

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 1-8-19
Re: January 17, 2019 Work Session

Please find the attached agenda and supporting documentation for the January 17, 2019 Work Session.

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

Eric Burks, President of North Central Kansas Technical College, will be in attendance to provide an annual report to the Governing Body. The City leases the former Army Reserve facility to North Central Kansas Technical College which is used as its Big Creek Campus. A condition of this lease is that the Technical College provides an annual report to the City Commission.

Item 3 – Rezoning Request for the Property Located at the SE Corner of 22nd and Wheatland from NC.3 to C-2

Please refer to the attached memorandum from Curtis Deines, Planning, Inspection, Enforcement Superintendent, regarding the rezoning of a piece of property located at 22nd and Wheatland. This property, along with five other lots to the south, was platted and rezoned to Medium Density Residential several years ago. The properties have yet to be developed. The property owner wishes to rezone the northern most portion to Commercial (C-2). City staff feels the location, at the intersection of an arterial and a collector, as well as the fact that C-2 exists across the street to the west, means this is a proper rezoning for the property.

Item 4 – Retail Strategies Activity Update

Clay Craft with Retail Strategies will be at the Work Session on January 17th to update the Commission on its activities since being put under contract earlier in 2018.

Item 5 – City Commission Rules of Procedure

Each year when the Commission reorganizes, it adopts the Rules of Procedure. The current Rules of Procedure are included with this packet. If the Commission wishes to make changes, those changes should be directed to City staff.

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CITY OF HAYS
CITY COMMISSION WORK SESSION
CITY HALL, 1507 MAIN STREET, HAYS, KS
THURSDAY, JANUARY 17, 2019 – 6:30 P.M.
AGENDA

1. **ITEM FOR REVIEW: [January 3, 2019 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [North Central Kansas Technical College – Big Creek Technical Training Center Annual Report \(PAGE 7\)](#)**
PERSON RESPONSIBLE: Eric Burks, NCK Tech President
3. **ITEM FOR REVIEW: [Rezoning Request for the Property Located at the SE Corner of 22nd and Wheatland from NC.3 to C-2 \(PAGE 13\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Jesse Rohr, Director of Public Works
4. **ITEM FOR REVIEW: Retail Strategies Activity Update**
PERSON RESPONSIBLE: Clay Craft, Retail Strategies
5. **ITEM FOR REVIEW: [City Commission Rules of Procedure \(PAGE 23\)](#)**
RESPONSIBLE PARTY: City Commission
6. **OTHER ITEMS FOR DISCUSSION**
7. **EXECUTIVE SESSION (IF REQUIRED)**
8. **ADJOURNMENT**

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

City of Hays
City Commission
Work Session Notes

Thursday, January 3, 2019 – 6:30 p.m.

Present: James Meier, Sandy Jacobs, Ron Mellick, John T. Bird, Toby Dougherty, and Kim Rupp

Absent: Henry Schwaller, IV and Shaun Musil

December 6, 2018 Work Session Notes

There were no corrections or additions to the minutes of the work session held on December 6, 2018; the minutes stand approved as presented.

Hays Recreation Commission/City of Hays Joint Meeting

The City of Hays contracts with the Hays Recreation Commission (HRC) to manage area pools and for all scheduling needs of the various recreational areas in Hays such as ball fields, soccer fields, and the Bickle-Schmidt Sports Complex. Each year the HRC and the City of Hays conduct a joint meeting to discuss general operations, financial reports, and/or any other facility needs or expectations that may need to be addressed.

Jeff Boyle, Director of Parks, and Roger Bixenman, HRC Superintendent, reviewed the 2018 Pool Season Financial Report from the HRC. City staff recommends proceeding with the pool reimbursement request, as outlined in the Pool Services Agreement, for HRC operational losses at Wilson Pool and the Hays Aquatic Park for an amount of \$19,668.70. This amount reflects one-half of the total HRC loss for the 2018 season of \$39,337.40.

Mr. Boyle updated the Commissioners on the new aquatic play feature at the Hays Aquatic Park. The new structure with 14 play features will replace the starburst water sprayer in the zero-depth entry pool. He stated it is a little behind schedule, but the vendor assured him that it will be completed and ready to go when the pool opens.

Mayor Meier complimented the staff at the pools stating they are very friendly and provide good customer service.

Commissioner Mellick stated the new feature should increase pool attendance, which may decrease the amount of loss next year.

Commissioner Jacobs added it is a very small price to pay for the quality of life the pool provides for this community.

They also reviewed the 2018 Bickle-Schmidt Sports Complex Financial report. For 2018, the HRC realized a profit of \$18,499.82 at the Complex. Mr. Boyle noted in 2018 they have completely repaired the southwest quad with infield red dirt that was professionally laser graded. They installed windscreens on some of the fence, which helps break the wind tremendously. They also removed all the lips on the entire complex, which meant the summer's rains drained onto the outfield much better than in years' past, leaving the fields in wonderful condition.

Mayor Meier stated he has been asked by citizens about the pool losing money. He pointed out that the City-owned Fort Hays Municipal Golf Course also loses money, with the City budgeting a \$173,000 a year loss at the golf course. He added that it is important to remember that we are splitting the pool losses with HRC so it's not a total loss to the City.

At the January 10, 2019 Commission meeting, Commissioners will be asked to approve the pool reimbursement request from the Hays Recreation Commission for the 2018 pool loss amount of \$19,668.70 with funding from the Contractual Services line item of the 2018 General Fund Pool Budget.

Annexation of Property Located at 183 Bypass and West 33rd Street

Jesse Rohr, Director of Public Works, reported Robert and Sondra Swift, who own 23.310 acres of property on the west side of the 183 Bypass and West 33rd Street, have submitted a signed consent to annex the property under K.S.A. 12-520c and desire to annex to allow for development of the property and connection to City services. The land is approximately 500 feet from the present City limits but is not contiguous. Staff recommends annexing this property due to

its proximity and the availability of City services and infrastructure necessary to serve this property once developed.

A portion of the property being requested to be annexed is known as Creeksite Acres which previously was a Mobile Home Park. The property is zoned Agriculture (A-L). The other portion of property includes a section of Big Creek that runs along the west side of the property. Several years ago, several buildings and some infrastructure were removed from the property. Being this close to Big Creek, all of this property is located within the 100-year floodplain and any development would be required to follow the City of Hays floodplain development ordinances. Sewer access is located along the east side of Highway 183 Bypass. Upon annexation approval, the developer plans on extending a City water main from Columbine to the west to this property at no cost to the City.

Since the property is not abutting the current City limits, state statute requires a resolution be approved by the City asking the Ellis County Commission to consider a resolution determining that the annexation of the land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the county. If the county passes such resolution, the City Commission will then be asked to consider an ordinance annexing the property at a later date.

At the January 10, 2019 Commission meeting, Commissioners will be asked to approve a resolution requesting a resolution from the Ellis County Commission determining if the requested annexation of the property along Highway 183 Bypass and West 33rd Street as legally described in the resolution is indeed advisable, as required by K.S.A. 12-520c.

Airport Capital Improvement Program

Jesse Rohr, Director of Public Works, stated the Airport Capital Improvement Program (ACIP) is created in conjunction with the Federal Aviation Administration (FAA) to make federal entitlement money available for eligible airport improvement projects at the Hays Regional Airport. FAA has solicited the

City's desired priority for the Federal Fiscal Year 2020-2024 planning period. These projects will be included in the City's Capital Improvement Plan (CIP) as part of the 2020 budget.

If approved by the FAA, projects are typically funded at 90%, leaving 10% to be funded by the City. Local funding usually comes from the Airport Improvement Fund and the Passenger Facility Charge (PFC). Past projects have included acquisition of a snow broom, rehabilitation of the Crosswind Runway, rehabilitation of Taxiway I, and construction of a wildlife fence.

The proposed Five-Year Airport Capital Improvement Plan includes the following projects:

FFY 2020 – Runway 4-22 (Crosswind) edge lighting

FFY 2021 – Reconstruct Taxiway M (design only)

FFY 2022 – Master Plan and Airports-GIS (AGIS) Survey

FFY 2022 – Reconstruct Taxiway M (construction)

FFY 2023 – Front-end Loader replacement

FFY 2024 – Snow Removal Equipment Facility

FFY 2025 and Beyond – Other projects, such as Runway 16-34 Rehab, land acquisition, Runway 4-22 Parallel Taxiway, and apron expansion

Each item on the list will be brought to the Commission individually for action.

East 41st Street Improvements – Award of Bid

John Braun, Project Manager, stated one of the financial incentives utilized by the Home Depot development was a Transportation Development District (TDD). The TDD is funded with an additional ¾% sales tax within the district. In addition to the initial improvements, the TDD contained provisions for Phase II improvements if revenue collections in the district exceeded expectations. Due to accelerating revenue receipts in the district, staff feels there are sufficient revenues to support up to a \$1.5 million bond for Phase II improvements. Phase II improvements included an extension of 43rd Street, an

extension of 41st Street, and the creation of Indian Trail between 41st and 43rd. The most feasible of the three projects is the extension of 41st Street.

At the December 21, 2017 work session, the City Commission directed staff take steps toward the extension of 41st Street to open the area east of Vineyard Road Park for future development.

Bids were received from five contractors with the low bid coming from Paul-Wertenberger Construction, Inc. of Hays in the amount of \$692,133.50. Staff recommends entering a contract with the low bidder for the construction of improvement to East 41st Street adjacent to Vineyard Park.

Mr. Braun stated the current schedule calls for construction to begin in March and be completed within 120 working days.

Mayor Meier spoke against the project. He stated this is being funded by a ¾% sales tax. We are essentially building a road to nowhere and raising taxes to do it and he does not favor moving this on. If we do not move this project on, that ¾% sales tax goes away and we help the people in our community. He added we talk about affordable housing; this is something that can be immediate, and effective in helping with affordable housing.

Commissioner Mellick and Commissioner Jacobs were in favor of moving it on for consideration and further discussion at the Commission meeting next week.

At the January 10, 2019 Commission meeting, Commissioners will be asked to authorize the City Manager to enter a contract with Paul-Wertenberger Construction, Inc. in the amount of \$692,133.50 for the construction of improvement to East 41st Street adjacent to Vineyard Park to be funded from the TDD Sales Tax Fund.

Resolution Authorizing the Improvement/Re-Improvement of 41st Street and Providing for the Payment of Costs

Kim Rupp, Director of Finance, reviewed the current Home Depot Transportation Development District (TDD) which includes Home Depot, IHOP,

Hampton Inn, Town Place Suites by Marriott, JT Travel Plaza, and a yet-to-be developed area to include 47,000 square feet of retail space.

The ¾% TDD Sales Tax in that district outperformed initial projections and therefore the 2004 TDD bonds financing the Phase I improvements to that area were called early and completed in January 2018. It was determined the ¾% TDD Sales Tax could continue until March 2027 to fund a portion of the Phase II improvements as presented by the City's Project Manager.

If the Commission determines they wish to move forward with the partial Phase II improvements, per statute, it is necessary that a resolution be approved authorizing the improvement of 41st Street and providing for the payment of the costs thereof.

Mayor Meier spoke against moving ahead with this and stated this is a project in search of a problem and there is no problem there. This is a road to nowhere and these funds are better spent in the hands of the people rather than as a tax.

Commissioner Mellick and Commissioner Jacobs were in favor of moving it on for further discussion.

At the January 10, 2019 Commission meeting, Commissioners will be asked to adopt a resolution authorizing the improvement or re-improvement of 41st Street within the City of Hays.

Other Items for Discussion

There were no other items for discussion.

The work session was adjourned at 7:22 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk



NORTH CENTRAL KANSAS TECHNICAL COLLEGE
Big Creek Technical Training Center
Annual Report 2019

This report is the ninth annual summary of the activities completed or in progress at the Big Creek Technical Training Center housed at 101 South Main Street in agreement with the City of Hays.

NCK Tech's utilization of the Big Creek Technical Training Center has provided space to deliver training in the areas of Carpentry, Electrical Technology, and Plumbing, Heating and Air-Conditioning (PHAC) for students in the Hays region. Many area businesses serve on the advisory committees for these programs to ensure appropriate training is provided to meet industry needs. All of the instructors of these programs are licensed under the Hays City Codes for their instructional areas.

NCK Tech maintains the building's condition to provide a comfortable educational learning environment for students at the Big Creek Technical Training Center. Beyond the typical upkeep, this year's maintenance to the inside of the building and shop area included:

- Repaired circuit board on the furnace in the Electrical I classroom.
- Replaced the motor in the Electrical II classroom.
- Flashing installed over the double doors outside of the Electrical I classroom.
- Drained the boiler and chiller system and serviced both systems.
- Pulled the evaporators in all classrooms and cleaned and the oil barriers on the fan systems.
- Repair of an exhaust fan, cleaned changed the belt, added a shutoff switch and put the fan back onto service.
- Replace air filters every 3 months on all units – ongoing.

North Central Kansas Technical College

Beloit Campus
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Hays Campus
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1-888-567-4297 | 785-625-2437



An Office of Civil Rights (OCR) and Americans with Disabilities Act (ADA) compliance audit was conducted at all of NCK Tech occupied facilities in the spring of 2018. During that visit, it was discovered there was not an ADA compliant restroom at the Big Creek building. As a result, the private restroom in that building was enlarged to meet ADA requirements.

Electrical Technology students completed two jobs for the Hays Park Department. The shelter house at Frontier Park now has complete service. Worked with the parks department and M&D excavating to bore and run new PVC to the existing panel location. The students ran wire through the PVC and set up a new panel box. They rewired new breakers to two new receptacles and split the receptacles to make four circuits because the parks departments was getting frequent call to come out and reset the tripped breakers. New service mast was made from the new meter box and up the pole with the help of Midwest Energy. All of this has passed inspection from the city.



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The Park's Department shop received a complete relighting of the shop area. This consisted of removing old 8ft fluorescent lights and piping and installing new LED lights and energy metallic tubing (EMT). The switching

was also changed to meet the employee's needs. This change made the shop lighting brighter and should be saving the department some money on their energy bill.

NCK Tech was also proud to be involved in the construction of the Hays Downtown Pavilion. The Electrical II students installed can lights with LED trims controlled by dimmer switches. They also installed receptacles on both sides of the middle post. NCK Tech's Welding students assisted with making the gussets to stabilize the metal beams. This project was worked on with Commercial Builders and FHSU's Carpentry students.



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NCK Tech and the City Administration are keeping the lines of communication open. Departments from within the City have established a list of potential projects and presented those to NCK Tech in the fall semester. So far, these are several requests that have been received from the Park's Department:

- Place lighting on the flag poles at the ball fields on the west side of town.
- Placing lights in shelter buildings in the park areas.
- Upgrade toilets for the Park's Department.

The department heads and instructors will continue to work together to determine the costs, expected outcomes, and timelines for the projects. NCK Tech Administration is always informed of the plans and the progress.

The Carpentry program has a yearly major student project – building a house. With the consent of the City, NCK Tech is building another 1,990 square foot single-family home again this year on the Wheatland campus. Although this project is not directly for the City of Hays, last year's house sold for \$150,000 generating \$13,125 in sales taxes. It also represented over \$115,783 worth of building materials purchased from Hays area businesses.



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**International Association of
Plumbing and Mechanical Officials**

Beyond the training of full-time program students, NCK Tech has used the Big Creek Technical Training Center to provide the International Association of Plumbers and Mechanics Officials (IAPMO) continuing education training twice a year. In addition, OSHA Certification and CPR training continues to take place at the Big Creek facility.

NCK Tech also tries to benefit the community by providing access to the Big Creek facility for the Wild West Festival, Oktoberfest storage area, Fire Safety Training, Susan G. Komen Race gathering place, Boy Scout events and Car Shows and other events. Being an engaged partner in the community is important to the College.

NCK Tech’s Student Senate Float that was entered in the 2018 Frost Fest Parade. This has been a tradition that our Student Senate members look forward to every year. This past parade, NCK Tech’s Student Senate Float received first place in the school division and they also won the People’s Choice Award! Just to explain how serious the Student Senate members take this project, this float building was going on at the same time that students were studying for and taking their finals. This year the parade event occurred after the semester was over.



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As a result of our agreement, since 2009 NCK Tech has trained 406 students in Carpentry, Electrical Technology, and Plumbing, Heating and Air-Conditioning. Of the 33 three full-time Hays program graduates from May 2018, 80% are employed in their related fields. 15% are enrolled in current programs at the college and 5% are employed but not in their related fields for whatever reason.



While it is difficult to isolate the economic impact to Hays and Ellis County through this agreement, it is undoubtedly substantial given the projects performed and the students the programs attract. These programs also provide another way for us to collaborate with Fort Hays State University and their Institute of Applied Technology. The college has transfer guides in place to FHSU for the Big Creek Technical Training Center graduates for the following degrees:

- Technology Studies with Construction Technology Concentration (B.S.)
- Technology Leadership with Business & Industry Concentration (B.S.)
- Technology Leadership with Career & Technical Education Concentration (B.S.)

In closing, NCK Tech would like to thank the City of Hays for the partnership we have enjoyed over the past nine years. We greatly value and appreciate this collaboration with the City of Hays. We are very interested in continuing to discover ways to bring additional value to this partnership that will mutually benefit the community and the College. On behalf of the NCK Tech Board of Trustees, I want to thank you for your continued support of this arrangement.

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Commission Work Session Agenda

Memo

From: Curtis W. Deines, P. I. E. Superintendent

Work Session: January 17, 2019

Subject: Rezoning Request for the Property Located at the SE Corner of 22nd and Wheatland from NC.3 to C-2

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

The owner of Lot 1, Block D and the North 20 ft of Lot 2 Block D, Tallgrass 2nd Addition has submitted an application for rezoning from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District). The lot is on the southeast corner of 22nd and Wheatland Ave along a major collector street and is also adjacent to property zoned C-2 to the west. Staff recommends approval to change the zoning from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District).

Background

There is a total of 6 undeveloped lots on the east side of Wheatland Ave near 22nd St intersection. The north 3 lots were rezoned from R-1 (NC.1) Single Family to R-3 (NC.3) Two Family Dwelling District in 2012. The current zoning allows duplexes to be built on these lots. However, if the rezoning is approved, the property could be developed for commercial purposes.

Discussion

The owner of Lot 1, Block D and the North 20 ft of Lot 2 Block D, Tallgrass 2nd Addition has submitted an application for rezoning from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District).

The lot is on the southeast corner of 22nd and Wheatland Ave along a major collector street and is also adjacent to property zoned C-2 to the west.

The area is identified as Medium Density Residential in the current adopted Comprehensive Plan. The Land Use Compatibility Matrix table found in the Comprehensive Plan has a rating of 2 out of 5 between Medium Density and Commercial zoning, with 5 being the highest and most compatible. Many areas in Hays have this similar blend of commercial and residential abutting them with little to no issue. With the UDC update in 2016, district buffer requirements were added to assist with the development of properties adjacent to different zoning classifications and make them more compatible. A bufferyard is required between C-2 and NC.3 zoning districts.

All City infrastructure and utilities are available at this location for immediate connection.

C-2 Zoning allows the following uses by right (UDC 2.2.204):

- Alcoholic Beverage Sales
- Animal Grooming Facilities
- Animal Boarding or Vet Services
- Assisted Living Facility
- Drinking establishment
- Drive-In/Drive Through Facility
- Farmers' Market
- Grocery Store
- Heavy Retail
- Hotel/Motel
- Mixed Use
- Nursery/Greenhouse, Retail
- Office, General
- Parking Lot, Parking Structures
- Group Day Care Center
- Medical Office/Clinic
- Non-Profit Institution
- Nursing or Convalescent Home
- Place of Assembly
- Pawn Shop
- Personal Services
- Recreational and Fitness, Indoor and Outdoor
- Restaurant
- Retail Sales and Service
- Showrooms
- Schools, Private
- Schools, Public
- Vehicle gas and fuel station

A public hearing was conducted on December 17, 2018 at the regular meeting of the Planning Commission. All property owners within 200' of the subject property were notified of the public hearing. There were concerns from two nearby residents of what types of businesses could potentially be located on the property if rezoned. The full list of potential types of businesses was provided. It was explained that the decision to rezone the property could not be made on a specific use but rather all uses would be considered in making this decision.

The item was approved by a vote of 6-1 and a favorable recommendation was made by the Planning Commission to the City Commission to approve the rezoning, primarily based on the consideration it is in conformance to the adopted Comprehensive Plan and that it fits into the future land use as 22nd St has been developed.

Legal Consideration

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

Financial Consideration

None identified at this time.

Options

The City Commission has the following options:

- Approve rezoning request from NC.3 to C-2 as recommended by the Planning Commission and City Staff.
- Send the request back to the Planning Commission for further consideration with specific basis for further review.

- Deny the rezoning request from NC.3 to C-2. (Requires a 2/3 majority vote to overturn the P.C. recommendation)

Recommendation

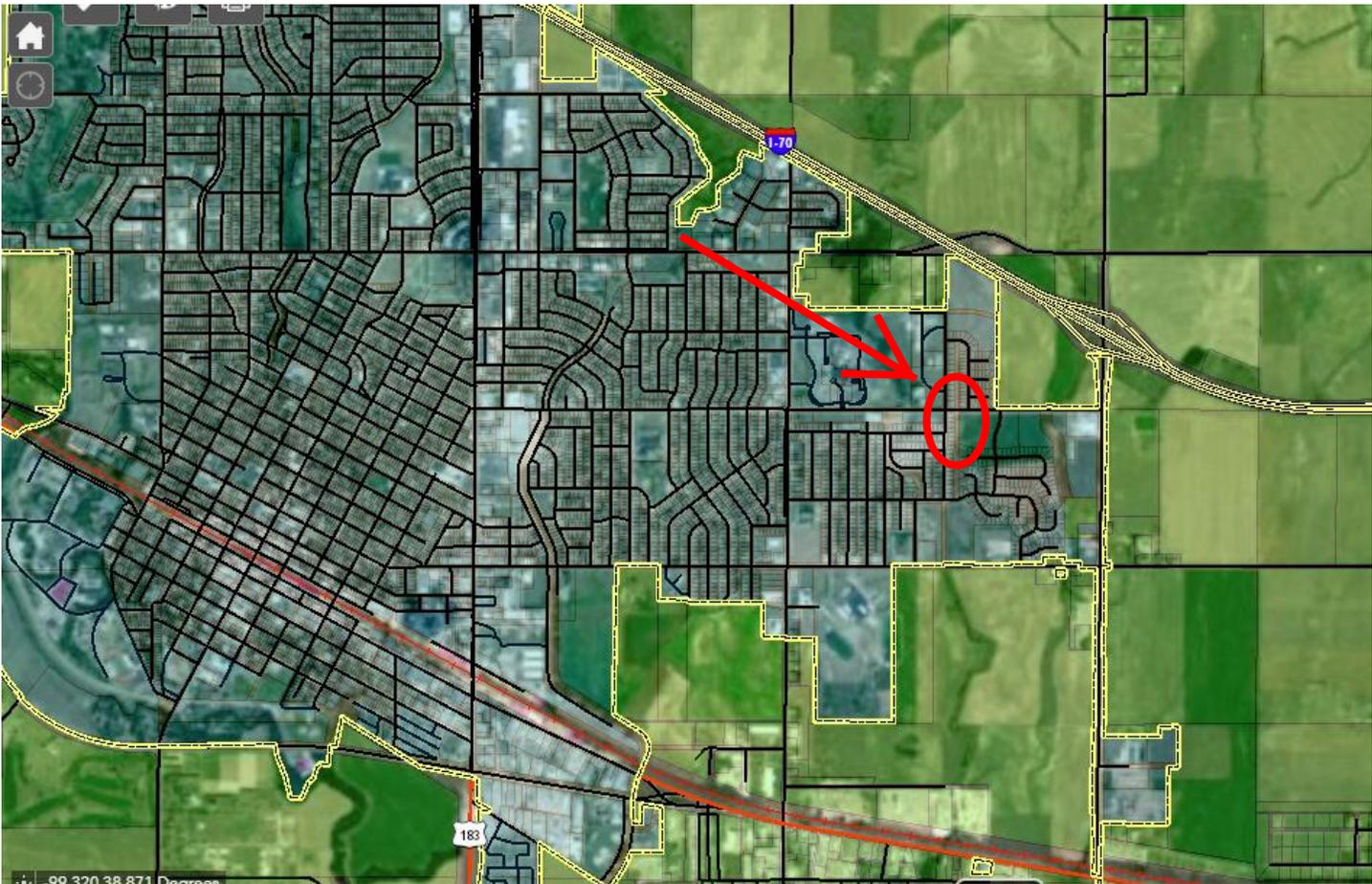
Staff, as well as the Planning Commission, recommends approving this rezoning request from NC.3 to C-2 as submitted to encourage development of this property.

Action Requested

Approve an ordinance rezoning Lot 1, Block D and the North 20 ft of Lot 2 Block D, Tallgrass 2nd Addition from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District).

Supporting Documentation

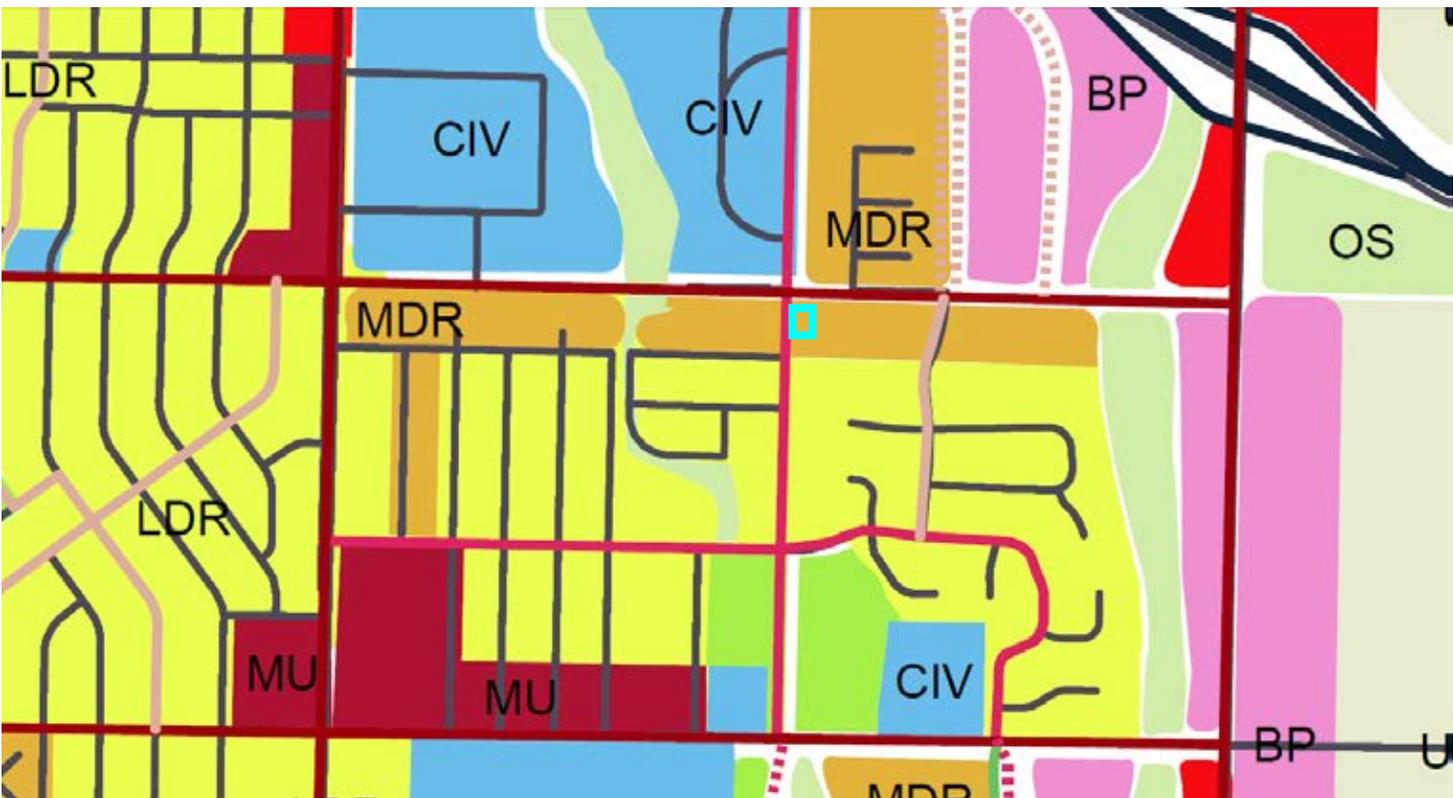
Map(s)
Planning Commission Findings of Fact
Ordinance



Zoning Map



Future Land Use Map



PLANNING COMMISSION FINDING OF FACT

1. **CASE NO:** 18-0Z **FILING FEE PAID:** \$140.00
 2. **DATE FILED:** 10-19-2018
 3. **DATE ADVERTISED FOR HEARING:** 11/25/2018
 4. **PUBLIC HEARING DATE:** 12/17/2018
 5. **APPLICANT'S NAME:** Darrell Dreher
 6. **LOCATION OF PROPERTY:** Southeast corner of 22nd & Wheatland Dr.
 7. **DESCRIPTION OF PROPERTY:** Tallgrass 2nd Addition, Block D, Lot 1 + 20 ft of lot 2.
 8. **PRESENT USE OF PROPERTY:** Vacant residential lot
 9. **PRESENT ZONING:** "NC.3" Neighborhood Conservation District for Single Family and Duplexes. **REQUESTED ZONING:** "C-2" Commercial General District
-

1. **CHARACTER OF THE NEIGHBORHOOD:**
DIRECTION

NORTH: Agriculture

SOUTH: Residential

EAST: Agriculture

WEST: Agriculture/Residential

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

NORTH: "R-G" Residential General District

SOUTH: "NC.3" and "NC.2" Neighborhood Conservation Single Family and Duplex

EAST: "R-M" Residential Multi-Family District

WEST: "C-2" Commercial General District

- 3. CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:** The properties are currently vacant residential lots. The area is identified as Medium Density Residential in the current adopted Comprehensive Plan. The land use Compatibility Matrix table has a rating of 2 between Medium Density and Commercial zoning. Many areas in Hays have this similar blend of commercial and residential abutting them with little to no issue. With the UDC update, District Buffer requirements were added to assist development of properties adjacent to different zoning classifications to make them more compatible. There are several areas along Vine St, 27th St., and 13th St. that have this exact zoning situation where commercial directly abuts residential districts. Due to the new buffer requirements within the UDC, it is staff's opinion that this the compatibility is greater than a 2 and justifiable for the change in zoning.
- A. DEDICATION OR RESERVATION NEEDED FOR:**
1. **DRAINAGE:** YES
 2. **STREETS:** YES
 3. **UTILITY EASEMENTS:**
 - a. **ELECTRICITY:** Yes
 - b. **GAS:** Yes
 - c. **SEWERS:** Yes
 - d. **WATER:** Yes
 4. **SHOULD PLATTING BE REQUIRED:** Already platted
- B. TRAFFIC CONDITIONS:**
1. **CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS:**
Arterial/Residential
 2. **RIGHT-OF-WAY WIDTH:** 70' ROW
 3. **SIGHT DISTANCE:** OK
 4. **TURNING MOVEMENTS:** OK
 5. **COMMENTS ON TRAFFIC:** Local/Business/Pass-through traffic
- 4. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** The current zoning is suitable for the area as there are single family homes to the south and it was rezoned to allow duplexes in 2012. Lots fronting on arterial/collector streets are more suitable for commercial development.
- 5. THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** Changing the zoning classification from "NC.3" Neighborhood Conservation District to "C-2" Commercial General District should not detrimentally affect nearby properties with proper buffering. Traffic will increase as any type of development occurs whether residential or commercial.
- 6. THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** The property has been vacant lots for many years. In 2012, utilities and the street were extended for future development. Adjacent properties to the south were developed in the late 1990's and early 2000's.

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:** The proposed rezoning presents more options for the use of the property, therefore expanding the possibilities of the owner to utilize the property for a wider variety of uses. The limited number of uses allowed currently may be considered a hardship to the owner and may outweigh any possible (but unlikely) destruction of value of neighboring properties.

8. **THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY:** The subject property is designated as Medium Density Residential on the Future Land Use Map and Comprehensive Plan. A zoning designation of “C-2” Commercial General District classification does blend with the overall scheme of the surrounding properties. The area to the west has changed zoning to C-2 which was not identified in the Comprehensive Plan, however, continuing C-2 could be logical development going east along 22nd St.

Based on these considerations, Staff does recommend the change of zoning from “NC.3 Neighborhood Conservation to “C-2” Commercial General District Zoning Classification.

ORDINANCE NO.

AN ORDINANCE REZONING A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH P.M., ELLIS COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 BLOCK D TALLGRASS 2ND ADDITION AND THE NORTH 20 FT. OF LOT 2 BLOCK D TALLGRASS 2ND ADDITION.

FROM “NC.3” (NEIGHBORHOOD CONSERVATION DISTRICT) TO “C-2” (COMMERCIAL GENERAL DISTRICT).

WHEREAS, the Hays Area Planning Commission, after due and legal notice published in the Hays Daily News, the official city newspaper, on November 25, 2018, and after a public hearing held in conformity with such notice on December 17, 2018, 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:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH P.M., ELLIS COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 BLOCK D TALLGRASS 2ND ADDITION AND THE NORTH 20 FT. OF LOT 2 BLOCK D TALLGRASS 2ND ADDITION.

from “NC.3” (NEIGHBORHOOD CONSERVATION DISTRICT) to “C-2” (COMMERCIAL GENERAL DISTRICT);

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be sub served 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:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 18 WEST OF THE 6TH P.M., ELLIS COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1 BLOCK D TALLGRASS 2ND ADDITION AND THE NORTH 20 FT. OF LOT 2 BLOCK D TALLGRASS 2ND ADDITION.

from “NC.3” (NEIGHBORHOOD CONSERVATION DISTRICT) to “C-2” (COMMERCIAL GENERAL 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 24th day of January, 2019.

HENRY SCHWALLER IV
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

RESOLUTION NO. 2018-001

A RESOLUTION ADOPTING BY REFERENCE THE CITY OF HAYS CITY COMMISSION RULES OF PROCEDURE AND REPEALING ALL PREVIOUS RESOLUTIONS, MOTIONS OR ACTIONS IN CONFLICT THEREWITH.

WHEREAS, the *City of Hays City Commission Rules of Procedure* contains a full and complete set of rules, regulations, standards, and procedures which govern the proceedings of the Commission; and,

WHEREAS, it is the desire of the governing body of the City of Hays to adopt the provisions of the *City of Hays City Commission Rules of Procedure*, to apply in all of its affairs;

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

- A. That the *City of Hays City Commission Rules of Procedure*, as attached hereto and as may be amended from time to time, is hereby adopted by the City of Hays, Kansas.
- B. That it shall be the policy of the City of Hays, Kansas, to abide by and conform to in all respects the provisions of the aforesaid *City of Hays City Commission Rules of Procedure*.
- C. That the City Clerk of the City of Hays, Kansas, shall maintain a copy of the *City of Hays City Commission Rules of Procedure*, and of this Resolution in the Office of the City Clerk, and shall make same available to any interested citizen.
- D. That all previous resolutions, motions or actions in conflict with the *City of Hays City Commission Rules of Procedure* are hereby repealed.

This resolution shall be effective upon its approval by the City Commission of the City of Hays, Kansas.

Adopted by the Commission on the 8th day of January, 2018.

James D. Smith
Mayor

ATTEST:

Brenda Kitchen
Brenda Kitchen
City Clerk

(SEAL)



CITY OF HAYS
CITY COMMISSION
RULES OF PROCEDURE

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Adopted this 8th day of January, 2018, by the City Commission at a regular meeting, by a majority vote of the members attending.

1. Rules of Procedure - Generally

1.1. Authority: The Code of Ordinances of the City of Hays provides that the City Commission shall determine its own rules of procedure.

1.2. Adoption of Rules: The following set of Rules of Procedure shall be in effect upon their adoption by the Commission.

1.3. Rules - New Commission: At a special meeting called on the second Monday in January of each year, or at the first regular meeting following the second Monday in January of each year, the Commission shall immediately, following the election of the Chairperson and Vice-Chairperson of Commission, as provided in Sec. 4.1, adopt Rules of Procedure, either by adopting the prior Commission's Rules (with or without amendments) or by adopting new rules.

1.4. Rules of Order: These Rules of Procedure shall govern the proceedings of the Commission, and "Robert's Rules of Order Revised" shall govern those matters that these Rules of Procedure do not govern.

2. Meetings, Quorum, Attendance, Rules of Order:

2.1. Meetings to be Public: All meetings of the Commission shall be open to the public as per the Kansas Open Records Act, subject to the exemptions therein.

2.2. Quorum: A majority of the members of Commission, three (3), shall constitute a quorum. If a quorum is not present, those in attendance shall be listed and they shall adjourn to a later time.

2.3. Business Vote: All ordinances shall require the affirmative vote of the majority of the five (5) commission members.

2.4. Compelling Attendance: The Commission may adjourn from day to day to compel the attendance of absent members.

2.5. Right of Floor: Any member desiring to speak shall be recognized by the chair, and shall confine his/her remarks to one subject under consideration or to be considered.

3. Types of Meetings

3.1. Regular Meetings: The Commission shall meet in the Commission Chambers of City Hall on the second and fourth Thursdays of each month at a time specified by resolution. Should the regular meeting date be a holiday, the Board of Commissioners shall meet on the Tuesday preceding the holiday at the regular hour. Calls for regular meetings other than as provided above herein shall be in accord with Hays City Code Sec. 2.04.120.

3.2. Special Meetings: Special meetings shall be called and held pursuant to Hays City Code Sec. 2.04.130.

3.3. Work Sessions: The Commission may meet informally in work sessions (open to the public), generally to be held on the first and third Thursday at a time to be announced at the meeting preceding each meeting in the Commission Chambers to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager and staff, provided that all discussions thereon shall be informal and no formal action shall be taken at any such session.

3.4. Regular and Special Meetings and Work Sessions: Notices of all meetings and work sessions shall be posted at City Hall, showing place, date and time of meeting or session, as well as an agenda for such meeting or session, and

further disseminated according to the requirements of the Kansas Open Meetings Act.

3.5. Executive Sessions: Executive Sessions or closed meetings may be held in accordance with the provisions of the Kansas Open Meetings Act.

3.6. Adjourned Meetings: Any meeting of the Commission may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

3.7. Emergency Meetings: Emergency meetings, necessitated by national, statewide or local catastrophe, riot, or insurrection, requiring immediate action for which the Commission may need to act immediately, shall be called by available Commission members, who may act by emergency declaration, with or without a quorum, and by the majority of as many Commission members as are present, to take only such actions as are necessary to restore the public welfare and peace to its more normal state. This rule shall prevail only until such time as Commission passes an ordinance to deal with such extraordinary circumstances. As a part of the emergency declaration, such Commission members as are present may by majority vote of those present suspend all or any portion of the within rules for such emergency meeting.

4. Mayor and Duties

4.1. Election of Mayor and Mayor Pro Tem: At a special meeting called on the second Monday in January of each year, or at the first regular meeting following the second Monday in January of each year, a Chairperson and Vice-Chairperson shall be elected. The Chairperson shall have the title of Mayor. The Vice-Chairperson shall have the title of Vice-Mayor. The meeting shall be called to order

by the Mayor who shall accept nominations for the offices of Mayor and Vice-Mayor.

The election shall be by roll call vote or by open ballot in a contested election and it shall require a majority vote by the members of the Commission.

4.2. Chairperson / Mayor: The Chairperson shall preside at all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and Vice-Chairperson, the City Manager shall call the Commission to order, whereupon the members of the Commission present shall elect a temporary chairman.

4.3. Call to Order: The person presiding shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. A temporary chairman shall serve as presiding officer of the Commission until the arrival of the Chairperson or Vice-Chairperson, at which time the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

4.4. Preservation of Order: While the Commission is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer. Media coverage may be provided so long as said coverage does not interfere with the orderly conduct of Commission meetings. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Commission may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Commission.

4.5. Points of Order: The person presiding shall determine all points of order, subject to the right of any member to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?"

4.6. Questions to be Stated: The person presiding shall cause all questions to be stated, submitted to vote and announce all results. A roll call vote shall be taken upon the request of any member in the manner provided in these rules.

4.7. Appointment of Board, Commission, Committee and Authority Positions: Prior to appointment of any board member, commission or committee member or authority member, the term for which or vacancy of which will occur before the expiration of the then-Mayor's term, copies of any applications, letters of intent, or other indication of interest shall be provided to the Commission for review. At the regular meeting of the Commission preceding the meeting at which the appointment will be made, the Mayor shall make a recommendation for the Commission's consideration. At the next regular meeting, the Mayor shall make the appointment, subject to formal approval by the Commission. If the appointee does not receive a majority vote of Commission, then any member of Commission may make a nomination for the position, subject to formal approval by the Commission. Such nomination shall be made from the applications, letters of intent or other indication of interest previously provided to the Commission. The Commission by unanimous consent may waive the time limits for this procedure.

5. Order of Business and Agenda:

5.1. Order of Business: All meetings of Commission, except executive sessions as outlined, shall be open to the public. At the hour appointed for meeting, the Commission shall be called together by the Chairperson, and in his/her absence by the Vice-chairperson. It shall be determined whether a quorum is present. Upon the appearance of a quorum the board of commissioners shall proceed to business, which shall be conducted in the following order:

1. Reading of the minutes of the last regular meeting and intervening special meetings, which, if no corrections are offered, shall stand approved;
2. Presentation of financial statements;
3. Citizen comments;
4. Consent agenda;
5. Unfinished business;
6. New business;
7. Report of city manager;
8. Commission inquiries and comments;
9. Executive session (if required);
10. Adjournment.

The foregoing order of business shall not, however, prohibit the introduction of any germane material or resolution by any member of the Commission under any appropriate heading of business hereinabove stated. For good reason, the person presiding may alter the order of the agenda unless decided otherwise by majority vote of Commission quorum present.

5.2. Presentation by Members of Commission: The agenda shall provide a time when the Chairperson or any Commission member may bring before the Commission any business that he/she feels should be deliberated upon by the Commission. These matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent Commission meeting, when they can appear on the agenda, except that immediate action may be taken upon a vote of two-thirds of all members of the Commission.

5.3. Reading of Minutes: Unless a reading of the minutes of a Commission meeting is requested by a member of the Commission, such minutes may be approved without reading, if each member has been previously furnished with a copy of the minutes.

5.4. Rules of Debate:

(a) Presiding officer. The person presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Commission member by reason of his/her acting as the person presiding.

(b) Getting the floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and if in order, he/she shall be permitted to proceed.

(d) Introduction of ordinances and resolutions. Each ordinance or resolution shall be introduced and moved to be adopted as follows: "I move the introduction and adoption of Ordinance No. ____ (or Resolution No. ____)."

(e) Debate. The Commission member moving the adoption of an ordinance or resolution shall have the privilege of opening debate after the motion for adoption of the ordinance or resolution, but shall not speak against same. Such Commission member shall have the privilege of closing debate, by being invited by the presiding officer to speak last before vote is taken.

(f) Remarks entered in minutes. A Commission member may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes.

6. Ordinances, Resolutions, and Motions

6.1. Form: Ordinances and resolutions shall be presented to the Commission only in printed or typewritten form.

6.2. Voting: Voting decides all questions ultimately. Yes or no vote shall be taken from each Commission member upon the consideration of passage of all motions, ordinances and resolutions and shall be entered upon the official record of the Commission.

6.3. Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered failed.

7. Citizens' Rights

7.1. Addressing the Commission: Any person desiring to address the Commission by oral communication shall first secure the permission of the presiding officer, provided, however, that preference will be given to those persons who have notified the City Manager by noon of the Friday immediately preceding the Thursday Commission meeting of their desire to speak in order that their name may be placed on the agenda and they will be recognized by the presiding officer without further action.

7.2. Manner of Addressing the Commission: Each person addressing the Commission shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record and, by prior determination, and, on a case-by-case basis, time limits may be imposed by the presiding officer. All remarks shall be addressed to the Commission as a body, and not to any member thereof. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, except by the authority of the presiding officer.

7.3. Courtesy Requirements: As a courtesy to all who use the City Commission Chambers, the City Commission shall require that everyone:

1. Remove hats, caps and sunglasses.
2. Refrain from chewing gum or tobacco and eating.
3. Refrain from smoking.
4. Turn off all cell phones and pagers.

8. Suspension and Amendment of these Rules

8.1. Suspension of these Rules: Any provision of these rules not governed by the City Code of Ordinances, City Code, state statutes or general state law may be temporarily suspended by a vote of a majority of the Commission. The vote on any such suspension shall be taken by a roll call vote and entered upon the record.

8.2. Amendment of these Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Commission, provided that the proposed amendments or new rules shall have been placed on the agenda and provided to all Commission members prior to the Commission meeting at which action is taken on the amended or new rules.