

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 8-27-14
Re: September 4, 2014 Work Session

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

Item 2 – Discussion of DHDC Funding for 2015

This item is self-explanatory.

Item 3 – Solid Waste Polycart Purchase

The Public Works Department is asking for the Commission's approval to purchase 400 polycarts to provide adequate reserves as well as to replace aging polycarts. Public Works is requesting the Commission also authorize the sole-source purchase from Rehrig Pacific Company in Desoto, Kansas, as this is the model that is not only the cheaper option, but also the most similar to our current polycart.

Item 4 – Fireworks Discussion

Following the most recent Fourth of July holiday, Commissioner Musil asked to discuss fireworks at a future work session. I have included information from Chief Scheibler and Chief Brown regarding the 2014 holiday as well as the language from the City's Code of Ordinances regarding fireworks. Should the Commission decide it wants to modify the Code, it will need to discuss and agree on the modifications and direct staff to prepare an ordinance amending City Code.

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

- 1. ITEM FOR REVIEW: [August 21, 2014 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
- 2. ITEM FOR REVIEW: Discussion of DHDC Funding for 2015**
PERSONS RESPONSIBLE: City Commission
- 3. ITEM FOR REVIEW: [Solid Waste Polycart Purchase \(PAGE 3\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
- 4. ITEM FOR REVIEW: [Fireworks Discussion \(PAGE 7\)](#)**
PERSON RESPONSIBLE: Commissioner Musil
- 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
August 21, 2014 – 7:30 p.m.

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

August 7, 2014 Work Session Notes

There were no corrections or additions to the minutes of the work session held on August 7, 2014; the minutes stand approved as presented.

Bernie Kitten, Director of Utilities, had a non-agenda item to report. The City of Hays had a monthly violation for total coliform. It is not uncommon to test positive for coliform and the follow-up test to be negative. However, two in one month is a violation. Coliform bacteria are harmless bacteria and the water is safe to drink. Even though this is not considered a health problem, Kansas Department of Health and Environment rules require us to notify the public. He stated warmer water this time of year and not flushing water mains might have caused the issue.

City Manager Toby Dougherty stated City staff has not flushed the lines as often because of public perception during the times of drought. The maintenance will be resumed to ensure health and safety.

Wastewater Treatment Plant Upgrade/Replacement

The current City of Hays wastewater treatment facility was built in the 1950s and received a few modifications and upgrades since its original construction. The original facility was built to treat wastewater to a specific standard prior to releasing it into Chetolah Creek. As the standards for this wastewater have become more restrictive, it has become more difficult to meet the requirements given the technological limitations of the wastewater facility.

Jeffrey Barnard and Brian Meier representing Burns & McDonnell explained to the Commissioners the need for a more advanced plant. City staff has been working in conjunction with Burns and McDonnell to evaluate the current facility, as well as specific options for improving the facility to meet future permit levels. The anticipated project cost based on similar facilities constructed in the region would range from \$24 to \$28 million. New discharge criteria set to take effect in 2018 are forcing City staff to improve the facility.

City Attorney John Bird stated resisting the mandates could lead to expensive litigation.

Other Items for Discussion

Commissioner Phelps complimented Roger Moerke, Utility Wastewater Superintendent, stating his interview on ECTV regarding our wastewater treatment plant was very informative.

Chairperson Schwaller thanked those involved in making the Core2Campus event successful.

The work session was adjourned at 8:41 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: ID Creech, Director Public Works

Work Session: September 4, 2014

Subject: Solid Waste Polycart Purchase

Person(s) Toby Dougherty, City Manager

Responsible: ID Creech, Director Public Works

Summary

Staff is requesting authorization to purchase four hundred (400) ninety-five (95) gallon polycarts for solid waste collection activities for \$21,450 including freight and fifty (50) extra wheels and fifty (50) extra hinge pins. Staff recommends the carts be acquired through a sole source authorization from Rehrig Pacific Company in Desoto, Kansas. Funding is recommended from the Solid Waste Reserves.

Background

Current polycarts have been in use since 2008. Physical demands on the polycarts cause some to come into disrepair and require replacement. Replacement must come from an in-house inventory because of the special logo on the polycarts. Additional customers must also be provided polycarts.

Discussion

We have approximately seven thousand three hundred (7,300) carts distributed in the field. This number has grown since inception of the automated system. The 400 polycarts requested would represent approximately 5.5% of our distributed inventory.

Improvements in software help us to track individual polycarts by serial number.

We have to replace a varying amount of polycarts each year and add to our inventory for new residential construction. As the polycarts are a special run for the vendor, we have an order/ship threshold reviewed each year. For our current request, earliest ship time would be October 15, 2014. The only replacement supply of polycarts available to us is the extra polycarts we keep on-hand – we cannot get replacements on a one to one basis.

These polycarts are delivered with a ten (10) year warranty – we have exercised warranty issues in the past with good success; however, we are required to provide field replacements without the ability to immediately replace inventory. Currently, ninety-eight (98) polycarts are in-hand for need of warranty replacement.

Storage of the polycarts is minimal as assembly is required before use. The polycarts are stackable in storage.

Legal Consideration

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

Financial Consideration

From the Solid Waste Reserves:

400--- 95 gallon Boss-Karts	50.50 per polycart	\$20,200.00
50---Extra wheels	4.50 per wheel	\$ 225.00
50---Extra hinge pins	.50 per pin	\$ 25.00
Freight		\$ 1,000.00
TOTAL COSTS		\$21,450.00

\$516,554.56 is held currently in the Solid Waste Reserve fund. The Solid Waste Reserve funds are used to purchase new and/or replacement equipment including trucks and polycarts.

We are in the sixth (6th) year of polycart useful life expectancy of ten (10) years. A city-wide refit of all polycarts would be estimated near \$400,000. The City has three (3) automated collection trucks estimated at approximately \$150,000 replacement for each.

Options

1. Authorize the purchase of 400 polycarts, 40 wheels, and 50 hinge pins from Rehrig Pacific Company in the amount of \$21,450 from Solid Waste Reserves;
2. Offer some other direction to staff;
3. Do nothing.

Recommendation

Staff recommendation will be to purchase the polycarts, wheels, and pins from Rehrig Pacific Company as presented.

Action Requested

Adopt motion to authorize the expenditure of \$21,450 from Solid Waste Reserves to purchase four hundred (400) ninety-five (95) gallon polycarts, fifty (50) wheels, and fifty (50) hinge pins from Rehrig Pacific Company.

Supporting Documentation

Sole Source Memos (2)

08-06-14 I.D. Creech to Toby Dougherty

07-25-14 Marvin Honas to I.D. Creech

Memo

To: Toby Dougherty, City Manager
From: ID Creech, Director Public Works
CC: Paul Briseno, Assistant City Manager
Date: Wednesday, August 06, 2014
Re: Sole Source – Rehig Pacific for Polycarts

OKTD


Sir:

From the attached document you will not that our vendor for polycarts in the Solid Waste Division – Ameri-Kart – no longer makes a compatible trash cart for our system. After review of available options, I request that Rehig Pacific of DeSoto, Kansas be identified as a sole source vendor for our polycart needs. Mr. Honas has provided additional information in the attached memo.

RECEIVED
AUG 06 2014
COH PUBLIC WORKS

Memo

To: I.D. Creech, Director of Public Works
From: Marvin V. Honas, Solid Waste Division Superintendent
CC: John Braun, Assistant Director of Public Works
Date: July 25, 2014
Re: Sole Source – Rehrig Pacific

We would like to request sole source approval for Rehrig Pacific Company for the manufacture of the City of Hays polycarts.

The current sole source for polycarts is Ameri-Kart in Mildford, Ohio. Ameri-Kart no longer makes the original style of polycart the city purchased. The last shipment in March 2013 was sent to the City of Hays without any knowledge of a change in the shape, weight, color, and material of polycart. This new style fails to meet the standards of the City of Hays.

Rehrig Pacific is located in De Soto, KS. Their polycart is almost identical to the original polycarts the City of Hays purchased. Additionally, the polycart cost is less than Ameri-Kart's cost.

We would like to purchase 400 new polycarts from Rehrig Pacific. The division's goal is to have 5% or 350 polycarts on hand for new service and replacement. We currently have 98 polycarts on hand with another 126 polycarts to be replaced under warranty. With warranty polycarts, we never know when they will be manufactured due to a minimum order of 200 policy that Ameri-Kart has in place. The warranty polycarts were approved in April 2014 and a tentative manufacturing date is August 29th but no guarantee.

Sole source status for Rehrig Pacific would allow the city to maintain as much consistency in the polycarts the city has as well as help keep warranty information consistent.

If you have any questions regarding this request please contact me at the Recycling Facility at 628-7304 or by email at mhonas@haysusa.com.

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 8-14-14
Re: Sale and Use of Fireworks

Following the last-minute decision to allow the sale and use of fireworks for the 2014 holiday season, the City Commission asked that discussion of the subject be placed on a future work session agenda. Included with this memorandum are emails from the Police Chief and Fire Chief regarding fireworks-related fires and complaints during the 2014 holiday.

As usual, City staff will recommend a total ban on the sale and use of fireworks if we are asked to provide a formal opinion, but since this item has been brought forward by the Governing Body, City staff awaits any further direction regarding the subject.

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Attachments

Toby Dougherty

From: Gary Brown
Sent: Monday, July 07, 2014 3:00 PM
To: Paul M. Briseno; Toby Dougherty
Cc: 1-Fire Dept Supervisors; Don Scheibler
Subject: Fireworks Related Fires

Fireworks Related Fires

City Manager:

During the July 2, 3 & 4 fireworks sale and use period, the fire department responded to three fireworks related incidents.

- Grass fire - July 4, 1422 hours; 1521 US183 Alt, Frontier Park East [IR#14-1050]
- Tree row fire threatening a building – July 4, 2049 hours; 4004 County Lane [IR#14-1053]
- Fireworks debris fire in a private driveway – July 4, 2350 hours; 1300 East 33rd Street[IR#14-1057]

On July 5, the fire department responded to one fireworks related incident.

- Fireworks debris fire in the street – July 5, 2329 hours; 1000 block of East 48th Street [IR#14-1064]

Gary A. Brown, Sr., EFO
Fire Chief
City of Hays Fire Department
PO Box 490
Hays, KS 67601
(785) 628-7330 office
(785) 628-7314 fax
gbrown@haysusa.com
www.haysusa.com

Toby Dougherty

From: Don Scheibler
Sent: Tuesday, July 08, 2014 2:45 PM
To: Toby Dougherty; Paul M. Briseno
Cc: Gary Brown
Subject: 4th of July Activities - Police Department
Attachments: Fireworks Violations Stats.xls

The 2014 Fourth of July holiday weekend was an extremely busy time for the Hays Police Department. The police department provided security and traffic control for the Wild West Festival's activities, which included three music concerts, a professional fireworks display, four nights of the WWF Carnival, a 5-K race, a parade, and three nights of the beer garden. Overall there were no major problems with the Wild West Fest.

The Wild West Festival's fireworks display went off without a hitch. City and county law enforcement and fire departments along with FHSU police, KHP, and the Wild West Festival security worked together to keep all in attendance safe. Traffic cleared out smoothly with minimal delays. No major incidents were reported as a result of the WWF fireworks display.

The sale and consumer use of fireworks caused minimum concern to the Hays Police Department. Fireworks were banned in Ellis County, but were allowed to be sold and ignited within the city limits of Hays on July 2nd, 3rd, and 4th, between 10:00am and 11:00pm. Two fireworks outlets/stands were selling fireworks and both were located in the 2700 blk of Vine Street. No incidents were reported in regard to these fireworks sale locations. The fire department responded to three fireworks related incidents and the police department provided traffic control at these fire scenes.

The Hays Police Department responded to 49 fireworks related calls from June 27th through July 5th (dates in which fireworks could be legal sold in Kansas). Due to the difficulty in being able to identify the person(s) igniting the fireworks, and in obtaining the evidence to aid in prosecution of these cases, no citations were written. Officers made contact with numerous groups of individuals gathered in areas cluttered with spent fireworks shells and gave these individuals verbal warnings and educated them on the times in which fireworks were permitted. 57 % of the complaints occurred between 11:00pm and 11:59pm, or within an hour after the curfew set by the commission. We knew that this would be a problem with the limited time in which we had to educate the public on the restrictions.

Attached is a data sheet listing the fireworks calls for service from 2005 through 2014. Please let me know if you have any questions or concerns.

Thank you,

Chief Don Scheibler

Donald L. Scheibler, CPM
Chief of Police
Hays Police Department
105 West 12th Street
Hays, Ks 67601
Office: 785.625.1030
Cell: 785.623.6909
Fax: 785.625.1024
dscheibler@haysusa.com

Fireworks Complaints within the City										
Data collected from June 27 thru July 5 of each year										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Fireworks complaints by hour of day	70	68	88	102	69	74	40	33	9	49
7:00am thru 9:59pm	17	12	27	42	31	14	12	13	3	11
10:00pm thru 10:59pm	21	20	29	16	17	30 (*19)	7	15	1	5
11:00pm thru 11:59pm	22	18	12	14	14	15 (*3)	2	4	3	28
12:00am thru 12:59am	6	9	15	21	2	13	16(**10)	0	0	2
1:00am thru 1:59am	0	4	4	4	3	1	2	0	2	1
2:00am thru 2:59am	2	4	0	1	2	1	0	1	0	1
3:00am thru 3:59am	2	1	0	1	0	0	0	0	0	0
4:00am thru 4:59am	0	0	0	2	0	0	1	0	0	1
5:00am thru 5:59am	0	0	1	1	0	0	0	0	0	0
6:00am thru 6:59am	0	0	0	0	0	0	0	0	0	0
Calls by Date	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
July 5th	12	7	11	19	7	29 (*22)	10(**6)	2	1	8
July 4th	24	22	29	20	12	15	12(**2)	14	7	24
July 3rd	14	12	11	7	15	4	5(**1)	1	0	11
July 2nd	3	8	6	9	5	8	7(**1)	1	0	3
July 1st	5	7	16	6	4	4	1	0	0	1
June 30th	6	5	8	10	2	5	1	6	0	1
June 29th	4	4	3	18	8	7	0	7	0	1
June 28th	2	2	2	8	5	1	3	2	0	0
June 27th	0	1	2	5	11	1	1	0	1	0
Statistics taken from Dispatch History / Activity Log / Call Type / Call Type by Month										
7/7/2014										
numbers in (*) are from 10:00pm to 11:16pm										
numbers in (**) are from Midnight - 12:10 AM										

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.

(Ord. No. 3842, §§ 1, 2, 9-22-2011; Ord. No. 3851, § 1, 8-23-2012)

Editor's note—

Ordinance No. 3842, §§ 1, 2, adopted Sept. 22, 2011, repealed the former § 32-76, and enacted a new § 32-76 as set out herein. The former § 32-76 pertained to similar subject matter and derived from the Code of 2000, § 8.08.060(G); Ord. No. 3744, §§ 1, 2, adopted Jan. 24, 2008; and Ord. No. 3780, § 1, adopted Oct. 8, 2009.

Secs. 32-77—32-95. Reserved.