

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 14, 2014

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 14, 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 July 24, 2014; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA:

A. Ron Mellick moved, Shaun Musil seconded, that the following mayoral appointments be approved:

Building Trades Board

Robert Meier (Electrical Rep) – unexpired term to expire August 27, 2016

Fort Hays Municipal Golf Course Advisory Board

Ron Augustine – three-year term to expire July 1, 2017

Jim Krob – three-year term to expire July 1, 2017

Hays Convention & Visitors Bureau Advisory Committee

Tammy Younger (Fort Hays State Historic Site) – unexpired term to expire December 1, 2015

Hays Housing Authority Board

Elizabeth Innes – unexpired term to expire February 14, 2018

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

B. Chairperson Schwaller presented the following mayoral appointments, which will be presented at the August 28, 2014 Commission meeting for approval:

Airport Advisory Committee

Mike Konz – three-year term to expire April 30, 2017

Hays Convention & Visitors Bureau Advisory Committee

Lina Miller (Best Western Butterfield Inn) – unexpired term to expire December 1, 2016

NEW BUSINESS

5. PROHIBITION OF OPEN CARRY OF FIREARMS WITHIN CITY

BUILDINGS: The Kansas Legislature passed House Bill (HB) 2578 and made it legal for the City to prohibit unconcealed firearms (open carry) within City buildings. HB 2578 states that the City may prohibit the open carry of firearms within a building that is properly marked with signage approved by the Kansas Attorney General. City staff has identified twelve City buildings that are frequented by employees and/or the public. In an effort to better protect the safety and well-being of the occupants of these buildings, the City staff recommends that the City Commission approve resolutions prohibiting unconcealed firearms within City buildings.

Shaun Musil moved, Eber Phelps seconded, to approve Resolutions 2014-009 through 2014-020 authorizing the City Manager to post the signage as required by the Kansas Attorney General to prohibit unconcealed firearms within City buildings.

Commissioner Steward was against the ban, stating while this ban would reduce intimidation, it would do almost nothing to improve safety and it also creates a false sense of security.

Bill Rymph, who lives south of Ellis, addressed the Commission in support of open carry and said he is concerned with the infringement on the Second Amendment.

Chris Miller, another local resident, stated the Commissioners know that putting a sticker on a door is not going to keep a madman from coming in here and shooting the place up. He thinks we are looking for a solution to a problem that does not exist.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

No: Kent Steward

6. PORTABLE SHIPPING CONTAINERS AS STORAGE UNITS: Staff was asked by the Commission to research options to possibly allow shipping containers as permanent storage units. Currently this use is allowed on a temporary basis only, as per ordinance Sec. 11-134, adopted July 24, 2008. Staff has researched other communities as well as evaluated the ramifications of Hays having such an ordinance in place that would allow permanent placement of shipping containers. Staff has received a recommendation from the Planning Commission to move forward with the proposed ordinance which would allow shipping containers as a permanent use, although the Planning Commission recommendation included prohibiting the stacking of units. Staff recommends adopting the ordinance as recommended by the Planning Commission.

Eber Phelps moved, Henry Schwaller IV seconded, to approve Ordinance No. 3887 amending Chapter 11 of the City of Hays, Kansas, Municipal Code, by modifying Article II, Division 5, Section 11-134 regarding temporary storage units/shipping containers and by adding Section 11-135 regarding permanent storage units/shipping containers.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Kent Steward

Abstain: Ron Mellick

7. STORM SEWER LINING PROJECT – AWARD OF BID: City staff asked the Commissioners to award \$1,123,298 for storm sewer lining in 2014 to Mayer Specialty Services, LLC of Goddard, KS. The suggested award includes lining 9,776 feet of corrugated metal storm sewer pipe in 104 locations, and represents about 6.0% of the total feet of storm sewer pipe in the City of Hays. Construction is expected to start around September 1, 2014 and be completed by July 31, 2015. The project will be funded by the Capital Projects fund with the debt service provided from the Stormwater Utility fund.

Shaun Musil moved, Ron Mellick seconded, to direct the City Manager to enter into a contract with Mayer Specialty Services, LLC for storm sewer lining in the amount of \$1,123,298 to be funded from the Capital Projects line item with debt service coming from the Stormwater Utility line item on an annual basis.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

8. STORM SEWER LINING PROJECT – RESOLUTION: The City's Capital Improvement Plan includes a metal storm pipe rehabilitation project for 2014. In an effort to minimize interest and issuance costs it is recommended to use City idle funds to pay for this project with a debt service plan coming from the Stormwater Management budget.

Ron Mellick moved, Kent Steward seconded, to approve Resolution 2014-021 authorizing and directing the use of City idle funds out of Capital Projects, not to exceed \$1,200,000, to pay the costs of certain stormwater projects with such idle funds to be repaid from the Stormwater Management budget.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

9. 2015 BUDGET PRESENTATION AND PUBLIC HEARING: Assistant City Manager Paul Briseno gave a formal presentation of the 2015 Budget. The 2015 Budget is a balanced budget, contains no new employees, adequately funds reserves, and keeps the mill levy at 25 mills for the sixth year.

Chairperson Schwaller opened the public hearing to hear comments on the 2015 Budget.

There were no comments from the audience.

Ron Mellick moved, Eber Phelps seconded, that the public hearing for the 2015 Budget be closed.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

10. 2015 BUDGET APPROVAL: Shaun Musil moved, Kent Steward seconded, that the 2015 Budget be approved.

At the August 7, 2014 work session, a discussion was held regarding outside agency funding and the consensus was to honor the Sister Cities' request of \$5,050 and ask them to lay out their plans for the year at a future work session, but keep the other requests at 2014 funding levels.

Chairperson Schwaller was not at the work session and asked if there was any further discussion needed on this issue.

Commissioner Steward stated that the raise was merited because the group is reconstituted with a new vision to continue its Sister Cities' Program and be ambassadors to the community members from different cultures.

Chairperson Schwaller stated there is a policy capping agencies' requests and was concerned the raise could set the precedent that new projects deserve more funding. He suggested appointing a special group for outreach to different cultural perspectives in the community.

Commissioner Mellick stated he wanted to maintain the 2014 funding levels because of the projected flat sales tax collections in 2014 and 2015.

Ron Mellick moved, Henry Schwaller IV seconded, amending the original motion returning Sister Cities' funding back to the 2014 allocated level.

Vote Ayes: Henry Schwaller IV

Ron Mellick

No: Eber Phelps

Shaun Musil

Kent Steward

Vote on the original motion to approve the 2015 Budget.

Vote Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

11. REPORT OF THE CITY MANAGER: City Manager Toby Dougherty thanked the Commission for approving Staff's recommendation on open carry. He thanked Paul Briseno, Assistant City Manger, for his diligence and hard work on the budget. He also thanked Kim Rupp, Finance Director, and Andrea Windholz, Executive Assistant, who are also very instrumental in the budget process.

12. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps extended congratulations to Hays Larks for their brilliant showing at the National Baseball Conference in Wichita and bringing home a third place trophy. He also complimented the Larks Park maintenance crews stating the park looks great.

Chairperson Schwaller wanted to welcome students back to school and also welcomed Dr. Mirta Martin the new Fort Hays State University President.

Assistant City Manager Paul Briseno mentioned City Hall will be included in the Art Walk next week.

The meeting was adjourned at 8:03 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk