

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JULY 10, 2014

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 10, 2014 at 6:30 p.m.

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

Chairperson Schwaller 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 June 26, 2014 and the special meeting held on June 30, 2014 (to discuss the sale and use of fireworks); the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Chairperson Schwaller presented Resolution AR-02, Series 2014, being a resolution expressing appreciation to Peter Shimondle for establishing a new business, Best Western Butterfield Inn, in the City of Hays.

NEW BUSINESS

5. 13th STREET (MAIN TO MILNER) – DESIGN AGREEMENT: In May, staff brought forward concepts and alternatives for the reconstruction of 13th Street from Main to Milner. Subsequently, the City Commission directed staff to solicit

proposals for engineering design services. Proposals were received from four firms with the lowest cost proposal coming from Professional Engineering Consultants of Wichita in the amount of \$95,000.

Shaun Musil moved, Ron Mellick seconded, to authorize the City Manager to enter an agreement with Professional Engineering Consultants in the amount of \$95,000 for engineering services related to the design of the reconstruction of 13th Street from Main to Milner to be funded out of Capital Projects.

Commissioner Steward wanted to remind everyone that the street is failing and needs to be replaced.

Chairperson Schwaller stated he would be voting no because the \$95,000 includes engineering design services on alternate projects he would not want to fund even if the City had the money.

Vote: Ayes: Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

No: Henry Schwaller IV

6. RESOLUTION MOVING CITY OF HAYS WATER STATUS FROM “WATER WARNING” TO “WATER WATCH”:

Bernie Kitten, Director of Utilities, provided the Commissioners with an update on the status of the Smoky Hill and Big Creek well fields. He stated the recent rain has improved the levels in the City’s wells and staff believes the water warning can be removed and the water watch instituted.

Toby Dougherty, City Manager, stated we do not think the drought is over, but our triggers that are outlined in the Drought Response Plan say we should not be in water warning. He also stated that a move to water watch means essentially the outdoor watering restrictions go from 10:00 a.m. to 9:00 p.m. back to the typical noon to 7:00 p.m.; we would begin issuing permits for warm season grasses; benefit car washes, and washing of hard surfaces would be allowed; and the second conservation tier rate reduced.

Henry Schwaller IV moved, Eber Phelps seconded, to approve Resolution No. 2014-008 declaring the end of the “Water Warning” for the City of Hays, Kansas, and declaring the existence of a “Water Watch” until further resolution by the City of Hays.

Chairperson Schwaller stated that we have our Drought Response Plan on file with the Division of Water Resources and if we don’t follow the plan it could jeopardize our attempts to pursue a long-term water source.

Commissioner Musil feels public opinion supported keeping the water regulations as they are.

Commissioner Steward raised concerns about scaling back the water regulations that the move might send mixed messages about the City’s conservation efforts.

Commissioner Phelps pointed out that this would give property owners the opportunity to transition from cool season grass to warm season grass.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Ron Mellick

No: Shaun Musil

Kent Steward

7. ADDENDUM TO THE MEMORANDUM OF AGREEMENT WITH THE HAYS

FRATERNAL ORDER OF POLICE (FOP) LODGE 48 INC. FOR 2015: The City of Hays and the Fraternal Order of Police Lodge 48 Inc. have an agreement for fiscal year 2015 Wages, and Administration of the Pay Plan. The agreement states the City will provide members of the FOP bargaining unit with a one-time 2% bonus, paid bi-weekly beginning with the first payroll in 2015 and ending with the last payroll in 2015. The City will continue the current pay ranges.

Eber Phelps moved, Shaun Musil seconded, to authorize the Mayor, City Manager, and Police Chief to sign the 2015 Addendum to the 2013 thru 2015 FOP Lodge 48 Contract.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

8. DRAINING OF POOLS AND HOT TUBS:

Commissioner Mellick asked that the Commission consider modifying the City's Code of Ordinances to impose a fine for people who drain hot tubs and swimming pools into alleys. There are 134 pools and an unknown number of hot tubs in Hays, and many are drained onto alleys and unimproved rights of way. When this happens it causes damage that has to be repaired by Public Works. On average, it would cost \$2,150 per alley to repair. Any given alley may require more material, time and/or equipment.

It is recommended that pools and hot tubs be drained into the sanitary sewer, storm sewer, impervious curb frontage, or keep it on their property.

In the past, draining of pools and hot tubs were not exempted from Section 65-69 of the Code of Ordinances which prohibits water escaping from a property. The proposed ordinance exempts draining of pools and hot tubs from the runoff prohibition and imposes a fine on those who drain pools and hot tubs onto unpaved alleys and rights of way.

Commissioner Musil was concerned that small above ground pools and also back flush lines from pools can drain small amounts of water onto an unpaved alley and be subject to a fine.

Ron Mellick moved, Kent Steward seconded, to approve Ordinance No. 3886 exempting the draining of pools and hot tubs from the prohibition of water escaping the property, and imposing a fine of \$250 for draining pools and hot tubs onto alleys.

Henry Hartman, owner of Kleerwater, Inc. stated he has been selling pools for 40 years and has never seen damage from draining a pool onto an alley. He stated if an alley is constructed properly it will flow down the side of the alley. He strongly disagrees with implementing these fines.

Chairperson Schwaller felt an education program would be much more effective than a fine.

Vote: Ayes: Eber Phelps

Ron Mellick

Kent Steward

No: Henry Schwaller IV

Shaun Musil

9. REPORT OF THE CITY MANAGER:

City Manager Toby Dougherty informed the Commissioners that a couple of years ago two concepts were proposed that involve Union Pacific Railroad right-of-way: a pavilion at 10th and Main, and the Core to Campus path from Fort Hays State University to downtown.

Union Pacific Railroad was contacted to request their approval for the projects and a site visit was held. Formal submissions of both projects were sent as well. The City Manager stated after numerous attempts we are no longer getting a response from Union Pacific Railroad regarding requested approval for the two proposed projects.

10. COMMISSION INQUIRIES AND COMMENTS:

Commissioner Steward commented that it is unfortunate that Union Pacific Railroad is not responding, both for the proposed projects and the fact that the City would be building fences which would make the area safer than it is now.

Chairperson Schwaller commented that they would revisit the fireworks issue within the next month. He also stated as Mayor he has sent a request to Governor Brownback to order flags to be flown at half-staff in honor of Dan Johnson who passed away June 29th. Dan Johnson served in the Kansas House of Representatives for the 110th District from 1996 to 2011.

The meeting was adjourned at 7:29 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk