

City of Hays  
City Commission  
Work Session Notes  
July 2, 2009

Present: Ron Mellick, Christopher Channell, Troy Hickman, Henry Schwaller IV,  
Toby Dougherty, John Bird

Absent: Barbara Wasinger

**Discussion of Pit Bulls in City Limits**

Police Chief James Braun presented information he has gathered regarding a breed ban for specific breeds of dogs. The State of Kansas does not have a breed ban on specific breeds of dogs but does have a statute that addresses dangerous animals. The statute makes no reference to dangerous or vicious dogs, instead focusing upon the vicious acts of the animal and the care taken by the owner to restrain it. There are as many people passionate for the ban as there are people against the ban. From a law enforcement standpoint, the Police Department will enforce whatever ordinance the Commissioners determine to be appropriate.

City Manager Toby Dougherty stated there are cities that have breed bans that they feel are effective; other cities have breed bans and don't feel they are working as well as planned. There are some cities that just have dangerous/vicious dog ordinances and are happy with the way they are working. Some cities don't have any ordinances that address these kinds of problems.

Laura Allen, 2710 Epworth #4, stated her daughter was bit by a pit bull whose owner thought he was responsible dog owner. The dog was leashed, had gone through obedience training, and was registered. Her daughter's life is changed forever. The owner had no liability insurance and the Allens are responsible for all the medical bills.

Pat Geier, 524 West 23<sup>rd</sup> Street, stated he is against a breed ban on specific dogs. All of the major animal organizations are against a breed specific ban; these people are the experts and none of them recommend a ban as an effective tool.

Discussion was held about what constitutes a dangerous/vicious dog and the procedures followed by the Police Department.

Commissioner Channell stated that he likes the Dodge City ordinance that regulates pit bulls, but does not ban them. A similar ordinance could regulate not only pit bulls, but other breeds that are considered dangerous. He feels that the City should step up enforcement on dangerous dogs.

City Attorney John Bird stated there are many things to consider besides breed, size, prior behavior, training, number of dogs in household. If the regulations are to be changed, he recommended the Commissioners consider a role that would let the enforcers use the least intrusive activities early on in the process. He felt it is legitimate to look at the behavior of specific breeds.

Commissioner Schwaller stated he would like to see increased enforcement, and licensing.

The City Manager suggested the current ordinance be revised with stiffer penalties that would encourage people to register their dogs and incorporating some of the language in Dodge City's ordinance concerning dangerous/vicious dogs.

This will be discussed again at a future work session.

### **ARFF Truck Bids**

At the July 9, 2009 Commission meeting, the Commissioners will be requested to approve the low bid submitted by General Safety Equipment in the amount of \$567,991 for an Aircraft Rescue and Fire Fighting vehicle at the Hays Regional Airport. The proposed truck is anticipated to be funded by an FAA grant that would cover 95% of the cost.

### **Resolution for Abatement of Dangerous Structure at 101 East 16<sup>th</sup> Street**

This item was discussed at the June 11, 2009 Commission meeting. No action was taken because the property owner requested more time to clean-up the property and make necessary repairs to the house.

Public Works Brenda Herrman stated very little work has been done on this property; the property basically looks the way it did two weeks ago.

Dave Galindo, owner of the property, stated he has done a considerable amount of work and hopes to repair the eaves on the house in the next few days. He requested a few more weeks to do the repairs.

Commissioner Schwaller stated that if the resolution is approved at the July 9, 2009 Commission meeting, Mr. Galindo will have an additional 10 days to complete the work, a total of 17 days from today.

The Commissioners will be requested to consider the resolution at the July 9, 2009 Commission meeting.

### **Letter Agreement for Development of Paul & Wertenberger Property**

Paul & Wertenberger Investments has submitted a letter agreement in hopes of getting approval to build a small development located at the northwest corner of 33<sup>rd</sup> and Hall Street. Currently, there is one single-family home on the property which will remain, and several town-homes or condo style homes are planned to be constructed on the property. The property will be accessed from a private road. The developers plan on building additional concrete streets off of this access road which will remain private. Water and sanitary sewer utilities will also be added which will be constructed to City standards, placed in front easements, and will become city lines once accepted. There is a water line loop that will be extended at the request of the City as part of this development. This portion of the waterline (approximately 100' of line) will be paid for by the City, and is estimated to cost about \$9,000. All costs associated with this project, except for the waterline loop, will be paid for 100% by the developer. No special benefit district is being requested, as the project will be completely funded by the developer.

The Commissioners will be requested to approve the letter agreement at the July 9, 2009 Commission meeting.

### **KDOT KLINK Grant Application for Vine Street (18<sup>th</sup> to 22<sup>nd</sup> Street)**

Staff has proposed a four-phase project to remove the existing pavement on Vine Street from 13<sup>th</sup> to 27<sup>th</sup> Street and replace it with 9 inches of new concrete pavement. The KLINK grant is a 50/50 cost share with KDOT with a maximum KDOT participation of \$200,000. Applying for the project in four grant phases allows for a maximum state participation of \$800,000 for the entire project.

Public Works Director Brenda Herrman requested and received approval to submit the FY 2012 application for Phase III of the four-phase project (18<sup>th</sup> to 22<sup>nd</sup> Street).

### **Amendment to Greenbriar Agreement**

In January 2009, the City entered into an agreement with Smoky Hill Country Club regarding the conveyance of Greenbriar Street to the City of Hays, and for the City to assume maintenance responsibilities of that street. Due to a misunderstanding regarding the actual description of the street right-of-way to be dedicated to the City, the transfer never took place, and therefore the City has not yet assumed maintenance responsibility. An amendment to the agreement has been developed which clarifies the right-of-way issues.

The Commissioners will be requested to approve the amendment at the July 9, 2009 Commission meeting.

### **Peddlers and Solicitors Regulation**

City Attorney John Bird stated the current ordinance regulating peddlers and solicitors is invalid and should be repealed or amended. The City Attorney reviewed and discussed a model ordinance with the Commissioners.

This will be discussed again at a future work session.

### **Bond Call of Series 1999-A and 1999-C**

Currently there are two bond issues, Series 1999-A and 1999-C, which are very near maturity. The remaining bonds for 1999-A are averaging 4.55% and 1999-C are at 5.3%. After some research, it has been discovered that both could actually be called on or after September 1, 2009 to realize a savings of \$106,295.06 in interest. The total to call both bonds is \$1,743,793.13. This amount includes the principal and interest payments scheduled to be made in September 2009 and are already in the 2009 Budget in the Bond and Interest Fund. Therefore, the additional funds required would be \$1,120,000.

Given the current poor market of the City's investment portfolio, Finance Director Kim Rupp recommended that funding from the Commission Financial Policy Projects line item be used to call the bonds.

The Commissioners will be requested to consider approval to call the bonds at the July 9, 2009 Commission meeting.

### **Other Items for Discussion**

Chairperson Mellick requested the Planning Commission revisit the issue of regulating adult entertainment stores.

### **Executive Session**

Henry Schwaller IV moved, Christopher Channell seconded, that the Governing Body recess to executive session at 7:45 p.m. for 10 minutes to discuss union negotiations and property acquisition. 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

Christopher Channell

Troy Hickman

Henry Schwaller IV

Chairperson Mellick called the work session back to order at 7:55 p.m. He stated no action was taken during executive session.

The work session was adjourned.

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

City Clerk