

City of Hays
City Commission
Work Session Notes
February 18, 2010

Present: Ron Mellick, Barbara Wasinger, Troy Hickman, Henry Schwaller IV, John Bird, Toby Dougherty

Absent: Christopher Channell

Update on Library Activities

Brandon Hines, Eric Norris, Mary Ann Thompson, and Noreen Knoll, all representing the Hays Public Library, updated the Commissioners on the many activities and programs that are sponsored by the Hays Public Library.

Job Bounty Application by KVC Wheatland Psychiatric Hospital

This agenda item has been moved to the March 4, 2010 work session.

Purchase of 1-Ton Utility Truck

At the February 25, 2010 Commission meeting, the Commissioners will be requested to approve the low bid submitted by Shawnee Mission Ford for a Ford F350 cab and chassis with a Knapheide utility box.

Stormwater Fee Discussion

Public Works Director Brenda Herrman reported on the stormwater workshop that was presented by the City's consultant Camp, Dresser & McKee on February 16th. She stated that whatever fee-based structure the Commissioners decide on, it is very important to identify the projects that will be paid for with the stormwater utility fee.

Commissioner Schwaller stated that for the fee to be legal, it must be uniformly and universally applied; there cannot be any exemptions. He feels the

public should be informed of the many projects that have accumulated over time. Those projects were identified in 1999-2000; at that time they were estimated to cost about \$8 million. Commissioner Schwaller pointed out that the infrastructure in the heart of the City is anywhere from 50 to 100 years old and has never been maintained. No stormwater infrastructure was put in place north of 27th Street when that area was being developed and now development north of I-70 has created large volumes of stormwater that are taxing Lincoln Draw, Chetolah Creek and other areas. The funds generated by a flat fee should be used to pay for Phase II of the stormwater study and also begin to pay for some of the smaller projects. He favors a \$2 fee for residences and \$8 for businesses.

Chairperson Mellick stated that flat fees that some cities have charged were found to be unconstitutional and the cities had to pay back the fees.

City Attorney John Bird stated in those situations they called it a fee but acted like it was a tax. He does not feel there will be a problem. There has to be a rational relationship between the money charged and the overall benefit conferred. There will be people who will not directly benefit from this fee but will be required to pay it. After Phase II of the study is done, at that time, it will be necessary to tie benefit to cost and charge accordingly.

City Manager Toby Dougherty stated that the City needs to do something right now to meet the National Pollutant Discharge Elimination requirements. Hutchinson has been audited by the Environmental Protection Agency and Salina has been put on notice by the Kansas Department of Health & Environment. That being the case, the City Manager would like to see some money coming in right away because it will take some time to get a full-blown utility up and running. He also feels that, down the road, there should be a transition to a fee based on quantity and quality.

Ms. Herrman stated that there is money available from the federal government to help with stormwater projects. It may be required to have a 50% local match, but if a project is approved and it can be shown that there is a sustainable funding mechanism, the federal dollars may help fund some of the projects. The projects may need to be "shovel ready" to qualify.

Chairperson Mellick stated he feels that if the flat fee is implemented now, it may be very difficult to go to a fee based on quantity and quality in the future. Will the Commission, at that time, be able to follow through with the plan to change to a rate based fee? He feels that the flat fee will give people false hope, with no more money than would be raised in a year. He does support the flat fee for right now, but he is concerned about the public's perception of future increases.

The City Manager stated he will put together a list of smaller projects that could be done in the next couple of years if a flat fee is implemented. He will present that list at the March 4, 2010 work session for further discussion.

Ms. Herrman stated there will be another stormwater workshop on March 30th and encouraged the Commissioners to attend.

Pool Reserve Funds Request for Repairs at the Hays Aquatic Park

Travis Haines, Park Superintendent, reviewed a list of repairs at the Hays Aquatic Park that need to be completed before the opening of the swim season. The estimated cost for the repairs is \$46,000, to be paid out of the Pool Reserve Fund.

The Commissioners will be requested to approve the repairs at the February 25, 2010 Commission meeting.

Executive Session

Barbara Wasinger moved, Henry Schwaller IV seconded, that the Governing Body recess to executive session at 7:42 p.m. for 30 minutes to discuss attorney-client privileged information, possible property acquisition, and possible contract negotiations. The executive session included the City Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 25-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Ron Mellick
Barbara Wasinger
Troy Hickman
Henry Schwaller IV

Chairperson Mellick called the meeting back to order at 8:12 p.m. He stated no action was taken during the executive session.

The work session was adjourned.

Submitted by: _____

City Clerk