

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 5-10-16
Re: May 19, 2016 Work Session

Please find the attached agenda and supporting documentation for the May 19, 2016 Work Session.

Item 2 – Sale and Use of Fireworks for the 2016 Fourth of July Holiday

Please refer to my attached memorandum regarding the sale and use of fireworks for the 2016 Fourth of July holiday. At this time, City staff sees no compelling reason to suspend or modify the sale or use of fireworks. If the City Commission decides to take no action with this item, sales will be allowed on the 2nd, 3rd, and 4th of July, with use on those same days between 10:00 a.m. and 11:00 p.m.

Item 3 – Feasibility Analysis of Downtown Restroom

Please refer to the attached memorandum from Jeff Boyle, Director of Parks, regarding the feasibility analysis of a Downtown Hays restroom. Commissioner Schwaller asked that staff review the feasibility of installing a restroom facility in Downtown Hays. As you will see, Jeff's memo provides a location and cost estimates for such a facility. While a restroom downtown would definitely be an asset, and well utilized, City staff feels there are higher priorities, most notably the replacement of restrooms in Seven Hills and Massey Parks. This item is informational only, and City staff awaits further discussion and direction by the Governing Body.

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**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, MAY 19, 2016 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [May 5, 2016 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Sale and Use of Fireworks for the 2016 Fourth of July Holiday \(PAGE 5\)](#)**
PERSONS RESPONSIBLE: City Commission
3. **ITEM FOR REVIEW: [Feasibility Analysis of Downtown Restroom \(PAGE 9\)](#)**
PERSONS RESPONSIBLE: Commissioner Schwaller
Jeff Boyle, Director of Parks
4. **ITEM FOR REVIEW: Discussion of Naming Street after Santa Maria, Paraguay**
PERSON RESPONSIBLE: Mayor Phelps
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
Thursday, May 5, 2016 – 6:30 p.m.

Present: Eber Phelps, Shaun Musil, James Meier, Lance Jones, John Bird, Toby Dougherty and Kim Rupp

Absent: Henry Schwaller IV

April 7, 2016 Work Session Notes

There were no corrections or additions to the minutes of the work session held on April 7, 2016; the minutes stand approved as presented.

Downtown Pavilion Project

Sandy Jacobs, Board President of the Downtown Hays Development Corporation (DHDC), presented information regarding a proposed partnership between the DHDC and Fort Hays State University (FHSU) to develop a plan for a Downtown Pavilion and a public restroom facility on 10th Street. She stated the FHSU students have worked diligently to create a proposal for an impressive addition to Downtown Hays. She explained that they are not asking the Commission to take any action at this time and they realize this may not be the right time for a project of this scale, but that does not mean it has no future. They feel there is a real need for this facility, along with public restrooms, in downtown Hays, but they also realize the fiscal/budgetary challenges the City will face as they look to 2017.

Sara Bloom, Executive Director of the DHDC, explained that the reason the 10th street location was chosen is because it is easily incorporated into an already existing City Park, it is visible from Main Street, it is located at the hub of many of their events, and it could be the dawn of the campus to downtown corridor.

Kris Munsch, Assistant Professor at FHSU and the teacher of the Construction Management Program, introduced his students who presented the design plans for the project.

Commissioner Phelps and Commissioner Meier asked what guarantee the City would have that the project would be finished.

Sandy Jacobs replied that DHDC is committed to fully fund this project and to raise the money before construction begins.

Chairperson Phelps was concerned with the safety of the nearby grain elevators.

Sandy Jacobs replied that there are two options. An individual is raising funds to have the structural soundness of the elevators brought back to code so he could put a mural on them. There is also consideration to have the elevators taken down.

Dr. Elodie Jones, faculty member at FHSU and a board member of the DHDC, read a letter from Dr. Mirta Martin, President of FHSU, endorsing the proposal of the Downtown Pavilion. Dr. Martin was not able to attend the meeting.

Economic Development Policy Revisions

The Commission has had several discussions about the City's Economic Development Policy over the last few months. Suggestions that have been discussed have been incorporated into an updated policy and vetted through the Ellis County Coalition for Economic Development Board, which is in support of the changes.

City Manager, Toby Dougherty, reviewed the proposed changes with the Commission.

The most notable changes to the policy are the new section two "Statement of Process" that will govern the process and interaction among an applicant, the City of Hays, and the Ellis County Coalition for Economic Development. The Statement of Process clearly spells out the process to be followed for any applicant wishing to apply for incentives under the Economic

Development Policy. The new process also brings bond council into the mix early on to ensure the policy and state laws are being followed.

Within section five "Retail Development", the "big box" requirements have been removed. The requirements were that any retail applicant must meet the criteria of 50,000 square feet, \$10,000,000/year in retail sales, and employ twenty-five or more employees.

Aaron White, Executive Director of the Ellis County Coalition for Economic Development, stated that those requirements have made it difficult for otherwise viable applicants to move into the Hays Market.

Language has also been added that reinforces the reliance/importance of sales tax revenues. Given that sales tax revenues represent the majority of revenues for the General Fund, it is important that the Economic Development Policy facilitate and encourage retail development which helps maintain and increase the sales tax base.

It was the consensus of the Commission to remove the Job Bounty Program from the policy as it has not been used since 2011.

Commissioner Musil commented that he hopes this new policy makes it easier for the Coalition to negotiate with businesses wanting to come to Hays and hopefully increase our sales tax base.

At the May 12, 2016 Commission meeting, Commissioners will be asked to approve the revisions to the Economic Development Policy.

Commission Goals and Objectives for 2017 Budget

City Manager, Toby Dougherty, asked the City Commission for their input on the 2017 Budget as far as any goals or changes they would like to see.

Finance Director, Kim Rupp, provided information on the City's financial status as well as sales tax performance. Mr. Rupp explained that the general fund which supports essential services such as police and fire protection, street maintenance, and parks, does not get revenue from property tax. Two-thirds of the general revenue is from sales tax; therefore, it is extremely important to track

its volatility. The last 10 months have seen a decline in sales tax revenue of \$221,796 when compared to the same period last year.

The City Manager stated this is a downward trend and we do need to be proactive. He is directing staff to hold the line on spending and identify places to cut in 2017.

Commissioner Jones expressed concern with the declining tax revenue and stated he is opposed to taking on new liabilities and that is part of the reason he is adamantly opposed to the school board bond issue, the City sales tax portion of the June 7th election. The election is for a proposed half-cent, special-purpose sales tax to support the renovations and building projects for USD 489.

Chairperson Phelps stated a goal and objective for 2017 would be to avoid any increase in expenditures which in turn would allow us to avoid any mill levy increase.

The City Manager stated the number one goal every year is to balance the budget and keep the mill levy at 25.

Other Items for Discussion

Commissioner Meier requested that discussion of the Downtown Pavilion Project be put on the agenda for the second work session in June.

Vice-Chairperson Musil commented that he is not in favor of sales tax to fund the school building projects, but is supportive of our schools and their need to progress. He also thanked the FHSU students for their presentation on the Downtown Pavilion Project.

The work session was adjourned at 8:27 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: Toby Dougherty, City Manager

Work Session: May 19, 2016

Subject: Sale and Use of Fireworks for 2016 Fourth of July Holiday

Person(s) Responsible: Toby Dougherty, City Manager

Summary

According to City ordinance, the Commission may suspend the sale and use of fireworks in a particular year at its final regular meeting in May. At this time, City staff does not see a compelling reason to suspend the sale and use of fireworks.

Background

Section 32-76 of the City of Hays Code deals with the sale and use of fireworks within the city limits of Hays. According to the ordinance, the sale and use of fireworks, will be governed by the laws of the State of Kansas. Sales are limited to the dates of July 2, 3 and 4 only. Consumer use of fireworks is limited to July 2, 3 and 4 between the hours of 10:00 a.m. and 11:00 p.m. The ordinance gives the Commission the option to suspend the sale and use of fireworks at its final regular meeting in May.

Discussion

At this time, City staff is not able to list a compelling reason for the Commission to suspend the sale and use of fireworks other than the fact that many residents do not like fireworks. Threats posed by fireworks to health and property are going to exist each year and, therefore, are not viewed by City staff as a reason to recommend suspending the sale and use. In previous years, the City was experiencing severe drought conditions, and the Commission was worried about the threat of fire. At this time, those conditions are not as threatening as in past years. Therefore, aside from the fact that there are many residents that do not like fireworks, City staff does not see a reason for the Commission to suspend the sale and use of fireworks for 2016.

Legal Consideration

As this is a discussion item and no action is requested, there are no particular legal considerations. If the Commission decides to invoke the suspension provisions of the ordinance, the City Attorney will assist in preparation of the necessary documents.

Options

- Suspend the sale and use of fireworks for the 2016 season.
- Do nothing – which would allow the sale and use of fireworks for the 2016 season.

Action Requested

City staff requests the Commission discuss the sale and use of fireworks for the 2016 season.

Supporting Documentation

Fireworks Ordinance

ORDINANCE NO. 3851

AN ORDINANCE AMENDING CHAPTER 32 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE II, DIVISION 3, SECTION 32-76, REGARDING FIREWORKS SALES.

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

Section 1. Chapter 32, Article II, Division 3, Section 32-76 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 32

FIRE PROTECTION AND PREVENTION

ARTICLE II. FIRE CODES AND STANDARDS

DIVISION 3. HAZARDOUS MATERIALS

Sec. 32-76. FIREWORKS SALES.

(a) The sale and use of common fireworks within the city limits will be permitted, as to type of fireworks, as provided by the laws of the state. The City Commission may suspend the sale and use of common fireworks within the city limits in any given year and will determine whether to suspend the sale and use of fireworks in a particular year at its final regular meeting in May of that year. If the sale and use of common fireworks within the city limits is permitted by the City Commission in a particular year, it shall be limited to sale on July 2, 3 and 4 only. Consumer use of fireworks within the city limits will be limited to July 2, 3 and 4, between the hours of 10:00 a.m. and 11:00 p.m. on each of those days. The intent of the city commission is to coordinate the use of fireworks with Ellis County for uniform enforcement. The City Commission reserves its right to suspend the sale and use of common fireworks within the city limits at any time, if weather conditions so require.

(b) In years when the sale and use of common fireworks within the city limits is permitted, at least one sign, two-foot by three-foot in size, on a contrasting background shall be posted at each entrance to a fireworks stand or sales area that shall read as follows:

THE HAYS CITY CODE ALLOWS FIREWORKS TO BE
DISCHARGED ONLY ON JULY 2, 3 AND 4 BETWEEN
THE HOURS OF 10:00 A.M. AND 11:00 P.M.
PERSONS USING FIREWORKS ARE RESPONSIBLE
FOR CLEANING UP ALL DEBRIS.

THOSE FOUND IN VIOLATION OF THE HAYS CITY CODE
MAY BE FINED UP TO \$500.00 AND 30 DAYS IN JAIL.

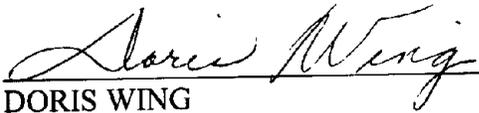
Section 2. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

PASSED by the Commission on August 23, 2012.



KENT STEWARD
Vice Mayor

ATTEST:



DORIS WING
City Clerk

(SEAL)



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Commission Work Session Agenda

Memo

From: Jeff Boyle, Director of Parks

Work Session: May 19, 2016

Subject: Downtown Hays Restroom Facility

Person(s) Responsible: Jeff Boyle, Director of Parks

Summary

Commissioner Schwaller requested that Staff review the feasibility of installing a restroom facility in Downtown Hays. The City does not own the land in the proposed spot at UP Plaza, but the current lease would allow the installation of a restroom facility. The installed price at the proposed UP Park location would range from \$75,900 for a small restroom to \$152,850 for a larger facility. When comparing this location to the city as a whole, Staff feels that funds may be better spent replacing existing facilities. There is no action being requested for this item.

Background

At the April 14, 2016 City Commission meeting, Commissioner Schwaller requested that City Staff look into the feasibility of putting a restroom facility in downtown Hays. There are no public restroom facilities in the downtown area. Many events are held downtown and restrooms would definitely be an asset to these events.

Discussion

City Staff reviewed several locations in Downtown Hays that would be functional and easily accessible. The city does not own land in the railroad corridor. It is all leased from Union Pacific. According to the UP Plaza lease, having a restroom in this location is acceptable. Staff's opinion is that a restroom in this area would be beneficial but is a lower priority due to the current need for restrooms in several park areas. Currently, the restroom facility at Seven Hills Park is city staff's highest priority due to the deteriorating structural conditions.

If the Commission decides to move forward with a restroom downtown, Staff recommends the use of the cost effective pre-fabricated style restrooms. Two examples are being provided for review. The smaller recommended design is identical to the restroom recently installed at Kiwanis Park and includes one toilet for the woman's side and one toilet for the men's side. The prices include the restroom, pre-prepared pad and utilities. The utilities for this location are a significant portion of the total costs. Electricity would need to be brought over from 10th and Oak while the remaining utilities, specifically sewer, are under Main Street.

Attached, you will find several aerial photos of park areas that are in need of restrooms which are on the Projects and Goals List for the Parks Department. Staff would prefer to fulfill standard park restroom needs prior to installing a restroom in Downtown Hays.

Legal Consideration

There are no known legal obstacles to constructing a bathroom on the premises, though the City Attorney does not advise agreeing to all the terms of the first offer made by UPRR. City Staff has made no recommendation, so the City Attorney will await direction and decision by the City Commission.

Financial Consideration

Total cost for the smaller restroom facility with all utilities is expected to be \$75,900. The larger version is expected to be \$152,850. Labor for cleaning and supplies for the restroom are expected to be \$1,700 annually, which is typical of all current restroom facilities in park areas. Heat is included in these estimates so they can be open year-round. If the Commission decides to move forward with the restroom facility for Downtown Hays, Staff recommends three possible options to pay for it:

- 1) City Commission Capital Reserve
- 2) Special Park and Recreation Budget
- 3) Donations/fundraising

Options

The City Commission has the following options:

- Review the information and provide direction to City Staff
- Do nothing at this time

Recommendation

Staff does not have a recommendation for this item. This information was requested by a Commissioner for review.

Action Requested

There is no action being requested for this item. This information was requested by a Commissioner for review.

Supporting Documentation

Proposed location of restroom at UP Park
Restroom – Small option/large option
Seven Hills Park replacement restroom location
Aubel-Bickle Park replacement restroom location
Hickok Park future restroom location
Dan Rupp Park future restroom location
Ekey Park future restroom location
Rolling Hills Park future restroom location



Small Option



Large Option



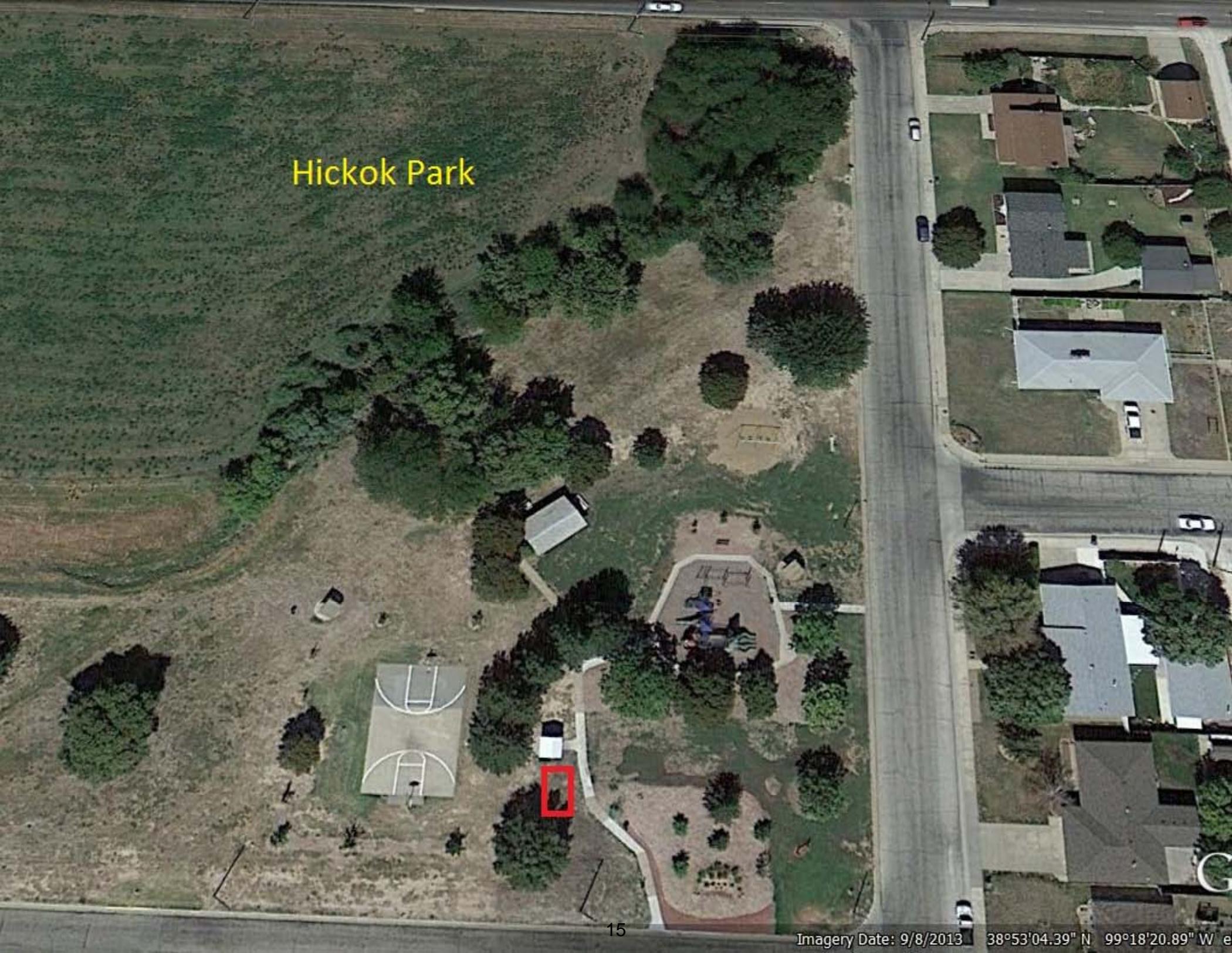
7-Hills Park



Aubel-Bickle Park



Hickok Park



Dan Rupp Park



Ekey Park



Rolling Hills Park



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