

City of Hays
City Commission
Work Session Notes

Thursday, January 17, 2019 – 6:30 p.m.

Present: James Meier, Henry Schwaller, IV, Shaun Musil, Sandy Jacobs, Ron Mellick, John T. Bird, Toby Dougherty, and Kim Rupp

January 3, 2019 Work Session Notes

There were no corrections or additions to the minutes of the work session held on January 3, 2019; the minutes stand approved as presented.

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

Eric Burks, President of North Central Kansas Technical College (NCK Tech) presented the 2019 Annual Report summarizing the activities at the Big Creek Technical Training Center housed at 101 South Main Street. Annual reporting is a requirement of their contract with the City of Hays for their utilization of space at the former Army Reserve facility, which is owned by the City.

Mr. Burks was joined by Sandy Gottschalk, Dean of the Hays campus and Dale Montgomery, who has served on the College's Board of Trustees since 1987.

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. He noted several area businesses serve on the advisory committees for these programs to ensure appropriate training is provided to meet industry needs. All of the lead instructors of these programs are licensed under the Hays City Codes for their instructional areas.

Mr. Burks thanked the City for their support and partnership. He stated since 2009, NCK Tech has trained 406 full time students. He added the students are working on their annual project; a 1,960 square foot home which is being constructed on the Wheatland campus.

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

Jesse Rohr, Director of Public Works, reported the owner of Lot 1, Block D and the north 20 feet 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 property is located at the southeast corner of 22nd and Wheatland Avenue, along a major collector street and is also adjacent to property zoned C-2 to the west.

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 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 Street has been developed.

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

Vice-Mayor Schwaller asked how you would enter and exit the property given its unique location to the intersection. Mr. Rohr stated they have received a concept drawing for the proposed development and they have an entrance/exit on the east end of the lot on 22nd Street and another entrance/exit at the south end along Wheatland Avenue. He noted there are minimum distances they have to stay away from the intersection. Mr. Schwaller stated this lot has been rezoned

before, from single family to duplex, and a concern at the time was an unusual amount of traffic.

Mr. Rohr noted that the area to the west is zoned commercial. Mayor Meier asked when that area was zoned commercial since it is not designated commercial in the Comprehensive Plan. Mr. Rohr stated that was changed during the development of the Unified Development Code (UDC). Part of that code required an update of the zoning map and various zoning districts went through public hearings and were redefined, either based on their actual or proposed use. Vice-Mayor Schwaller added that when the property south of 22nd Street was sold, the family of the person that sold it worked with a realtor and said they wanted it to be high density housing, but also said it could be used for office buildings. The realtor found a contractor that wanted to build an office building there and that triggered the change of use. Mr. Rohr stated that this all happened about the same time.

Mayor Meier thinks it is important to point out how the commercial property to the west got rezoned. It was part of a general map re-write and those residents were not given specific notification. He feels the majority of the people that live in that neighborhood have no idea that those lots were changed from high density residential to commercial.

Vice-Mayor Schwaller asked what the Commissions' options are. Mr. Rohr stated the Commission has the following options:

- Approve the rezoning request as recommended by the Planning Commission
- Override the Planning Commission recommendation for approval (Requires a 2/3 majority vote)
- Return such recommendation to the Planning Commission specifying the basis for failure to approve or disapprove

Vice-Mayor Schwaller stated he is sympathetic with the neighbors, but given the surrounding use, this is not out of line.

Commissioner Jacobs stated she understands their concern, but is prepared to move this on for consideration.

Mr. Rohr noted a discussion was held at the Planning Commission meeting. Had they requested a zoning change that went further south there could have been issues, but since it does not extend further south than the commercial property to the west, it is not out of line. On an intersection with a major collector and a minor collector street, that has been vacant and zoned residential for 25 plus years, their feeling was it may not be compatible for residential development.

At the January 24, 2019 Commission meeting, Commissioners will be asked to approve an ordinance rezoning Lot 1, Block D and the North 20 feet of Lot 2 Block D, Tallgrass 2nd Addition from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District).

Retail Strategies Activity Update

Clay Craft, Portfolio Director of Retail Strategies, provided an update on its activities since being put under contract earlier in 2018. Mr. Craft and his project partner, Keith Shamblin, Retail Development, have been driving the Hays market and looking at properties, whether new development, redevelopment or an existing business, to identify the primary real estate opportunities within the market and present those to national retailers.

Mr. Craft stated the initial 90 business days after engaging in our partnership have been spent on due diligence for the discovery phase. He reviewed some of the information collected that will be used as a starting point to begin the proactive marketing to a national network of retailers, brokers, developers, and key industry contacts on behalf of the community. Additional materials will be created throughout the course of the engagement.

Retail Strategies has defined the customized trade area for Hays, which defines the core customer base of consumers who are highly likely to shop and eat in the market at least once a month. The data show most of the Hays custom trade market is pulling from the north and west.

The customized trade area is estimated to be more than twice the City's population, at 89,192 people.

Also from the analysis, the consultant calculated the amount of dollars leaving the custom trade area. Mr. Craft clarified that the numbers don't refer to people from Hays going elsewhere, but rather people from the entire custom trade area. Our target demographic is not just Hays; we are trying to pull from way north and west.

Commissioner Jacobs stated, it's saying that all these small towns have the ability to come to Hays, and they're not, they are going farther.

Mr. Craft stated the GAP analysis helps us uncover the number of dollars being spent outside of the community on an annual basis from a categorical perspective, but it is not the end all be all and it is open to interpretation.

Mr. Craft stated the ultimate goal is to bring new retail stores to Hays, but it takes time. He added the typical retail real estate deal, from conception to completion, takes from 18 to 36 months.

Vice-Mayor Schwaller asked Mr. Craft how many cities are in his portfolio including Hays that he is working on. He stated about 25 cities. His territory covers the lower Midwest area.

City Commission Rules of Procedure

City Manager, Toby Dougherty, presented the current Rules of Procedure for consideration. The Commissioners were asked to review the Rules of Procedure for any changes or modifications they wish to make. This is an annual procedure which occurs following the reorganization of the City Commission.

Vice-Mayor Schwaller would like the date of the annual Commission reorganization to be consistent even when there is not an election.

City Manager, Toby Dougherty, stated when the state changed the election laws, they changed when the new commissioners take their seats. John Bird, City Attorney, stated the Rules of Procedure say the reorganization is to be held on the first regular meeting following the second Monday of the month. Another option would be to call a special meeting to hold the reorganization. Mr. Dougherty stated they would review the statute and bring back a recommendation for consideration at the meeting next week.

At the January 24, 2019 Commission meeting, the Commissioners will be asked to approve a resolution adopting the City Commission Rules of Procedure.

Other Items for Discussion

There were no other items for discussion.

Executive Session

Henry Schwaller, IV moved, Ron Mellick seconded, that the Governing Body recess to executive session at 8:00 p.m. for 15 minutes to discuss possible acquisition of real property. The executive session included the City Commission, City Attorney, City Manager, Assistant City Manager, and representatives from Retail Strategies. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: James Meier

Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

No action was taken during the executive session.

Henry Schwaller, IV moved, Ron Mellick seconded, that the Governing Body recess to a second executive session at 8:15 p.m. for 10 minutes to discuss possible acquisition of real property. The executive session included the City Commission, City Attorney, City Manager, Assistant City Manager, and representatives from Retail Strategies. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: James Meier

Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

No action was taken during the executive session.

The work session was adjourned at 8:25 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk