

City of Hays
City Commission
Work Session Notes

Thursday, August 18, 2022 – 6:30 p.m.

Present: Mason Ruder, Michael Berges, Shaun Musil, Sandy Jacobs, Reese Barrick, Toby Dougherty, Kim Rupp, and Don F. Hoffman

August 4, 2022 Work Session Notes

There were no corrections or additions to the minutes of the work session held on August 4, 2022; the minutes stand approved as presented.

Midwest Energy Electric/Gas Franchise

Toby Dougherty, City Manager, stated in 2003, the City Commission granted Midwest Energy a 20-year franchise to operate an electric and natural gas utility within the city limits of Hays. Midwest Energy has been operating under the terms of that contract since that time, and City staff has had no issues with Midwest's performance under the contract. Midwest Energy is a quality provider and an asset to the community. The current franchise expires in January 2023. City and Midwest Energy staff met on several occasions to negotiate a new franchise agreement. The new franchise agreement is also a 20-year term agreement and, in terms, is very similar to the existing agreement. There are a few housekeeping items that have been cleaned up to match current terminology and practices. In exchange for the franchise, Midwest Energy will pay the City of Hays five percent (5%) of all revenues on the sale of gas and electricity within the city limits as well as three cents (3¢) per therm for gas transported to any customer within the city limits of Hays.

At the August 25, 2022 Commission meeting, Commissioners will be asked to approve the ordinance granting an electric and gas franchise to Midwest Energy.

Modifications to City Animal Code

Commissioner Barrick suggested a few changes to the Animals section of the City Code. Many of the changes being suggested are grammatical or verbiage changes to state a proper reference. There are some substantive changes that are being suggested. Commissioner Barrick is suggesting a modification that would allow residents to keep non-venomous constrictor snakes in excess of six feet in length. These snakes would need to be registered with the City, as are cats and dogs. The snakes would also have to be implanted with a microchip that would allow proper identification if necessary.

Alligator ownership would be completely eliminated in the proposed ordinance. Current City code allows pet alligators up to 30 inches in length as well as snakes up to six feet long. Commissioner Barrick said both types of animals will grow bigger than what is specified, and the current city policy is essentially condemning a pet to death. He noted that alligators are going to get longer than 30 inches after two years, so it makes no sense to allow them.

Commissioner Barrick stated that he feels if someone wants to keep a snake that is over six feet long, it is their business, but the City needs to know who has snakes that big and be able to keep track of them should they escape. He added that you can get a boa constrictor at any pet store, and they will eventually get bigger than six feet in length, so he feels it is more responsible to keep track of them than to put them down once they become a certain size.

Mayor Ruder asked if the snakes would need re-chipped once the chip expires and asked if that needs to be specified in the ordinance. Mr. Dougherty stated he will check on that and include it in the ordinance if necessary.

City staff is suggesting that the fine tables be removed from the Code of Ordinances and replaced with language that allows the Municipal Court Judge to determine the fines for violation of the ordinance. This is common practice and how most of the fine schedules are handled for City of Hays code violations.

Mr. Dougherty stated the City Attorney will prepare a revised ordinance and staff will work on the registration process. The Commission will consider approving the updated code at a future meeting.

2023 Budget Review

Toby Dougherty, City Manager, asked if there were any questions, comments, or modifications regarding the 2023 Budget. Outside Agency Funding was discussed at the August 4, 2022 Work Session. A consensus was reached on all funding requests except for the Ellis County Historical Society, Hays Chamber of Commerce, and the Downtown Hays Development Corporation (DHDC).

Following discussion, the Commission came to the consensus to fully fund the Ellis County Historical Society's request of \$21,116. Commissioner Barrick stated he feels by next year we need to see real progress. The staff and board of the Ellis County Historical Society need to create a new vision and work on finding partners.

A new funding request was received from the Hays Chamber of Commerce for \$45,000. Commissioner Musil stated he would like to see funding for the Chamber of Commerce come from Commission Capital Reserves for one year. He added that he feels we have so much positive momentum in our community.

Vice-Mayor Berges stated that he would support funding the Chamber for one year but would have preferred it be an outside budget request. He believes they have projects such as the Daycare Task Force and other ideas they are working on that the Commission can feel confident giving them the one-year funding. He added that there is funding available in the Commission Capital Reserves, and it feels like this is a good faith effort to help them get through next year. He requested that it is not a continuous line item each budget year.

Commissioner Barrick stated that he believes that a membership organization should be able to fund themselves, but he also feels that sometimes an organization has great ideas and funding for those projects but can't pay for the people to put the projects in process. It is his understanding that this funding was to help pay a livable wage to their employees.

Sarah Wasinger, President/CEO of the Hays Chamber of Commerce, clarified that this funding would be used to increase the wages for their current

staff of four and no additional employees would be hired. She provided information on additional funding sources they are working towards for next year and hopes that will bring sustainability to their budget.

Mayor Ruder stated he supports a one-time funding for the Chamber with funds being transferred from Commission Capital Reserves. He believes the partnerships the Chamber has with DHDC and Grow Hays are extremely important and if we can keep everyone moving cohesively towards the same goal, he thinks it is a benefit for the community at large.

It was the consensus of the Commission to fund the Chamber of Commerce request of \$45,000 for one year with funding from Commission Capital Reserves rather than the CVB Budget. Mr. Dougherty stated the Commission can take action to fund the Chamber's \$45,000 request at a future meeting.

Ms. Wasinger thanked the Commission and stated that looking at their budget this year, she thinks they will be able to hit their 2022 expected budget numbers and added that it may be better for the organization if that payment could take place in 2023.

The outside agency funding request from Downtown Hays Development Corporation (DHDC) was for \$60,000, an increase of \$6,000 from the 2022 budgeted amount.

Commissioner Musil stated he is in favor of funding DHDC at last years request. He feels they need to see some changes at DHDC and suggested the City Commissioners meet with the DHDC Board and explain expectations.

Commissioner Jacobs stated the organization does outstanding things for the community and feels they should be funded at the requested amount of \$60,000.

Vice-Mayor Berges stated he would like this funding to remain in the CVB Budget for now, but noted the budget is tight. He would be in favor of funding DHDC at \$54,000 not \$60,000 to save the small cushion the CVB Budget has.

Commissioner Barrick stated that he feels they have gone from a mission of getting businesses downtown to getting people downtown. He thinks they can

grow and do a good job at that. He asked if the sustainability plan is having the City pay the same amount or more each year. He would like to see the downtown businesses recognize that DHDC has done good things for them and buy into it. He is in favor of providing the funding this year but is not in favor of funding at this level or an increased level every year.

Karen Dreiling, downtown business owner, stated they will never get 100% participation in funding DHDC because there is a segment of the downtown businesses that do not feel the need or do not have the extra money to support it. She noted that there is a significant amount of money that retailers do give to support downtown.

Commissioner Jacobs stated that from her perspective downtown is a destination, it brings people to this community, they stay overnight, it brings events to our community. She feels they should be funded at the requested amount.

Mayor Ruder stated he is in favor of funding DHDC at their requested amount. He spoke with Brett Ottley, Board President of DHDC, and believes they have a plan for the future of downtown.

It was the consensus of the Commission to fund DHDC at the requested amount of \$60,000.

Commissioner Musil added that helping to fund these organizations will not hurt our community but will help our community and we can prove that with sales tax receipts.

Mayor Ruder thanked representatives from the outside agencies for coming and providing information and insight to help make these decisions.

The 2023 Budget will be presented for approval at the September 8, 2022 Commission meeting.

Other Items for Discussion

Commissioner Barrick thanked the outside agencies for the information and encouraged them to prove the Commission right for funding them.

Commissioner Jacobs congratulated Vice-Mayor Berges for his successful run for Ellis County Commissioner. He will bring great assets to the County Commission, especially in the budgetary process. She added that he will be missed on the City Commission and wished him well.

Commissioner Musil echoed Commissioner Jacobs comments and added that Vice-Mayor Berges does his research and serves his community well.

Vice-Mayor Berges welcomed Fort Hays State University, NCK Technical College, and Hays Academy of Hair Design students back to Hays. He also congratulated Ayanna Hensley who was crowned Miss Kansas 2022.

Mayor Ruder mentioned the Back-to-School Picnic at FHSU will be on Monday, August 22, 2022. He also noted that there are openings on various boards and encouraged anyone interested in serving to contact the City of Hays.

The work session was adjourned at 7:39 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk