

City of Hays  
City Commission  
Work Session Notes  
Thursday, May 6, 2021 – 6:30 p.m.

Present: Sandy Jacobs, Mason Ruder, Michael Berges, Ron Mellick, Shaun Musil, Toby Dougherty, Kim Rupp, and John T. Bird

**April 15, 2021 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on April 15, 2021; the minutes stand approved as presented.

**Vine Street Frontage Road – Petition to Vacate**

John Braun, Project Manager, stated the North Vine Street Corridor project removed portions of the West Vine Street Frontage Road creating a configuration of excess right-of-way. With the construction of the roundabout at the intersection of 32nd and 33rd Streets on Vine, the West Frontage Road was disconnected from 32nd Street leaving a portion of the frontage road right-of-way both north and south of 32nd Street as excess property. Adjacent property owners at 2917 Vine Street, Hays Chevrolet, and 3201 Vine Street, Pheasant Run, have petitioned to vacate this excess right-of-way.

The submitted petitions request the vacating of excess right-of-way reserving to the City and the public certain existing utility easements. Pursuant to K.S.A. 12-504, public notice was given at least 20 days in advance of the scheduled public hearing, set to occur at the May 13, 2021 regular meeting of the City Commission. After the hearing, the City Commission acts to approve or disapprove the petitions to vacate based on input gathered at the hearing. If approved, the Ordinance would be adopted, and would become effective 30 days after publication on the City of Hays website, unless one or more interested parties file a written protest.

Commissioner Mellick asked if any changes would be made to these areas by the City if this is approved. Mr. Braun stated it is in final form and the property being vacated back to the property owners would be their property to do with as they wish.

At the May 13, 2021 Commission meeting, Commissioners will be asked to approve the Ordinances vacating portions of Vine Street Frontage Road right-of-way and reserving a public utility easement.

### **Bickle-Schmidt Sports Complex Synthetic Infield Turf – Award of Bid**

Jeff Boyle, Director of Parks, reported City staff prepared a Request for Proposal (RFP) for synthetic infield turf at the Bickle-Schmidt Sports Complex as directed by the Hays City Commission. The City Commission requested proposals for this quality-of-life project using funding from the Ellis County ¼ Cent Sales Tax as a partial funding source. The Hays Recreation Commission (HRC) graciously committed to spending up to \$700,000 to help fund the project.

The Hays Recreation Commission and City staff recommend approval to proceed with Mid-America Sports Construction's (MASC) base bid of turfing all eight infields, plus expanded repairs to the transition zones, expansion of the infields on fields 5, 6, and 8 to allow more tournament play, additional rubber infield supplies, and the removal of the existing red infield dirt. The cost to have MASC install the turf is \$1,557,557. In addition, staff is requesting an additional \$20,000 contingency for unknowns and \$50,000 to address the bullpens bringing the total cost of the project to \$1,627,557. The project will be cost shared with \$700,000 from the Hays Recreation Commission and \$927,557 from the City Commission Capital Reserves.

Mr. Boyle stated the base bid contains the installation of a stone base, drainage, synthetic turf, and replacement panels at a cost of \$1,350,874.

The alternates include:

- Alternate #1 - \$55,678 to repair transition zone where the infield meets the outfield

- Alternate #4 - \$138,165 to expand infield 8 making it a baseball sized field with 90' bases and expand fields 5 and 6 to allow for 80' bases
- Alternate #9 – no additional cost to provide 500 pounds of SBR infill for turf
- Alternate #10 - \$12,840 to remove and stockpile red infield dirt

Staff recommends approval of:

Base Bid:	\$1,350,874
Alt #1:	\$55,678
Alt #4:	\$138,165
Alt #9:	No Charge
Alt #10:	\$12,840
Contingency (Unknowns):	\$20,000
<u>Contingency (Bullpens)</u>	<u>\$50,000</u>
Total Cost:	\$1,627,557

Commissioner Musil stated he would like to propose that Alternate 5 be included to turf the bullpens. He feels that taking a shortcut on this would be a mistake. He noted that they have had considerable savings on recent projects. He added that to spend over a million and a half dollars and to skimp on the bullpens would be a mistake. He asked if HRC would consider contributing a little bit more to turf the bullpens.

Mayor Jacobs stated the Commission made a commitment to do something that would economically impact our community in improving the ability to bring tournaments in and she feels it is important to consider all of these pieces.

Toby Dougherty, City Manager, reviewed the savings on the shade structures at the Bickle Schmidt Sports Complex and the ARC Park Parking Lot projects recently and stated Staff had discussed including Alternate 5, but that would have put them over the budgeted amount for this project.

Revised recommendation:

Turf Base Bid plus Alt #1, #4, #9 and #10	\$1,557,557
Add Alt #5 – Turf Bullpens	\$264,549

Turf Contingency	\$20,000
Shade Structure Savings	(\$98,720)
ARC Park Parking Lot Savings	<u>(\$49,863)</u>
Total	\$1,693,523
Infield Turf Budget	<u>\$1,650,000</u>
Difference	\$43,523

Commissioner Ruder agreed that this should be done right the first time so they don't have to go back and piece things together for the next 20 years.

Roger Bixenman, HRC Superintendent, was in the audience and stated he had discussed it with the HRC Board members and they were supportive. The Commissioners thanked HRC for their support.

At the May 13, 2021 Commission meeting, Commissioners will be asked to approve the base bid, Alternate #1, Alternate #4, Alternate #5, Alternate #9, and Alternate #10 from Mid-America Sports Construction for the installation of synthetic turf on eight infields at the Bickle-Schmidt Sports Complex.

**Proposed Fire Station RFQ Process**

Collin Bielser, Assistant City Manager, stated the topic of a second staffed fire station has been discussed many times in the past and with the recent approval of the Ellis County ¼ cent sales tax the City Commission has directed Staff to include design and construction of a new station as a project to be funded with the additional revenue.

Mr. Bielser stated in 2016 the City purchased property near 41<sup>st</sup> Street and Post Road to protect a City water well and to serve as the site for a future fire station.

In 2020, Ellis County voters approved a ¼ cent sales tax which will result in the City receiving approximately \$700,000 to \$900,000 in annual revenue for a period of 10 years. The City Commission has already dedicated portions of these funds to a variety of quality of life projects such as the ARC Park and enhancements to Bickle-Schmidt Sports Complex. However, the City Commission has also directed Staff to include the design and construction of a

second full-time fire station as another project to be funded from the City's portion of the County's ¼ cent sales tax.

The first step in constructing a new station requires the advertisement and distribution of a Request for Qualifications (RFQ) to architectural firms for design services. Staff is seeking consensus from the City Commission to issue the RFQ.

Ryan Hagans, Fire Chief, stated a new station would be designed to serve as the Fire Department's headquarters facility and would consequently convert the Main Street location into the department's substation. This would free up space at City Hall for other future needs or uses. Mr. Hagans noted that City Hall has the potential for flooding. Creating a parking lot several years ago has helped this situation, but flooding does still occur. The City of Hays IT data storage is in City Hall and it was suggested that be moved out of the flooding potential and added to the proposed station. The IT Director, Chad Ruder, agrees that this is a good idea and should be heavily considered. As part of the project, they would consider including a large storage space for the Hays Police Department as well.

It was the consensus of the Commission to allow staff to advertise the RFQ for fire station architectural design services. Contract approval will be presented to the Commission later this year.

### **Rural Housing Improvement District (RHID) Policy Discussion**

RHID is an incentive that can be utilized to create housing, by capturing the pre/post development property tax increment to reimburse a developer for the cost of land, site work, and infrastructure. There is a State requirement that housing created with an RHID be identified as a need in a Housing Study.

Collin Bielser, Assistant City Manager, stated the City's RHID policy was created in 2013 and was originally intended for higher density, income qualified, and low-income housing. In 2020, the Commission modified the policy to allow not-for-profit developers to utilize RHID's for single-family homes.

Mr. Bielser stated housing in Hays is created in one of four ways: non-incentive based, incentive based, traditional development, and RHID which is the newest mechanism.

Mr. Bielser reviewed the recent State Legislation changes. Senate Bill 90 allows for the renovation of buildings that are in Central Business Districts and exceed 25 years of age. Eligible improvements are for those on the second floor or higher of a building that is residential in nature. Commercial purposes are not eligible. The bill also changes the population threshold. The current statute required a city to be less than 60K in a county with less than 80K. Senate Bill 90 took away the County qualifier, now any City in Kansas with less than 60K can use an RHID. This would include towns in Johnson County like Leawood, Lenexa, and Mission Hills.

Mr. Bielser shared how other cities in Kansas are using RHID's and their thoughts on the program.

Commissioner Ruder stated as other cities noted, delayed tax is better than no tax at all. He also does not want the policy to be too restrictive as each developer will have to come before the Commission for approval anyway.

Commissioner Mellick wanted to address that it is not the City that is subsidizing the RHID, it is all of the taxpayers in Ellis County, the school district, and the City of Hays that are subsidizing this.

Doug Williams, Executive Director of Grow Hays, agreed, but added that assumes that these houses are going to be built anyway, and that is a big assumption. We are giving up tax revenues, if in fact they are built; if they don't get built you are not giving up anything. You are also potentially losing the opportunity to attract people to the community and serving housing needs, which we are in dire need of. He would venture to argue that our housing situation is a bigger immediate threat to our community than our water situation is. Housing and workforce tie very closely together and we have a huge workforce problem right now. He added that the cost of development has gotten to the point where you are not going to see a lot of private developers do this on their own.

Commissioner Berges added that the City has had this policy since 2013 and no one has come forward under the current policy. He feels we should use the policy and find out what needs to be modified or restricted when we get into it.

Robert Readle, Managing Broker, Coldwell Banker Executive Realty, stated the Kansas Legislature has created a mechanism that gives opportunities to everyone in Kansas and our local government has chosen to limit those opportunities. He feels the City's RHID Policy is not an effective policy. He stated the policy is failing and it is limiting our opportunities, which inhibits our ability to compete with other communities. He believes a more developer friendly approach is warranted.

Commissioner Ruder agreed, and added, why have a policy if it is so restrictive that no one is ever going to use it. The RHID was designed as a potential incentive to further development in smaller communities so why not have a policy that does that properly.

Commissioner Musil suggested opening up the policy with hopes that we will grow. He feels we are being too restrictive with the policy.

Commissioner Berges feels we still have to address the multiple housing issues and not let the developer say let's just find the most profitable avenue.

Mr. Bielser clarified that by statute, the RHID tool can only be used for the type of housing that is identified in the Housing Needs Study.

City Manager, Toby Dougherty, stated the last housing study was done in 2017 and the Docking Institute will have the updated Housing Needs Analysis done by the end of September 2021.

Commissioner Berges stated the RHID is the attempt to build houses to keep families here and to grow our community. Some of that tax that the school district is foregoing is under the impression that our school district grows by students and that money is recouped by getting the funds the school district gets for each student.

Adam Pray, Broker/Owner of Platinum Group, LLC, asked for the Commissioners thoughts on the Senate Bill 90 that was referenced for downtown.

Mayor Jacobs feels the RHID should be used everywhere it is allowed. She added that the biggest thing we need to do to make the downtown successful is to get people to live there and to fill up those second floors with housing.

Mr. Dougherty stated if the Commission wants to open up or remove restrictions to the RHID policy they could revert to what is allowed by State Statute

It was the consensus of the Commission to change the RHID Policy to revert back to the State Statute requirements, but keep the developer reimbursement section. This item will be placed on a future work session for further discussion.

### **Other Items for Discussion**

Commissioner Musil stated he feels some great ideas were discussed that should help to improve the housing market.

Commissioner Mellick agreed and added that you have to look at the cons as well as the positives. He wants to make sure nothing is overlooked.

Commissioner Berges wished good luck to those participating in the Chamber of Commerce Golf Tournament and stated it is nice that the community is able to hold events and do fun things again.

Commissioner Ruder thanked his fellow Commissioners for having a good civil discussion and he appreciates the input from those in the audience.

Mayor Jacobs talked about the continued collaboration in the community and thanked the Hays Recreation Commission for their commitment to help fund the projects at the Bickle-Schmidt Sports Complex.

The work session was adjourned at 8:05 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk