

City of Hays
City Commission
Work Session Notes
Thursday, September 3, 2020 – 6:30 p.m.

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

August 6, 2020 Work Session Notes

There were no corrections or additions to the minutes of the work session held on August 6, 2020; the minutes stand approved as presented.

Rezoning of Ellis County Property in the 1500 Block of 240th Avenue from Agriculture “A-L” to Public and Institutional District “P-I”

Jesse Rohr, Director of Public Works, stated an application has been submitted by Ellis County to request a change in zoning from “A-L” Agriculture to “P-I” Public and Institutional District for property within the 1500 Block of 240th Avenue. Ellis County is also the owner of the adjacent property to the south, which is the Ellis County Landfill, that is zoned “P-I”. The property will continue to use rural water and private sewer utilities as needed. The Planning Commission approved the zoning request at their August 17, 2020 meeting by a vote of 6-0. Staff is in favor of this request due to the zoning of adjacent property and compatible uses in the area.

Commissioner Ruder stated because he is an employee of Ellis County, he will recuse himself from this discussion.

Commissioner Berges asked why this is coming before the City Commission for approval since it is outside the City limits. Mr. Rohr stated because this property falls within our Extraterritorial Jurisdiction (ETJ) the County gives the City approval authority within that three-mile radius. He added that any request for changes within that jurisdiction goes through the Hays Area Planning Commission and on to the City Commission for approval.

At the September 24, 2020 Commission meeting, Commissioners will be asked to adopt an Ordinance approving the change in zoning from “A-L” Agriculture to “P-I” Public and Institutional District for property along the 1500 Block of 240th Avenue.

Stormwater Retention Mitigation Project

Jesse Rohr, Director of Public Works, stated MAO Investments, LLC, Mark Ottley, Managing Member, is the owner of property north of I-70 and west of Vine Street, near the site of the Hilton Garden Inn and Convention Center. The site is a potential location for a stormwater retention project that would benefit downstream areas within the City. The potential project would construct a stormwater retention area North of I-70 in the Lincoln Draw watershed. It would contain approximately 170,000 cubic feet of storage beyond what is required for development and would serve as both a water quantity and water quality Best Management Practice (BMP) which is a requirement of the MS-4 Permit from Kansas Department of Health and Environment (KDHE).

Mr. Ottley has agreed to construct the drainage retention area with extra capacity to benefit the City by providing additional stormwater retention and reductions to the rate of water flowing into the Lincoln Draw channel. Staff recommends approving the drafted agreement allowing for the expenditure of \$130,000 of Stormwater Reserve funds for the construction of the stormwater retention facility on the Ottley property as described within the agreement.

In 2016, with the development of the Tebo Village property, a payment was made by the developer to the City in lieu of on-site stormwater retention improvements. The City agreed to utilize those funds to make off-site upgrades to the City’s stormwater sewer system that would have a greater impact than the private on-site improvements would have made. A total fee of \$222,324 was paid to the City and set aside in the Stormwater Reserve Fund for future stormwater mitigation projects with an emphasis on stormwater quality.

At the September 10, 2020 Commission meeting, Commissioners will be asked to authorize the City Manager to execute an agreement between the City

of Hays and MAO Investments, LLC to allow for the expenditure of \$130,000 in Stormwater Reserve funds for the construction of a stormwater retention facility.

Other Items for Discussion

Commissioner Berges stated when the Commission revisits the face mask ordinance again in a month he would like to see criteria that can be conveyed to the public regarding Covid-19.

Commissioner Mellick thanked City Attorney, John T. Bird, for the limestone locomotive that he donated to the City of Hays. The train sculpture was carved by renowned local artist Pete Felten and recently installed in the Downtown Hays Pavilion. He also reminded everyone that the Coronavirus is not taking the weekend off and asked citizens to make good decisions.

Mayor Musil thanked the community for the donations made to provide face masks to students throughout Hays.

The work session was adjourned at 6:50 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk