

City of Hays  
City Commission  
Work Session Notes  
July 6, 2006

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

**13<sup>th</sup> & Hall Greenspace**

At the December 8, 2005 City Commission meeting, it was decided to reject all art proposals that had been submitted for artwork for the greenspace area at 13<sup>th</sup> & Hall Street. In February 2006, it was decided to landscape the area and install flagpoles. Park staff drew up plans and estimated the cost for the project to be \$7,410. The Commissioners reviewed the plans.

**Use of Assessments with Sidewalk Replacement Program**

The Sidewalk Replacement Program was initiated in January 2006. Inspectors in the Planning, Inspection, and Enforcement (PIE) division of the Public Works Department identified 2,469 sidewalk violations throughout the City. The goal of the Program is to aid citizens with matching funds in replacing sidewalks which are in disrepair and may cause an obvious safety hazard to pedestrians. To date, only 25 property owners have come forward volunteering to replace their sidewalks and take advantage of funds available from the City.

The next step would be to begin notifying property owners and forcing the replacement of their sidewalks as allowed by City ordinance. This is expected to create a financial hardship for property owners and be a time consuming task for City staff. Staff in the PIE division suggested that sidewalk replacement be contracted out by the City and the costs for repair assessed against the property, to be paid out over a five-year period, as allowed by state statute.

Assistant City Manager Toby Dougherty stated that it is the property owner's responsibility to maintain the sidewalks. Assessing the costs is a good way for property owners to spread the cost over five years if they don't want to repair the sidewalk themselves or pay for the costs up-front.

Commissioner Schwaller stated that he felt the community would not be receptive to repairing all of these sidewalks.

City Attorney John Bird stated there would be no liability on the City's part if the sidewalks were not repaired.

Further discussion on this topic will take place at the July 13, 2006 Commission meeting.

### **26<sup>th</sup>/27<sup>th</sup> and Ash Intersection Improvements**

When HWS was hired to conduct a city-wide traffic study, they identified the intersection of 26<sup>th</sup>, 27<sup>th</sup>, and Ash Streets as one of the traffic problems needing immediate correction. The traffic accident data does not indicate that this is a high accident location (16 accidents in 6 years); however, the traffic study identified this location as an area where dangerous conditions exist or the potential exists for a dangerous result and may reflect a situation where liability may exist to the City.

HWS was authorized to design intersection improvements and their proposal is to cul-de-sac 26<sup>th</sup> Street at Ash Street. The estimated cost for the improvements is \$120,000.

Commissioner Hickman suggested that before going forward with this plan, temporary measures be taken to see how this will affect traffic and the residents in the area.

Lenora Goetz, 203 West 26<sup>th</sup> Street, suggested that Ash Street south of 27<sup>th</sup> Street be turned into a one-way south street or turn Fort Street back into a two-way street. She is opposed to the cul-de-sac; she feels it will hem her in.

Commissioner Steward thinks the City would be spending money on a problem that doesn't really exist. It looks like a bad intersection, but when you look at the traffic accident data, it is not a problem.

City Attorney Bird stated that he does not think this is a liability issue. The decision should be based on what happens among the public. You need to balance the 16 accidents and the narrow accident misses with other issues the citizens are interested in. The decision should not be made out of fear that a consultant told you that this is a problem and you have to do something about it.

Commissioner Wasinger commented that since Ash Street will be dug up for waterline improvements this would be a good time to make these changes.

Darrell Beam, 212 West 26<sup>th</sup> Street, stated that his family has never been involved in an accident at that intersection, however, in his mind, the issue is speed. The cars exiting 27<sup>th</sup> Street and going east on 26<sup>th</sup> are going 30-35 miles per hour. He is not opposed to the cul-de-sac, but would prefer some direct access to 27<sup>th</sup>, either from the cul-de-sac or by making Fort Street a two-way street.

Further discussion on this issue will take place at the July 13, 2006 Commission meeting.

Commissioner Hickman left the work session.

### **Animal Ordinance (Staking of Dogs/Barking)**

Commissioner Schwaller commented that it is hard to enforce Section 6.08.250 of the Animal Ordinance relating to picketing of dogs. It has to be proven that a dog has been continuously tethered for more than one hour and secondly, it has to be proven that the owner tethered the dog. Commissioner Schwaller stated he would like to have the Ordinance rewritten so that it is fair to the owner but also good for the animal.

The City Attorney will research the issue and report back at a future work session.

### **Transient Merchant Ordinance/Business License Ordinance**

The City Attorney prepared a draft Transient Merchant/Business License Ordinance for the Commission's review. He discussed the ramifications of requiring all businesses to procure a business license from the City. He feels this requirement would not be well received in the community and would be an enforcement nightmare. Kansas has a separate statutory system that requires transient merchants to register in the counties they do business in. The law requires transient merchants to register with Ellis County and the City's ordinance requires them to register with the City.

Finance Director/City Clerk Mark Loughry stated that the problem the City Clerk's Office runs into when working with transient vendors is that the vendors feel that the City cannot treat them any different or require them to do anything that our local vendors aren't required to do.

The City Attorney said the Transient Merchant Ordinance evolved because of the local merchants. Local merchants pay local taxes and maintain a business in the community. This is a good way to limit competition. He feels the Ordinance should be repealed and the burden should be put on the State and County to enforce.

The Commissioners were in agreement about amending the ordinance to do away with licensing. They would still like the ordinance to state that it is illegal to go door to door to solicit sales.

The City Attorney will present an ordinance for their consideration at the July 13, 2006 Commission meeting.

### **Kansas State University Agricultural Research Center Operations**

Commissioner Steward stated that the Kansas State University Agricultural Research Center employees have made significant strides in eliminating the odor problem emanating from the facility. He requested the City cease any opposition to the renewal of their feedlot permit.

City Attorney Bird agreed with Commissioner Steward. If this problem should come up again in the future, the City could address the problem at that time.

The other Commissioners were in agreement with Commissioner Steward and instructed the City Attorney to not file an appeal to protest the renewal of their permit.

### **City/County Issues**

The Commissioners were in agreement that discussion should continue between the City Commission and the Ellis County Commission on issues of mutual concern. The issues mentioned include the start-up of a business incubator, a Geographical Information System, shared space needs for the Police/Sheriff Departments, new fire station facilities, and the waterline to the Ellis County Fairgrounds.

### **2007 Budget Review**

The Assistant City Manager reviewed the 2007 Budget. It is anticipated that the mill levy will be 24.29 mills. Last year's mill levy was 24.3.

### **Other Items for Discussion**

Commissioner Schwaller stated that he would like to re-visit the issue of metal storage containers. He also requested a discussion on fireworks, and the use of the tennis courts during the Wild West Festival.

The Assistant City Manager reported that Wilson Pool will open on Tuesday, July 11, 2006. The pool has been closed for repairs.

### **Executive Session**

Henry Schwaller IV moved, Kent Steward seconded, that the Governing Body recess to executive session at 6:57 p.m. for 20 minutes to discuss the possible acquisition of property and consultation with the City Attorney. The justification for the executive session was that it is in the public's best interest

not to reveal the City's position on matters that are covered by attorney-client privilege. The executive session included the City Commission, the City Manager, the Assistant City Manager, and the City Attorney.

Vote: Ayes: Wayne Billinger  
Barbara Wasinger  
Henry Schwaller IV  
Kent Steward

Chairperson Billinger called the work session back to order at 7:12 p.m. He stated no action was taken during executive session.

The work session adjourned.

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

City Clerk