

City of Hays  
City Commission  
Work Session Notes  
August 16, 2012

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

Absent: Ron Mellick

**Job Bounty Application for Energy Pioneer Solutions**

Energy Pioneer Solutions (EPS) provides energy assessments and upgrades for residential, commercial, industrial and government. EPS has submitted a job bounty application for job incentives for 12 full-time employees costing \$15,500. Their request meets requirements outlined within Section 10 of the City Commission Economic Development Policy. If approved, staff will release payment of 20% (\$3,100) over 5 years, approximately one year after audited payroll proves they have met their obligation.

Kris Vrooman, representing EPS, gave a presentation about the company which was founded in 2009 in Hastings, Nebraska.

The Commissioners will be requested to approve the job bounty application at the August 23, 2012 Commission meeting.

**Review of 2012 Fireworks Season and 2013 Planning**

The 2012 fireworks season was a contentious one. Conditions in Hays quickly turned hot and dry prior to July 4<sup>th</sup>. Many citizens requested a ban on fireworks; the Mayor, after consulting with City staff, banned fireworks on June 29, 2012. This created a problem for vendors who had ordered their fireworks inventory many months in advance and expected to be able to sell in the city limits.

City staff feels that each year fireworks is a contentious issue for a myriad of reasons. Advocates on both sides of the fireworks issue are quick to become agitated and voice their displeasure at City staff and the Commissioners. Staff feels that the proper course of action is to ban the sale and use of fireworks permanently within the city limits of Hays.

City Manager Toby Dougherty presented two draft ordinances for consideration. The first ordinance bans the sale and use of fireworks in the city limits. The second draft ordinance modifies the fireworks regulations so that the Commission will decide whether or not to allow the sale and use of fireworks within the city limits at its last regular meeting in June, which allows the Commissioners to make a valid judgment on the use of fireworks based on up-to-date weather conditions.

Commissioner Schwaller stated that the ordinances are altered almost every year. People don't know what to expect in terms of using fireworks, and vendors that sell them don't know what to expect. He does not feel this Commission can commit future Commissions to a total ban. He favors the second draft ordinance with an earlier approval date.

Commissioners Wasinger and Steward agreed with Commissioner Schwaller. Discussion on the second draft ordinance followed.

Dan Thyfault, fireworks vendor, acknowledged the difficult decision made by the Mayor this year; he stated that it was the right decision to ban fireworks this year.

Rick Binder, who operates a booth as a fund raiser for a non-profit, stated that he would appreciate some consistency. It would be easier for everyone to know the rules if they are not changed every year.

The Commissioners will be requested to consider approval of an amended fireworks ordinance at the August 23, 2012 Commission meeting.

### **Executive Session**

Barbara Wasinger moved, Henry Schwaller IV seconded, that the Governing Body recess to executive session at 7:01 p.m. for 15 minutes to

discuss attorney-client privileged information. The executive session included the Commissioners, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A.75-4319 authorizes the use executive session to discuss attorney-client privileged information.

Vote: Ayes: Troy Hickman  
Kent Steward  
Henry Schwaller IV  
Barbara Wasinger

Chairperson Hickman called the meeting back to order at 7:16 p.m. He stated no action was taken during executive session.

The work session was adjourned.

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

City Clerk – Doris Wing