

City of Hays
City Commission
Work Session Notes
April 20, 2006

Present: Wayne Billinger, Troy Hickman, Barbara Wasinger, Henry Schwaller IV, Kent Steward, John Bird, Randy Gustafson

K-State Agricultural Research Center

Bob Gillen, Department Head of the Kansas State Agricultural Research Center located south of Hays, addressed the Commissioners regarding the feedlot odor problem at the Research Center. The Research Center is taking steps to decrease the feedlot odor by limiting the anaerobic breakdown.

Mr. Gillen stated the Research Center wants to cooperate with the City to resolve this problem. Since January, staff at the Center has been working hard at mitigation efforts to reduce the odor and has spent approximately \$57,000 on various initiatives.

John Jaeger, Beef Cattle Scientist, presented an overview of feedlot functions and the efforts the Research Center has taken to improve feedlot drainage, pen cleaning, and the removal of manure to sites six to eight miles away from the City.

Chairperson Billinger left the work session at 6:08 p.m.

City/County Waterline

In order to provide the required fire protection to the Ellis County Fairgrounds for the two buildings that are to be connected (the Schenk Building and the Gold Building), it was determined that the fire suppression

system would need to include a pump which would provide increased pressure for the fire sprinkler system, and provide the required volume of water in the event of a fire. The City's current water distribution system, along with the proposed water main extension (3100 feet of 12 inch line and 1500 feet of 8 inch line) could handle the demands of the proposed suppression pump.

Commissioner Schwaller stated that it will cost the City approximately \$278,000 for the City to do this project. The City would have to issue 15-year revenue bonds for the project at approximately a 6% interest rate. This would mean that the average Hays water user would see an increase of \$.31 to \$.35 per month. He questioned whether the City's water customers should pay for the sprinkler system at the Fairgrounds. Commissioner Schwaller stated that if this is approved he would like to have the Fairgrounds annexed into the city limits.

Loran Zimmerman, Ellis County Fair Board President, stated he personally does not have a problem with the property being annexed, however, that is not his decision to make. He would have to discuss this with the Fair Board and get their approval before making any recommendation to the Ellis County Commissioners.

John Braun, Assistant Public Works Director, stated that if the property were to be annexed, the City would have to undertake a more aggressive approach to fire protection for the entire area, not just to the two buildings.

Commissioner Schwaller stated that the norm has been that if someone wants City services, the property needs to be annexed.

Commissioner Hickman stated the City has never received a formal request from Ellis County to do this project.

Commissioner Steward stated he will not vote for this project until such time as the City Commissioners and the County Commissioners discuss this project and other issues that are of mutual interest to both entities.

Mr. Zimmerman stated he will relay the message to the Ellis County Commissioners.

City Manager Gustafson commented that if the project is approved, there may be an agreement to be annexed at some time in the future that the City finds appropriate, not necessarily annexed at the time of the project.

Super Chlorination Briefing

Joe Obholz, Water Plant Superintendent, presented a program about the use of Chlorine and Chloramines in the City of Hays water supply system to disinfect the water supply prior to distribution. On June 5, 2006, the Water Plant will be switching to Free Chlorine for several weeks before returning to Chloramines. Mr. Obholz stated there will not be any change in the water quality; there may be some difference in colorization and a little bit of taste difference as well as a slight smell difference. The water will be perfectly safe.

Relocation of Compost Site

Brenda Herrman, Director of Public Works, addressed the Commission regarding the possible relocation of the City compost site. The current site is southeast of the Public Works building. Possible locations for a new site are at the Recycling Facility on West 55th Street and a drainage area adjacent to I-70 just east of Home Depot.

Mrs. Herrman stated she cannot recommend either site. The lay of the land at the Recycling Facility does not lend itself well for windrow management of the City's large compost operation. The drainage area adjacent to I-70 is not suitable for a compost site because it is intended to be a drainage area and is not conducive for decomposing yard waste.

Mrs. Herrman stated that the odor problem at the current site is not an on-going problem. When there is an odor, it does not happen for a long period of time. One full-time employee is dedicated to run the compost operation and turns the compost piles as frequently as possible, which helps to control the odor. There have only been one or two complaints a year about the odor.

Mrs. Herrman requested that staff be allowed to monitor the operation more closely on a day-to-day basis, as well as monitor citizen complaints.

The Commissioners were agreeable to monitoring the operation. Staff will report on this issue in late fall of 2006.

Utilities along General Hays Road North of 48th Street

Property owners in the area along General Hays Road north of 48th Street are considering the establishment of a Special Benefit District to construct sewer improvements; however, they are all outside of the city limits. Establishment of a Special Benefit District does not necessarily require the District to be within city limits; however City staff does not recommend establishing a District outside of the city limits. If the District were to be annexed into the city limits, water service to provide fire protection would need to be extended. This would therefore necessitate the inclusion of both water and sanitary sewer improvements in the District.

Tom Braun, representing the property owners, stated that the majority of the property owners do not wish to annex. They would like to connect to City sewer only; they do not want to connect to the City water supply. They would like to form a District to pay for the sewer improvement. Two of the pieces of property are already connected to the City water supply via a water line along the west side of Vine Street.

City Manager Gustafson stated that it would be required for all the property owners to sign an annexation agreement prior to the formation of a District for sewer improvements. However, if at some point in the future the property owners wanted to connect to City water, it would be required that the property be annexed into the city limits.

Insurance Brokerage RFP

Two proposals were received for insurance brokerage services. The Commissioners will be requested to formally approve the proposal submitted by Sunflower Insurance Group at the April 27, 2006 Commission meeting.

The City Manager stated the City's intent in selecting a brokerage firm is to hire a consultant who will advise the City on risk management services on a fee paid basis and to select and solicit proposals for various insurance processes. It is hoped that this process will save the City some money and give the City an overall viewpoint that the City has not had thus far and does not have the expertise for.

East 55th Street Resolution

The Commissioners will be requested to formally approve a resolution initiating improvements to a portion of East 55th Street at the April 27, 2006 Commission meeting.

System Enhancement Resolution Authorization

The Commissioners will be requested to formally approve a resolution initiating improvements to portions of north Vine Street for the System Enhancement project. Action will be requested at the April 27, 2006 Commission meeting.

Transient Merchant Ordinance

Chapter 5.16 of the City Code of Ordinances addresses licensing of peddlers, solicitors, and canvassers. The Ordinance, which follows state statutes, has so many exclusions and is so broad sweeping that it is difficult to enforce fairly and difficult to interpret.

Finance Director/City Clerk Mark Loughry suggested that a process be put in place that would allow the licensing of all businesses in the City as well as transient vendors. Licensing all businesses would be a way to track emergency contacts, ensure that proper sales tax numbers are in place, review zoning requirements, and document who is conducting what type of business in Hays. Mr. Loughry suggested a \$25 fee for new businesses with a Hays address and \$75 for non-local businesses. Existing businesses would not be required to pay the fee; they would be grandfathered in. This would be

a one-time fee which would be valid as long as the business does not change ownership or the type of business does not change.

The City Attorney was directed to draft an ordinance implementing business licensing.

City Commission Quorum

City Attorney John Bird discussed with the Commissioners changing the quorum requirements to four for a five-member Commission. By doing this, it would allow two members of a governing body to speak to one another outside of an open meeting. Several cities and at least one county in Kansas have made this change to their quorum requirements.

Mr. Bird stated that it would be necessary to have a Charter Ordinance. The Charter Ordinance would require a two-thirds vote of the governing body, which means it would take four votes to pass. It would be published once a week for two consecutive weeks. It is subject to a petition by the electors and if the petition were to be successful, would be submitted to a vote and would not be effective until it was approved by a majority of the electors. The other option would be to submit it to a referendum vote without the petition.

Commissioner Wasinger stated, that as a new member of the Commission, she found it hard not being able to meet with other members of the Commission to ask them about the history of some of the issues that came up for discussion. There is a real disadvantage of not being able to discuss anything with another Commissioner outside of a work session or commission meeting.

Commissioner Schwaller stated he will vote against this ordinance. He represents the voters and does not care to discuss any issues with another Commissioner before an open meeting. Changing the quorum would open the door to Commissioners having a series of meetings with other Commissioners. It would also require that four members of the Commission be present to conduct a meeting; there have been times when two Commissioners have been absent at the same time. The work sessions are

the time to discuss the issues before formal action is taken at a Commission meeting.

Commissioner Steward commented that each Commissioner brings different experiences, knowledge, and perspectives to the meeting. He does not feel the Commission deliberates, as a body, very much. He feels a quorum of four would facilitate better government.

Staff was directed to prepare a draft ordinance for further discussion at the May 4, 2006 work session.

Other Items for Discussion

John Pokorny and Chris Hauck would like to lease Lot B-5 and Lot B-11, respectively, for the construction of hangars at the Hays Municipal Airport. Staff recommended allowing the construction of the hangars, as well as signing leases for the property.

No objection was voiced by the Commissioners.

Commissioner Steward commented that Saturday, April 22nd is National Youth Service Day. Various volunteer activities will be taking place in the community.

Executive Session

Barbara Wasinger moved, Kent Steward seconded, that the Governing Body recess to executive session at 7:50 p.m. for 45 minutes to discuss union negotiations, land acquisition, and attorney-client issues regarding water litigation. The justification for the executive session is that it is in the public's best interest to not disclose the City's position. The executive session included the City Commissioners, the City Manager, the City Clerk, and the City Attorney.

Vote: Ayes: Troy Hickman
Barbara Wasinger
Henry Schwaller IV
Kent Steward

Commissioner Hickman left the executive session at 8:20 p.m.

Commissioner Wasinger called the work session back to order at 8:35 p.m. She stated no action was taken during executive session.

The work session was adjourned.

Submitted by: _____

City Clerk