

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 24, 2019

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 24, 2019 at 6:30 p.m.

Roll Call: Present: James Meier

Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Mayor Meier declared a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular meeting held on January 10, 2019; the minutes stand approved as presented.

3. REORGANIZATION OF GOVERNING BODY: A. Nomination and election of Mayor. Shaun Musil moved, Sandy Jacobs seconded, that Henry Schwaller, IV be elected to the position of Mayor for 2019.

Vote: Ayes: James Meier

Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

B. Nomination and election of Vice-Mayor. Henry Schwaller, IV moved, Sandy Jacobs seconded, that Shaun Musil be elected to the position of Vice-Mayor for 2019.

Vote: Ayes: James Meier
Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick

C. Recognition of outgoing Mayor. Mayor Schwaller presented Commissioner Meier with a plaque in recognition of his service as Mayor of the City of Hays.

Commissioner Meier thanked them for the privilege to serve as Mayor this past year.

4. FINANCIAL STATEMENT: Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended December 31, 2018.

Month-to-date general fund sales tax collections were at \$560,498, which is an increase of \$5,767 or 1% as compared to last year. Year-to-date general fund collections are at \$7,146,525 up \$38,480 or .54%.

The portfolio of certificates of deposit on December 31, 2018 totaled \$44,750,000 with a weighted average interest rate of 2.29% up 1.08% from a year ago. Par Value on the portfolio of Treasury Notes is \$7,707,000 with a weighted average yield to maturity of 1.78%. The total balance of the Money Market account on December 31, 2018 was \$2,500,000 with a current yield of .50%. Total investments are down \$900,000 when compared to this time last year.

Ron Mellick moved, Sandy Jacobs seconded, to approve the Financial Statement for the month of December, 2018 as presented.

Vote: Ayes: Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick
James Meier

5. CITIZEN COMMENTS: There were no comments

6. CONSENT AGENDA: Shaun Musil moved, Sandy Jacobs seconded, to suspend the Rules of Procedure.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

James Meier

City Manager, Toby Dougherty, stated at the January 17, 2019 Work Session, the Commission reviewed the 2018 Rules of Procedure and discussed the possibility of making the re-organization meeting more consistent. He added that State Statute mandates that new commissioners, after the November election, take seat at the second Monday in January, but since the Commission meets on Thursday that would require a special meeting. The previous Rules of Procedure stated that the reorganization be held at a special meeting the second Monday of each year or the first regular meeting following the second Monday. Two options were presented for Commission consideration.

Option 1. Remove “or at the 1st regular meeting following the second Monday in January of each year” from the Rules of Procedure. The Commission would hold a special meeting every second Monday in January of each year to hold the reorganization.

Option 2. Would allow for the special meeting on the second Monday of each year following the election in November, or at the first regular meeting in January.

Vice-Mayor Musil asked if the Commission had considered moving the meeting to Mondays. Mayor Schwaller stated he does not want to compete with the School Board and Ellis County Commission meetings that are held on Mondays. Commissioner Meier added that he thinks when someone runs for an office they run with those meeting dates in mind.

James Meier moved, Ron Mellick seconded, to approve Option two as presented by the City Manager.

Vote: Ayes: Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick
James Meier

NEW BUSINESS

7. REZONING REQUEST FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 22ND AND WHEATLAND FROM NEIGHBORHOOD CONSERVATION DISTRICT (NC.3) TO COMMERCIAL GENERAL DISTRICT (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.

Mr. Rohr noted that there are several zoning districts near this property. The property to the west is zoned C-2 Commercial while others are zoned as various residential districts. A discussion was held at the January 17, 2019 Work

Session regarding the property to the west. It was rezoned from agricultural to commercial in 2014 just prior to the Kansas Department for Children and Families building being constructed. This included the entire strip of property along 22nd Street from Canterbury to Wheatland Avenue, formerly owned by the Alfred Geist Family. This rezoning went through the standard zoning process including public hearing and notification of homeowners within 200 feet of the subject property. Seventy properties fell within the notification area and were sent notices prior to the Public Hearing.

Mr. Rohr reviewed the list of uses that are allowed in a C-2 zoned area. He added that when approving any rezoning, it is important to keep in mind that once zoned; any of these uses are “fair game”. It is important to not zone with one particular use in mind, even if it is known what may be planned. He noted that this property has been zoned as residential for approximately 25 years with no development occurring during that time.

Mr. Rohr explained the new Unified Development Code (UDC) buffer yard regulations. Buffer yard means open spaces, landscaped areas, fences, walls, berms, or any combination thereof, which are used to physically and visually separate one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisances. Buffers make different zoning districts more compatible than they would be without buffers. Buffer yards are required and the project would not be approved until they have been met. In this case, the property owner would have to provide a 10 foot buffer on the south property line.

Sandy Jacobs moved, Shaun Musil seconded, to approve Ordinance No. 3959 rezoning Lot 1, Block D and the north 20 feet of Lot 2 Block D, Tallgrass 2nd Addition from Neighborhood Conservation District (NC.3) to Commercial General District (C-2).

Commissioner Mellick asked what determines the type of a buffer zone that is required. Mr. Rohr stated the UDC lists options and the developer can choose what they want to use. The buffer zone would be reviewed when a site plan is submitted to make sure it meets the requirements of the UDC regulations.

Luke Oborny, who lives in the 1700 block of Wheatland Avenue, spoke against the proposal based on potential uses. He stated he realizes most of the property along 22nd Street is becoming commercial, but Wheatland Avenue has always been residential and he would like it to stay that way. He added that with the C-2 zoning there are so many things that could go in there in the future that you would not want in a residential area.

Mr. Oborny was also concerned about the notification process for the Planning Commission's public hearing. He noted that only property owners within 200 feet of the subject property were notified of the public hearing and he must not have met the criteria, because he did not get a letter. He does not feel like 200 feet is enough and would like to see if that policy could be reviewed.

Mayor Schwaller asked how the 200 feet notification area was determined. Mr. Rohr stated that State Statute says that within the City limits a rezoning requires notification within 200 feet of subject property. Mr. Schwaller stated the Planning Commission is a legally separate entity from the City and we can't tell them what to do, but they could consider a bigger area.

Mayor Schwaller stated this lot would not be appropriate for most of the uses, but it would be for some. He asked if the Commission feels that the zoning groups should be changed and stated that could be discussed at a later time.

Commissioner Jacobs stated that the use that is being requested is complimentary for that area, given the fact that North Central Kansas Technical College and Hays Medical Center are across the street and as you go east at the other end is Bruckner Truck Sales.

Vice-Mayor Musil stated that they are aware of what the intended use of the property is and believe it is appropriate to the location, but that should not affect their decision. He was also concerned about the Public Hearing notices.

City Manager, Toby Dougherty, stated that aside from the 200 feet notifications that were sent out this was discussed at two Planning Commission meetings and both have Public Notice Requirements and added this was a three month process.

Commissioner Meier stated the Commission should approve this or deny it based on the possibility of any of these uses. He also stated that he understands the notification rule comes from State Statute, but agrees that there could be more notices given.

Commissioner Mellick stated many of the possible uses can be eliminated because of the lot size and the lot size is going to decide what kind of an impact it will have on the neighborhood.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

James Meier

8. REPORT OF THE CITY MANAGER: City Manager, Toby Dougherty, reminded the Commissioners that next week is a fifth Thursday so there is no meeting scheduled. He reported that Stan Christopher will give an update on the Wastewater Treatment Facility upgrade next month. Also, in the next few weeks, Chad Ruder, IT Director, will report to the Commission about the new web site that will soon be going live. He noted that the new website will offer a new system of notification. Citizens can opt-in to the notifications they would like to receive.

9. COMMISSION INQUIRIES AND COMMENTS: Commissioner Meier thanked them for the opportunity to serve as Mayor and looks forward to another year on the Commission.

The Commissioners thanked Commissioner Meier for his service to the City of Hays as Mayor.

Mayor Schwaller stated the Commission has a busy year ahead of them. The new Wastewater Treatment Plant will soon go on line. He anticipates making considerable progress towards bringing water from Edwards County to Hays and our partners in Rush County and Ellis County. He noted that the City of Hays is financially solid and continues to pay cash for projects. He thanked City staff and his fellow Commissioners for making this happen.

The meeting was adjourned at 7:06 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk