

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 25, 2013

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 25, 2013 at 6:30 p.m.

Roll Call: Present: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

Chairperson Steward declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on April 11, 2013; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp reported that month-to-date sales tax collections for the Sports Complex were \$229,781, which is a decrease of \$355 when compared to last year. Total year-to-date collections are \$765,708 and inception-to-date collections total \$10,691,557. General Fund month-to-date sales tax collections were \$561,055, down \$2,528 or -.45% as compared to last year. The six month running average on sales tax collections is down -.19%,

The Finance/City Clerks Office invested \$1,650,000 of maturing or renewing certificates with a weighted average interest rate of .32%. One certificate was renewed for a two year term therefore the rate while still low was a little better than usual. The portfolio of certificates of deposit on March 31, 2013 totaled \$52,300,000 with a weighted average interest rate of .24%. The total balance of the Money Market account on March 31, 2013 was \$1,000,000 with a

current yield of .20%. Total investments are up \$5,900,000 when compared to this time last year.

Henry Schwaller IV moved, Ron Mellick seconded, that the Financial Statement for the month of March 2013 be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Henry Schwaller moved, Shaun Musil seconded that Resolution 2013-010, being a resolution adopting by reference the City of Hays City Commission Rules of Procedure and repealing all previous resolutions, motions and or actions in conflict therewith, be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

UNFINISHED BUSINESS

6. NEWLY SEEDED LAWN PERMIT: The City's Newly Seeded Lawn Permit is in need of updating to make the program more reflective of the geographical climate and the City's water demands. The City of Hays prohibits outdoor watering, from the hours of noon to 7 p.m., between June 1st and September 30th of each year. Residents wishing to seed or sod a lawn during this period are able to obtain a permit from the City of Hays, at no charge, which allows them to water outdoors during the prohibited period while establishing the lawn. The permit is available between June 1st and August 1st for warm season grass

plantings. All permits will be issued on a weather-proof sign that is to be placed in the yard where the seeding or sodding is taking place.

Ron Mellick moved, Henry Schwaller IV seconded, that Ordinance No. 3860, being a ordinance amending Chapter 65 of the City of Hays, Kansas, Municipal Code, by modifying Article III, Division 1, Section 65-69, regarding water allotment and conservation, be approved.

Vote: Ayes: Kent Steward

Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

NEW BUSINESS

7. DOG PARK PHASE 1 REQUEST: The Friends of the Hays Dog Park (FHDP) are requesting approval to complete construction of the dog park in a three (3) phased approach. The intent of this approach is to construct Phase 1 so people can see progress is being made and be able to use the park which in turn should increase interest in the dog park and increase the amount of donations coming in for the remainder of the park. Phase 1 of the dog park has a projected cost of \$32,845 and consists mainly of road improvements, parking lot, staging area and approximately 1.5 acres of fenced in area. Phase 2 and Phase 3 will simply be a continuation where the previous phase left off. The estimated total cost of all phases is \$108,800. Assuming the FHDP raises the necessary funds for Phase 1, the item will be brought back to the City Commission for approval.

Kim Perez, president of FHDP, commented that the group has submitted two grants and are working on three more grants as well as numerous fund raisers. Many potential donors have indicated they will contribute when the dog park is closer to becoming a reality.

Henry Schwaller IV moved that Friends of the Hays Dog Park be allowed to build the dog park in three phases; the first phase consisting of improvements totaling approximately \$33,000. Funds must be raised by FHDP and the group must come back to the City for approval before any construction begins. Eber Phelps seconded the motion.

Commissioner Schwaller stated he has received a number of emails in favor of the project 2 to 1. There are misconceptions that the City may end up funding this project if not enough money is raised by the FHDP. This will not happen. He supports the group; they have done everything the Commission told them to do. They are willing to see this to completion and then operate it.

Commissioner Phelps stated that given some of the concerns, he wondered what safeguard the Commission could implement to prevent the City from becoming liable for the completion of the dog park.

City Attorney John Bird stated that a resolution could be drafted that lists the conditions for funding and operation of the dog park. This also create a record for future Commissions.

Commissioner Musil stated he has heard the same concerns about the group not raising the money they need and the City having to pick up the deficit. He agrees a resolution would help protect the City.

Parks Director Jeff Boyle stated that even if Phase 1 is the only phase that gets completed, it will look like a completed project. Everything that is needed for a dog park would be complete. The difference being that it would be a 1.5 acre dog park instead of a six-acre dog park.

Commissioner Mellick stated that when the group first approached the Commission in June of 2012, they had already raised \$8,600. At that time, they stated some big donors would contribute once the FHDP had found a location for the dog park. He is concerned that in the past 10 months the group has only raised \$7,900. He also is concerned about the big dogs and little dogs being in the same area and the problems that could result because of this. He suggested a memorandum of agreement defining the responsibilities of each party.

Mrs. Perez stated she understands everyone's concern about the money. It took the group six months to prepare for fund raising; these are all lessons the group has learned as they go along. Not having more money raised is not a lack of commitment.

Chairperson Steward stated that neither a resolution nor memorandum of agreement addresses his concerns about finishing the project. It simply allows the City to wash its hands of the matter. His concern is that Phase 1 will be built and there is no obligation on anyone else to finish the remaining phases. He believes it is bad business and bad government to start a construction project when the financing is not arranged. He cannot support doing the project in phases.

Cheryl Duffy, Bunny Bowen, and Lexi Butler all spoke in favor of allowing the FHDP to construct the dog park in phases.

City Attorney John Bird suggested the group form a limited liability corporation or some other type of business entity.

Henry Schwaller IV amended his motion to include that a resolution be drafted that guides for the development of the Friends of the Hays Dog Park which specifies that it shall be done in three phases. The first phase will be for a 1 ½ acre park and the group will raise the necessary funding for that phase, receive bids, then come back to the Commission for approval. The group will not do any construction or work of any kind until it has raised the money and come back to the Commission for approval of all of the phases. If the group does not do so in the time and manner so specified it will forfeit its ability to complete the project and the City will make no monetary contribution towards construction of Phase 1, 2, or 3. Eber Phelps seconded the amended motion.

The Chairman called for the vote on the amendment to the motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

No: Kent Steward

The Chairman called for the vote on the amended motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

No: Kent Steward

8. BUILDING CONDEMNATION – FORT HAYS TRAILER PARK (618 East

5th): The property located at 618 East 5th, known as Fort Hays Trailer Park, has three abandoned mobile homes on site that meet the definition of unsafe structures that need to be remediated. The owner, Loren Heiser, has not taken steps to remediate the issues on the property. The conditions in which the homes are in continue to invite vandals and vagrants to the site, causing increasing amounts of damage. The current condition of the homes presents a severely blighted issue to the surrounding properties.

Loren Heiser appeared before the Commission to ask that one of the homes not be demolished or removed. He feels that he can make repairs to make the mobile home habitable in 30 days.

Ron Mellick moved, Shaun Musil seconded, that Resolution No. 2013-011, being a resolution authorizing the City of Hays or its designated agent to abate the dangerous structure(s) (Mobile Homes) located on the property at 618 East 5th, Hays, Kansas, be approved.

Planning, Inspection and Enforcement Superintendent Jesse Rohr stated that the City initially contacted Mr. Heiser last fall about these three homes. When no action was taken, official notification was given in February 2013.

The City Attorney pointed out that the City waits 10 days before it takes any action. If Mr. Heiser would contact staff within those 10 days and show proof that he has a contractor ready to move the trailer within a reasonable amount of time, the City would work with him.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

9. PROGRESS REPORT: Assistant City Manager Paul Briseno presented a monthly report of various city-related activities and projects.

The Commissioners discussed the showerhead program and encouraged citizens to stop by the City Clerk's Office and view the assortment of showerheads available. One model is free and the other models are priced at \$5.

10. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report on.

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Musil requested that the trails in Vineyard Park be marked a little bit better.

Commissioner Phelps commented that a lot of landscapers attended the Water Wise Program and he feels they will be the City's biggest advocates for water conservation.

Commissioner Schwaller stated he appreciates what everyone does to conserve water. Eighty-five to 90% of residents work very hard to save water inside their home and in their yard. At the last Commission meeting he advised people to not plant yards and trees. This is not a good year to plant trees or a new lawn. The area is still in a severe drought. Vegetable gardens are fine, just do it wisely and use drip irrigation.

The meeting was adjourned at 7:50 p.m.

Submitted by: _____

Doris Wing – City Clerk

