

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 4-15-13
Re: April 18, 2013 Work Session

Please find the attached agenda and supporting documentation for the April 18, 2013 Work Session.

Item 2 – Dog Park Phase I Request

Please refer to the attached information from Parks Director Jeff Boyle as well as the letter of request from the Friends of the Hays Dog Park. The Friends of the Hays Dog Park are asking the Commission's permission to begin work on the dog park in an incremental manner. Essentially they would like to complete what they are calling Phase I of the dog Park in hopes that the completion of this portion of the larger project will assist in their fundraising efforts. City staff does not have any concern with the proposal as long as it is done in a complete manner not requiring City funds or staff time to complete the phase if their fundraising efforts fall short.

Item 3 – Commission Direction Regarding Sister Cities Advisory Board

This item is self-explanatory.

Item 4 – Recycling Presentation

A few weeks back, the City Commission asked for a presentation on the benefits, impacts and participation of the City of Hays recycling program. Solid Waste Division Superintendent Marvin Honas will be presenting this information at the meeting on Thursday.

Item 5 – Building Condemnation – Fort Hays Trailer Park (618 East 5th)

This item is self-explanatory. We have dealt with this property numerous times in the past.

Item 6 – Newly Seeded Lawn Permit

Please refer to the attached Newly Seeded Lawn Permit. The City Commission discussed the lawn permit at a work session a few weeks back. City staff has consulted with the City Attorney to determine the best way to adopt the Newly Seeded Lawn Permit. The City Attorney felt it best to

incorporate the language in the permit into the existing Code of Ordinances; therefore, the amending ordinance is included in this packet.

Item 7 – City Commission Rules of Procedure

This is a housekeeping item due to the reorganization of the City Commission.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, APRIL 18, 2013 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [April 4, 2013 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Dog Park Phase I Request \(PAGE 3\)](#)**
PERSON RESPONSIBLE: Kim Perez, Friends of the Hays Dog Park
3. **ITEM FOR REVIEW: Commission Direction Regarding Sister Cities Advisory Board**
PERSONS RESPONSIBLE: City Commission
4. **ITEM FOR REVIEW: Recycling Presentation**
STAFF MEMBER RESPONSIBLE: Marvin Honas, Solid Waste Division Superintendent
5. **ITEM FOR REVIEW: [Building Condemnation – Fort Hays Trailer Park \(618 East 5th\) \(PAGE 11\)](#)**
STAFF MEMBER RESPONSIBLE: Jesse Rohr, Planning, Inspection and Enforcement Supt.
6. **ITEM FOR REVIEW: [Newly Seeded Lawn Permit \(PAGE 21\)](#)**
PERSON RESPONSIBLE: Toby Dougherty, City Manager
7. **ITEM FOR REVIEW: [City Commission Rules of Procedure \(PAGE 29\)](#)**
PERSONS RESPONSIBLE: City Commission
8. **OTHER ITEMS FOR DISCUSSION**
9. **EXECUTIVE SESSION (IF REQUIRED)**
10. **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
April 4, 2013

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

Sister Cities Advisory Board

Ann Leiker, Ed Stehno, and Mehran Shadidi appeared before the Commission to discuss the goals and functions of the Sister Cities organization. The City of Hays contributes financial support to the group. Commissioner Mellick commented that it is up to the Commissioners to provide guidance to the group and relay what the Commission's expectations are.

Further discussion will take place at a future work session to provide guidance.

A-1 Scaffold MFG., Inc. Tax Abatement

Nunc Pro Tunc Ordinance No. 3811, approved on February 28, 2013, was passed by the Commissioners to change the date of a previously passed ordinance. This was done at the request of A-1's attorneys in order to satisfy the Court of Tax Appeals. A-1 supplied the wrong date and now it is necessary to approve a second Nunc Pro Tunc Ordinance No. 3811.

The Commissioners will be requested to approve the amended ordinance at the April 11, 2013 Commission meeting.

Other Items for Discussion

Commissioner Steward stated he had been contacted by a business owner along Vine Street about providing more information to the public about accessing his business during the Vine Street Reconstruction Project. Public education will be provided via the Hays website.

Commissioner Steward stated that the City is offering free buffalo seed to any citizen in the community who converts their lawn from fescue to buffalo grass. He would rather this program be treated as a rebate instead of a give-away program. Endeavors are underway and staff will report back on this at a later work session.

The work session was adjourned.

Submitted by: _____

Doris Wing – City Clerk

Commission Work Session Agenda

Memo

From: Jeff Boyle, Director of Parks

Work Session: April 18, 2013

Subject: Dog Park Phase 1 Request

Person(s) Responsible: Kim Perez, Friends of the Hays Dog Park
Jeff Boyle, Director of Parks

Summary

As per the attached letter, the Friends of the Hays Dog Park (FHDP) are requesting permission to complete construction of the dog park in a three (3) phased approach. Phase 1 of the project is projected to cost \$32,845.17. The FHDP is not asking the City for any funding for Phase 1. Their intent, noted within the attached request, is to construct Phase 1 so people can see progress is being made on the dog park which in turn should increase interest in the dog park and the amount of donation money coming in. City of Hays Staff will provide some of the labor for the construction of the dog park according to what our schedule will allow. Construction of the dog park by City Staff will not take priority over routine maintenance of existing facilities. The estimate for labor hours by City Staff for Phase 1 is 128 hours or \$1,664.00.

Background

At the June 28 2012 meeting the City Commission set aside a tract of land approximately six (6) acres in size for the Friends of the Hays Dog Park (FHDP) for construction of a dog park. The land is located east of the maintenance building at the Bickle-Schmidt Sports Complex. The dog park has a “small dogs” section consisting of approximately one (1) acre and a “large dogs” section consisting of approximately five (5) acres. The City Commission gave the FHDP two (2) years to begin construction of the dog park.

Discussion

The FHDP is requesting approval to complete construction of the dog park in a three (3) phased approach. According to the FHDP request, their intent of this approach is to construct Phase 1 so people can see progress is being made and be able to use the park which in turn should increase interest in the dog park and increase the amount of donations coming in for the remainder of the park. Phase 1 of the dog park has a projected cost of \$32,845.17 and consists mainly of road improvements, parking lot, staging area and approximately one acre of fenced in area which is known as the “small dogs” portion of the project (Attachment A). Phase 2 includes mostly fencing and is

known as the “large dogs” portion of the project. Phase 3 consists mainly of various amenities needed to complete the dog park such as shelters and additional benches. If Phase 1 is approved, both small and large dogs will be allowed to use the “small dogs” portion of the dog park. City Staff will be required to provide labor for a portion of the dog park construction in order for the estimates to be accurate. “Attachment B” outlines the expected city staff involvement. The FHDP were advised, if City Commission approves, that this labor can/will be provided when our schedule allows. In other words, routine park, pool, ball field and golf course maintenance will take priority as deemed necessary. Construction of the dog park in phases will not hinder or limit the construction of the project as a whole. After the completion of Phase 1, the additions of Phase 2 and Phase 3 will simply be a continuation where the previous phase left off. The total balance of the donations thus far is \$15,877.93. Below is a list of the proposed phases and the projected cost of each along with a total projected cost of all three (3) phases. The FHDP is not asking the City for any funding assistance at this time. All improvements to the dog park will be bid and managed by City Staff through completion of all three (3) phases.

- Phase 1- \$32,845.17
- Phase 2- \$42,269.00
- Phase 3- \$33,686.00
- **Total Cost- \$108,800.17**

Legal Consideration

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

Financial Consideration

The projected cost to complete Phase 1 of the proposal by the FHDP is \$32,845.17. To date FHDP has raised \$15,873. The FHDP are not asking the City for any funding assistance at this time. However, City Staff will provide labor for a portion of the Phase 1 construction of the dog park which consists of \$1,664 in 128 staff hours.

Options

This agenda item will be presented at the April 18, 2013 City Commission meeting for action. The City Commission has the following options:

- Option 1:** Grant permission to the FHDP to proceed with Phase 1 of the three (3) phase approach to constructing the dog park.
- Option 2:** Direct the FHDP to explore other options.
- Option 3:** Continue with current direction of the entire project constructed at once.
- Option 4:** Do nothing.

Recommendation

City Staff feels the phased approach is acceptable to move forward with in an effort to increase awareness and future support for phase 2 of the dog park as requested by the FHDP. The phased approach is acceptable because Phase 1 would be completed in a

manner that allows Phase 2 and Phase 3 to be completed without unnecessary or inefficient work.

Action Requested

The FHDP are requesting approval to complete the dog park in a phased approach beginning with Phase 1 which consists mainly of fencing, parking lot improvements, road improvements, staging area and water lines for the portion of the project known as the “small dogs” area.

Staff requests further guidance from City Commission on this request.

Supporting Documentation

- Letter of request from the Friends of the Hays Dog Park
- Dog Park Location at Bickle-Schmidt Sports Complex
- Dog Park Phased Overview
- Dog Park Projections sheet for each phase



March 25, 2013

Dear City Commissioners,

On behalf of the Friends of the Hays Dog Park (FHDP), I would like to formally thank you for supporting the dog park project. Your donation of the land allowed us to move forward in our efforts to make the community aware of the project and to begin our fundraising efforts. It was a much-appreciated vote of confidence in the idea, and your support has helped us to move forward.

We are working hard to raise the projected \$109,000 needed to build the park. Currently, we have raised \$16,500 through our fundraising efforts. To date we have had two fundraisers at Freddy's and two garage sales, and we are currently planning four additional fundraisers, one that we hope to be our signature event. We also have a grant-writing intern and have submitted one grant so far, with plans to submit several more. Starting this week, we begin our efforts to find big donors and sponsors for the park. And finally, we have partnered with the Heartland Community Foundation in our fundraising and fund management efforts.

My letter today is to request that the FHDP be permitted to build the dog park in phases. We have worked with Jeff Boyle to identify three phases for the completion of the park and request that we be able to begin building as soon as we have the money for each phase. We strongly feel a phased approach will help us with fundraising, but also will help people understand and appreciate the need for a dog park in Hays.

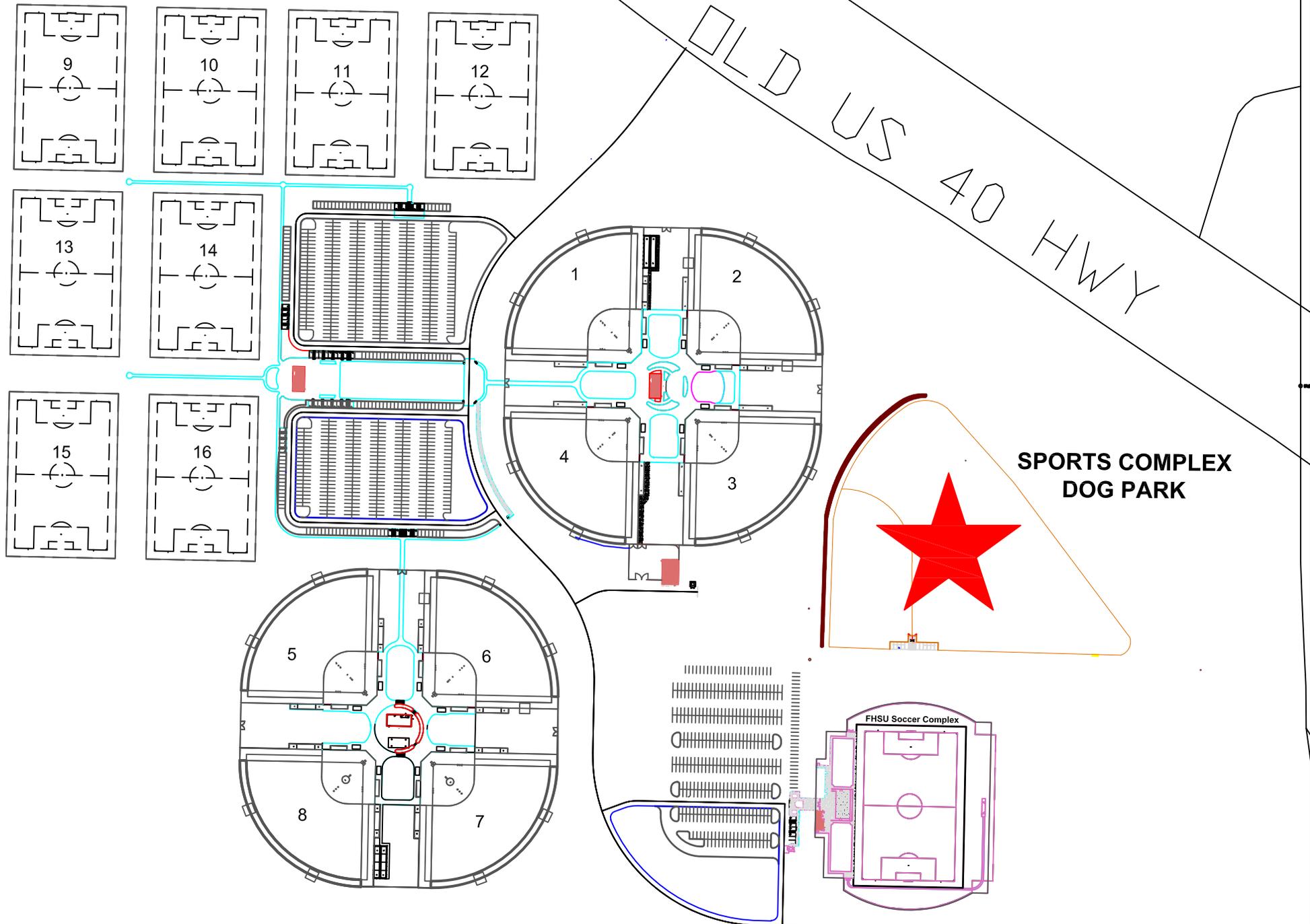
Sincerely,

Kim Perez

President, Friends of the Hays Dog Park

Blog: <http://friendsofthehaysdogpark.wordpress.com/>
Facebook: <https://www.facebook.com/groups/103442173090740/>

BICKLE-SCHMIDT SPORTS COMPLEX



Attachment A

SPORTS COMPLEX DOG PARK

**LARGE DOGS
5 Acres**

PHASE II

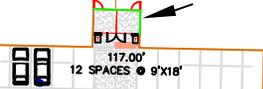
**SMALL DOGS
1 1/2 Acres**

PHASE I

Dirt Berm

Maintenance Gate

Maintenance Gate



DOG PARK PROJECTIONS

PHASE 1

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
One (1) acre fence	\$ 19,386.00	contractor
Parking lot material & grading	\$ 3,432.00	city to install
Staging area fence	\$ 1,750.00	contractor
Staging area concrete	\$ 789.00	city
Message center (one sided)	\$ 1,003.17	city
Picnic table	\$ 680.00	city put it together
Bench (1)	\$ 280.00	city to put in
Pet waste station	\$ 355.00	city to install
Dog/people water station	\$ 1,820.00	city to install
Concrete around water station	\$ 150.00	city to install
Water lines for dog stations	\$ 2,800.00	city to install
Signs	\$ 400.00	city to install
Total	\$ 32,845.17	

PHASE 2

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
Five (5) acre fence	\$ 38,304.00	contractor only
Picnic table	\$ 680.00	city to put together
Benches (2)	\$ 560.00	city to put in
Pet waste station	\$ 355.00	city to install
Dog/people water station	\$ 1,820.00	city to install
Concrete around water station	\$ 150.00	city to install
Signs	\$ 400.00	city to install
Total	\$ 42,269.00	

PHASE 3

<u>DESCRIPTION</u>	<u>PROJECTED COST</u>	<u>LABOR BY</u>
Benches (5)	\$ 1,400.00	city
Pet waste stations (3)	\$ 1,065.00	city
Shelter (large dog) [30 x 15]	\$ 20,000.00	contractor
Shelter (small dog)	\$ 4,500.00	city
Shelter (large dog small shelter)	\$ 4,500.00	city
Concrete for 30 x 15 shelter	\$ 550.00	city
Concrete for two small shelters (108)	\$ 216.00	city
Trash cans (3)	\$ 1,455.00	city
Total	\$ 33,686.00	

Commission Work Session Agenda

Memo

From: Jesse Rohr, PIE Superintendent

Work Session: April 18, 2013

Subject: Building Condemnation – Fort Hays Trailer Park (618 E. 5th)

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

The property located at 618 E. 5th, known as Fort Hays Trailer Park, has several abandoned homes on site that meet the definition of unsafe structures that need to be remediated. The owner, Loren Heiser, has not taken steps to remediate the issues on the property. The condition in which the homes are in continue to invite vandals and vagrants to the site, causing increasing amounts of damage. The current condition of the homes presents a severely blighting issue to the surrounding properties. Staff recommends passing a resolution directing the structure(s) at 618 E. 5th to be repaired or removed and the premises made safe within the timeframe specified in the resolution.

Background

This particular property has had many issues in the past and has previously had abatements resolved by the City. Several years ago, approximately 15 mobile homes were removed from the property through the City abatement process. The property has continued to deteriorate and most of the homes remaining on the property are currently vacant.

Discussion

The property located at 618 E. 5th, known as Fort Hays Trailer Park, has several abandoned homes on site that meet the definition of unsafe structures that need to be remediated. Staff has met with the owner of the property located at 618 E. 5th several times. The owner, Loren Heiser, has not taken steps to remediate the issues on the property. The three homes (home numbers 11, 23, and one unnumbered) and associated outbuildings currently being requested to be abated have been abandoned for a significant period of time. The homes do not meet current living standards, as the majority of the plumbing and electrical components have been removed from the property by vandals. There are several broken windows, many of which have since been boarded up. However, boarding up of windows is a temporary solution to an ongoing problem. The condition in which the homes are in continue to invite vandals and vagrants to the site,

causing increasing amounts of damage. The current condition of the homes presents a severely blighting issue to the surrounding properties.

Legal Consideration

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

Financial Consideration

Any costs associated with the demolition of the structures, including administrative costs, will be assessed to the property owner(s), and, if not paid, will be placed as a lien against the property.

Options

Options include the following:

- Approve a resolution directing the structures at 618 E. 5th to be repaired or removed and the premises made safe within a defined time frame.
- Do not approve a resolution
- Provide staff with other options for action

Recommendation

Staff recommends passing a resolution directing the structure(s) at 618 E. 5th to be repaired or removed and the premises made safe within the timeframe specified in the resolution.

Action Requested

Approve the resolution directing the structure(s) at 618 E. 5th to be repaired or removed and the premises made safe within the timeframe specified in the resolution.

Supporting Documentation

Letter to Property Owner
Pictures
Resolution

Loren Heiser
RR 1 Box 71
Ruch Center, KS 67575-9416

Feb. 11, 2013

RE: 618 E. 5th St.
Hays, Ks 67601

VIA CERTIFIED MAIL:

Dear Mr. Heiser:

On Friday, Feb. 8th, 2013, an inspection of the property at 618 E 5th Street was completed by City of Hays Inspectors. The inspection showed that there are structures that have been abandoned and are unsafe due to the failure to maintain the structures. Many violations are visible from the exterior of the buildings and they include the following:

1. Inadequate exterior coverings
2. Broken windows
3. Dilapidated Structures
4. Unsafe property maintenance
5. Structure No. 23, and out buildings, Structure No. 11, and out buildings
6. Mobile Home in the southeast corner of Trailer Park

The conditions above are in violation of the 2006 International Property Maintenance Code. It is hereby ordered that the structures must be repaired and made safe and sanitary, or demolished and removed by March 8, 2013. All permits must be obtained before any repair or demolition begins.

You have the right to appeal this notice and order by filing a written appeal with the Building Trades Board of the City of Hays. The appeal must be filed within twenty (20) days after the day this notice is served upon you. The appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the code are adequately satisfied by other means.

If you fail to repair and make safe or demolish and remove the structures, the City of Hays will cause the structures to be demolished and removed, either by the City of Hays or its authorized agents, and such costs of such demolition or removal shall be charged against the real estate upon which the structures are located.

Please free to contact me to discuss this matter further at (785) 628-7310.

Sincerely,
Scott Zimmerman
Building Inspector/Code Enforcer

Attach: Pictures

Cc: City Prosecutor
File









RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS DESIGNATED AGENT TO ABATE THE DANGEROUS STRUCTURE(S) (MOBILE HOMES) LOCATED ON THE PROPERTY AT 618 E. 5th HAYS, KANSAS.

WHEREAS, the City of Hays did enact Ordinance 3712, adopting the 2006 International Property Maintenance Code, declaring certain matters as causing endangerment to the life, limb, health, morals, property, safety, or welfare of the general public or their occupants and providing for the removal or abatement of said structures and further providing for the assessment of costs and penalties; and

WHEREAS, on February 8, 2013, inspections of the property were conducted by the City of Hays, and said inspections revealed several "dilapidated and deteriorated" structures on the property in violation of the 2006 International Property Maintenance Code; and

WHEREAS, on February 11, 2013, a letter was sent to the property owner of 618 E. 5th, giving said owner thirty days, upon receipt, in which to rehabilitate or demolish the structures and twenty days to request a hearing before the Trades Board as provided in the 2006 International Property Maintenance Code, and the notices were therefore posted on the dangerous structures located at 618 E. 5th; and

WHEREAS, the owner of property located at 618 E. 5th failed to formally request a hearing before the Trades Board within twenty days; and

WHEREAS, the property owner has made no attempt to rehabilitate or demolish the structures since receiving the first notification; and

WHEREAS, the Governing Body of the City of Hays desires that the three identified mobile home structures on the property at 618 E. 5th St. be abated as provided for in the 2006 International Property Maintenance Code.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, AS FOLLOWS:

Section 1. That the existence of the dilapidated and deteriorated mobile home structures located at 618 E 5th are hereby found to be an endangerment to the health, safety, and

welfare of the general public.

Section 2. That the property owner of the property located at 618 E. 5th was given proper notice to rehabilitate or abate the dangerous structures located at 618 E 5th and has failed to do either.

Section 3. That the City of Hays or its designated agent is hereby authorized to demolish the structure causing the violation at the end of ten days from the date of passage of this Resolution.

Section 4. That the cost incurred by the City shall be charged against the property located at 618 E. 5th, as provided in the 2006 International Property Maintenance Code.

PASSED by the City Commission on the 25th day of April, 2013.

Kent Steward, Mayor

ATTEST:

Doris Wing, City Clerk

Commission Work Session Agenda

Memo

From: Toby Dougherty, City Manager

Work Session: April 18, 2013

Subject: Newly Seeded Lawn Permit

**Person(s)
Responsible:** Toby Dougherty, City Manager

Summary

The City's Newly Seeded Lawn Permit is in need of updating to make the program more reflective of the geographical climate and the City's water demands.

Background

The City of Hays prohibits outdoor watering, from the hours of noon to 7 p.m., between June 1st and September 30th of each year. Residents wishing to seed or sod a lawn during this period are able to obtain a permit from the City of Hays, at no charge, which allows them to water outdoors during the prohibited period while establishing the lawn.

Discussion

City staff has reviewed the Newly Seeded Lawn Permit program and has determined the permit needs to be updated. The current permit allows for significant waste of water and encourages residents to plant and sod cool season grasses during periods when they should not be planted or sodded.

City staff suggests the attached changes to the Newly Seeded Lawn Permit. For cool season grass plantings, the permit would be available only from August 25th through September 30th. Residents should not seed cool season grasses in June, July or the better part of August as the water requirements to establish these types of grasses during those months are significantly higher than seeding and sodding in the spring or the fall.

The permit is available between June 1st and August 1st for warm season grass plantings. Warm season grasses require higher ground temperature and, therefore, must be planted in the heat of the summer.

All permits will be valid for a ten-day period only. When seeding or sodding lawns in the correct manner, the lawn should be established within ten days and not require watering during the prohibited times.

All permits will be issued on a weather-proof sign that is to be placed in the yard where the seeding or sodding is taking place. The sign will have the expiration date written clearly upon it, therefore notifying City staff as to the term of the permit.

City staff is suggesting a fee of \$100 for new cool season lawn permits and no fee for warm season lawn permits. City staff will utilize the \$100 collected in fees for cool season lawn permits to purchase Buffalo grass seed to give to residents who are willing to convert from cool season grasses.

If approved by the Commission, City staff will send hard copies of the permit language to all lawn and landscaping businesses in and around the city of Hays notifying them of the regulatory changes.

Legal Consideration

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

Financial Consideration

City staff is suggesting a \$100 fee for cool season grass permits. The monies collected via these fees will be used to subsidize the warm season grass conversion program.

Options

Option 1: Approve the revised Newly Seeded Lawn Permit and adopting ordinance.

Option 2: Deny the revised Newly Seeded Lawn Permit.

Option 3: Provide staff with further direction.

Option 4: Do nothing.

Recommendation

City staff recommends approval of the revised Newly Seeded Lawn Permit.

Action Requested

City staff requests the Commission approve the revised Newly Seeded Lawn Permit.

Supporting Documentation

Revised Newly Seeded Lawn Permit
Ordinance

Newly Seeded Lawn Permit, City of Hays, KS.

In accordance with the state and local law, outdoor watering is prohibited from June 1 – September 30 between the hours of 12:00 pm and 7:00 pm. The City of Hays enforces these laws within the city limits. The following exceptions will be made via a permitting process through the City.

For cool season grass plantings.

A permit may be obtained for a period of 10 days for newly seeded lawns. Summer is not the proper time to seed cool season grass therefore the city will not issue watering permits until fall. Permits for fall seeding will be available from August 25th until September 30th.

Permits may be obtained for a period of 10 days for sodded lawns. Fall is the ideal time for sodding cool season yards. Spring sodding can be accomplished but should be completed prior to May 20th therefore not requiring a permit.

For warm season Buffalo grass plantings:

Permit may be obtained for 10 days for seeded lawns. Permit requires pre-soaking seed methods. City Staff will meet with and explain the process as needed or required.

Permit may be obtained for 10 days for sodded, plugged or sprigged lawns.

Permit may be obtained between June 1st and August 1st.

For Bermuda grass plantings:

Permit may be obtained for 10 days for seeded, sodded, sprigged or plugged lawns between June 1st and August 1st.

Rules for plantings at new construction:

Plantings at new construction must have two cubic yards of compost added and incorporated into existing soil via mechanical means per 1000 square feet of landscape installation or permit is subject to be revoked.

Posting requirements:

Permitted party is required to post a permit in the front of their property for the duration of watering outside of regulated hours. This sign posting will be given by the finance office with the issuance of the permit.

Fees:

\$100 fee for new cool season lawn permits. No fee for warm season lawn permits.

Permit valid for the above-mentioned grass types only.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 65 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE III, DIVISION 1, SECTION 65-69, REGARDING WATER ALLOTMENT AND CONSERVATION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. Chapter 65, Article III, Division 1, Section 65-69 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 65

UTILITIES

ARTICLE III. WATER SERVICE SYSTEM

DIVISION 1. GENERALLY

Sec. 65-69. Water Allotment and Conservation.

(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., ~~effective~~ between June 1 and September 30, inclusive. Upon application and good cause shown, a special permit ~~shall~~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~~the hours of 12:00 noon and 7:00 p.m., effective June 1 through September 30.~~

- (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.

ORDINANCE NO. _____

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Section 2. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on _____, 2013.

KENT STEWARD
Mayor

ATTEST:

DORIS WING
City Clerk

(SEAL)

RESOLUTION NO. 2012-002

A RESOLUTION ADOPTING BY REFERENCE THE CITY OF HAYS CITY COMMISSION RULES OF PROCEDURE AND REPEALING ALL PREVIOUS RESOLUTIONS, MOTIONS OR ACTIONS IN CONFLICT THEREWITH.

WHEREAS, the *City of Hays City Commission Rules of Procedure* contains a full and complete set of rules, regulations, standards, and procedures which govern the proceedings of the Commission; and,

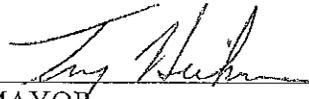
WHEREAS, it is the desire of the governing body of the City of Hays to adopt the provisions of the *City of Hays City Commission Rules of Procedure*, to apply in all of its affairs;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

- A. That the *City of Hays City Commission Rules of Procedure*, as attached hereto and as may be amended from time to time, is hereby adopted by the City of Hays, Kansas.
- B. That it shall be the policy of the City of Hays, Kansas, to abide by and conform to in all respects the provisions of the aforesaid *City of Hays City Commission Rules of Procedure*.
- C. That the City Clerk of the City of Hays, Kansas, shall maintain a copy of the *City of Hays City Commission Rules of Procedure*, and of this Resolution in the Office of the City Clerk, and shall make same available to any interested citizen.
- D. That all previous resolutions, motions or actions in conflict with the *City of Hays City Commission Rules of Procedure* are hereby repealed.

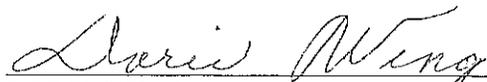
This resolution shall be effective upon its approval by the City Commission of the City of Hays, Kansas.

Adopted by the Commission on the 12th day of April, 2012.



MAYOR

ATTEST:



DORIS WING
City Clerk

(SEAL)



CITY OF HAYS
CITY COMMISSION
RULES OF PROCEDURE

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Adopted this 12th day of April, 2012, by the City Commission at a regular meeting, by a majority vote of the members attending.

1. Rules of Procedure - Generally

1.1. Authority: The Code of Ordinances of the City of Hays provides that the City Commission shall determine its own rules of procedure.

1.2. Adoption of Rules: The following set of Rules of Procedure shall be in effect upon their adoption by the Commission.

1.3. Rules - New Commission: Each year, at the first regular meeting of the City Commission in April, or at the first meeting following the canvassing and certification of the election votes by the Ellis County Clerk and Ellis County Commission, the Commission shall immediately, following the election of the Chairperson and Vice-Chairperson of Commission, as provided in Sec. 4.1, adopt Rules of Procedure, either by adopting the prior Commission's Rules (with or without amendments) or by adopting new rules.

1.4. Rules of Order: These Rules of Procedure shall govern the proceedings of the Commission, and "Robert's Rules of Order Revised" shall govern those matters that these Rules of Procedure do not govern.

2. Meetings, Quorum, Attendance, Rules of Order:

2.1. Meetings to be Public: All meetings of the Commission shall be open to the public as per the Kansas Open Records Act, subject to the exemptions therein.

2.2. Quorum: A majority of the members of Commission, three (3), shall constitute a quorum. If a quorum is not present, those in attendance shall be listed and they shall adjourn to a later time.

2.3. Business Vote: All ordinances shall require the affirmative vote of the majority of the five (5) commission members.

2.4. Compelling Attendance: The Commission may adjourn from day to day to compel the attendance of absent members.

2.5. Right of Floor: Any member desiring to speak shall be recognized by the chair, and shall confine his/her remarks to one subject under consideration or to be considered.

3. Types of Meetings

3.1. Regular Meetings: The Commission shall meet in the Commission Chambers of City Hall on the second and fourth Thursdays of each month at a time specified by resolution. Should the regular meeting date be a holiday, the Board of Commissioners shall meet on the Tuesday preceding the holiday at the regular hour. Calls for regular meetings other than as provided above herein shall be in accord with Hays City Code Sec. 2.04.120.

3.2. Special Meetings: Special meetings shall be called and held pursuant to Hays City Code Sec. 2.04.130.

3.3. Work Sessions: The Commission may meet informally in work sessions (open to the public), generally to be held on the first and third Thursday at a time to be announced at the meeting preceding each meeting in the Commission Chambers to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager and staff, provided that all discussions thereon shall be informal and no formal action shall be taken at any such session.

3.4. Regular and Special Meetings and Work Sessions: Notices of all meetings and work sessions shall be posted at City Hall, showing place, date and time of meeting or session, as well as an agenda for such meeting or session, and further disseminated according to the requirements of the Kansas Open Meetings Act.

3.5. Executive Sessions: Executive Sessions or closed meetings may be held in accordance with the provisions of the Kansas Open Meetings Act.

3.6. Adjourned Meetings: Any meeting of the Commission may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

3.7. Emergency Meetings: Emergency meetings, necessitated by national, statewide or local catastrophe, riot, or insurrection, requiring immediate action for which the Commission may need to act immediately, shall be called by available Commission members, who may act by emergency declaration, with or without a quorum, and by the majority of as many Commission members as are present, to take only such actions as are necessary to restore the public welfare and peace to its more normal state. This rule shall prevail only until such time as Commission passes an ordinance to deal with such extraordinary circumstances. As a part of the emergency declaration, such Commission members as are present may by majority vote of those present suspend all or any portion of the within rules for such emergency meeting.

4. Mayor and Duties

4.1. Election of Mayor and Mayor Pro Tem: At the first regular meeting of the City Commission in April of each year, or at the first meeting following the canvassing and certification of the election votes by the Ellis County Clerk and Ellis County Commission, a Chairperson and Vice-Chairperson shall be elected. The Chairperson shall have the title of Mayor. The Vice-Chairperson shall have the title of Vice-Mayor. The meeting shall be called to order by the Mayor who shall accept nominations for the offices of Mayor and Vice-Mayor. The election shall be by roll call vote or by open ballot in a contested election and it shall require a majority vote by the members of the Commission.

4.2. Chairperson / Mayor: The Chairperson shall preside at all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and Vice-Chairperson, the City Manager shall call the Commission to order, whereupon the members of the Commission present shall elect a temporary chairman.

4.3. Call to Order: The person presiding shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. A temporary chairman shall serve as presiding officer of the Commission until the arrival of the Chairperson or Vice-Chairperson, at which time the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

4.4. Preservation of Order: While the Commission is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the

Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer. Media coverage may be provided so long as said coverage does not interfere with the orderly conduct of Commission meetings. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Commission may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Commission.

4.5. Points of Order: The person presiding shall determine all points of order, subject to the right of any member to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?"

4.6. Questions to be Stated: The person presiding shall cause all questions to be stated, submitted to vote and announce all results. A roll call vote shall be taken upon the request of any member in the manner provided in these rules.

4.7. Appointment of Board, Commission, Committee and Authority Positions: Prior to appointment of any board member, commission or committee member or authority member, the term for which or vacancy of which will occur before the expiration of the then-Mayor's term, copies of any applications, letters of intent, or other indication of interest shall be provided to the Commission for review. At the regular meeting of the Commission preceding the meeting at which the appointment will be made, the Mayor shall make a recommendation for the Commission's consideration. At the next regular meeting, the Mayor shall make the appointment, subject to formal approval by the Commission. If the appointee does

not receive a majority vote of Commission, then any member of Commission may make a nomination for the position, subject to formal approval by the Commission. Such nomination shall be made from the applications, letters of intent or other indication of interest previously provided to the Commission. The Commission by unanimous consent may waive the time limits for this procedure.

5. Order of Business and Agenda:

5.1. Order of Business: All meetings of Commission, except executive sessions as outlined, shall be open to the public. At the hour appointed for meeting, the Commission shall be called together by the Chairperson, and in his/her absence by the Vice-chairperson. It shall be determined whether a quorum is present. Upon the appearance of a quorum the board of commissioners shall proceed to business, which shall be conducted in the following order:

1. Reading of the minutes of the last regular meeting and intervening special meetings, which, if no corrections are offered, shall stand approved;
2. Presentation of financial statements;
3. Citizen comments;
4. Consent agenda;
5. Unfinished business;
6. New business;
7. Report of city manager;
8. Commission inquiries and comments;

9. Executive session (if required);
10. Adjournment.

The foregoing order of business shall not, however, prohibit the introduction of any germane material or resolution by any member of the Commission under any appropriate heading of business hereinabove stated. For good reason, the person presiding may alter the order of the agenda unless decided otherwise by majority vote of Commission quorum present.

5.2. Presentation by Members of Commission: The agenda shall provide a time when the Chairperson or any Commission member may bring before the Commission any business that he/she feels should be deliberated upon by the Commission. These matters need not be specifically listed on the agenda, but formal action on such matters shall be deferred until a subsequent Commission meeting, when they can appear on the agenda, except that immediate action may be taken upon a vote of two-thirds of all members of the Commission.

5.3. Reading of Minutes: Unless a reading of the minutes of a Commission meeting is requested by a member of the Commission, such minutes may be approved without reading, if each member has been previously furnished with a copy of the minutes.

5.4. Rules of Debate:

(a) Presiding officer. The person presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a Commission member by reason of his/her acting as the person presiding.

(b) Getting the floor. Every member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined, and if in order, he/she shall be permitted to proceed.

(d) Introduction of ordinances and resolutions. Each ordinance or resolution shall be introduced and moved to be adopted as follows: "I move the introduction and adoption of Ordinance No. ____ (or Resolution No. ____)." ."

(e) Debate. The Commission member moving the adoption of an ordinance or resolution shall have the privilege of opening debate after the motion for adoption of the ordinance or resolution, but shall not speak against same. Such Commission member shall have the privilege of closing debate, by being invited by the presiding officer to speak last before vote is taken.

(f) Remarks entered in minutes. A Commission member may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the minutes.

6. Ordinances, Resolutions, and Motions

6.1. Form: Ordinances and resolutions shall be presented to the Commission only in printed or typewritten form.

6.2. Voting: Voting decides all questions ultimately. Yes or no vote shall be taken from each Commission member upon the consideration of passage of all motions, ordinances and resolutions and shall be entered upon the official record of the Commission.

6.3. Tie Vote: In the event of a tie in votes on any motion, the motion shall be considered failed.

7. Citizens' Rights

7.1. Addressing the Commission: Any person desiring to address the Commission by oral communication shall first secure the permission of the presiding officer, provided, however, that preference will be given to those persons who have notified the City Manager by noon of the Friday immediately preceding the Thursday Commission meeting of their desire to speak in order that their name may be placed on the agenda and they will be recognized by the presiding officer without further action.

7.2. Manner of Addressing the Commission: Each person addressing the Commission shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record and, by prior determination, and, on a case-by-case basis, time limits may be imposed by the presiding officer. All remarks shall be addressed to the Commission as a body, and not to any member thereof. No person,

other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, except by the authority of the presiding officer.

7.3. Courtesy Requirements: As a courtesy to all who use the City Commission Chambers, the City Commission shall require that everyone:

1. Remove hats, caps and sunglasses.
2. Refrain from chewing gum or tobacco and eating.
3. Refrain from smoking.
4. Turn off all cell phones and pagers.

8. Suspension and Amendment of these Rules

8.1. Suspension of these Rules: Any provision of these rules not governed by the City Code of Ordinances, City Code, state statutes or general state law may be temporarily suspended by a vote of a majority of the Commission. The vote on any such suspension shall be taken by a roll call vote and entered upon the record.

8.2. Amendment of these Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Commission, provided that the proposed amendments or new rules shall have been placed on the agenda and provided to all Commission members prior to the Commission meeting at which action is taken on the amended or new rules.