

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 12-1-14
Re: December 4, 2014 Work Session

Please find the attached agenda and supporting documentation for the December 4, 2014 Work Session.

Item 2 – Joint Meeting – City of Hays/Hays Recreation Commission

Please find the attached memorandum from Parks Director Jeff Boyle regarding the upcoming joint meeting between the City of Hays and the Hays Recreation Commission. You will notice that the amount needed to subsidize operations at the Hays Aquatic Park and Wilson Pool is less than was required in 2013. This is due to better attendance numbers in 2014. You will also notice that the Bickle-Schmidt Sports Complex turned a slight profit in 2014. Currently, there is no method for splitting any operational losses or profit at the Bickle-Schmidt Sports Complex. The contract between the City of Hays and the Hays Recreation Commission states only that the financials will be evaluated annually by the City as well as the Hays Recreation Commission. According to Section IV “Compensation” of the contract between the City of Hays and Hays Recreation Commission for operation of the Bickle-Schmidt Sports Complex, “The Hays Recreation Commission and the Hays City Commission agree to conduct a joint meeting to discuss the financial profit/loss of the facility for the year including the disbursement of funds as needed or as agreed upon by both parties.”

City staff is not prepared to make a formal recommendation regarding any profit or loss at the Bickle-Schmidt Sports Complex. In short, we feel it is too soon to make this type of recommendation. While the Complex did turn a profit in 2014, it has experienced losses in the past. Therefore, staff would like another year of financials before a recommendation is made. Assuming it is determined that the Bickle-Schmidt Sports Complex can be operated in a profitable manner, City staff would suggest that any excess revenues be used to either A) assist in funding any operation losses realized by the City of Hays Aquatic Park/Wilson Pool or B) use for ongoing operational costs at the Bickle-Schmidt Sports Complex. However, as previously stated, City staff is not prepared to make that recommendation at this time.

Item 3 – Passenger Facilitation Charge

Please refer to the attached memorandum from Public Works Director I.D. Creech regarding the Passenger Facilitation Charge. The Passenger Facilitation Charge is a \$4.50 fee placed on all

tickets for commercial passengers originating at the Hays Regional Airport. Revenues generated from this fee may be used to pay for capital projects at the Hays Regional Airport. City staff received approval to proceed in August of 2014 to begin the process to implement this charge. City staff notified the public as well as the carrier of record and held a public hearing on the matter as is required by the FAA. City staff is asking the City Commission for formal approval to file the final application in hopes of instituting the Passenger Facilitation Charge in February of 2015.

Item 4 – Request to Lift Water Watch Restrictions

Please refer to the attached memorandum from Director of Utilities Bernie Kitten. While the rains of 2014 did not completely mitigate the impacts of the drought experienced in previous years, they did improve conditions in the Big Creek and Smoky Hill Wellfield to the point where neither of the wellfields are at a level that would trigger “Water Watch” being enacted. City staff monitored usage and well levels in the fall before deciding to recommend to the City Commission that the “Water Watch” restrictions be lifted. City staff feels comfortable in this recommendation. Even if drought conditions are experienced, such as those in 2013, it would be late summer or early fall at the earliest that one of the wellfields would reach “Watch” status. Therefore, staff is in favor of operating in accordance with the Drought Response Plan of the City’s Water Conservation Plan and removing the “Water Watch” restrictions.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, DECEMBER 4, 2014 – 6:30 P.M.
AGENDA**

- 1. ITEM FOR REVIEW: [November 20, 2014 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance

- 2. ITEM FOR REVIEW: [Joint Meeting – City of Hays/Hays Recreation Commission \(PAGE 7\)](#)**
PERSONS RESPONSIBLE: Jeff Boyle, Director of Parks
Roger Bixenman, HRC Superintendent

- 3. ITEM FOR REVIEW: [Passenger Facilitation Charge \(PAGE 29\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works

- 4. ITEM FOR REVIEW: [Request to Lift Water Watch Restrictions \(PAGE 39\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Bernie Kitten, Director of Utilities

- 5. OTHER ITEMS FOR DISCUSSION**

- 6. EXECUTIVE SESSION (IF REQUIRED)**

- 7. ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

City of Hays
City Commission
Work Session Notes
November 20, 2014 – 6:30 p.m.

Present: Henry Schwaller IV, Eber Phelps, Shaun Musil, Ron Mellick, Kent Steward, John Bird, Toby Dougherty

November 6, 2014 Work Session Notes

There were no corrections or additions to the minutes of the work session held on November 6, 2014; the minutes stand approved as presented.

Stacie Minson and FHSU Leadership 310 Class – Water Conservation Project Update

Jay Kindler and Eric Nelson with the Fort Hays State University Leadership 310 class gave the Commission a brief update on their water conservation project. Their group is also hosting a water conservation event in association with the November 29, 2014 Fort Hays State University basketball game. The event will include games, text-to-win trivia, prizes, and t-shirts.

City of Hays Employee Health Insurance for 2015

Erin Giebler, Director of Human Resources reported on the 2015 Health Insurance rates. City staff requested bids, and the lowest responsible bid was from the City's current provider, Coventry Health Care, which results in an increase of 19.5% over current rates. The increased premiums are the result of higher utilization over the last three years. This puts us collectively \$78,000 over the cap imposed by the City Commission; however, there was some contingency money carried forward from 2014 which allows the City to absorb this \$78,000 and still provide health insurance to the City employees of Hays at no cost to them.

Staff recommends renewing the City's health insurance with Coventry Health Care, keeping the same plan currently being offered.

Commissioner Steward expressed his concern that employees do not contribute to the cost of health insurance premiums. In the future he would like the commission to consider a plan whereby City employees contribute to health care costs.

At the November 25, 2014 Commission meeting, Commissioners will be requested to authorize the City Manager to sign the 2015 Coventry Health Care Plan application in the estimated premium amount of \$1,797,641 to provide health insurance to our employees paid out of the Employee Benefit Levy Fund.

Bike Hays – Authority to Award KDOT Contracts and Commitment of Funds

In February 2013, staff submitted an application to Kansas Department of Transportation (KDOT) for Transportation Enhancement funding to finance the construction of the Bike Hays improvements which include an on-street system and multi-purpose path along the levee.

In September 2013 engineering was contracted to meet KDOT requirements for two separate projects:

- On street routes consisting of approximately seven miles of bike lanes and eleven miles of shared routes.
- A 10' wide concrete trail on the levee mostly through FHSU campus from W 8th Street to Main Street spanning 2.25 miles.

Construction bids for both projects were opened at KDOT in Topeka on October 22nd. The low bidder for the on-street routes is APAC of Hays, and the low bidder for the levee trail is Bryant & Bryant Construction of Halstead, Kansas. The KDOT contract states that the contractors cannot start before March 1, 2015, and must start by July 1, 2015. The on-street routes have 55 working days to complete and the levee trail project must be completed in 50 working days. Therefore, construction would occur sometime after March 1st and be completed by the fall of 2015. The construction contracts would be awarded and administered by KDOT.

KDOT is requesting the City to authorize the award of contracts for the construction of pedestrian & bicycle paths. The two projects consist of on-street routes covering approximately 18 miles of street and levee trail covering approximately 2.5 miles with the City share of costs being \$393,121. Both projects are part of a Transportation Enhancement Grant covering 60% of eligible costs. The City Commission previously allocated \$491,000 in Special Parks and Stormwater funds to cover the cost of these projects.

At the November 26, 2014 Commission meeting, Commissioners will be requested to approve the following Resolutions:

- Resolution authorizing KDOT to award a contract to APAC Kansas, Inc. Shears Division in the amount of \$346,114.50 for the construction of pedestrian & bicycle paths (on-street routes) and committing City funds in the amount of \$167,025 to be paid to KDOT on or before December 11, 2014.
- Resolution authorizing KDOT to award a contract to Bryant & Bryant Construction, Inc. in the amount of \$495,932.57 for the construction of pedestrian & bicycle paths (levee trail) and committing City funds in the amount of \$226,096 to be paid to KDOT on or before December 11, 2014.

Recycling Truck – Award of Bid

The existing recycling truck is reaching the end of its service life and needs to be replaced. Bids were solicited from various truck and packer body manufacturers, and the low bid was from Lang Diesel of Hays for a single axle, two compartment, 16 cubic yard recycling truck in the amount of \$172,849, which is less than the \$193,250 identified on the Fleet Replacement in the 2014 budget for the purchase of a new recycling truck.

At the November 26, 2014 Commission meeting, Commissioners will be requested to accept the bid from Lang Diesel for a single axle, two compartment recycling truck in the amount of \$172,849 to be funded out of the Solid Waste Reserve.

S & W Alley Pavement – Resolution to Establish Benefit District

Property owners have petitioned the City for the paving of the alley west of Allen Street between 7th and 8th Street in the H.P. Wilson Addition to the City of Hays. The engineer's estimate for total construction cost is \$60,000 to be financed 100% by special assessment over 10 years. There is no City share of cost for over sizing or otherwise.

At the November 26, 2014 Commission meeting, Commissioners will be requested to approve the Resolution authorizing the creation of a special benefit district for alley pavement improvements in Block 4 of the HP Wilson Addition in the estimated amount of \$60,000.

S & W Alley Pavement – Engineering Services Agreement

Property owners have petitioned the City for the paving of the alley west of Allen Street between 7th and 8th Street in the HP Wilson Addition to the City of Hays. Ruder Engineering and Surveying, LLC has prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection for concrete pavement of approximately 450 feet of alley in Block 4 of the HP Wilson addition to the City of Hays. The contract is for a not-to-exceed amount of \$4,900.

At the November 26, 2014 Commission meeting, Commissioners will be requested to authorize the Mayor to sign the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for professional services related to alley pavement improvements in Block 4 of the HP Wilson Addition in an amount not to exceed \$4,900.

Update FHWA Urban Area Boundary and Functional Classification

KDOT has requested the City to consider updating the Urban Area Boundary and Functional Classification Map for the City of Hays. The proposed change to the Urban Area Boundary (UAB) is due to the change in the 2010 Census Urban Cluster for Hays. The only significant change is adding the Hays Regional Airport Property to the UAB. The change to the Functional

Classification Map is to relieve the City from requirements of the current Federal Transportation Program imposed on primary arterial roadways. Both the Hays Area Planning Commission and Ellis County staff support the proposed changes. The proposed changes have no impact on the eligibility of State or Federal transportation project funding.

At the December 11, 2014 City Commission meeting, Commissioners will be requested to approve the following resolutions pending Ellis County Commissioner concurrence:

- Resolution approving the update of the Urban Area Boundary for the City of Hays.
- Resolution approving the update of the Functional Classification System for the City of Hays.

2015 Street Maintenance Program

Each year staff evaluates the condition of city streets and develops a maintenance program that is brought forward for Commission consideration. Staff utilizes the most recent street condition data, traffic counts, and available dollars in developing the program. The 2015 Special Highway Budget includes \$658,082 in the Budgeted Projects line item for maintenance and repair projects. Setting aside \$20,000 for the sidewalk rebate program leaves about \$638,000 available for street maintenance. The plan includes chip seal, polypatch, curb and brick repair, two major rehabilitation projects, as well as some funding for in-house asphalt and concrete patching and crack sealing. Upon direction, staff will solicit bids for work to be contracted out, and bring bids back to the City Commission for final approval after the first of the year.

Chairperson Schwaller stated that when he came on the Commission there had been no work done in quite some time and does not want to leave this for someone else to deal with. He would like a long-term strategy going forward in order to vote for this.

City Manager Toby Dougherty stated this is the money we have available for maintenance and will present a long term strategy after the first of the year for street replacement.

Other Items for Discussion

Chairperson Schwaller requested the Community Improvement District policy be brought back for review at a future work session. He would like to discuss changing the policy to require a financial commitment from the developer that is applying for a Community Improvement District.

Executive Session

Ron Mellick moved, Eber Phelps seconded, that the Governing Body recess to executive session at 7:30 p.m. for 15 minutes to discuss possible property acquisition and pending litigation. The executive session included the City Commission, the City Manager, the Assistant City Manager, and the City Attorney. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

No action was taken during the executive session.

The work session was adjourned at 7:45 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: Jeff Boyle, Director of Parks

Meeting: December 4, 2014

Subject: City of Hays/Hays Recreation Commission Joint Meeting

Person(s) Responsible: Roger Bixenman, HRC Superintendent
Jeff Boyle, Director of Parks

Summary

A joint meeting between the City of Hays and the Hays Recreation Commission (HRC) is scheduled for December 4, 2014. Items for discussion include:

- 1) Review the 2014 Pool Season Financial Report from the Hays Recreation Commission. City Staff recommends approval to proceed with the pool reimbursement request for an amount of **\$7,960.14** with funding from the 2014 Pool Budget line item 1152400-53300.
- 2) Review the 2014 Bickle-Schmidt Sports Complex Financial report from the Hays Recreation Commission.

Staff recommends Commission conduct a joint meeting with the HRC and approve the pool reimbursement of \$7,960.14 as required by contract.

Background

The City of Hays contracts with the Hays Recreation Commission (HRC) to manage area pools and for all scheduling needs of the various recreational areas in Hays such as ball fields, soccer fields and the new Bickle-Schmidt Sports Complex. Each year the HRC and the City of Hays conduct a joint meeting to discuss general operations and/or any other facility needs or expectations that may need to be addressed.

Discussion

There are two items for discussion for the December 4, 2014, HRC/City of Hays joint meeting.

- 1) Review the 2014 Pool Season Financial Report from the Hays Recreation Commission. Hays Recreation Commission requests the reimbursement of

\$7,690.14 which is one-half of the total loss for pool operations (\$15,920.28) for the 2014 season. The current contract states that “After financial reports are compiled as described in the agreement, any operating loss or surplus incurred by the contractor will be shared on a 50% City-50% Contractor basis as long as the Contractors portion of the loss does not exceed \$26,000”.

The attendance at the Hays Aquatic Park increased in 2014 with 48,528 patrons visiting the pool when compared to 46,270 in 2013. Likewise, the attendance at Wilson Pool increased from 3,740 patrons in 2013 to 3,836 in 2014.

The 2013 request for half of the pool loss was \$20,451. The reduction in the 2014 request is due to increased attendance, new daily fee for those 18 and older as well as optimal operations according to HRC’s report.

- 2) Review the 2014 Bickle-Schmidt Sports Complex Financial Report. The Bickle-Schmidt Sports Complex report from the HRC shows a total profit of \$15,940.84. The City’s YTD expenditures (November 13, 2014) from the Bickle-Schmidt Sports Complex total \$163,832. The current contract states that “The Hays Recreation Commission and the Hays City Commission agree to conduct a joint meeting to discuss the financial profit/loss of the facility for the year including disbursement of funds as needed or as agreed upon by both parties”. There is no reimbursement being requested by the Hays Recreation Commission.

The current contract between the Hays Recreation Commission and the City of Hays for operation of the Bickle Schmidt Sports Complex expires in 2018. The contract does not specify what happens with any surplus or shortfall. Contract only states the two parties meet to discuss the financial profit/loss of the facility. City staff does not have a recommendation at this time and would like to see one more year of operational data.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The HRC is requesting a 50% reimbursement, as outlined in the Pool Services Agreement, for the operational losses at Wilson Pool and the Hays Aquatic Park (\$15,920.28). The total reimbursement request from the City of Hays is one-half or 50% of this amount or **\$7,960.14**.

The HRC’s pool request in 2013 was \$20,451 which represented half of the loss or \$40,842.

Remaining funds from the initial sports complex sales tax initiative set aside for operations is \$2,390,000 and should sustain operations for approximately 10 more years.

Options

Option 1: Approve the request to pay the Hays Recreation Commission for 50% of the pool losses in the amount of \$7,960.14.

Option 2: Do nothing. It should be noted that there is a legal agreement in place for the pools that states “After financial reports are compiled as described in the agreement, any operating loss or surplus incurred by the contractor will be shared on a 50% City-50% Contractor basis as long as the Contractors portion of the loss does not exceed \$26,000”.

Option 3: Provide further guidance on how staff should proceed.

Recommendation

Staff recommends conducting a joint meeting with the Hays Recreation Commission and the Hays City Commission on December 4, 2014 with specific discussions relating to the agenda items mentioned in the memorandum. There is one item being recommended for formal action:

- 1) City Staff recommends approval to proceed with the pool reimbursement request from the Hays Recreation Commission for one-half of the total contractual revenue loss for an amount of **\$7,960.14** with funding from the 2014 Pool Budget line item 1152400-53300.

Action Requested

Conduct a joint meeting with the Hays Recreation Commission and the Hays City Commission on December 4, 2014 including formal action on the following:

- 1) Approval to proceed with the pool reimbursement request from the Hays Recreation Commission for one-half of the total contractual revenue loss for an amount of **\$7,960.14** with funding from the 2014 Pool Budget line item 1152400-53300.

Supporting Documentation

- 1) Copy of the November 10, 2014 letter to Toby Dougherty, City Manager, from Roger Bixenman, HRC Superintendent discussing the 2014 Pool Season
- 2) Summary of Pool Operations – 2014 Pool Season
- 3) Summary of Attendance/Season Pass/Pool Rentals
- 4) Summary of Pool Subsidy (2000-2014)
- 5) Copy of the Pool Services Agreement.
- 6) Copy of a the November 10, 2014 letter to Toby Dougherty, City Manager, from Roger Bixenman, HRC Superintendent discussing the 2014 Bickle-Schmidt Sports Complex season.
- 7) Financial Summary of Bickle-Schmidt Sports Complex – 2014 Season
- 8) Summary of Bickle-Schmidt Sports Complex participation
- 9) Copy of the Bickle-Schmidt Sports Complex Facilities Agreement

November 10, 2014

Mr. Toby Dougherty
Hays City Manager
1507 Main
Hays, Kansas 67601

Dear Toby:

Enclosed you will find a Year to Date financial statement with regard to the Hays Aquatic Park and Wilson Pool. For pool operation in 2014 the City of Hays will need to reimburse the HRC a total of \$ 7,960.14. Last year the City's portion was \$20,451.72.

In 2014, at the Hays Aquatic Park the average attendance for the 75 actual days open was 695 compared to 73 days in 2013 for an average daily attendance of 616. We had a total of 52,132 visitors to the HAP in 2014. Aquatic park admission was up from 2013 by \$10,190.50. July was the most attended month of the pool season. Our average noon time temperature this year was 81 degrees compared to 81 degrees in 2013. We did not open 7 days in 2014 compared to 7 days in 2013.

Wilson pool had an average of 60 patrons per day compared to 59 patrons per day in 2013. We had a total of 3,836 visitors to Wilson pool compared to 3,740 in 2013.

In the attached report, I have included the financial picture as it relates to HRC only. Also attached is an admission summary for 2014.

I believe we bounced back great from a down year in 2013 and overall attendance was up. We did see the increase in admission revenue, part of this was due to raising the rates for 18&older to \$4 in 2014. Once again our pool staff under the leadership of Grant Lacy did an outstanding job. His staff at the pool under his guidance continues to be strong, the park is beautiful and we once again have a wonderful facility in Hays. These parks have a profound impact on our community. It is our pleasure to be a part of it.

If I can be of any service to you after your review of the enclosed information, please do not hesitate to contact me.

Sincerely,

Roger Bixenman CPRP

**Hays Recreation Commission
Summary of Pool Operation
For the 2014 Pool Season**

HRC Revenue	2012	2013	2014
Aquatic Park Admission	95,982.10	75,651.00	85,841.50
HAP Fitness Classes	1,922.00	1,602.25	1,137.00
Season Passes	55,053.00	52,051.00	55,358.50
Concessions Revenue	62,260.72	50,546.34	51,867.59
Scholarship Season Passes	15,562.00	13,130.00	13,580.00
Scholarship Revenue	755.00	-	125.00
Wilson Pool Admission	3,387.25	2,215.00	2,582.75
Wilson Pool Concessions	1,251.50	1,283.00	1,107.50
Pool Rental Revenue	5,867.75	5,253.00	8,009.00
Swim Lesson Revenue	10,152.00	8,287.50	7,030.00
Miscellaneous Income	2,553.00	1,980.00	645.40
Total Actual Revenue YTD	254,746.32	211,999.09	227,284.24
HRC Direct Expenses	2012	2013	2014
Concession Expenses	26,041.66	23,992.07	21,352.44
Concession Salaries	25,618.60	17,105.15	12,275.05
HAP Salaries	128,825.33	126,775.00	127,520.12
HAP Promotions	2,760.00	2,869.73	2,961.50
HAP Maintenance	1,295.33	1,407.78	1,692.95
HAP Supplies	5,162.63	4,765.91	2,815.24
Guard Incentive Expense	16.00	-	40.00
Scholarship Pass Expense	11,235.00	9,230.00	8,780.00
Wilson Salaries	8,167.81	7,140.00	7,500.00
Wilson Supplies	-	-	-
HAP Fitness Salary	1,254.00	1,542.00	1,420.39
Guard Uniform Expense	4,015.13	4,943.18	2,871.19
Swim Lesson Salary	3,706.84	4,153.15	4,001.52
Swim Lesson Expense	610.00	300.00	300.00
Total Direct Expenses YTD	218,708.33	204,223.97	193,530.40
HRC Administrative Expenses	2012	2013	2014
Administrative Salary	27,560.00	28,175.00	29,043.22
Workers Compensation	1,834.25	2,033.12	2,399.24
FICA	14,927.64	14,139.43	13,904.66
Benefits	3,960.00	3,960.00	3,960.00
Insurance Liability Charge	446.00	371.00	367.00
Total Administrative Expenses YTD	48,727.89	48,678.55	49,674.12
Total Expenses Year to Date	267,436.22	252,902.52	243,204.52
Revenue Over/(Under) Expenses as of 11-10-2014	(12,689.90)	(40,903.43)	(15,920.28)
City of Hays Portion	(6,344.95)	(20,451.72)	(7,960.14)
HRC Portion	(6,344.95)	(20,451.72)	(7,960.14)

HAP 2014 Attendance

HAP	Toddlers	3 through 17	18 and up	Pass	Day Pass	Specials	Total	Temperature at Noon	Pool Rental/Parties	Comments	Lazy River Fitness	Water Works
Saturday, May 24, 2014	9	95	37	130	2		273	70		OVERCAST		
Sunday, May 25, 2014	6	110	33	118	2		269	70		OVERCAST		
Monday, May 26, 2014	13	123	83	223	5		447	76		CLOSED EARLY DUE TO LIGHTNING		
Tuesday, May 27, 2014	25	237	127	445	3	39	876	80				
Wednesday, May 28, 2014	25	278	197	480	4	34	1018	90				
Thursday, May 29, 2014	44	324	187	451	2	44	1052	90				
Friday, May 30, 2014	28	247	176	483	8	53	995	87	60			
Saturday, May 31, 2014	44	223	220	238	4		729	88				
Sunday, June 01, 2014	18	112	91	113	1		335	87		CLOSED EARLY DUE TO LIGHTNING		
Monday, June 02, 2014	28	150	170	326	10	22	706	78			9	
Tuesday, June 03, 2014	27	261	139	391	16	134	968	80			7	14
Wednesday, June 04, 2014	1	63	28	94	1	16	203	70	15	OVERCAST	9	9
Thursday, June 05, 2014	10	155	115	302	9	14	605	77			4	11
Friday, June 06, 2014	19	156	93	325	2	13	608	75	500		7	
Saturday, June 07, 2014	6	95	66	90	2		259	70	45	SUNNY		
Sunday, June 08, 2014								63		Did not open due to weather		
Monday, June 09, 2014								62		Did not open due to weather		
Tuesday, June 10, 2014	14	71	71	262	4		422	70			3	6
Wednesday, June 11, 2014	30	207	145	444	5	33	864	80			3	10
Thursday, June 12, 2014	3	46	28	146	1	5	229	70			2	7
Friday, June 13, 2014	19	176	110	297	3	25	630	73	25		6	
Saturday, June 14, 2014	24	163	175	206	21	3	592	83	25	very windy		
Sunday, June 15, 2014	31	153	220	211	8		623	83				
Monday, June 16, 2014	29	165	151	394	8		747	87			12	
Tuesday, June 17, 2014	66	229	283	470	13		1061	97			12	13
Wednesday, June 18, 2014	22	154	121	348	10	25	680	95		OVERCAST	4	7
Thursday, June 19, 2014	22	196	144	379	2	159	902	76			10	8
Friday, June 20, 2014	33	268	188	485	8	43	1025	87			13	
Saturday, June 21, 2014	43			204	2	746	995	87		swim meet/discount admission		
Sunday, June 22, 2014	33	203	275	246	7		767	88		CLOSED EARLY DUE TO LIGHTNING		
Monday, June 23, 2014	11	92	95	154	2		354	74		OVERCAST	8	
Tuesday, June 24, 2014								65		Did not open due to weather	4	
Wednesday, June 25, 2014	33	237	153	398	2	22	845	78			7	13
Thursday, June 26, 2014								66		Did not open due to weather		
Friday, June 27, 2014	10	91	49	204	4	9	367	79	410	Overcast	7	
Saturday, June 28, 2014	38	158	227	154	6		583	77				
Sunday, June 29, 2014	19	111	121	134	9		394	77		Overcast		
Monday, June 30, 2014	38	241	226	370	12		887	90	60		7	
Tuesday, July 01, 2014	26	176	170	286	8		666	73			7	11
Wednesday, July 02, 2014	17	123	106	200	5	12	463	79	25		4	8
Thursday, July 03, 2014	23	147	129	222	15	14	550	75			9	5
Friday, July 04, 2014	24	446	331	97		16	914	76		Kids Free Swim/Fitness Mixer	43	
Saturday, July 05, 2014	46	277	298	241	14		876	89				
Sunday, July 06, 2014	42	227	297	273	12		848	97				
Monday, July 07, 2014	29	193	222	441	13		898	97			15	
Tuesday, July 08, 2014	36	129	128	250	3	174	720	85			6	12

Wilson 2014 Attendance

Wilson	Toddlers	3 through 17	18 & up	Pass	Day Pass	specials	Total	kick board	comments
Saturday, May 31, 2014	3	13	13	46			75	10	
Sunday, June 01, 2014	1	5	4	12			22		CLOSED EARLY DUE TO WEATHER
Monday, June 02, 2014	3	11	9	55			78	3	
Tuesday, June 03, 2014		8	9	46			63		
Wednesday, June 04, 2014				6			6		Overcast
Thursday, June 05, 2014	1	10	1	36			48	7	
Friday, June 06, 2014	3	8	7	49			67		
Saturday, June 07, 2014		6	1	18			25		
Sunday, June 08, 2014									Did not open
Monday, June 09, 2014									Did not open
Tuesday, June 10, 2014	2	8	4	36			50	10	
Wednesday, June 11, 2014	2	15	4	50			71	8	
Thursday, June 12, 2014		2		13			15	4	
Friday, June 13, 2014	3	8	9	37			57	10	
Saturday, June 14, 2014	1	4	7	32			44		
Sunday, June 15, 2014	2	4	4	15			25		
Monday, June 16, 2014	5	5	8	44			62		
Tuesday, June 17, 2014	3	7	7	62	2		81		
Wednesday, June 18, 2014	2	23	3	68			96		
Thursday, June 19, 2014	8	26	10	53			97		
Friday, June 20, 2014	4	20	9	72			105	3	
Saturday, June 21, 2014	5	14	25	50			94	1	
Sunday, June 22, 2014	2	13	13	32			60	10	CLOSED EARLY DUE TO WEATHER
Monday, June 23, 2014	6	4	4	31			45	2	
Tuesday, June 24, 2014									Did not open
Wednesday, June 25, 2014	7	7	3	60			77	15	
Thursday, June 26, 2014									Did not open
Friday, June 27, 2014	2	4	3	23			32	7	
Saturday, June 28, 2014	2	2	8	18			30	5	
Sunday, June 29, 2014			6	21			27	3	
Monday, June 30, 2014	9	21	18	68			116	14	
Tuesday, July 01, 2014		9	10	49			68	18	
Wednesday, July 02, 2014	3	9	4	53			69	12	
Thursday, July 03, 2014	5	5	4	42			56	13	
Friday, July 04, 2014	2	3	7	45			57		
Saturday, July 05, 2014	1	8	14	41			64	7	
Sunday, July 06, 2014	6	14	30	60			110	9	
Monday, July 07, 2014	2	10	13	64			89	12	

Wilson 2014 Attendance

Wilson	Toddlers	3 through 17	18 & up	Pass	Day Pass	specials	Total	kick board	comments
Tuesday, July 08, 2014	4	6	4	45			59	8	
Wednesday, July 09, 2014	2	17	10	46			75	13	
Thursday, July 10, 2014	4	17	6	58			85	11	
Friday, July 11, 2014	3	6	10	40			59	7	
Saturday, July 12, 2014	4	12	14	47			77	6	
Sunday, July 13, 2014	2	3	5	21			31	1	Overcast
Monday, July 14, 2014	3	5	2	51			61	11	
Tuesday, July 15, 2014	0	4	1	12			17		
Wednesday, July 16, 2014									Did not open
Thursday, July 17, 2014									Did not open
Friday, July 18, 2014									Did not open
Saturday, July 19, 2014				7			7		Overcast
Sunday, July 20, 2014	3	14	7	56			80	6	
Monday, July 21, 2014	6	19	5	65			95	8	
Tuesday, July 22, 2014	2	5	3	66			76	7	
Wednesday, July 23, 2014	2	5	1	29			37	8	
Thursday, July 24, 2014		5	5	72			82	8	
Friday, July 25, 2014	1	6	6	45			58	6	
Saturday, July 26, 2014		10	8	53			71	6	
Sunday, July 27, 2014	2	7	11	23			43	3	
Monday, July 28, 2014	4	10	4	43			61	5	
Tuesday, July 29, 2014	2	6	1	51			60	8	
Wednesday, July 30, 2014									Did not open
Thursday, July 31, 2014	2	4	2	21	1		30	5	
Friday, August 01, 2014	6	9	2	49	3		69	5	
Saturday, August 02, 2014	2	18	14	19			53	6	
Sunday, August 03, 2014	4	24	16	36			80	10	
Monday, August 04, 2014	1	4		54			59	12	
Tuesday, August 05, 2014	8	11	6	52			77	8	
Wednesday, August 06, 2014	2	5	2	49			58	2	
Thursday, August 07, 2014	4	4	3	36			47	7	
Friday, August 08, 2014	3	6	2	47	4		62	4	
Saturday, August 09, 2014	4	4	5	33			46	2	
Sunday, August 10, 2014	1	6	4	29			40		

Wilson 2014 Attendance

Wilson	Toddlers	3 through 17	18 & up	Pass	Day Pass	specials	Total	kick board	comments
	Toddlers	3 through 17	18 & up	Pass	Day Pass	Specials	Total	Kick board	Weather/Closed
Totals	176	558	430	2,662	10	-	3,836	366	
Average	3.20	9.15	7.17	41.59	2.50	0.00	59.94		
May									
June	76	248	189	1053	2	0	1568		
July	65	219	187	1205	1	0	1677		
August	35	91	54	404	7	0	591		

POOL SUMMARY

<u>Year</u>	<u>Hays Aquatic Park Attendance</u>	<u>Wilson Pool Attendance</u>	<u>City of Hays Total Pool Subsidization</u>
2000	83,162	n/a	\$26,000
2001	84,767	n/a	\$26,000
2002	76,294	n/a	\$26,000
2003	62,622	2,951	\$20,274.20
2004	50,377	n/a	\$15,701.97
2005	56,090	<i>closed</i>	\$4,306.39
2006	56,857	n/a	\$3,486.37
2007	54,088	1,518	\$15,661.16
2008	56,116	2,332	\$5,820.13
2009	54,513	2,018	\$14,424.36
2010	62,290	3,441	\$5,380.89
2011	60,971	3,588	\$3,261.85
2012	58,999	5,085	\$6,344.95
2013	46,270	3,740	\$20,451.72
2014	48,528	3,836	\$7,960.14

File ✓
Calendar ✓

POOL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this 14th day of September, 2006, by and between the City of Hays, a municipal corporation, hereinafter referred to as the "City" and the Hays Recreation Commission hereinafter referred to as the "Contractor".

WHEREAS, the City owns and maintains Wilson Pool and the Hays Aquatic Park for the benefit of its citizens; and

WHEREAS, the City desires to engage the Contractor to maintain said swimming pools and perform other service, as more fully set out within this document.

NOW, THEREFORE, it is agreed by and between the City and the Contractor as follows:

I. Contractor agrees to:

- a) Keep and maintain all equipment owned by the City in good working condition and perform all such repairs that may properly be accomplished on the premises with Contractor's personnel using City equipment, if needed, provided all repairs or maintenance beyond the Contractor's expertise should be performed under the Contractor's supervision at the City's expense only after receiving approval from the City Parks Director.
- b) Have the sole responsibility of hiring, training, and supervising all personnel needed to provide the services herein described. The Contractor shall be responsible for all employee benefits including Workman's Compensation, Social Security withholding, unemployment compensation, or any other payroll requirements as set forth by the United States or Kansas Statutes. A certificate of Workman's Compensation Insurance, which shows the Contractor has valid and adequate coverage, must be filed with the City annually.
- c) Furnish all labor and work necessary to maintain Wilson Pool and the Hays Aquatic Park and related grounds in a workmanlike manner consistent with generally accepted operation standards (Red Cross, Ellis and Associates, or other nationally recognized programs).
- d) Operate said pools for an admission by the general public during the swimming season. Swimming season is generally defined as the time between Memorial Day through Labor Day.

General use by the public of these facilities may be suspended, for weather related incidents (including lightning, thunderstorms or excessive wind) or labor shortages. Priority for pool operations during labor shortages shall be (1) Hays Aquatic Park and (2) Wilson Pool. A decision to close any of the above mentioned pools will be at the discretion of the Aquatic Director according to the policies established within this Agreement. The Contractor shall notify the City of any closures as soon as possible.

- e) Coordinate a comprehensive aquatics program, outside of the general public swim times, including, but not limited to, swim lessons, aquasize sessions, swim meets, swim team practices, special events, and facility rentals.

- f) Maintain the grounds immediately surrounding all swimming pools including but not limited to litter pick-up. For Hays Aquatic Park, grounds maintenance shall also include turf maintenance.
- g) Maintain the swimming pool water in a safe and sanitary condition and prepare the pools for operation prior to the pool season and secure the pools after the end of the season.
- h) Keep in a clean and sanitary condition the pool premises to include, but not limited to, the pool deck, shower rooms, locker facilities, parking lot area, tube storage area, sundeck, loose equipment (deck chairs, inner tubes, roping, etc.), and other related items.
- i) Establish, collect, and account for admission charges, by pools, for all pools, provided that any admission charges to said pools shall be approved by the City Commission of the City of Hays.

Other Fees:

The Contractor has the right to charge fees for other activities not listed. All revenues received from any such charges will be added to the total revenue received by the Contractor as required in Section V of this agreement.

- j) Keep records of all receipts from admissions, rentals, and concessions along with all expenses for pool operation (both direct and indirect) and provide the City adequate, full, complete, and itemized accounting of said receipts and expenses, by pool, by November 1st of each year. Indirect expenses include:
 - 10% of the HRC Office Manager's annual salary.
 - 5% of the HRC Superintendent's annual salary
 - 66% of the HRC Aquatic Director's annual salary and benefits.
- k) Maintain an admission policy, which does not discriminate against any person because of race, national origin, age, sex, or physical handicap.
- l) Assist the City in developing an annual budget in accordance with the City's budget schedule, for approval by the City Commission. Make requests and estimates for materials and repairs to all pool facilities to the Park Director prior to April 1 of each year, for possible inclusion in the next year's City budget.
- m) Provide for the purchase of all other materials not specifically mentioned in this agreement, and provide for the necessary manpower for minor structural building and pool repairs. "Minor" structural building and pool repairs shall mean any repair less than \$500.00.
- n) Provide and pay for any telephone service for all public swimming pools.
- o) Provide concessions at all pools to a level deemed appropriate by the Superintendent of the Hays Recreation.
- p) Create and maintain management practices that create a friendly and cordial atmosphere for the mutual enjoyment of all citizens.

II. City agrees to:

- a) Furnish such equipment it deems necessary for use by the Contractor in providing the services herein described.
- b) Provide and pay for major structural repairs to all pools dealing with plumbing, filtering, electrical, or mechanical equipment. "Major" structural repairs shall include any repair in excess of \$500.00. Such "Major" repairs must be authorized by the Park Director of the City and follow City Purchasing Policy.
- c) Provide and pay for needed materials and equipment such as swimming pool ladders, paint, paint supplies, guard stands, diving boards, etc.
- d) Pay all electric and gas utility costs for all pools.
- e) Provide for water and sewage services at all pools as well as all water sanitation chemicals for all pools.
- f) Provide sanitation during the off-season months.
- g) Provide that all pools are in good sound mechanical condition and are in compliance with the Americans with Disabilities Act (ADA) prior to the opening of each pool season.

III. Both parties agree:

- a) The City shall have at all times control of all pool premises and access to the same.
- b) The City Park Director and the City Manager or designee shall be the principal contacts for overseeing this agreement. The Superintendent of the Hays Recreation Commission shall be the principal contact for the Contractor in administering this agreement.

IV. Contract term:

- a) This agreement shall be in force for a five (5) year period beginning January 1, 2007, through December 31, 2011, unless terminated by either party by giving notice to the other at least 60 days prior to February 1 for the ensuing summer season. It is understood that an evaluation of the previous year's services shall be conducted by both parties. This evaluation shall be reviewed by both parties and may be used as a basis for modification of the following year. All modifications of this agreement must be done by mutual consent. Unless otherwise stipulated in other sections, this agreement shall be automatically renewed for five (5) years, unless either party notifies the other of its intention to renegotiate the lease at least one hundred twenty (120) days prior to the termination of the primary term of this lease or any extension thereof.

V. Compensation:

In consideration for operating and maintaining pools in the manner described in this agreement, the City and Contractor agree to the following financial terms:

After financial reports are compiled as described in the agreement, any operating loss or surplus incurred by the Contractor will be shared on a 50% City – 50% Contractor basis as long as the Contractor's portion of the loss does not exceed \$26,000.

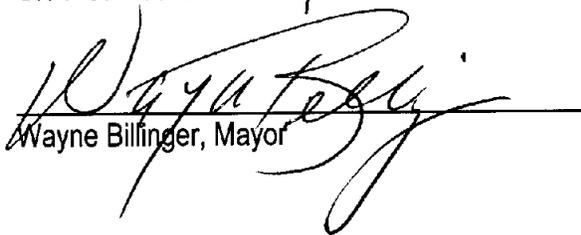
Contractor shall have the option to request early partial payment if expenses over revenue for the pools cause a cash flow shortage.

VI. Annual Appropriation:

- a) This agreement is subject to annual appropriations of the City and/or Contractor.

IN WITNESS WHEREOF, both parties have executed this contract this 14th day of September, 2006.

CITY OF HAYS



Wayne Billinger, Mayor

ATTEST:



Mark Loughry, Director of Finance/City Clerk

CONTRACTOR
HAYS RECREATION COMMISSION



Mark Junk, Chairman

November 10, 2014

Mr. Toby Dougherty
Hays City Manager
1507 Main
Hays, Kansas 67601

Dear Toby:

Enclosed you will find a Year to Date financial statement with regard to the Bickle/Schmidt Sports Complex. For 2014, in the third full year of operation at the complex the Hays Recreation Commission had a profit of \$15,940.84 .

Included are the youth and adult recreational participation numbers for games played, teams and participants for 2014 as well as our tournament participants! We did host our 1st Annual Field of Dreams Soccer Tournament at the complex in conjunction with the Hays Soccer Club. Teams were very complimentary of our complex. Our goal every year will be to increase the number of teams coming to the complex. Our participation numbers did increase in 2014 from 2013.

We are excited about 2015. We will be hosting the following tournaments including the ASA 12&U National Qualifier and 3 state tournaments:

March 14th- Adult COED Snowball (Adult)
March 21st- USSSA D & E (Adult)
Aprils 18th – ASA Softball (Youth)
Aprils 25th-26th –Adult Softball Preseason
May 9th-10th – NBC Baseball (Youth)
May 30th- VIP ASA Softball 18th Annual
June 6th-7th – ASA 12A National Qualifier
June 20th-21st – NBC Featured Points /8U Pitching Machine
June 27th- Adult COED Summer Heat
July 11th-12th – ASA 16/18 “C” State Softball
July 11th-12th – NBC 14U State Baseball
July 18th USSSA Last Chance Qualifier D & E (Adult)
July 25th – ASA Men’s State Slow pitch
August 1st – USSSA Northwest Regional
August 22nd- Pre season COED

We continue to receive great comments from out of town teams and hear how impressed they are with the facility. AJ Preisner and his staff did an outstanding job of recruiting teams and making the experience a positive one for all teams involved. Also, the job Jake Helget and his crew do on making the complex look outstanding each and every day.

If I can be of any service to you after your review of the enclosed information, please do not hesitate to contact me.

Sincerely,

Roger Bixenman CPRP

**Hays Recreation Commission
Summary of Bickle/Schmidt Sports
Complex for 2014**

Report to the City of Hays for the 2014 Bickle/Schmidt Sports Complex!

HRC Revenue	2012	2013	2014
Adult Softball Tournaments	6,740.00	3,730.00	5,933.00
Adult Softball Leagues	18,825.00	19,950.00	20,675.00
Coed Softball Leagues	8,275.00	8,277.00	7,200.00
Concessions	64,441.84	58,932.50	58,214.73
Corporate Sponsorships	60.00	600.00	3,400.00
Facility Rental	1,170.00	16,545.75	4,447.50
Instructional T-ball		4,500.00	5,772.50
Miscellaneous Income	-	-	3,189.51
Scholarship Revenue	1,200.00	1,110.00	1,500.00
Youth Baseball League Revenue	10,000.00	10,764.50	11,038.00
Youth Baseball Tournaments	13,255.00	12,653.49	23,726.69
Youth Fall Soccer League Revenue	12,882.50	13,650.00	11,270.00
Youth Flag Football League Revenue	7,727.50	9,232.50	7,675.00
Youth Football Tournaments	-	-	-
Youth Soccer Tournaments	-	-	8,811.15
Youth Softball League Revenue	7,000.00	7,457.50	7,545.00
Youth Softball Tournaments	13,170.00	7,840.50	8,040.50
Youth Sports Camps	500.00	500.00	500.00
Youth Spring Soccer League Revenue	17,385.00	17,692.00	11,550.00
Total Actual Revenue YTD	182,631.84	193,435.74	200,488.58
HRC Direct & Indirect Expenses	2012	2013	2014
Adult Softball Expense	3,794.02	5,900.00	2,000.00
Adult Softball Salaries	10,345.85	10,823.53	11,250.51
Adult Sports New Equipment	4,641.82	838.58	3,000.00
Adult Tournaments Expense	3,478.75	1,010.40	878.55
Adult Tournaments Salary	1,476.64	1,988.06	1,824.51
Advertising	-	1,970.60	1,337.00
Brochures and Printing	-	500.00	-
Coed Softball Expense	1,088.81	300.00	130.00
Coed Softball Salary	5,687.50	4,156.75	3,705.78
Concessions Expense	38,557.93	34,976.40	32,940.40
Concessions License	800.00	400.00	320.00
Concessions Salary	17,819.84	10,356.19	11,411.92
Equipment and Repairs	2,725.78	928.75	700.54
Gas and Oil	869.93	524.74	597.43
Instructional T-Ball Expense	-	500.00	175.40
Instructional T-Ball Salary	-	305.63	-
Maintenance Cleaning	-	165.66	41.93
Maintenance Salaries	34,109.09	28,373.92	20,490.20
Maintenance Supplies	2,490.32	3,276.43	4,396.27
Marking Chalk	6,571.50	3,447.27	4,171.51
Misc. Maintenance Expense	3,374.12	91.56	148.89
New Equipment	17,674.16	44,790.00	13,836.29
NYSICA Expense	200.00	150.00	299.00
Sponsor Sign Expense	288.00	889.79	1,060.00
Uniforms	-	383.70	-
Youth Baseball Expense	1,900.00	833.92	3,097.17
Youth Baseball Salaries	4,500.00	4,727.00	4,852.26
Youth Fall Soccer Expense	827.86	2,478.15	1,891.16
Youth Fall Soccer Salaries	3,864.81	4,025.00	3,500.93
Youth Flag Football Expense	2,302.30	4,349.41	1,414.50
Youth Flag Football Salaries	4,262.69	3,282.89	3,800.23
Youth Softball Expense	200.00	375.93	1,489.97
Youth Softball Salary	4,000.00	4,293.60	3,113.54
Youth Spring Soccer Expense	4,271.26	3,000.45	2,899.33
Youth Spring Soccer Salaries	4,846.00	5,612.50	4,552.00
Youth Scholarship Sports Expense	2,500.00	2,500.00	2,250.00
Youth Sports Camp Expense	300.00	250.00	300.00
Youth Sports New Equipment	4,747.29	4,000.00	3,500.00
Youth Tournaments Expense	6,463.06	4,479.70	7,199.14
Youth Tournaments Salary	2,437.00	5,428.85	18,194.72
Total Direct Expenses YTD	203,416.33	206,685.36	176,771.08
HRC Administrative Expenses	2012	2013	2014
Workers Compensation	877.50	933.79	1,144.39
FICA	7,141.23	6,378.10	6,632.27
Total Administrative Expenses YTD	8,018.73	7,311.89	7,776.66
Total Expenses Year to Date	211,435.06	213,997.25	184,547.74
Revenue Over/(Under) Expenses as of 10-22-2014	(28,803.22)	(20,561.51)	15,940.84

HRC League Play 2014

Sport	Games Played	Teams	Participants
Youth Spring Soccer 2014	195	65	539
Youth Fall Soccer 2014	177	59	455
Pee Wee Soccer Spring	-	-	75
Pee Wee Soccer Fall	-	-	58
Soccer Camps	-	-	35
Total	372	124	1,162
Youth Spring Flag Football 2014	18	6	50
Youth Fall Flag Football 2014	95	28	219
Punt Pass & Kick Competition	-	-	15
Total	113	34	284
Baseball/Softball/T-ball Opening Night (May 28th)			1,500
Youth Baseball	171	30	360
Youth Softball	115	23	300
Instructional T-ball	63	21	273
Baseball/Softball Traveling Teams	4	4	48
Total 2014	353	78	2,481

Adult Softball 2014 Summer	440	40	640
Coed Softball 2014 Fall	176	25	325
Men's Fall 2014	70	10	130
Total	686	75	1,095

Recreation League Totals	1,524	311	5,022
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Tournaments 2014	Games Played	Teams	Participants
Youth Softball			
ASA HRC 17th Annual Fastpitch Tournament (May 31st-June 1st)	31	17	221
ASA Summer Swing (June 14th-15th)	15	9	117
ASA Summer Sizzler (June 28th-29th) Cancelled	-	-	-
College Showcase Softball (September 19th-21st) Cancelled			
Total	46	26	338
Youth Baseball			
Hays Baseball Association (April 12th-13th)	24	16	192
NBC (May 10th-11th)	17	14	168
NBC (June 7th-8th) Cancelled	-	-	-
NBC Featured Points (June 21st-22nd)	56	26	351
14&U Hap Dumont State (July 11th-13th)	34	17	204
K-18 Regional State (19th-20th)	8	8	104
Total	139	81	1,019
Youth Soccer			
Field Of Dreams Soccer Tournament (Sept. 6th-7th)	51	25	325
Adult Softball			
Snowball Coed (March 22)	7	4	60
USSSA D&E (March 22nd)	14	8	120
Pre-Season Softball Tournament (HRC April 26th-27th)	44	22	330
Coors Light D & E Mens (May 3rd)	11	6	90
USSSA D&E Last Chance (July 26th)	21	11	165
USSSA Women's C&D State (July 26th)	6	3	45
USSSA NW Regional (August 2nd)	12	7	105
Mid-Season Coed Softball Tourney (HRC September)	23	12	144
Total	138	73	1,059

Tournament Totals	374	205	2,741
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Other Sports and Activities	Games Played	Teams	Participants
Rocky Mountain Sports Soccer Camp			70
Challenge Fun Run (March 29th)		20	40
FHSU Softball Intramurals	88	26	338
HHS Softball Varsity & JV	20	10	150
HHS Baseball JV & Freshman	16	8	120
TMP Soccer	8	16	160
TMP Jr. High and High School Football	5	10	200
Color Fun Run	-	-	350
FHSU Flag Football Intramurals	94	13	104
Cancer Softball Tournament	6	3	45
Total	237	106	1,577

	Games Played	Teams	Participants
Overall Totals	2,135	622	9,340

**HRC/CITY OF HAYS BICKLE-SCHMIDT SPORTS COMPLEX
FACILITIES AGREEMENT**

This Agreement made and entered into on this 9th day of November, 2010, by and between the City of Hays, Kansas, a municipal corporation hereinafter referred to as "City" and the Hays Recreation Commission, a public agency hereinafter referred to as "HRC".

WHEREAS; the City of Hays Parks Department is solely responsible for maintaining the Bickle-Schmidt Sports Complex; and

WHEREAS; the City does not have all the resources necessary to groom and maintain infields at the Bickle-Schmidt Sports Complex adequately to accommodate the needs of the HRC; and

WHEREAS; the HRC, in exchange for scheduling privileges and other considerations, desires to provide additional services to make the Bickle-Schmidt Sports Complex more usable on a routine basis.

NOW WITNESS THE FOLLOWING:

I. **SCHEDULING AND USE OF THE BICKLE-SCHMIDT SPORTS COMPLEX.**

The HRC shall have exclusive rights to schedule and use the Bickle-Schmidt Sports Complex for soccer, baseball, softball, football, etc. Such scheduling shall include all practices and games for HRC/Non-HRC activities.

The City further agrees to:

1. Provide and pay for all routine facility repairs excluding repairs caused by negligence of/by Hays Recreation Commission staff or their contractors.
2. Provide and pay for all utilities for the Bickle-Schmidt Sports Complex, including but not limited to, sewer, water, electricity/natural gas and phone services for the maintenance building only.
3. Provide daily trash pickup of all facilities excluding weekends and holidays.
4. Provide for all maintenance activities at the Bickle-Schmidt Sports Complex excluding routine dragging, striping and base setting on the infields.
5. Consider other capital improvements as part of the regular City budget.

The Recreation Commission agrees to:

1. Keep all areas used by the Recreation Commission free from trash and debris during weekends and city holiday events. Such areas shall include, but not be limited to, the following: bleachers, restrooms, dugouts, infields, outfields and soccer fields.
2. Provide for dragging and packing of infield areas and maintenance and replacement of base pads.
3. Line, stripe, and otherwise mark all fields as needed for play.
4. Schedule all recreational activities at the Bickle-Schmidt Sports Complex as requested/necessary for HRC programs or by individuals and organizations.
5. Provide and pay for telephone services at necessary locations excluding the maintenance building.
5. Operate concession stands at the Bickle-Schmidt Sports Complex. The HRC shall have the authority to negotiate a lease agreement with any organization to operate the concession stands. All such agreements shall be in compliance with City of Hays and HRC ethics codes.
6. HRC shall have the authority to negotiate advertising with businesses for the facility as long as the advertising is not that of a direct competitor of the businesses that have paid for the naming rights within the named areas.
7. Submit in writing a list of all capital improvements, including description and costs, for consideration in the regular City budget by April 1st of each year.
8. Provide the City adequate records of all receipts from admissions, rentals, and concessions along with all expenses for baseball, softball, soccer, and football programs (both direct and indirect) and provide the City a full, complete, and itemized accounting of said receipts and expenses by December 1st of each year.

II. IMPROVEMENTS AND ADDITIONS TO THE BICKLE-SCHMIDT SPORTS COMPLEX:

All desired improvements/additions to the Bickle-Schmidt Sports Complex must be approved by City staff and may require City Commission approval.

III. **EQUIPMENT**

Maintenance building at the Bickle-Schmidt Sports Complex shall be available for joint use by both parties. Use of equipment shall be available with prior approval of party to which the equipment belongs.

IV. **COMPENSATION**

The Hays Recreation Commission and the Hays City Commission agree to conduct a joint meeting to discuss the financial profit/loss of the facility for the year including the disbursement of funds as needed or as agreed upon by both parties.

V. **CONTRACT TERMS**

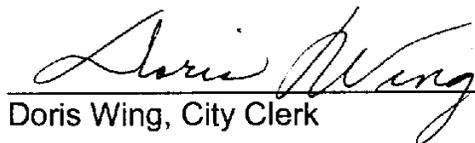
This agreement will remain in effect for a three (3) year period beginning January 1, 2011 through December 31, 2013 unless either party gives 60 days written notice to the other party of the intention to terminate or renegotiate the agreement. All terms of this agreement are subject to annual appropriation of funds by the Hays City Commission and the Hays Recreation Commission. Unless otherwise stipulated in other sections, this agreement shall be automatically renewed for five (5) years, unless either party notifies the other of its intention to renegotiate the lease at least one hundred twenty (120) days prior to the termination of the primary term of this lease or any extension thereof.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly and properly executed as of the day and date first written above.

THE CITY OF HAYS


Barbara K. Wasinger, Mayor of Hays

ATTEST:


Doris Wing, City Clerk

HAYS RECREATION COMMISSION


Lynn Maska, Chairman

Commission Work Session Agenda

Memo

From: ID Creech, Director Public Works

Work Session: December 4, 2014

Subject: Passenger Facilitation Charge

Person(s) Responsible: Toby Dougherty, City Manager
ID Creech, Director Public Works

Summary

The Passenger Facilitation Charge (PFC) allows for a fee of \$4.50 to be charged to each ticket for passenger flights originating from the Hays Regional Airport. The revenues generated by this fee can be used to fund capital projects at the airport. In August of 2014 the Commission authorized Staff to begin the application process to implement the PFC. This process involved notification to the public and carrier as well as a public hearing on the matter. These steps are complete and Staff requests authorization to make the formal application to the FAA to begin implementation. If approved, the fee could be in place by February 1, 2015 and could generate approximately \$58,000 annually.

Background

Under the guidance and authorization of the FAA, the PFC Program allows the collection of PFC fees up to \$4.50 for every boarded passenger at commercial airports controlled by public agencies. Airports use these fees to fund FAA approved projects that enhance safety, security, or capacity; reduce noise; or increase air carrier competition.

Currently in Kansas, Garden City is collecting \$4.50 per passenger since October 2013; Manhattan started collecting PFCs in 1998 and has three (3) currently approved; Topeka started their PFC in 2007; and Wichita began collecting PFC in 1994 with the latest add on from November 2010 for their new airport terminal. Wichita has four (4) currently extending out thirty-five years. There are over eleven hundred (1100) currently approved PFCs in place across the United States as of July 1, 2014.

Discussion

Using the FAA approved list of Airport Improvement Program (AIP) projects, the Hays Regional Airport is eligible to apply for a passenger facilitation program fee for all commercially boarded passengers in the maximum amount of \$4.50 per ticket sold. The money collected by the airline(s) from this fee would be distributed to the Hays Regional Airport in quarterly payments to be used as local match or reimbursement of match for PFC identified and approved projects. The fees may be collected over multiple years

and may also have prior collections based on qualified estimated costs with a true-up future amendment.

The Hays Airport has two (2) projects that are currently eligible for collection:

The Terminal Improvement project is eligible for PFC collections – including engineering – up to \$119,802

The second project is the rehabilitation/maintenance of the 4-22 Crosswind runway currently scheduled for federal fiscal year 2015. The estimated costs for the project – including engineering – are \$683,400 with an Airport match of \$68,340 eligible for collection.

Based on the passenger load used by SkyWest for the essential air service contract of 13,000 boardings per year, a PFC of \$4.50 would generate \$58,500 per year. Based on this revenue assumption and the expected project expenditures, our application to the FAA for a PFC would be in the amount of \$188,142 collected over approximately 3.32 years.

The Airport would have the revenue controlled by both amount and term of collection. Should passenger count exceed the estimate, revenue would be collected faster and the term of collection would be reduced. Conversely, if revenue fails to meet expectations, the term for collection would increase. The process goes hand in hand for the projects identified; amount needed; and, term of collection.

Amendments to the PFC collection can be made and additional PFC applications can be submitted and approved during a collection period. Such would be restricted to the maximum charge available – but, could be approved on an end to end basis maintaining a revenue stream for approved projects. This revenue source plays a critical role in funding future CIP Projects (see 2015 CIP – Airport).

Please note that there are reporting requirements involved in this program that could add some administrative costs to the City Clerk’s record keeping.

The process for establishing a PFC begins with consultation with the FAA and notification to commercial air carriers using the Hays Regional Airport. The notification is a thirty day (30) notification period before meeting with the carrier. As sponsor, the Airport is also required to notify the public via newspaper or website of the date and time of the meeting. Normally, the airline consultation and the public meetings are held together. Following the meeting, there is a thirty day (30) comment period. After the comment period, an application is submitted to the FAA and the FAA has thirty days (30) to review. If approved, notification is made back through to the carrier – usually another thirty day (30) period - and collection begins on the first day of the month. Payments are made quarterly by the carrier directly to the airport.

Consultation with FAA	completed	July 16th	
Notification to Commercial Carrier	completed	August 18th	
Public Notification	completed	Autust 18th	
Consultation	completed	September 16th	
Public Meeting	completed	September 16th	
Public Comment	completed	October 20th	

By our most aggressive estimate, an approved PFC could be in place collecting fees by February 1, 2015 with first payment received by the Airport sometime after May 1, 2015.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The estimated amount of revenue that could be generated by a PFC at the Hays Regional Airport is sufficient to provide local match for current and future eligible AIP projects. The fee is collected by an outside entity under federal guideline creating only a minor administrative cost for compliance in-house. Moneys collected under this system can reimburse the Airport for eligible expenditures allowing projects to proceed as moneys are collected and full reimbursement can be achieved no matter how long the necessary collection period.

Options

The City Commission has the following options:

- Approve the application for a passenger facilitation charge
- Do not approve the application
- Provide some other direction
- Do nothing

Recommendation

Staff will recommend motion to make application for a passenger facilitation charge for the Terminal Improvement Project and the 4-22 Runway Rehabilitation/ Maintenance Project.

Action Requested

Staff requests approval of the recommendation.

Supporting Documentation

FAA PFC Application



Federal Aviation Administration
U. S. Department of Transportation

PASSENGER FACILITY CHARGE (PFC) APPLICATION

1. Application Type (Check all that apply)

- a. Impose PFC Charges
- b. Use PFC Revenue
- c. Amend PFC No. _____

FAA USE ONLY

Date Received _____

PFC Number _____

PART I

2. Public Agency Name, Address, and Contact Person

Agency Name Hays Regional Airport
Address 3508 E. 8th Street
City, State, ZIP Hays, Kansas 67601
Contact Person Nathan Marcucci

3. Airport(s) to Use

Hays Regional Airport

4. Consultation Dates

a. Date of Written Notice to Air Carriers:

August 18, 2014

b. Date of Consultation Meeting with Air Carriers: September 17, 2014

c. Date of Public Notice

August 18, 2014

PART II

5. Charges

a. Airport to Impose	b. Level	c. Total Estimated PFC Revenue by Level	d. Proposed Effective Date:	e. Estimated Expiration Date:
Hays Regional Airport	<input type="checkbox"/> \$1.00 <input type="checkbox"/> \$2.00 <input type="checkbox"/> \$3.00	Impose \$188,142	February 1, 2014	August 1, 2018
	<input type="checkbox"/> \$4.00 <input checked="" type="checkbox"/> \$4.50	Use		
		Use		

PART III

6. Attachments (Check all that Apply)

Attached	Submitted with Application Number	Document
a. <input checked="" type="checkbox"/>	<input type="checkbox"/>	Airport Capital Improvement Plan
b. <input checked="" type="checkbox"/>	<input type="checkbox"/>	Project Information (Attachment B)
c. <input checked="" type="checkbox"/>	<input type="checkbox"/>	Air Carrier Consultation and Public Notice Information
d. <input type="checkbox"/>	<input type="checkbox"/>	Request to Exclude Class(es) of Carriers
e. <input type="checkbox"/>	<input type="checkbox"/>	Alternative Uses/Projects
f. <input type="checkbox"/>	<input type="checkbox"/>	Competition Plan/Update
g. <input type="checkbox"/>	<input type="checkbox"/>	ALP/Airspace/Environmental
h. <input type="checkbox"/>	<input type="checkbox"/>	Notice of Intent Project Information
i. <input type="checkbox"/>	<input type="checkbox"/>	

PART IV

7. With respect to this PFC application I hereby certify as follows:

To the best of my knowledge and belief, all data in this application are true and correct;
This application has been duly authorized by the governing body of the public agency;
The public agency will comply with the assurances (Appendix A to Part 158) if the application is approved;
For those projects for which approval to use PFC revenue is requested, all applicable ALP approvals, airspace determinations, and environmental reviews required by the National Environmental Policy Act have been completed.
If required, the public agency has submitted a competition plan in accordance with 49 U.S.C. 47106(f); and
If required by 49 U.S.C. 40117(d)(4), adequate provision for financing the airside needs, including runways, taxiways, aprons, and gates, has been made by the public agency.

a. Typed Name of Authorized Representative Toby Dougherty	b. Title City Manager	c. Telephone Number 785.628.7320
	d. E-mail Address tdougherty@haysusa.com	e. Fax Number 785.628.7323
f. Signature of Authorized Representative		g. Date Signed

Paperwork Reduction Act Statement: This form is the FAA's primary source for collecting information for the authority to collect PFC revenue for airport development. This information is used to determine the eligibility and justification of airport development projects regarding safety, security, or capacity of the national air transportation system; or which reduce noise or mitigate noise impacts resulting from an airport; or furnish opportunities for enhanced competition between or among air carriers. It is estimated that it will take approximately 5-80 hours to fill out the application depending on the complexity. The use of the form is required to obtain FAA approval of authority to collect PFC revenue (49 U.S.C. 40117(c)). No assurance of confidentiality is necessary or provided. It should be noted that an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with this collection of information is 2120-0557. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC, 20591, Attn: Information Collections Clearance Officer, AIO-20.

ATTACHMENT H

Fill in all shaded areas, and break projects into major components.

Public Agency:

City of Hays

Location:

Hays, KS

Impose Airport

Hays Regional Airport

Use Airport(s):

Hays Regional Airport

Prj No.	Project Title	PFC Level	PFC Revenue Requested				AIP Funds	Grant No.	Other Revenue	Total Project Cost	Project Type	PFC Objective
			Pay-as-you-go	Bond Capital	Financing	Total PFC						
1	Rehabilitate Terminal Building (design)	\$4.50	\$ 17,565	\$ -	\$ -	\$ 17,565	\$158,076	3-20-0028	\$0	\$175,641	Select	Select Objective
2	Rehabilitate Terminal Building (construction)	\$4.50	\$ 102,237	\$ -	\$ -	\$ 102,237	\$920,133	3-20-0028	\$0	\$1,022,370	Select	Select Objective
3	Rehabilitate Runway 4-22	\$4.50	\$ 68,340	\$ -	\$ -	\$ 68,340	\$686,930	3-20-0028	\$0	\$755,270	Select	Select Objective
4						\$ -	\$0		\$0	\$0	Select	Select Objective
5						\$ -			\$0	\$0	Select	Select Objective
6						\$ -			\$0	\$0	Select	Select Objective
7						\$ -			\$0	\$0	Select	Select Objective
8						\$ -			\$0	\$0	Select	Select Objective
9						\$ -			\$0	\$0	Select	Select Objective
10						\$ -			\$0	\$0	Select	Select Objective
11						\$ -			\$0	\$0	Select	Select Objective
12						\$ -			\$0	\$0	Select	Select Objective
13						\$ -			\$0	\$0	Select	Select Objective
14						\$ -			\$0	\$0	Select	Select Objective
15						\$ -			\$0	\$0	Select	Select Objective
16						\$ -			\$0	\$0	Select	Select Objective
17						\$ -			\$0	\$0	Select	Select Objective
18						\$ -			\$0	\$0	Select	Select Objective
19						\$ -			\$0	\$0	Select	Select Objective
20						\$ -			\$0	\$0	Select	Select Objective
Notice Total:			\$188,142	\$0	\$0	\$ 188,142						

Proposed Excluded Class(es) of Carrier:

TOBY DOUGHERTY, CITY MANAGER
CPM, ICMA-CM

PAUL BRISENO, ASSISTANT CITY MANAGER

P.O. BOX 490
1507 MAIN STREET
HAYS, KANSAS 67601-0490
TEL 785/628-7320
FAX 785/628-7323
www.haysusa.com



CITY COMMISSION
HENRY SCHWALLER, IV, MAYOR
EBER PHELPS
SHAUN MUSIL
RON MELLICK
KENT STEWARD

SkyWest file

August 18, 2014

SkyWest Airlines, Inc.
444 S River Road
St. George, UT 84790

RE: NOTICE TO AIR CARRIERS OF CONSOLATION MEETING FOR PASSENGER FACILITY CHARGE (PFC) APPLICATION

To Whom It May Concern:

This letter is to serve as the notice to air carriers that the Hays Regional Airport (HYS) intends to submit an "Impose and Use" PFC application to the FAA.

The Hays Regional Airport will hold an air carrier consultation/public meeting at **3:00 p.m. on Wednesday, September 17, 2014** at the Hays Regional Airport conference room, located at 3950 East 8th Street, Hays, Kansas.

The proposed projects are as follows:

<u>Project #</u>	<u>Title</u>	<u>Description</u>	<u>City Share</u>
30	Rehabilitate Terminal Building (design)	Add Secure gate area, upgrade HVAC, roof, restrooms, etc.	\$17,565
31	Rehabilitate Terminal Building (construction)	Add Secure gate area, upgrade HVAC, roof, restrooms, etc.	\$102,237
32	Rehabilitate Runway 4/22	Joint seal, spall repair, and panel replacement	\$68,340
Total PFC to collect			\$188,142

The PFC application will apply PFC's to the local sponsor share of costs on these projects.

SkyWest Airlines, Inc.

Page 2

August 18, 2014

The proposed PFC level is \$4.50. The proposed charge effective date is February 1, 2015. The estimated expiration date is April 30, 2018. The estimated PFC to collect is \$188,142.00. This is based on the passenger load used by SkyWest for the essential air service contract of 13,000 boardings per year.

Pursuant to Section 158.23 (c) (1) of the Federal Aviation regulations, each air carrier is requested to provide within 30 days of receiving this letter a written acknowledgement of receipt. Please address acknowledgement to:

City of Hays
Hays Regional Airport
I.D. Creech, Director of Public Works/Airport Manager
1002 Vine Street
Hays, KS 67601

The Hays Regional Airport will hold an air carrier consultation/public meeting at **3:00 p.m. on Wednesday, September 17, 2014** at the Hays Regional Airport conference room, located at 3950 East 8th Street, Hays, Kansas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby Dougherty', with a large, stylized flourish extending to the right.

Toby Dougherty
City Manager
CPM, ICMA-CM

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 **City of Hays**

Monday August 18th, 2014 :: 02:32 p.m. CDT



Advisory

PUBLIC NOTICE/AIR CARRIER CONSULTATION MEETING Message Expired

PUBLIC NOTICE/AIR CARRIER CONSULTATION MEETING

INTENT TO SUBMIT A PASSENGER FACILITY CHARGE APPLICATION TO IMPOSE AND USE PASSENGER FACILITY CHARGE AT HAYS REGIONAL AIRPORT LOCATED IN HAYS, KANSAS

August 18, 2014

Pursuant to CFR 158.24, the City of Hays (city), owner and operator of the Hays Regional Airport (airport), hereby provides public notice of the city's intention to file a passenger facility charge (PFC) application with the intent to impose and use the PFC at the airport to fund the local share of certain PFC eligible airport improvements.

Under 14 CFR 158.11, the airport will request the exemption of ATCO-nonscheduled/on-demand air carriers (filing FAA Form 1800-31) that enplane fewer than 500 passengers per year from the PFC.

PFC project descriptions and finance information are listed below:

- Project #30 - Rehabilitate Terminal Building (design) - Add Secure gate area, upgrade HVAC, roof, restrooms, etc. City Share = \$17,565
- Project #31 - Rehabilitate Terminal Building (construction) - Add Secure gate area, upgrade HVAC, roof, restrooms, etc. City Share = \$102,237
- Project #32 - Rehabilitate Runway 4/22 - Joint seal, spall repair, and panel replacement City Share = \$68,340
- Total PFC to collect \$188,142

PFC level: \$4.50 per enplaned passenger. As per section 158.23, an enplaned passenger is defined as a domestic, territorial, or international passenger enplaned in scheduled or non-scheduled service on aircraft in interstate or foreign commerce.

Proposed charge effective date: February 1, 2015

Estimated charge expiration date: April 30, 2018

Estimated total PFC revenue: \$188,142.00

A 30 day period is provided for filing of comments by the public. Comments must be received by 5:00 p.m. on Tuesday, September 16, 2014.

The Hays Regional Airport will hold an air carrier consultation meeting at 3:00 p.m. on Wednesday, September 17, 2014 at the Hays Regional Airport conference room, 3950 East 8th Street, Hays, Kansas.

After the air carrier consultation meeting/public notice another 30 day period is

More Messages

[See more messages from Hays, Kansas »](#)

Navigate & Discover

Enter a town, zip code or address

provided for filing of comments. Comments must be received by 5:00 p.m. on Monday, October 20, 2014.

Comments may be submitted to:

City of Hays
Hays Regional Airport
I.D. Creech, Director of Public Works/Airport Manager
1002 Vine Street
Hays, KS 67601

Address/Location

[City of Hays](#)
105 W. 12th
Hays, KS 67601

Contact

Emergency: 9-1-1
Non-emergencies: 785-625-1011



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Commission Work Session Agenda

Memo

From: Bernie Kitten, Utilities Director

Work Session: December 4, 2014

Subject: Request to Lift Water Watch Restrictions

Person(s) Responsible: Bernie Kitten

Summary

The City of Hays is currently in the first stage of its drought response plan: water watch. Current conditions, projections, and plan triggers in the Smoky Hill and Big Creek wellfields do not warrant remaining in this status. City staff suggests removing the water watch.

Background

The Drought Response Section of the City's Water Conservation plan details the triggers for moving into, and out of the various phases of the plan: Watch, Warning, and Emergency. In September 2012 the City of Hays enacted the water watch phase as conditions in the Smoky Hill River wellfield warranted such a move. Since 2012 the city has move in and out of the warning phase of the drought response plan as conditions warranted.

Discussion

City Staff feels there is not a compelling reason to remain in the watch phase of the drought response plan. The plan has clearly delineated triggers outlining when to move in and out of each phase. The plan does contain provisions that allow the Commission to preemptively move in and out of a phase based on many factors. The Commission exercised this ability in 2013 when it preemptively moved from watch to warning based on usage, depletion of the wellfield, and drought forecasts.

The summer rains helped both wellfields. The Big Creek wellfield is slower to recover, but was also not at as depleted as the Smoky wellfield. According to projections, even at depletion rates experienced during the height of the past drought, it is highly unlikely we will reach water watch status in either wellfield in 2015.

According to the most recently released NOAA Drought Outlook, Hays is in an area where no drought is indicated. Staff understands this can change very quickly.

Lastly, staff feels that keeping the city is watch status would go against the intent of the drought response plan. The plan contains progressive levels so that the residents will know when to be cautious, when to be worried and when to be very worried. If we were

to remain in watch status, it will be much harder to explain the importance of the situation down the road if conditions actually do reach the watch triggers.

Some may worry about sending the wrong “all is clear” message. Staff understands that worry, but feel that most residents understand the overall water situation and are very conscious about their usage whether in a drought situation or not. Staff also intends to remain steadfast in promoting water conservation and education programs. Well field conditions will continue to be monitored and staff will apprise the Commission if things should change.

Legal Consideration

(begin text here – This information should come from JOHN BIRD)

Options

The City Commission has the following options:

- Approve resolution as presented.
- Do not approve resolution as presented.
- Do nothing.

Recommendation

Staff recommends approving the resolution removing the water watch restrictions.

Action Requested

Approve resolution as presented.

Supporting Documentation

Resolution
Well Level Visuals
Drought Outlook
Drought Response Plan

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE END OF THE WATER
WATCH BY THE CITY OF HAYS, KANSAS**

WHEREAS, the Governing Body of the City of Hays, Kansas, pursuant to its Drought Response Plan, issued Resolution No. 2014-008, dated July 10, 2014, declaring the end of a Water Warning for the City of Hays, Kansas, and the existence of a Water Watch until further resolution; and

WHEREAS, the Governing Body of the City of Hays, Kansas, is empowered to declare by Resolution that the Water Watch is ended; and

WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that conditions in the City of Hays have improved and such Water Watch should be ended;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the Water Watch issued for the City of Hays, Kansas, in Resolution No. 2014-008, dated the 10th day of July, 2014, is declared to be ended.

This resolution shall be effective upon its passage.

Adopted by the Commission on the _____ day of December, 2014.

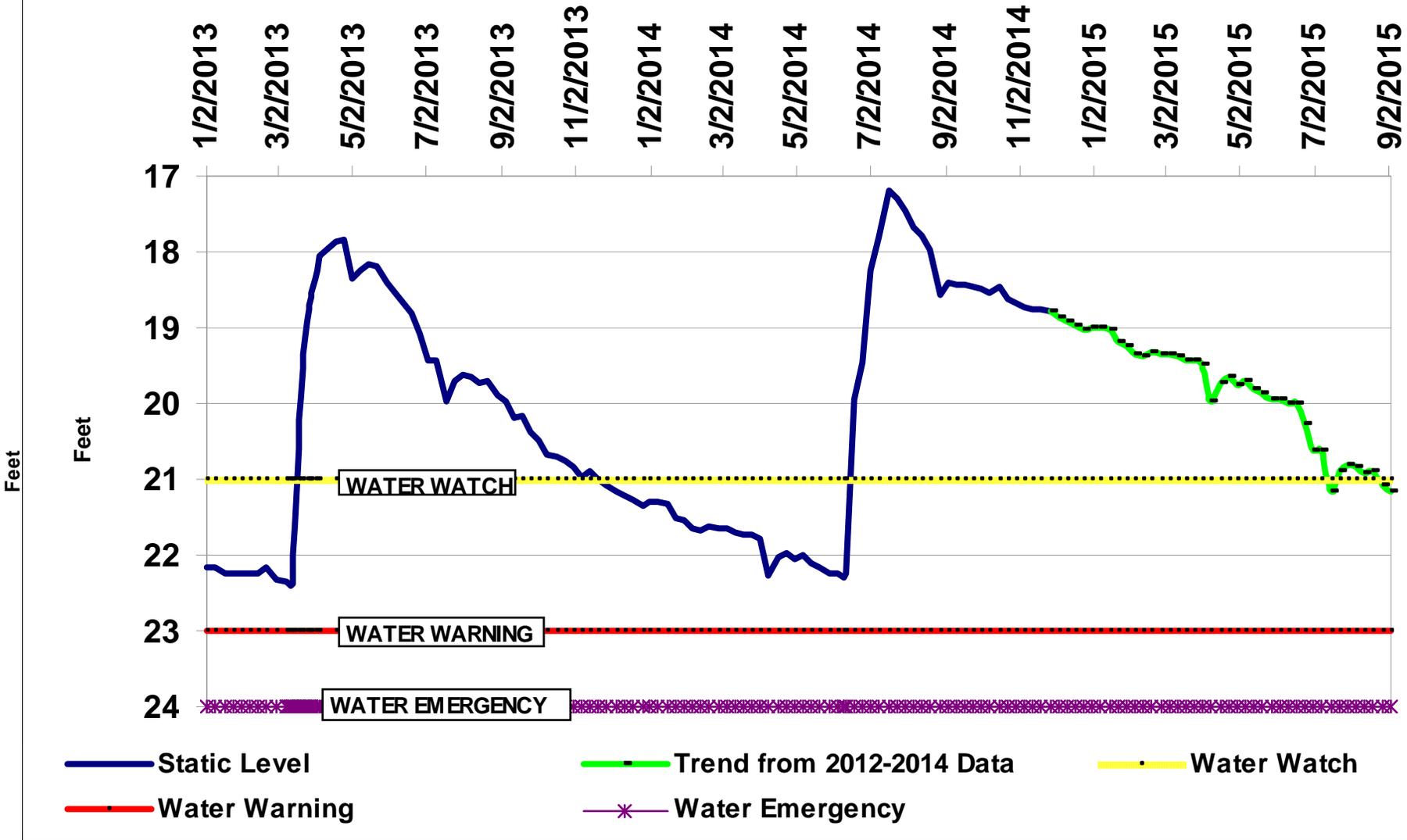
HENRY SCHWALLER, IV
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

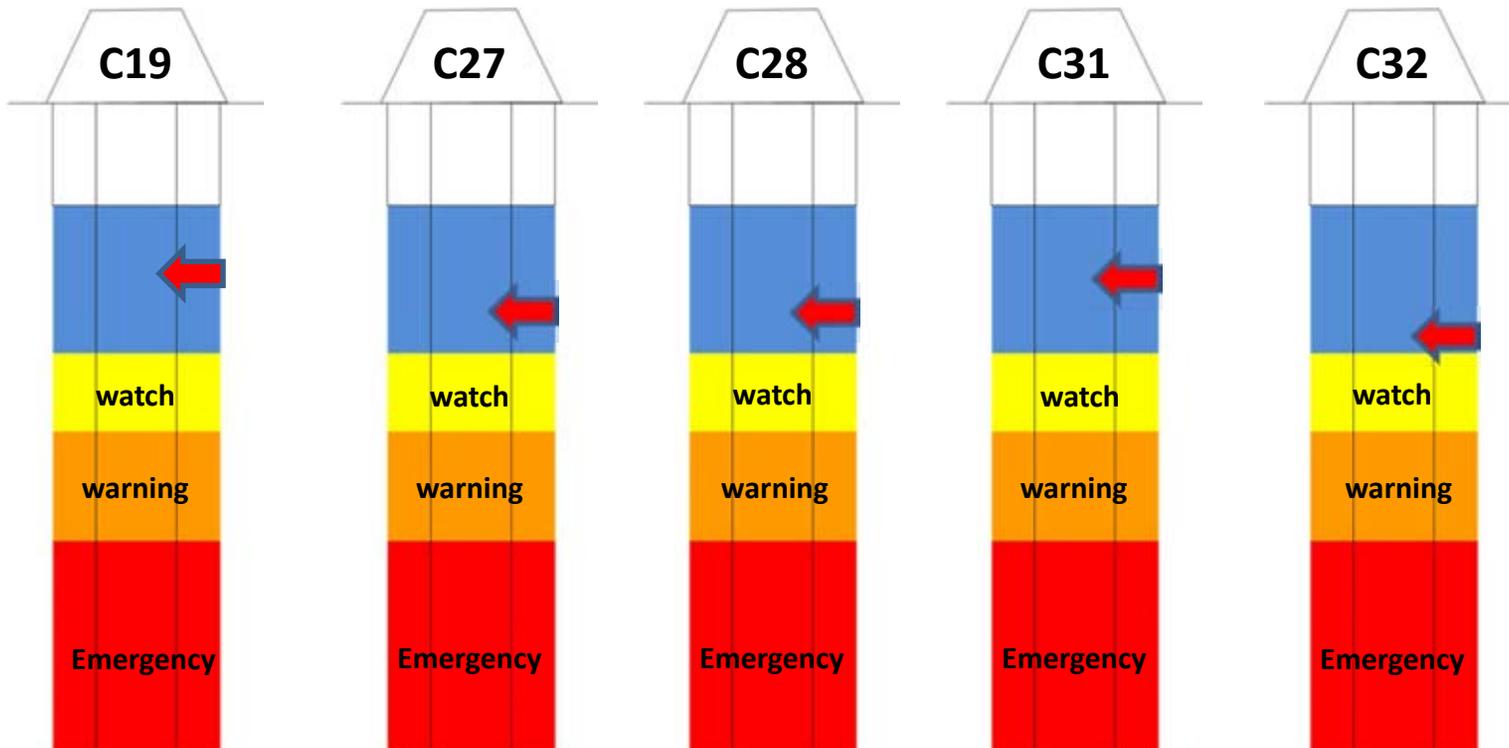
(SEAL)

S-13 Water Level Projections



◆ Static Level — Trend from 2012-2014 Data — Water Watch
— Water Warning * Water Emergency — Static level based on 2012 usage — Static level based on 2013 usage
* Water Emergency

BIG CREEK CITY WELLS



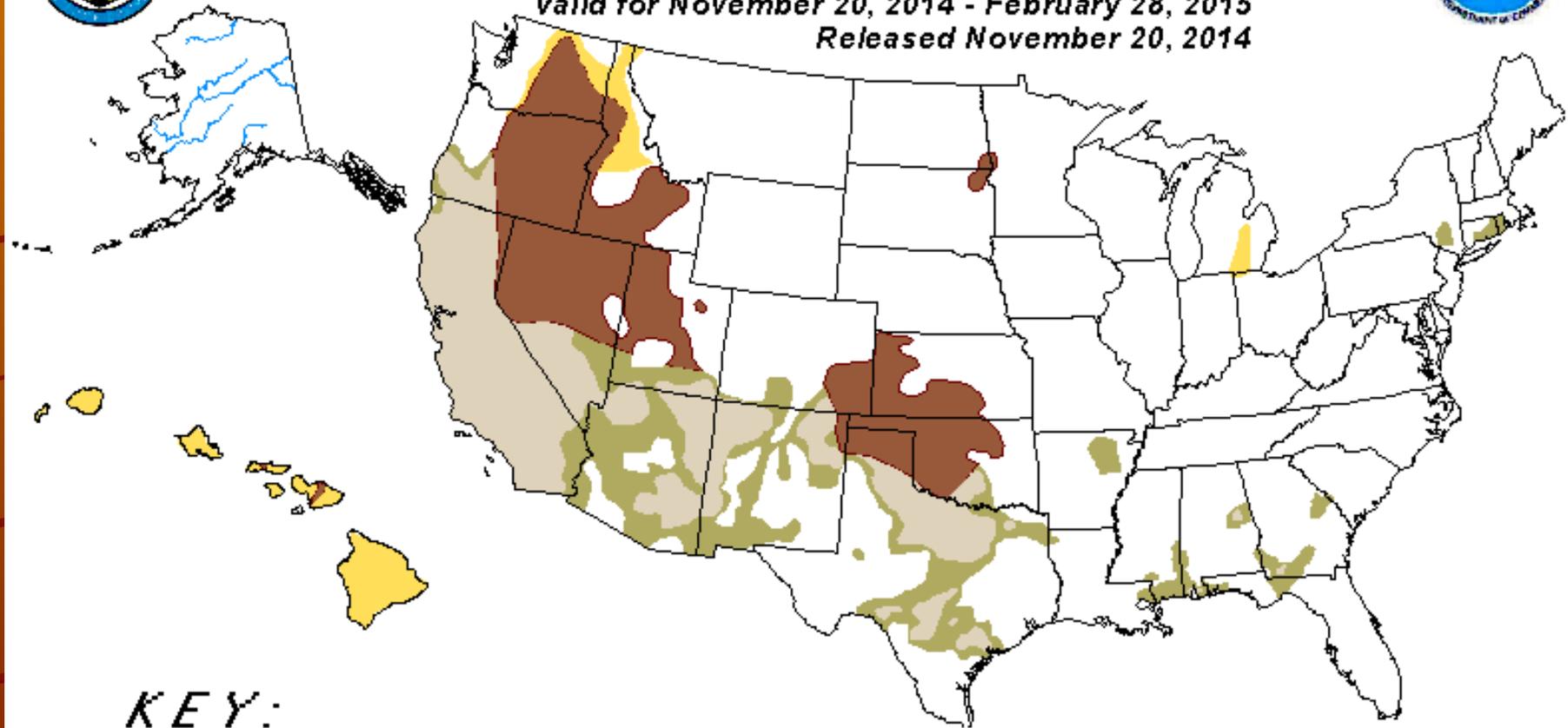


U.S. Seasonal Drought Outlook

Drought Tendency During the Valid Period

Valid for November 20, 2014 - February 28, 2015

Released November 20, 2014



KEY:

-  **Drought persists or intensifies**
-  **Drought remains but improves**
-  **Drought removal likely**
-  **Drought development likely**

Author: Rich Tinker, Climate Prediction Center, NOAA

http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.html

Depicts large-scale trends based on subjectively derived probabilities guided by short- and long-range statistical and dynamical forecasts. Short-term events -- such as individual storms -- cannot be accurately forecast more than a few days in advance. Use caution for applications -- such as crops -- that can be affected by such events. "Ongoing" drought areas are approximated from the Drought Monitor (D1 to D4 intensity).

For weekly drought updates, see the latest U.S. Drought Monitor.

NOTE: The tan area areas imply at least a 1-category improvement in the Drought Monitor intensity levels by the end of the period although drought will remain.

The Green areas imply drought removal by the end of the period (D0 or none)

Municipal Water Conservation Plan For the City of Hays March 27, 2014

TABLE OF CONTENTS

INTRODUCTION

LONG TERM WATER USE EFFICIENCY

Water Use Conservation Goals

Water Conservation Practices

Education

Management

Regulation

DROUGHT RESPONSE

Stage 1: Water Watch

Stage 2: Water Warning

Stage 3: Water Emergency

PLAN REVISION, MONITORING AND EVALUATION

MUNICIPAL WATER CONSERVATION PLAN

For the City Of Hays

March 27, 2014

INTRODUCTION

The City of Hays has long practiced a very effective Water Conservation Plan initially developed and filed in 1992. The implementation of this plan resulted in Hays becoming a leader for efficient water use in the State of Kansas. The City of Hays depends on alluvial aquifers that are recharged by area rainfall. The goals of this revised plan are to modernize our citizens' conservation education, to implement best management practices during periods of regular rainfall, to enact steps to ensure availability of adequate water during a prolonged drought.

LONG-TERM WATER USE EFFICIENCY

Water Use Conservation Goals

The City of Hays used 99 gallons per person per day (GPCD) in 2011. This GPCD figure included:

- Water sold to residential/commercial customers;
- Water distributed for free public services (parks, cemeteries, swimming pools etc.); and
- Water lost by leaks in the water distribution system.

The GPCD figure does not include municipally supplied water for industries that use over 200,000 gallons per year. According to Figure 1, shown in the 2011 Kansas Municipal Water Use Publication, our City is located in Region 5. From this publication it was determined that our City GPCD water use was 99, which was 34 percent below the regional average of 149 GPCD among cities in Region 5 during 2010. **The City goal is to use less than 95 GPCD** which is far less than a reasonable 143 GPCD 5 year regional average. Our City intends to be the leader in municipal conservation in Kansas by carrying out the specific actions in the following plan.

Water Use History

YEAR	GPCD	REG. AVG.	% DIFF.	% UA
2007	96	149	-36%	9
2008	92	142	-35%	11
2009	85	139	-39%	7
2010	91	137	-34%	7
2011	99	149	-34%	11
AVG.	93	143	-35%	9

The City of Hays Long-Term Water Use Efficiency Goals are:

- 1) To create a community that has a strong water ethic by teaching new conservation habits.
- 2) Reduce the amount of water lost through leaks by intensifying leak detection and repair efforts.
- 3) Achieve less than 10 percent unaccounted for water each year.
- 4) Use less than 95 GPCD each year.
- 5) Staff a Conservation Specialist dedicated to water conservation improvement.
- 6) The new norm: A water-conscious home, both inside and outside.

Water Conservation Practices

This subsection of the plan summarizes the current education, management and regulation efforts that relate to the long-term conservation of water in the City. Specific practices and targets that will be undertaken to conserve water are listed.

Education

The City has pursued the education of the general public through the implementation of water conservation programs within our community. These programs have been extended to all ages and citizen groups. This education process has included but not been limited to the following:

Education Conservation Practices	Target
Provide monthly detailed customer billing with water cost and usage history in cubic feet and gallons.	Implemented
Provide information on water conserving landscape practices through publications, local news media, seminars, or other appropriate means, to be updated by March 15.	Implemented
Distribute pamphlet on how to save water with description of conservation rebate programs to new customers and existing customers upon request.	Implemented
Provide free water saver kit with instructions to new customers, and existing customers upon request.	Implemented
Provide annual CCR report which includes a conservation message each May.	Implemented
Discuss conservation topics at the regularly scheduled monthly press briefings for local newspaper, radio, and internet companies.	Implemented
Provide information about the history of our water situation on www.Haysusa.com , to be updated March 15 or before.	Implemented
Provide water conservation hints and links on www.Haysusa.com , to be updated by March 15.	Implemented
Provide support to the Wellhead Protection Committee efforts on local water supply and water conservation, to be updated by March	Implemented

Management

The water rates for residential and business consumers, and the effective dates of such rates, shall be determined by the City Commission by resolution. The City’s residential and business customers are metered individually. Water customers are billed monthly at a progressive tier rate for their usage in measurements of hundred cubic feet.

The City of Hays requires water meters on all supply wells. These meters are read continuously via SCADA and a daily pump report is printed. A monthly pump log is checked for discrepancies.

Water meters are required on all residential, commercial, and City properties. City properties such as administrative offices, parks and sports fields are provided with free water, but usage is reviewed by City staff. Customers may request a meter accuracy check and the meter will be repaired if outside AWWA standards.

Water leaks from the City public water distribution system are repaired when citizens report significant leaks from the water mains or are located by City personnel. Water pressure is monitored and low pressure causes an audible alarm immediately answered by 24 hour operator at the Water Plant.

Water meters are read monthly in the City of Hays.

A minimum fee based on the meter size is charged. The first 100 cubic feet of water is include in the minimum fee. All usage after the first 100 cubic feet is billed in the following manner:

Residential water usage as measured in January, February and March is averaged to determine an individual property's residential base usage. Monthly volume up to the residential base usage will be billed at the Base Tier Rate. The next 1,000 cubic feet (7500 gallons) used above the residential base usage will be billed at the Conservation Tier 1 Rate. Volumes that exceed residential base usage plus 1,000 cubic feet will be billed at the Conservation Tier 2 Rate. During a Water Warning or Emergency, a special increased Conservation Tier 2 rate is activated. Current water rates as of January 2014 are listed below.

Business water usage as measured in January, February and March is averaged to determine an individual property's business base usage. Monthly volume up to the business base usage will be billed at the Base Tier Rate. Volumes that exceed business base usage will be billed at the Conservation Tier 1 Rate. Tier 2 rates apply to business with potable irrigation systems; see details in Sec 65-224 below.

The City Commission establishes water rates by resolution. The current resolution has a clause that specifies a 3% increase each January, unless action is taken to halt the automatic increase. The automatic increase is to help offset budget shortfalls that may occur when conservation efforts decrease water sales revenue. During budget preparation each year, City staff estimates financial need and makes recommendation to the City Commission about whether the automatic increase should be allowed to happen or if other action is required.

Sec. 65-224. Rates Inside and Outside City

For current rates see online version at Hays Municode or:

http://library.municode.com/HTML/14230/level3/PTIICOOR_CH65UT_ARTIVWARACH.html#PTIICOOR_CH65UT_ARTIVWARACH_S65-224RAINOUCI

As of March 27, 2014

CHAPTER 65

UTILITIES

ARTICLE IV. WATER RATES AND CHARGES

Sec. 65-224. Rates inside and outside city.

Meter rates for the furnishing of water by the municipal water system of the city to consumers of such municipal water system are established as follows:

(1) *Monthly Usage Minimum Service Charge.*

a. Water usage as shown on the January, February and March billing is averaged to determine a water use average for both residential and business accounts. Usage that falls within this average will be billed at the Base Tier rate as established by resolution. Any usage that exceeds the water use average by up to 1,000 cubic feet will be billed at the Conservation Tier 1 rate as established by resolution, for both residential and business accounts. The water use average shall be a minimum of 500 cubic feet. Any customer without an established water use average will be allotted 500 cubic feet until a new water use average is established if more than 500 cubic feet. The water use average shall be recalculated annually after the March billing date.

b. All residential, business mixed use and multi-family meters with usage exceeding the water use average in excess of 1,000 cubic feet will be billed at the Conservation Tier 2 rate, as established by resolution.

c. All residential, business mixed use and multi-family meters with usage exceeding the water use average in excess of 1,000 cubic feet during times of official "Water Warning" or "Water Emergency" periods, as defined by the City of Hays Drought Response Plan, will be billed at the Conservation Tier 2 rate during Water Warning or Water Emergency, as established by resolution.

d. All irrigation meters with usage exceeding 1,000 cubic feet during times of official "Water Warning" or "Water Emergency" periods, as defined by the City of Hays Drought Response Plan, will be billed at the Conservation Tier 2 rate during Water Warning or Water Emergency then existing.

e. Any premises equipped or built to be occupied as a duplex, apartment house or by other multiple-dwelling units, or occupied in conjunction with a commercial building or other building and which receives water service from a single service shall pay the minimum water bill as for a domestic customer for each separate unit; provided that a mobile home park shall not be charged the minimum water bill for lots without a mobile home located thereon, as of the date for meter reading.

f. The minimum monthly service charge to be paid regardless of usage shall be as follows:

Meter Size (inches)	Inside City Limits (per month, in dollars)	Outside City Limits (per month, in dollars)
5/8	9.18	15.60
3/4	16.66	28.32
1	24.14	41.03
1½	39.10	66.47
2	76.50	130.05
3	113.90	193.63
4	188.70	320.79
6	375.70	638.69

(2) *Water Rates for Residential and Business Meters.* The water rates for residential and business meters, and the effective dates of such rates, shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body.

The following rates are currently in effect at the time of passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 100	Included in minimum	Included in minimum
Base tier	1.85	3.15
Conservation tier 1	3.71	6.30
Conservation tier 2 (residential only)	7.42	12.61
Conservation tier 2—during Water Warning or Water Emergency (residential only)	10.30	17.51

(3) *Water Rates for Business Mixed Use and Multi-Family Meters.* The water rates for business mixed use and multi-family meters, and the effective dates of such rates, shall be determined by the governing body and shall be specified in a resolution authorizing the same, and may be amended by resolution of the governing body. The following rates are currently in effect at the time of passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 100	Included in minimum	Included in minimum
Base tier	1.85	3.15
Conservation tier 1	3.71	6.30
Conservation tier 2	5.39	12.61
Conservation tier 2 – during Water Warning or Water Emergency	8.27	17.51

(4) *Water Rates for Irrigation Meters.* The water rates for irrigation meters, and the effective dates of such rates, shall be determined by the governing body by resolution, and may be amended by resolution of the governing body. The following rates are currently in effect at the time of the passage of the ordinance from which this section is derived, and shall continue in full force and effect until any new or different rate goes into effect:

Cubic Feet of Water Usage	Inside City Limits (per 100 cubic feet, in dollars)	Outside City Limits (per 100 cubic feet, in dollars)
First 1,000 cubic feet	3.71	6.30
Conservation tier 2	7.42	12.61
Conservation tier 2 – during Water Warning or Water Emergency	10.30	17.51

END OF CODE Sec. 65-224. Rates Inside and Outside City

MANAGEMENT PRACTICES:

The City of Hays realizes the importance of obtaining accurate measurements of water use at each raw water intake and at customer meters, to help reduce the amount of unaccounted-for water. Hence, the City of Hays has chosen the following conservation practices and target dates for the management component of the Long-Term Water Use Efficiency Section of our Municipal Water Conservation Plan.

Management Conservation Practices	Target
1. Ensure all wells have meters installed and repair or replace malfunctioning meters within two weeks.	Implemented
2. Test well meters for accuracy at least once every three years. Create Work Order by March 15 for one third of wells.	Implemented
3. Ensure meters are installed at all residential service connections and at all other service connections whose annual water use may exceed 300,000 gallons, including separate meters for municipally operated irrigation systems which irrigate more than one acre of turf.	Implemented
4. Ensure meters at each individual service connection replaced or tested for accuracy on a regular basis, if they are one inch or less. Ensure meters between one inch and six inches are tested for accuracy at least once every five years and meters six inches and above are tested on at least an annual basis. Ensure meters are repaired if any test is not within AWWA Standards. Create Work Order by March 15.	Implemented.
5. Ensure all well meters and individual service connections are read at least monthly	Implemented
6. Implement a water management review which will result in a specific change in water management practices or implementation of leak detection and repair program or plan, whenever the amount of unsold water (amount of water provided free for public, used for treatment purposes, water loss, etc.) exceeds 20% of the total source water for a four month time period.	Implemented
7. Calculate water charges based on the amount of water used.	Implemented
8. Evaluate the existing water rate structure by March 15	Implemented
9. Develop and implement a program to incorporate water conserving landscape principles into future landscape development projects, including renovation of existing landscapes.	April 15, 2015
10. Develop and implement an irrigation management program for irrigated grounds.	April 15, 2015
11. Ensure water leaks from the City's public water distribution system are repaired immediately (24/7/365) by on-call staff.	Implemented
12. Continue the use of wastewater effluent for irrigation purposes and explore ways to encourage the use of recycled wastewater for selected industrial and irrigation purposes.	Implemented
14. Continue to offer a \$100.00 rebate for installation of low water usage washing machines.	Implemented

15. Perform specific capacity tests annually on all wells. Treat any wells that are less than 85% of new well capacity to ensure energy and water efficiency.	Implemented
16. Continue to offer free and reduced rate 1.5 gpm shower heads at City Hall.	Implemented
17. Continue to offer rebates of \$50.00, \$100.00, and \$150.00 on 0.8, 1, or 1.3 gal flush toilet.	Implemented
18. Continue to cooperate with Mid-West Energy to identify opportunities for joint water and energy savings.	Implemented
20. Continue to employ Conservation Specialist dedicated to conservation of water resources.	Implemented
21. Continue to treat raw water from the Smoky Hill River Valley, Dakota Aquifer, and the Big Creek Alluvium at the water softening plant prior to distribution for consumption. All production wells and the inflow to the water softening plant are metered to detect supply leaks.	Implemented
22. Continue use of Supervisory Control and Data Acquisition (SCADA) system at all the Smoky, Dakota and City Wells (Big Creek Alluvium). The SCADA system assists in the accurate and real-time monitoring and control of the wells.	Implemented
23. Check water pressure and flow in the City water mains annually by the City Fire Department.	Implemented
24. Offer \$300.00 rebates on pint urinals.	Implemented

Regulation

The City of Hays enacted **Sec. 65-69. Water Allotment and Conservation Code.** in 2003 and revised it in 2013. These regulations require and enforce water conservation. This reinforces the culture of continuous conservation, even through periods of adequate rainfall. Numerous plumbing, landscaping, and water use permits are described and codified. Penalties are listed for violators. The Hays Police department actively enforces the code. The current provisions are included below and updated versions are available online.

Regulation Actions	Target
Seek annual delegation of authority by DWR to enforce conservation codes under the IGUCA. This allows the City to impose time limits for watering and water wasting fines.	Implemented
Require new development to follow xeriscape requirements	Implemented
Implement a Green Plumbing Code (more stringent code)	Implemented
Sec. 65-69. Water allotment and conservation. See below	Implemented

Sec. 65-69. Water allotment and conservation.

For latest version see online at Hays Municode or:

http://library.municode.com/HTML/14230/level4/PTIICOOR_CH65UT_ARTIIWASESY_DIV1GE.html#PTIICOOR_CH65UT_ARTIIWASESY_DIV1GE_S65-69WAALCO

(a) *Purpose.* In order to conserve the water supply of the city, to meet the needs and demands of the citizens of the city, and to eliminate waste in the use of such water, it shall be and is made unlawful for any person of any nature, including all persons and entities outside the City limits of the City of Hays, Kansas, with whom the city has any agreement to provide potable water, to use water contrary to and in violation of the following provisions. This section shall be known as and referred to as the "**Water Allotment and Conservation Ordinance**" of the city.

(b) *Definitions and Regulations.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. The terms "water user," "customer" and "water service account" shall be synonymous:

Outdoor watering means the irrigation with water of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation for personal, private, commercial, or governmental purposes; the filling or adding of water to public or private swimming pools; the washing down with water of buildings, machinery, vehicles and appliances for personal or private purposes, and other similar practices and acts.

Residential water user, in addition to meaning private residential water user, also means and includes residents of apartments, duplexes, and other like multiple resident facilities, but shall not include hospitals, nursing homes, residence halls, dormitories, or other similar uses.

Ultra low-flow means, in the case of faucets and showerheads, devices which substantially restrict the flow of water, while only providing sufficient water for the purpose intended; and in the case of water closets or toilets, means devices which restrict the use of water per flush to 1.6 gallons, or less.

(c) *Regulations.*

(1) The use of water for the washing down of sidewalks, walkways, driveways, parking lots, gas station aprons, and all other hard-surfaced areas, and other similar practices, shall be prohibited; provided that upon application, a special permit to allow such usage may be granted by the city clerk, if sufficient documentation and need, such as unreasonable hazard to public safety, can be shown.

(2) The escape or loss of water through breaks or leaks within the water user's plumbing or distribution system for any substantial period of time shall be prohibited, it being presumed that a period of eight hours after the water user discovers or should have discovered such leak or break is a substantial period of time.

(3) Outdoor watering, including, but not limited to, the irrigation of lawns, shrubs, flowers, trees, gardens and other outdoor vegetation, with potable water, shall be prohibited between the hours of 12:00 noon and 7:00 p.m., between June 1 and September 30, inclusive. Upon application and good cause shown, a special permit may be issued by the city to allow watering newly seeded lawns between said hours and said dates, with the terms and conditions of said permit to be established by the city, taking into account the type of grass and vegetation to be planted and watered so as to maximize the benefit of the use of potable water for said purpose, minimizing the waste of water and encouraging the water user to establish the grass and other vegetation at the optimum time and season. Said permit shall be valid for a maximum of ten days, shall restrict and regulate watering consistent with all ordinances and regulations, and shall be posted prominently at the site of the planting so that law enforcement and the public can easily view the permit. The city shall establish fees for said permits, in such a manner as to encourage the planting of low-water-use grass and vegetation and shall establish a system and program to purchase warm season, low-water-use seed and plants to give to applicants who are converting higher water-use grass and vegetation to lower water-use grass and vegetation. The city manager or his designee shall inform the city commission, as needed, of all current provisions of said permits, setting out all pertinent requirements and regulations, fees, financial incentives, and other information.

(4) No water user shall allow substantial amounts of water to escape or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways; provided that the term "substantial" shall mean an amount sufficient to cause a discernible flow of water reaching the

street, gutter or other drainage system. For purposes of this section, it shall be conclusively presumed that the resident of property from which water escapes or drains knows of such escape or draining. However, the escape of water from private property due to washing of vehicles shall not be construed as substantial; provided, the user of the water has not allowed water to flow from a hose or open tap when not directly being used to wash down the vehicle.

(d) *Penalties.* Any person accused of violating the provisions of subsection (c) of this section shall be notified in writing that such accusation has been made and the accused party may request a hearing before the city clerk, or any representative appointed by the city clerk, and may present evidence in defense of such accusation. If a request for a hearing is not served on the city clerk within three days following the service of the written accusation on the accused party or if the city clerk finds that the allegations of such accusation are true, the following penalties shall be imposed:

(1) Upon a first violation, the accused party shall be issued a formal written warning.

(2) Upon a second violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$50.00 shall be paid before water service shall be resumed.

(3) Upon a third violation, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$200.00 shall be paid before water service is resumed.

(4) Upon a fourth violation and any subsequent violations, water service shall be terminated on the property involved and a resumption of services fee in the sum of \$250.00 shall be paid before water service is resumed.

These provisions are cumulative, and for purposes of determining the number of violations committed, the previous 24 months shall be considered. Any violations previous to the preceding 24 months shall not be considered as violations for the purpose of assessing penalties in this section.

(Code 2000, § 13.08.150; Ord. No. 3860, § 1, 4-25-2013)

Sec. 65-70. Escape or draining of water from private property prohibited; penalty. 

(a) It is unlawful for any person to allow substantial amounts of water to escape and/or drain from private property onto public property, including, but not limited to, public sidewalks, rights-of-way, streets, alleys, and highways; provided that the term "substantial" shall mean an amount sufficient to cause a discernible flow of water reaching the street, gutter, or other drainage system.

(b) For purposes of this section, it shall be presumed that the resident of the private property from which water escapes or drains knows of such escape or draining.

(c) Any person accused of a violation of this section shall be charged in the municipal court of the city and shall, upon conviction of such violation, for the first conviction, not be fined but shall receive a warning as to the effect of subsequent convictions, for a second conviction, not less than \$0.00 nor more than \$25.00, and for a third or subsequent conviction, not less than \$25.00 nor more than \$50.00. (d)

The penalties provided for in subsection (c) of this section shall be in addition to any penalties provided for in [Section 65-69](#)

(Code 2000, § 13.08.160)

Sec. 65-71. Requirements for water conservation devices. 

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Ultra low-flow showerhead means devices which restrict the flow of water to provide only sufficient water for the purpose intended, and no more, restricting the flow of water to a maximum of 2.4 gallons per minute, at 80 pounds psi.

Ultra low-flow toilet means devices which restrict the use of water per flush to 1.6 gallons or less.

(b) *Hotels and Motels Affected.* All motels and hotels in the city shall, within 30 days after the effective date of the ordinance from which this section is derived, cause to be installed and henceforth used ultra low-flow showerheads in all showers in such facilities.

(c) *Compliance Required for Building Permit Issuance.* From and after the effective date of the ordinance from which this section is derived, no building permit shall be issued for any new construction in the city, unless and until it is adequately shown to the building inspector for the city that such construction shall include ultra low-

flow showerheads, faucets, toilets, and similar appliances.

(d) *Violation.* Any person or entity who violates the terms of this section shall be disconnected from city water service or refused city water service until such time as the violation has ceased.

(Code 2000, § 13.08.170)

Sec. 65-72. Diversion of water from sources located on property owned by city.

(a) *Certain Diversions of Water Unlawful.* It is unlawful for any person to divert water, by means of a pump or otherwise, from locations on property owned by the city unless such person has first complied with the provisions of this section.

(b) *Permits Required.* Prior to diverting water from a location on property owned by the city, the applicant must obtain a permit from the city as hereafter set out. Nothing in this section shall permit such applicant to obtain water from the water supply of the municipal water system, nor shall the issuance of such a permit be issued in violation of any laws of the state, K.S.A. 82a-727 et seq.

(c) *Permit Fee.* A fee of \$250.00 shall be paid to the city clerk prior to a permit being issued providing access to the water supply at locations on property owned by the city. The fee may be waived or decreased if the proposed use of water is a public benefit. Such fees shall be credited to the water and sewer fund of the city.

(d) *Contents of Permit.* The permit issued by the city clerk shall contain the following information:

- (1) The date of termination of the permit;
- (2) A description of the location of the point of diversion;
- (3) A description sufficient to define the location of the place where the water is to be used.

Such description shall correspond with the descriptions shown in the approval of application for temporary permit obtained from the state.

(e) *Term of Permit.* A permit shall be issued for a term of 30 days from the date of its issue and shall be null and void upon its expiration unless renewed by making a new application and complying with the provisions of this section.

(f) *Penalty.* Any person violating any provision of this section shall, upon conviction of such violation, be punished by a fine of not less than \$100.00, nor more than \$500.00. Each day's violation of this section shall be deemed a separate offense.

(Code 2000, § 13.08.180)

END OF CODE Sec. 65-69. Water Allotment and Conservation.

DROUGHT RESPONSE PLAN

March 27, 2014

The City of Hays has a very effective water conservation program. This program has resulted in Hays becoming a leader in the State of Kansas for municipal water efficiency. The City depends primarily on alluvial aquifers for its water and these are subject to depletion during periods of drought. If Hays is going to continue as a viable city, it must be ready to react to these periods of drought.

The City of Hays addresses its short-term fresh water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage. Upon a finding by the City Commission that conditions of a drought or another trigger is causing a water supply shortage, it is empowered in Ordinance No. 3881 to declare, by resolution, that a Stage 1 Water Watch, Stage 2 Water Warning, or Stage 3 Water Emergency exists and that steps should be taken to inform the public and determine if voluntary water conservation, recommended restrictions or mandatory restrictions are practiced. Any such resolution is deemed to be in effect until the City Commission declared by resolution that it has ended. The resolutions declaring the existence and end of a water stage shall be effective upon their publication in the official city newspaper. The Hays City Manager is authorized by ordinance to implement the resolution using the appropriate conservation measures.

K.S.A. 82a-733(i) allows the City Commission to require private well owners in Hays to follow the regulations in Stage 2 Water Warning and Stage 3 Water Emergency. The request to the Chief Engineer for this authority is made when entering a Stage Two Water Warning.

Article 7: Appropriation Of Water For Beneficial Use

K.S.A. 82a-733: Conservation plans and practices. (i) The chief engineer may delegate to any city which has conservation plans meeting state guidelines the authority to require domestic water users within such city to adopt and implement conservation plans and practices so that such city can require compliance from private domestic well owners within the city limits.

A Watch, Warning, or Emergency Stage may be called before or after reaching the respective listed triggers. The City Commission will consider other environmental and physical factor including but not limited to: short or long term weather forecasts, time of year, drought forecast, the trend line of the level of the aquifers, the availability of Cedar Bluff Water, and the contamination of a system component. Further consideration is given to the physical conditions of the wells, pumps, supply lines, distribution system, and the Water Softening Plant.

Any irrigation or other uses of treated effluent from the Waste Water Treatment Plant are not regulated by this document.

STAGE 1: WATER WATCH

Triggers Stage 1

This stage may be triggered by any one (1) of the following conditions:

- 1) The inability to maintain the City's underground storage reservoirs at or above 85 percent capacity for a 48 hour period.
- 2) Big Creek Aquifer's Static Water levels in 3 or more regular City Supply Wells have fallen to water WATCH levels as defined in the City of Hays Water Supply Operating Plan.
- 3) Smoky Well Field's Static Water Level in the designated well(s) has fallen to water WATCH levels as defined in the City of Hays Water Supply Operating Plan.
- 4) Daily water usage is in excess of 3.5 million gallons per day (mgd) for three (3) consecutive days.

Goals Stage 1

The City's goal during this stage is to have consumption voluntarily reduced through increased public awareness of existing water conditions.

Education Actions Stage 1

- 1) Regular news releases on water levels, water supply outlook, and ideas for conservation.
- 2) Provide an in-depth summary of conditions of water supply to the City Commission.
- 3) Increase water conservation education efforts city-wide.

Management Actions Stage 1

- 1) Test the Specific capacity of any wells not tested in the previous 12 months. Treat any wells that are less than 85% of new well capacity.
- 2) All City departments will curtail non-essential water use.
- 3) The City will reduce water usage on all parks and ball fields that utilize potable water by 30%
- 4) The City will monitor its use of water and will minimize activities such as hydrant flushing and street cleaning.
- 5) Wells will be pumped according to the corresponding Water Source Utilization Plan within the City of Hays Water Supply Operating Plan
- 6) If not already enacted, the City will request the Division of Water Resources to implement an afternoon watering prohibition within the intensive groundwater use control area (IGUCA) around the City of Hays.

Regulation Actions Stage 1

- 1) The public will be asked to curtail outdoor water use and to make efficient use of indoor water, i.e. wash full loads, take short showers, don't let faucets run, etc.

STAGE 2: WATER WARNING

Triggers Stage 2

This stage may be triggered by any one (1) of the following conditions:

- 1) The inability to maintain the City's underground storage reservoirs at or above 70 percent capacity for a 48 hour period.
- 2) Big Creek Aquifer's Static Water Levels in three or more regular City Supply Wells have fallen to water WARNING levels as defined in the City of Hays Water Supply Operating Plan.
- 3) Smoky Well Field's Static Water Level in the designated well(s) has fallen to water WARNING level as defined in the City of Hays Water Supply Operating Plan.
- 4) Daily water usage is in excess of 3.5 mgd for seven consecutive days, with wellfield conditions depleting.
- 5) If the well fields are in a Watch Stage on February 15, and static levels are not increasing, and drought is forecasted to continue, the City Commission may declare a Warning Stage.

Goals Stage 2

The goals of this stage are to reduce peak demands by 30 percent and to reduce overall weekly consumption by 20 percent.

Education Actions Stage 2

- 1) The City will make presentations at public forums on the conditions of the water supply and the promotion of water conservation.
- 2) The City will make frequent news releases to the local media describing present conditions and indicating the water supply outlook.
- 3) The City may place inserts in each customer's water bill outlining tips on conserving water indoors and outdoors.
- 4) Water conservation articles will be provided to the local media.

Management Actions Stage 2

- 1) The City water supply will be reviewed daily.
- 2) Wells will be optimized by pumping according to the corresponding Water Source Utilization Plan within the City of Hays Water Supply Operating Plan.
- 3) Standby wells will be prepared for contingency operation.
- 4) The City will curtail its water usage, including watering of City grounds and washing of vehicles.
- 5) The City will reduce water usage on all parks and ball fields that utilize potable water. The goal will be to water only enough to keep the roots of the grass alive.
- 6) Plantings, flower beds, and other vegetation in medians, rights of way, parks, and adjacent to City buildings will no longer be watered with potable water.
- 7) Notify KWO that conditions have been met for release from Cedar Bluff.
- 8) The City will contact DWR for permission to require private wells to comply with the City's drought response regulations as authorized under K.S.A. 82a-733(i)

Regulation Actions Stage 2

These regulation actions apply to City of Hays' residents (including private domestic well users, if authority is delegated by the Chief Engineer, Kansas Division of Water Resources, under K.S.A. 82a-733(i)).

- 1) Enact the Sec. 65 "Conservation Tier 2 –Water Warning or Water Emergency" water rate.
- 2) City will no longer approve connection of new lawn meters or upsizing of meters for irrigation purposes.
- 3) City will no longer authorize new connections to the potable water system for properties located outside the city limits.
- 4) City will stop issuing permits for newly seeded/sodded lawns, benefit car washes, washing houses, washing of hard surfaces.
- 5) Outdoor Water Use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m. as authorized under the Water Drought/Emergency Ordinance.

STAGE 3: WATER EMERGENCY

Triggers Stage 3

This stage may be triggered by any one (1) of the following conditions:

- 1) The inability to maintain the City's underground storage reservoirs at or above 50 percent capacity for a 48 hour period.
- 2) Big Creek Aquifer's Static Water Levels in three or more regular City Supply Wells have fallen to water EMERGENCY levels as defined in the City of Hays Water Supply Operating Plan.
- 3) Smoky Well Field's Static Water Level in the designated well(s) has fallen to water EMERGENCY levels as defined in the City of Hays Water Supply Operating Plan.
- 4) Daily water usage is in excess of 3.5 mgd for 14 consecutive days, with wellfield conditions depleting.

Goals Stage 3

The goal is to limit all consumption to the base flow requirements equal to or less than normal winter usage.

Education Actions

- 1) The City will make daily news releases to the local media describing present conditions and indicating the water supply outlook for the next day.
- 2) If necessary, the City will hold public meetings to discuss the emergency, the status of the City's supply and further action, which needs to be taken.
- 3) Continue to increase efforts to educate the general public (schools, civic groups, etc.) and hold public forums to discuss the water situation and conservation.

Management Actions Stage 3

- 1) The City water supplies will be reviewed daily.
- 2) All municipal swimming pools and water features will be closed.
- 3) Standby wells will be considered for contingency operation.
- 4) If release triggers are met, the City will request a release from Cedar Bluff Reservoir, from the Joint Use Pool.
- 5) The City may seek additional emergency supplies from other users, the state or the federal government.
- 6) The City will contact DWR for permission to require private wells to comply with the City's drought response regulations as authorized under K.S.A. 82a-733(i)

Regulation Actions Stage 3

These regulation actions apply to City of Hays residents (including private domestic well users, if authority is delegated by the Chief Engineer, Kansas Division of Water Resources, under K.S.A. 82a-733(i)).

- 1) Outdoor Watering will be banned.
- 2) Continue Sec. 65 “Conservation Tier 2 –Water Warning or Water Emergency” water rate.
- 3) The City will no longer approve the installation or connection of new water meters to the potable distribution system without City Manager approval.
- 4) The filling of swimming pools will be prohibited.
- 5) Irrigation meters will be locked by City staff.
- 6) Upon the declaration of a water supply emergency the City Commissioners shall have the power to adopt additional emergency water rates to conserve water supplies.

PLAN REVISION, MONITORING AND EVALUATION

The City of Hays will monitor and review monthly totals for water production, consumptive use by water billing category, unsold water used by the City, and water that is unaccounted for. These totals will be compared to those from previous months and usage from previous years.

The City of Hays’ Municipal Water Conservation Plan will be reviewed on an annual basis and on a more frequent basis during drought or other water shortage conditions. If the water conservation gallons per capita per day (gpcd) goal(s) for the previous year are not met, then the City will review the data collected from the previous year in relationship to the status and effectiveness of the conservation practices that are outlined in the plan and will provide a status report to the Division of Water Resources (or whatever state agency is responsible for approving and monitoring our plan), which will also include any additional water conservation practices that may need to be taken in order for the City to achieve and maintain its water use conservation gpcd goal(s).