what is already in that area.

He was opposed to the residential rezoning request because he did not believe residents would want to see commercial businesses next door and he voiced concern people coming and going could increase the inherit risk for theft. He voiced concern that if it is not developed in a similar manner, there would be a decline in market value of properties in that area and it would kill the development that is there now.

He explained the history of how things developed around his property. He expressed gratitude of his location because he has good exposure to his business property. With the good things, there has also been the inherit risk of theft. He has to keep everything locked up.

Larry Gould explained to the audience that this respective case was the request to change from Agriculture to "C-2" General and Commercial and Service District; the next case would be the request for the "R-3" Two-Family Dwelling District. He explained that the commission had to consider all the uses and exceptions for the

"C-2" zoning classification. He pointed out that the potential land uses for agriculture are less restrictive.

Bill Luecke, representing his family that own the property, came before the board to ask his good neighbor Darrell Unrein how a commercial endeavor would impact the nearby businesses in a negative way.

Darrell Unrein stated that all the traffic in that area is business traffic. He asked that the land stay the same type of commercial land uses as is there now to continue to attract more similar commercial businesses as is there now.

Tom Denning noted the L shape of the subject property; he asked about access and width of the long strip and number of acres. Bill Luecke and Jesse Rohr answered that the long strip from east to west is 135 feet wide; there is a 60 foot street right of way to access at 41st Street.

Jim Fouts asked where the infrastructure stops from the west. Jesse Rohr answered that it stops on the west edge of Home Depot.

Jake Glover asked what designation of land use was identified for this area in the comprehensive plan. He also asked city staff if they had any concerns regarding how the new development would impact the new Vineyard Park. Jesse Rohr answered that the park would not be impacted in a negative way. Parks are to be used by people. The area is designated as 'Urban Reserve' in the Comprehensive Plan; it is reserved for development once the infrastructure is in place to sustain the development. Urban reserve includes a whole variety of mixed land uses of commercial and residential.

Larry Gould asked for staff findings of fact.

Jesse Rohr presented the staff findings of fact. The way the land lays with 41st Street (Arterial Street) for access to the north, Interstate 70 near the south border and the City Vineyard Park on the east border with commercial properties nearby lend itself to a commercial zoning classification.

Larry Gould closed the public hearing.

There was a motion by Jim Fouts with a second by Lou Caplan to concur with staff findings of fact.

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

Recused: Emery Jennings Conflict of Interest

Larry Gould reopened the public hearing as a courtesy to those in the audience that had further comments.

Darrell Unrein acknowledged that Mr. Luecke is a good neighbor. He suggested to Mr. Luecke to make his prime area of land work for him without him having to do any work. There has been interest for properties in that area for commercial developments. There are good real estate agents in town that could match up a buyer without him ever having to put up a sign. He asked him to keep it a nice clean attractive area. With the type of development as being proposed, it would put Mr. Luecke's hobby items of pride and joy at risk of theft.

Jake Glover asked if there was a limit how small of an area could qualify for rezoning. Jesse Rohr answered that there are no state or city regulations that dictate the size of property requested to be rezoned.

Larry Gould closed the public hearing and asked for a substantial motion.

There was a motion by Jake Glover with a second by Lou Caplan to recommend to the City Commission to approve the request of the change of zoning classification from "A-L" Agriculture to "C-2" General Commercial and Service District on a tract of land in the NW/4 of S27-T13S-R18W (See Legal) 2.186 acres based on the consideration it meets the character of the neighborhood and the zoning of surrounding properties and the recommendation of Professional Staff.

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

Recused: Emery Jennings Conflict of Interest

Jesse Rohr explained to the audience that this was a recommendation that will go before the City Commission for formal action if anyone would like to attend the City Commission meeting for that agenda item.

6. REZONING CASE # 13-02 - PUBLIC HEARING FOR A REQUEST OF CHANGE OF ZONING CLASSIFICATION FROM "A-L" AGRICULTURE TO "R-3" TWO-FAMILY DWELLING DISTRICT ON A TRACT OF LAND IN THE NW/4 OF S27-T13S-R18W OF THE 6TH P.M. - LOCATION IS EAST 41ST STREET EAST OF SHERMAN AVE (11.767 ACRES):

Jesse Rohr presented the property location and proposed plat of the property requested to be rezoned as listed above on the overhead visual. He explained that the hatched area on the copy of the publication notice reflected the area to be rezoned consisting of 11.767 acres.

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.

Emery Jennings recused himself from the public hearing since he was the agent for the applicant.

Emery Jennings, agent for the owner Luecke Family Trust, presented the application to request the change of zoning as listed above. He displayed the proposed residential development on an easel.

Larry Gould asked if there were any comments from the Planning Commission.

Tom Denning asked about the entrance/exit reflected on east side. Emery Jennings answered that it would be an alley.

Larry Gould asked if there was anyone in opposition to the rezoning.

Darrell Unrein, business owner of 635 E 41st, came before the commission to state that he was against any change of zoning to residential land use. He also emphasized the importance to leave the land to attract nice clean commercial development so it can continue the same type of commercial development already in that area. He continued to say that his comments from the first case are the same for this case all the way. There is a better spot for residential; not this spot.

He asked everyone to rethink the land use for this property so it would remain attractive to bring more businesses to Hays similar to the ones already there.

He commented that the pedestrian traffic in the city park is people and their pets out to litter.

Larry Gould asked if there was anyone in favor of the rezoning. There was no response.

Larry Gould asked for Staff Findings of Fact.

Jesse Rohr presented the staff findings of fact. He stated that over the last three months, staff had looked at different proposals from this request that calls for opening up residential where there has never been residential. There were many staff meetings as well as meeting with City Management. Upon review of the comprehensive plan, and adjacent properties, staff recommends this property would be fitting to be rezoned to "R-3" Two-Family Dwelling District.

Jesse Rohr explained that they understand those property owners voicing their concern; it is a unique piece of land. The proposed development plans for homes or duplexes in the \$160,000.00 range.

Larry Gould asked for any comments to staff findings of fact.

Darrell Unrein came before the board to ask the commission to put their heads together and come out and see other nearby property owners before they make this recommendation. He has seen where it takes a petition before it is understood what is not wanted.

More importantly what would help Mr. Luecke would be for the City to concentrate on extending the infrastructure from the edge of Home Depot east to connect to Commerce Parkway to Interstate 70 so trucks making deliveries coming from the east would not crowd up the interstate exits to Highway 183/Vine and keep the bottleneck from occurring at the stop lights. He asked the Planning Commission "To make it Happen".

He emphasized the importance of keeping development for the clean commercial developments like the ones already there; developments that are good for Hays. They would like the property values to be maintained for what they worked hard to get.

He expressed to Mr. Luecke that he could find a buyer for a nice commercial development good for Hays. Having it residential would mean people being able to walk around and thru the business area and around his hobby building increasing the risk for theft.

He did not think residents would want to wake up to commercial businesses around them.

Jesse Rohr explained that there are screening requirements between residential and commercial properties. Because the commercial development is already there, it will be up to the residential developer to provide the screening required at time of development.

Pam Rein explained that notification was sent to nearby properties within 1,000 feet of the subject property. Darrell Unrein stated that in the future for them to knock on doors to get a census.

Larry Gould clarified as per the Kansas Open Meetings Act that the Planning Commission did not come up with this request. They cannot get together to discuss this request made by a citizen; they can listen and discuss it at a public hearing only. The Planning Commission represents the citizens of the City of Hays to balance their interest and make a recommendation to the City Commission.

Paul Phillips asked if fire protection has been considered for that area. Jesse Rohr answered that the Fire Chief did include a memo in the agenda packet of fire protection; the response time will be seven minutes.

He also asked about the proposed lot sizes, if they were comparable to the lots near the Fort Hays State University. Jesse Rohr answered that the proposed lots would be larger.

There was a motion by Pam Rein with a second by Lou Caplan to concur with staff findings of fact.

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

Recused: Emery Jennings Conflict of Interest

Larry Gould explained that the next motion was a substantive motion. He closed the public hearing.

Jim Fouts commented that in most cases he can envision if the area is suited for the requested change of zoning; if it will work or not work. He stated that all he can envision is an isolated patch of houses with the city park to the east, commercial properties to the west and I-70 to the south. It is difficult for him to envision especially with all the commercial development up to that area.

He pointed out what about the possibility of a truck thoroughfare as from I-70/Commerce Parkway along 41st Street of how that would affect the growth of this area.

Paul Phillips pointed out that if there was a residential development to the east, it would be easier to envision this development; it could go residential or commercial to the east.

Pam Rein noted that there are residential developments behind commercial properties along Vine Street. The new comprehensive plan calls for mixed uses.

Lou Caplan stated that he did not believe a box store would develop that far east. He noted that there are residential behind commercial businesses all over town. He stated that there is a shortage of affordable housing; the problem is the location.

Larry Gould reopened the public hearing as a courtesy to those in the audience that had further comments.

Darrell Unrein came before the board pleading not to ruin the frontage. He asked what would they rather look at storage buildings or something similar to the beautiful Best Western that was formerly a location of storage units. Let us quit stacking and cluttering and do what is best for the citizens of Hays, Kansas. This is just not a good spot for residential. He emphasized to keep 41st Street clean on both sides for more commercial businesses or you will kill further nice commercial development such as restaurants and motels. The off ramp to the east brings in a tremendous amount of business.

He noted that he has been approached by potential commercial businesses of an interest in his property and that same potential is there for Mr. Luecke. He pointed out the motels combined have a total of 300 rooms and only two restaurants to accommodate them on that side of 41st Street. It is dangerous to cross Highway 183 to go to the restaurants to the west.

Leroy Herrman came before the board stating that he has lived on the east side of the town for 44 years. The growth for residential housing is to the south of Interstate 70 and to the east. They do not need any housing developments out here.

Larry Gould closed the public hearing.

Jake Glover stated that he grew up in a multi-family residential district, more condensed than the requested zoning district, next to some large box stores. Having a park nearby would have been fantastic.

He suggested that the City plan for pedestrian traffic across Highway 183 to Walmart and the restaurants to the west. With the growth of more businesses is the need for homes for people to live that work in the businesses.

Emery Jennings stated that a potential commercial entity had done a feasibility study of eight sites and placed this property at number eight because it is difficult to get to this property.

Emery Jennings stated that the large businesses would want their customers close by. This is an extension of Vine Street. Growth has to start somewhere. Hays needs affordable housing for a place for people to live that work in the commercial businesses. This is an extension of Vine Street. Darrell Unrein stated that local people go out of town to shop; out of town people come to Hays to shop.

Larry Gould pointed out that the issue is location versus needs. As per the housing needs assessment, there is a need for affordable residential housing.

Larry Gould closed the public hearing and asked for a substantial motion.

There was a motion by Lou Caplan with a second by Jake Glover to recommend to the City Commission to approve the request for the change of zoning classification from "A-L" Agriculture to "R-3" Two-Family Dwelling District on a tract of land in the NW/4 of S27-T13S-R18W (See Legal) 11.767 acres based on the consideration it meets the consistency with the comprehensive plan and ordinances of the city and the extent to which the zoning amendment does not detrimentally affect nearby property and the recommendation of professional staff.

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

Recused: Emery Jennings Conflict of Interest

Jesse Rohr explained to the audience that this was a recommendation that will go before the City Commission for formal action if anyone would like to attend the City Commission meeting for that agenda item.

Submitted by: Administrative Secretary,
Planning, Inspection and Enforcement

DRAFT

Leucke



GENERAL HAYS RD

SHERMAN AVE

E 41ST ST

GENERAL HAYS RD

R-3

BROADWAY AVE

INTERSTATE 70

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND SITUATED ON A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP THIRTEEN (13) SOUTH, RANGE EIGHTEEN (18) WEST OF THE 6TH P.M. IN ELLIS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET AND THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 1,249.43 FEET; THENCE SOUTH 59 DEGREES 26 MINUTES 40 SECONDS EAST A DISTANCE OF 599.72 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 27 SECONDS WEST A DISTANCE OF 1,547.39 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 30.01 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 463.17 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

FROM "A-L" AGRICULTURAL DISTRICT TO "R-3" TWO-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 March 22, 2013 and March 24, 2013, and after a public hearing held in conformity with such notice on April 15, 2013, 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 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY

LINE OF 41ST STREET AND THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 1,249.43 FEET; THENCE SOUTH 59 DEGREES 26 MINUTES 40 SECONDS EAST A DISTANCE OF 599.72 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 27 SECONDS WEST A DISTANCE OF 1,547.39 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 30.01 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 463.17 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

from "A-L" AGRICULTURAL DISTRICT to "R-3" TWO-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 NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH PRINCIPAL MERIDIAN, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 10 MINUTES 16 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,727.50 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET AND THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 00 DEGREES 49 MINUTES 44 SECONDS WEST A DISTANCE OF 1,249.43 FEET; THENCE SOUTH 59 DEGREES 26 MINUTES 40 SECONDS EAST A DISTANCE OF 599.72 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 27 SECONDS WEST A DISTANCE OF 1,547.39 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 30.01 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 27 SECONDS EAST A DISTANCE OF 463.17 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST A DISTANCE OF 401.08

FEET; THENCE NORTH 00 DEGREES 49 MINUTES 44 SECONDS EAST A DISTANCE OF 463.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 41ST STREET; THENCE NORTH 89 DEGREES 10 MINUTES 16 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING;

FROM "A-L" AGRICULTURAL DISTRICT to "R-3" TWO-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 9th day of May, 2013.

Kent Steward, Mayor

ATTEST:

Doris Wing, City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Nicholas Willis, Stormwater Superintendent

Work Session: May 2, 2013

Subject: Lining of Metal Storm Sewer Award of Bid

Person(s) Toby Dougherty, City Manager

Responsible: I.D. Creech, Director of Public Works

Summary

Staff is asking Commissioners to award \$175,735.50 for storm sewer lining in 2013 to Utility Solutions, LLC of Basehor, KS. The suggested award totals 1459 linear feet of existing corrugated metal storm sewer pipe. This is about 0.9% of the total feet of storm sewer pipe in Hays. This is a budgeted project to be paid for by Stormwater Utility funds.

The proposed award consists of a base bid comprising storm sewer pipes along Oak Street from 17th Street to just north of 18th Street and lining of the storm sewer system near 22nd Street and Farley Place. Alternates suggested for award include pipe near the Montgomery Ditch bridges on 6th and 7th Streets and a short section of pipe at 13th and Oak that was unable to be lined in an earlier project, but should now be able to be lined as changes in installation practices have allowed for the lining of smaller diameter pipes and lining through pipe bends.

Construction should start relatively soon and be completed before year's end.

Background

Significant expenditures have been incurred since 2011 replacement and lining of storm sewer pipe. In 2011, a storm sewer lining project was begun in an attempt to reduce the number of emergency repairs necessary. This project is an extension of previous work.

Discussion

The spin-cast concrete lining in this project will not reduce the flowrates through the pipes. The city's experience in previous years showed that there was minimal disturbance during installation, when compared to dig and replace methods. At the end of a working day, there is very little above-ground sign that a contractor was working.

This contract requires construction to be completed before December 31, 2013. Since there are no open trenches or similar construction site hazards, this allows for maximum contractor flexibility and thus lowers costs.

The prices received are very good and are generally slightly lower than last year's larger project. Prices for larger diameter pipe are just shy of 3% lower than last year at \$168.00 per linear foot. For comparison purposes, the contract to replace the storm sewer under 12th Street was \$497 per linear foot. Prices for the smaller diameter (18" and 24") are basically unchanged from last year's project.

This award is most likely under the yearly amount needed to maintain the existing system. Rehabilitation of 0.9% of the system places the city on a 111 year replacement or rehabilitation schedule. Reinforced concrete pipe and HDPE, at their most optimistic projections, have a 100 year service life. After this project is completed, there is approximately 7100 linear feet of corrugated metal pipe considered "high" and "medium" priority that will have yet to be lined. This project will serve to reduce the chances of pipe failure in town, but is not comprehensive enough to make up for long-deferred maintenance and replacement.

Utility Solutions, LLC is a different contractor than previous years. They will use the same technology, spin-cast concrete, however, a different concrete manufacturer, with very similar physical properties, is proposed to be used. Staff has limited experience with this contractor through demonstration projects and has been satisfied. They have hired the onsite foreman who worked for Blue Nile last year, so their employees should have adequate experience to complete this job.

The proposed concrete product has changed from last year. The product "Silatec MSM Microsilica Mortar" manufactured by A.W. Cook Cement Products of Hoschton, GA is proposed for this year's project. Staff had a small demonstration of this product earlier this year and was pleased with the results.

Legal Consideration

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

Financial Consideration

Staff is again pleased with the construction costs for this project. It was believed unit costs would increase and they have decreased or stayed the same for nearly every pipe proposed for lining.

\$180,000 was budgeted this year for lining projects. \$3,850 has been spent this year for the previously mentioned demonstration project. This project will cost \$175,735.50, coming very close to spending the budgeted amount for lining this year. There are sufficient funds for this project. In case something unexpected may arise, the Stormwater Utility has \$50,000 set aside for contingencies.

Options

The City Commission has the following options available:

1. Direct city staff to enter into a contract with Utility Solutions, LLC for \$175,735.50 for storm sewer lining.
2. Give city staff further direction.

Recommendation

City staff recommends awarding the project as described for \$175,735.50.

Action Requested

Direct city staff to enter into a contractor with Utility Solutions, LLC for storm sewer lining in the amount of \$175,735.50

Supporting Documentation

Attachment 1: Spreadsheet showing bid tabulations.

Attachment 2: Spreadsheet showing recommended award

Attachment 3: Locations of bid items and selected alternates.

Attachment 1

**2013-01 Bid Tabs for Cementitious Storm Sewer Lining
Compiled on April 17, 2013 by Nicholas Willis, City of Hays**

Bid Item	Description	Length	Unit	Engineer's Estimate		Utility Solutions LLC		Blue Nile Contractors	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
B1	48" Arch (17th & Oak)	300	LF	\$230	\$69,000	\$168.00	\$ 50,400.00	\$183.30	\$54,990.00
B2	48" Arch (18th & Oak)	33	LF	\$230	\$7,590	\$168.00	\$ 5,544.00	\$183.30	\$6,048.90
B3	48" Arch (18th & Oak north)	147	LF	\$230	\$33,810	\$168.00	\$ 24,696.00	\$183.30	\$26,945.10
B4	24" 17th & Oak	29	LF	\$130	\$3,770	\$ 96.25	\$ 2,791.25	\$92.44	\$2,680.76
B5	24" 18th & Oak	31	LF	\$130	\$4,030	\$ 96.25	\$ 2,983.75	\$92.44	\$2,865.64
B6	18" 22nd Gen Custer to Farley	280	LF	\$130	\$36,400	\$ 96.00	\$ 26,880.00	\$86.43	\$24,200.40
B7	18" Farley Place 22nd North	89	LF	\$130	\$11,570	\$ 96.00	\$ 8,544.00	\$86.43	\$7,692.27
B8	18" Farley Place East	19	LF	\$130	\$2,470	\$ 96.00	\$ 1,824.00	\$86.43	\$1,642.17

Engineer's Estimate	Utility Solutions LLC	Blue Nile Contractors
\$168,640	\$123,663.00	\$127,065.24

Alternate	Description	Length	Unit	Engineer's Estimate		Utility Solutions LLC		Blue Nile Contractors	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
A1	24" @ 13th & Oak	31	LF	\$200	\$6,200	\$110.00	\$ 3,410.00	\$92.44	\$2,865.64
A2	54" Arch (13th & Haney)	88	LF	\$250	\$22,000	\$189.00	\$ 16,632.00	\$183.30	\$16,130.40
A3	24" 13th & Haney	17	LF	\$130	\$2,210	\$ 96.25	\$ 1,636.25	\$92.44	\$1,571.48
A4	18" 13th & Haney	27	LF	\$130	\$3,510	\$ 96.00	\$ 2,592.00	\$86.43	\$2,333.61
A5	18" 13th & Haney	17	LF	\$130	\$2,210	\$ 96.00	\$ 1,632.00	\$86.43	\$1,469.31
A6	24" NW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$130	\$1,950	\$ 96.25	\$ 1,443.75	\$92.44	\$1,386.60
A7	24" SW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$130	\$1,950	\$ 96.25	\$ 1,443.75	\$92.44	\$1,386.60
A8	24" SE Corner of 7th St. Montgomery Ditch Bridge	337	LF	\$130	\$43,810	\$ 96.25	\$ 32,436.25	\$92.44	\$31,152.28
A9	24" 7th St. E of Montgomery Ditch south side	10	LF	\$130	\$1,300	\$150.00	\$ 1,500.00	\$92.44	\$924.40
A10	24" 7th St. E of Montgomery Ditch north side	29	LF	\$130	\$3,770	\$ 96.25	\$ 2,791.25	\$92.44	\$2,680.76
A11	24" NW Corner of 6th St. Montgomery Ditch Bridge	94	LF	\$130	\$12,220	\$ 96.25	\$ 9,047.50	\$92.44	\$8,689.36
A12	30" SW Corner of 6th St. Montgomery Ditch Bridge	82	LF	\$150	\$12,300	\$115.00	\$ 9,430.00	\$92.44	\$7,580.08
A13	24" SE Corner of 6th St. Montgomery Ditch Bridge	73	LF	\$130	\$9,490	\$ 96.25	\$ 7,026.25	\$92.44	\$6,748.12
A14	24" 6th St. E of Montgomery Ditch cross-pipe	32	LF	\$130	\$4,160	\$ 96.25	\$ 3,080.00	\$92.44	\$2,958.08

Engineer's Estimate	Utility Solutions LLC	Blue Nile Contractors
\$127,080	\$ 94,101.00	\$87,876.72

Attachment 2

2013-01 Recommended award

Compiled on April 18, 2013 by Nicholas Willis, P.E. City of Hays

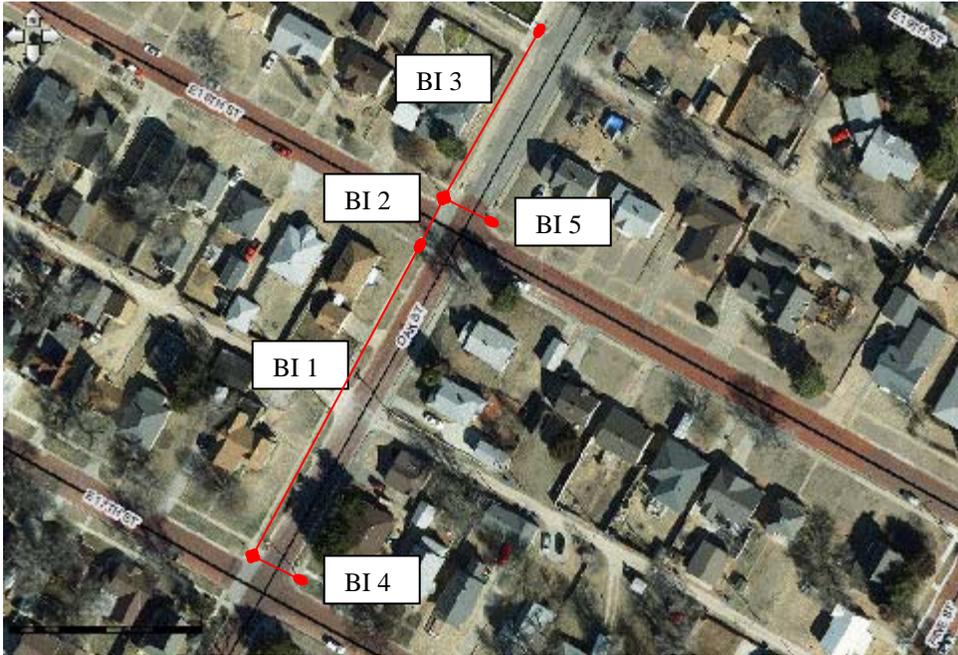
Apparent low bidder is Utility Solutions, LLC of Basehor, KS

Bid Item	Description	Length	Unit	Unit Cost	Total
B1	48" Arch (17th & Oak)	300	LF	\$ 168.00	\$ 50,400.00
B2	48" Arch (18th & Oak)	33	LF	\$ 168.00	\$ 5,544.00
B3	48" Arch (18th & Oak north)	147	LF	\$ 168.00	\$ 24,696.00
B4	24" 17th & Oak	29	LF	\$ 96.25	\$ 2,791.25
B5	24" 18th & Oak	31	LF	\$ 96.25	\$ 2,983.75
B6	18" 22nd Gen Custer to Farley	280	LF	\$ 96.00	\$ 26,880.00
B7	18" Farley Place 22nd North	89	LF	\$ 96.00	\$ 8,544.00
B8	18" Farley Place East	19	LF	\$ 96.00	\$ 1,824.00
A1	24" @ 13th & Oak	31	LF	\$ 110.00	\$ 3,410.00
A6	24" NW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$ 96.25	\$ 1,443.75
A7	24" SW Corner of 7th St. Montgomery Ditch Bridge	15	LF	\$ 96.25	\$ 1,443.75
A8	24" SE Corner of 7th St. Montgomery Ditch Bridge	337	LF	\$ 96.25	\$ 32,436.25
A9	24" 7th St. E of Montgomery Ditch south side	10	LF	\$ 150.00	\$ 1,500.00
A10	24" 7th St. E of Montgomery Ditch north side	29	LF	\$ 96.25	\$ 2,791.25
A11	24" NW Corner of 6th St. Montgomery Ditch Bridge	94	LF	\$ 96.25	\$ 9,047.50

Total Feet
1,459

Total Award
\$175,735.50

Attachment 3: Maps and photos of bid items and suggested alternates.



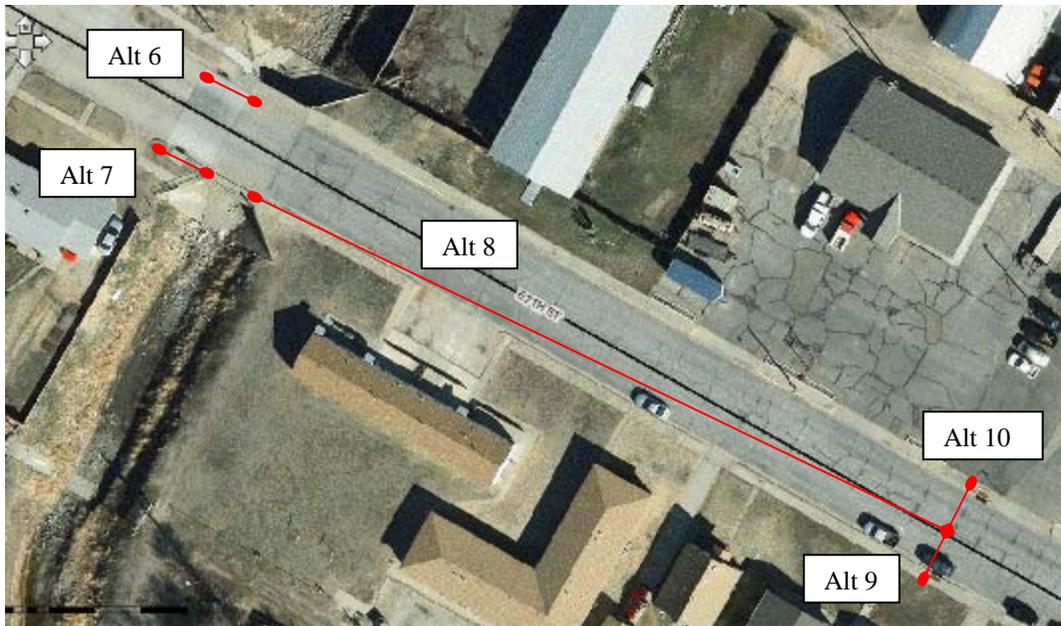
Approximate location of Bid Items Number 1 through Number 5



Approximate location of Bid Items 6 through 8.



Approximate Location of Alternate Item 1.



Approximate locations of Alternate Items 6 through 10.



Approximate location of Alternate Number 11.

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: May 2, 2013

Subject: Elimination of Various School Zones

Person(s) I.D. Creech, Director of Public Works

Responsible: Toby Dougherty, City Manager

Summary

Certain school zones exist in locations that no longer have active schools. Those locations include the area around Kennedy Middle School at 14th and Fort and High Plains Baptist Church at 27th and Canterbury. The City Attorney has prepared an Ordinance amending Section 62-109 of the Municipal Code to eliminate those school zones.

Background

Kennedy Middle School closed in the spring of 2012 and there are no immediate plans to reopen the school. Likewise, High Plains Baptist Church no longer has a school with no plans to reopen. Both entities have been contacted and have no objection to removing the school zone designation.

Discussion

The City attorney has prepared an ordinance amending Section 62-109 of the Municipal code to remove the currently designated school zones:

Ash Street, from 12th to 15th Street

Fort Street from 13th to 15th Street

13th Street from Walnut to Fort Street

27th Street from Canterbury to the East City Limit

Legal Consideration

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

Financial Consideration

None – in-house labor will be used to make the subsequent signage adjustments (remove school zone and 20 mph speed limit signs).

Options

Options include the following:

1. Consider passing the ordinance amending Section 62-109 of the Municipal Code and direct staff to remove related signage.
2. Provide alternate direction to City Staff.

Recommendation

Staff recommends passing the ordinance amending Section 62-109 of the Municipal Code.

Action Requested

Consider passing the ordinance amending Section 62-109 of the Municipal Code and direct staff to remove related signage.

Supporting Documentation

Ordinance
Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 62 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE III, DIVISION 3, SECTION 62-109, REGARDING SCHOOL ZONES.

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

Section 1. Chapter 62, Article III, Division 3, Section 62-109 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 62

TRAFFIC AND VEHICLES

ARTICLE III. SPECIFIC STREET REGULATIONS

DIVISION 3. SPEED LIMITS

Sec. 62-109. School zones.

No person shall drive any vehicle on the portion of any of the following streets as designated immediately below:

3rd Street, from Fort Street to Main Street;
Fort Street, from 3rd Street to 4th Street;
Main Street, from 3rd Street to 4th Street;
4th Street, from Main Street to Fort Street;
~~Ash Street, from 12th Street to 15th Street;~~
~~13th Street, from Walnut Street to Fort Street;~~
13th Street, from 360 feet east of Canterbury Drive to Anthony Drive;
~~Fort Street, from 13th Street to 15th Street;~~
Hall Street, from 13th Street to 16th Street;
18th Street, from Milner Street to Vine Street;
Milner Street, from 18th Street to 19th Street;
19th Street, from Milner Street to Vine Street;
Ash Street, from 19th Street to 20th Street;
Fort Street, from 19th Street to 20th Street;
20th Street, from Ash Street to Fort Street;
28th Street, from Fort Street to Oak Street;

Fort Street, from 28th Street to 29th Street;
Oak Street, from 28th Street to 700 feet north of 29th Street;
29th Street, from Ash Street to Oak Street;
22nd Street, from MacArthur Road to Donald Drive;
Donald Drive, from 22nd Street to Lawrence Drive;
Lawrence Drive, from Donald Drive to 19th Street;
19th Street, from Lawrence Drive to MacArthur Road;
MacArthur Road, from 19th Street to 22nd Street;
~~27th Street, from Canterbury to the East City Limits;~~
Ash Street, from 29th Street to 950 north of 29th Street;

or through any designated school crosswalk between the hours as posted in such zones on the days when school is in session or when school grounds are being used for organized playground activities, at a rate of speed greater than 20 miles per hour; however, the speed limit in school zones marked by wink-o-matic lights shall be 20 miles per hour when the lights are flashing and the normal rate of speed when not flashing. The driver of any vehicle traveling on any street where there is a designated school crosswalk shall bring his vehicle to a complete stop before entering such crosswalk whenever he is signaled or requested to do so by a traffic officer, school flagman, school patrol or any other authorized person placed in such street for the purpose of directing traffic across such crosswalk; and after being signaled to stop, it is unlawful for the driver of any such vehicle to proceed along any such street until such street is cleared of school children or until the person giving such signal shall have signaled the driver of such vehicle to proceed.

Section 2. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on May 9, 2013.

KENT STEWARD
Mayor

ATTEST:

DORIS WING
City Clerk

ORDINANCE NO. _____

Page 3

(SEAL)

20 mph School Zones

