

# Memo

To: City Commission  
From: Toby Dougherty, City Manager  
Date: 7-23-19  
Re: August 1, 2019 Work Session

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Please find the attached agenda and supporting documentation for the August 1, 2019 Work Session.

## Item 2 – Residential and Electrical Code Amendments

Please refer to the attached memorandum from Curtis Deines, Planning, Inspection and Enforcement Superintendent. The City Commission adopted the National Electric Code and the International Residential Code in 2017. As the codes were put into place, City staff and local contractors found that parts of the codes were onerous and financially burdensome. City staff is suggesting modifications to two specific sections, with one dealing with the installation of Arc Fault Circuit Interrupter (AFCI) receptacles, and the other regarding the connection of smoke and carbon monoxide alarms throughout the home. Jesse Rohr, Public Works Director, will have more information at the work session on Thursday.

## Item 3 – 2020 Budget Discussion

On July 25, 2019, the City Commission set the public hearing for the 2020 Budget for August 8<sup>th</sup>. The City Commission can still make modifications to the budget; therefore, I will be prepared to discuss or modify as needed.

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**CITY OF HAYS**  
**CITY COMMISSION WORK SESSION**  
**CITY HALL, 1507 MAIN STREET, HAYS, KS**  
**THURSDAY, AUGUST 1, 2019 – 6:30 P.M.**  
**AGENDA**

1. **July 18, 2019 Work Session Notes (PAGE 1)**  
Department Head Responsible: Kim Rupp, Director of Finance
2. **Residential and Electrical Code Amendments (PAGE 7)**  
Department Head Responsible: Jesse Rohr, Director of Public Works
3. **2020 Budget Discussion**  
Person Responsible: Toby Dougherty, City Manager
4. **Other Items for Discussion**
5. **Executive Session (if required)**
6. **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, July 18, 2019 – 6:30 p.m.

Present: Henry Schwaller, IV, Shaun Musil, Sandy Jacobs, Ron Mellick, Eber Phelps, John T. Bird, Toby Dougherty, and Kim Rupp

**July 2, 2019 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on July 2, 2019; the minutes stand approved as presented.

**Municipal Park Tennis Court Resurfacing – Award of Bid**

Jeff Boyle, Director of Parks, stated there are four tennis courts at Municipal Park and these courts have not been resurfaced since 2004. Staff has been contacted by numerous citizens requesting to have one of the courts resurfaced into two pickleball courts. He stated Pickleball is one of the fastest growing sports in the nation. The Hays Recreation Commission has a pickleball league and they say it is very popular. Staff solicited proposals for the resurfacing of three tennis courts and two pickleball courts. Two proposals were received with Hellas Construction, Inc. being the low bidder at \$36,475, which is \$13,525 below the budgeted amount.

Commissioner Jacobs stated as you get older, pickleball is a great sport to stay active with because you can play at any level you want. She has noticed there are a lot of young people playing it as well.

Commissioner Phelps was concerned that there may be some complaints from the tennis players as those courts are already often used for other activities like remote control cars, volleyball, skateboarding, and rollerblading.

Mayor Schwaller agreed noting that tennis players have come to the Commission numerous times over the last 15 years complaining that the City has

cut down on the number of tennis courts converting them to basketball courts and they believe their sport has been maligned.

Commissioner Jacobs felt these are two compatible activities and a great way to play pickleball outside, but if we do not have enough tennis courts, that is another issue.

Vice-Mayor Musil added that he thinks it is a great idea. Pickleball is a popular activity and it is bringing people to Hays to play.

Commissioner Jacobs asked if the two pickleball courts could be converted back to tennis courts if needed. Mr. Boyle stated they could easily be converted back to tennis courts.

Commissioner Mellick stated that he has talked to quite a few tennis players that are now playing pickleball and enjoy playing both.

At the July 25, 2019 Commission meeting, Commissioners will be asked to approve the proposal from Hellas Construction, Inc. for an amount of \$36,475 for the resurfacing of three tennis courts and two pickleball courts in Municipal Park with funds budgeted in the 2019 Special Park and Recreation Budget.

### **Solid Waste Fee Increase**

Jesse Rohr, Director of Public Works, stated that expenses within the Solid Waste Division have slowly increased in the past 12 years due to items such as fuel increases, higher hauling and sorting fees for recyclables, salaries, and higher tipping fees at the Ellis County landfill.

The monthly collection fee of \$15.20 began in 2006, in advance of the 2007 move to automated collection, and is still in place today. Maintaining fees at the current rate will not allow expenditures to be covered from fees collected. Staff recommends increasing the Solid Waste collection fees by 15% from the current rate of \$15.20 to \$17.48 effective August 2019. Staff further recommends a 5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

Mr. Rohr noted in addition to expenses going up, revenues have declined, mostly due to the decline in the funds collected for the sale of paper/cardboard

recyclables. Revenues have gone from over \$63,000 in 2011 to less than \$5,000 in 2018. The trend going forward is not looking positive and increases in this area should not be expected.

Kim Rupp, Director of Finance, reviewed various solid waste rate projections. He noted they are attempting to bring the unreserved fund balance to zero, while meeting expenditure needs. They are confident in their projections and the ability to go back to reserves if necessary. Mr. Rupp prepared a spreadsheet allowing Commissioners to explore different increase amounts.

Mayor Schwaller asked if staff has looked at a different alternative for a transfer station since 77 percent of our revenue is used for disposing of regular trash.

City Manager, Toby Dougherty, stated currently our trash is taken to the Ellis County Landfill and the bulk of the household trash is transferred to Garden City by Ellis County. The City pays tipping fees to Ellis County and those fees were raised last year. Staff has looked into two options, building our own transfer station; which was cost prohibitive. He stated staff did come up with another contractual option from a different hauler which was less than what Ellis County is charging. The County was asked if they could give us a better rate and we haven't had a formal response from them at this time. Mr. Dougherty stated he was reluctant to recommend going with the private hauler. While the City might initially save 50 cents per month on the rate, there may be some potential negatives down the road that have not been worked out. The offer was a five year contract with the first three years guaranteed, but we do not know what might happen after that.

Mayor Schwaller stated Ellis County raised the rate on every taxpayer in this county without any notice last year. When asked if they could get something together for us this year, they can't do it. He stated he would vote to move to a private hauler. He noted that at least 80 percent of the solid waste is produced by the City, and if we are no longer their customer they will collapse. If they can't sharpen their pencil and have had months to do it, then he will vote to go with the other contractor.

Commissioner Phelps asked for more information regarding the City building a transfer station. Mr. Dougherty stated the revenue generated would not be sufficient to exceed the capital investment to buy the equipment and build the facility.

Vice-Mayor Musil asked about the economics of the City's recycling program noting he has heard complaints about the rate increase. Mayor Schwaller stated we have a great program in which 80 percent of households participate, but the world of recycling is changing, particularly in the area of plastics. While paper, metals, and glass are still in demand, no one is buying plastics anymore. Mayor Schwaller suggested possibly changing our recycling program to no longer accept plastics.

Commissioner Phelps noted plastic has become an environmental problem all over the world.

Commissioner Mellick stated he would hate to see our recycling program go away and thinks our citizens want it, even if there are costs to the city. We want to take care of not only our local environment, but our nation and planet.

It was the consensus of the Commission to resume the solid waste rate increase discussion at the second meeting in August. City Manager, Toby Dougherty, stated he would contact the County and make it clear that they need to confirm the landfill rates they will charge the City over the next five years. That would also give the Commission time to consider changes to the recycling program.

### **2020 Budget Review**

The City Commission was presented the 2020 Budget at the July 2, 2019 Work Session. City Manager, Toby Dougherty, asked if there were any questions, concerns, or suggested changes to the Budget. He also asked for a consensus on the funding for outside agencies.

The following agencies presented requests for Outside Agency funding in the 2020 Budget:

CARE Council – Social Services/Special Alcohol Tax	\$168,000
Grow Hays, Doug Williams, Grow Hays Executive Director	\$100,000
Fort Hays State University Scholarship Program	\$100,000
Downtown Hays Development Corp. (DHDC)	\$50,973

It was the consensus of the Commission to fund the Outside Agencies at their requested amounts with the exception of Grow Hays. Mayor Schwaller and Vice-Mayor Musil did not participate in discussion regarding Fort Hays State University funding.

The Commission agreed to not move forward with year three, the final year of the Retail Strategies Contract, at a cost of \$45,000.

Mayor Schwaller stated he feels we have gotten the information we need from them. They have not been able to recruit anyone and we have not heard from them in a year. Commissioner Mellick stated in the future if they decide they can make something happen we might enter another contract with them.

Commissioner Jacobs thinks we may see some impact on our retail side from additional work being done by Grow Hays.

Commissioner Phelps agreed and stated Grow Hays has some momentum and drive going. He does not feel that we have seen a return on the investment with Retail Strategies.

Vice-Mayor Musil noted that there is \$42,500 of unspent monies in the 2019 budget for economic development and he suggested they offer that to Grow Hays this year and possibly that same amount for 2020.

Commissioner Jacobs agreed stating if they are not going to renew the contract with Retail Strategies, that they use the \$42,500 of unspent monies. She also suggested that they go back to the 2019 Budget amount of \$87,500 on the \$100,000 request from Grow Hays for 2020.

It was the consensus of the Commission to authorize the allocation of \$42,500 to Grow Hays, representing the final disbursement of the economic development activities in the 2019 Economic Development Budget and \$87,500 be allocated to Grow Hays in the 2020 Budget.

**Other Items for Discussion**

Commissioner Phelps commended the Hays Fire Department for standing guard in the City of Plainville during the funerals of two retired Fire Chiefs. He suggested the Commission draft a letter to the Fire Department expressing their appreciation.

Commissioner Jacobs added she is proud of what goes on in this community and is extremely proud of our Firefighters. She also commended City Manager, Toby Dougherty, and City staff for their work on the Budget.

Vice-Mayor Musil thanked City staff for all the work they do.

The work session was adjourned at 7:31 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk

# Commission Work Session Agenda

## Memo

**From:** Curtis W. Deines, PIE Superintendent

**Work Session:** August 1, 2019

**Subject:** Residential and Electrical Code Amendments

**Person(s) Responsible:** Jesse Rohr, Director of Public Works

### Summary

Effective July 1, 2017, the City of Hays updated electrical, building, and fire codes. Some recent concerns brought forward by contractors pertain to the 2014 National Electric Code (NEC) and 2015 International Residential Code (IRC). Staff agrees with the concerns and is suggesting changes to the codes. There are 2 main topics with changes being recommended at this time – Arc Fault Circuit Interrupter (AFCI) Circuits/Receptacles in existing dwellings, and placement of smoke and carbon monoxide alarms in remodel/addition situations. The changes being suggested remove many AFCI and smoke alarm requirements for remodel projects in existing dwellings. Staff recommends amending the 2015 International Residential Code and the 2014 National Electric Code as noted in the adopting ordinances.

### Background

Effective July 1, 2017, the City of Hays updated electrical, building, and fire codes. Some recent issues brought forward by contractors pertain to the 2014 National Electric Code (NEC) and 2015 International Residential Code (IRC). A meeting was held on June 4, 2019 between electrical contractors and City Inspection staff to discuss certain sections of the adopted codes and their implications. Staff agrees with the concerns brought forth.

### Discussion

Below are the two code related items discussed at the June 4 meeting. The main topics were Arc Fault Circuit Interrupter (AFCI) Circuits in existing dwellings, and placement of smoke and carbon monoxide detectors in remodel/addition situations.

#### Issue #1 - Arc Fault Circuit Interrupter (AFCI) Protection for Circuits

An AFCI device protects against electrical related “arcs” which commonly lead to fires. This can be an arc within the wiring system or an arc from a device, such as a lamp plugged into an electrical circuit. When an arc is detected, the AFCI trips, cutting power to the receptacle or circuit and therefore eliminates a potential fire hazard. Whereas GFCI’s protect people from shock hazards, AFCI’s protect against fire hazards that may be present in an arcing situation.

In residential remodel situations, it can often be difficult to meet the letter of the code because older circuits, electrical panels, and wiring methods are not conducive to new devices and codes. In some cases, it is nearly impossible to meet the new codes without spending hundreds or thousands of dollars above and beyond the original scope of the project. Staff feels changes to the codes are necessary to make allowances for existing dwellings when it is impractical to meet the current codes.

There are two code changes being recommended regarding AFCI codes. First, staff desires to allow modified or extended electrical circuits in existing dwellings to NOT be AFCI protected due to the high cost and impracticability of doing so. Second, replacing a receptacle should not require that receptacle to be an AFCI type receptacle. This is mainly due to the cost of the AFCI receptacle, which is nearly \$22.00 when compared to a \$1.19 standard receptacle.

### **Issue #2 - Interconnected Smoke Alarms installed during alterations, repairs, and additions. (Carbon Monoxide detectors also apply)**

The current 2015 International Residential Code (IRC) states that where alterations, repairs, or additions requiring a permit occur, smoke alarms shall be installed as required in new construction. This means that when a permit is pulled for a remodel or addition, smoke alarms (and CO alarms) are required to be placed throughout the house (and interconnected with each other), regardless of whether or not the scope of work for the project includes work throughout the house.

In remodel situations, this code has been problematic due to access for interconnection, often requiring extensive “fishing” of wiring through attics and in walls to access hard-to-reach areas. This significantly increases the cost of a project that may have nothing to do with the majority of the dwelling. Staff desires a change to the code that would not require placement of smoke alarms (and carbon monoxide alarms) unless a sleeping room is remodeled or created, and in that case, only require smoke alarms in that bedroom and space immediately outside of the bedroom. The rest of the dwelling would remain untouched, and in theory, is still compliant to the code under which it was constructed.

### **Legal Consideration**

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

### **Financial Consideration**

There are no known financial considerations.

### **Options**

Options include the following:

- Make amendments as proposed by staff
- Make no amendments
- Provide staff other direction

### **Recommendation**

Staff recommends amending the 2015 International Residential Code and the 2014 National Electric Code as noted in the adopting ordinances.

## **Action Requested**

Motion to approve amendments as presented in draft ordinance.

## **Supporting Documentation**

Adopting Ordinances (2014 NEC and 2015 IRC)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE V, DIVISION 1, SECTION 11-310, REGARDING THE NATIONAL ELECTRICAL CODE.**

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

Section 1. Chapter 11, Article V, Division 1, Section 11-310, of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 11

BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. NATIONAL ELECTRICAL CODE

DIVISION 1. NATIONAL ELECTRICAL CODE

Sec. 11-310. National Electrical Code adopted by reference; amendments.

- (c) **Article 210, Sec. 210.12 (A) - Add the following exception:**  
If the existing circuit panel will not accept an AFCI circuit breaker, or if the application is otherwise found to be impractical as determined by the AHJ, AFCI protection of the circuit will not be required.
- (d) **Article 210, Sec. 210.12 (B) – Strike this section in its entirety.**
- (e) **Article 406, Sec. 406.4 (D) (4) – Strike this section in its entirety.**

Section 2. Chapter 11, Article V, Division 1, Section 11-310 of the City of Hays, Kansas Municipal Code, is hereby revised.

Section 3. The ordinance shall take effect and be in force on August 9, 2019.

PASSED by the Commission on August 8, 2019.

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HENRY SCHWALLER, IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE II, DIVISION 2, SECTION 11-42 REGARDING THE INTERNATIONAL RESIDENTIAL BUILDING CODE.**

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

Section 1. Chapter 11, Article II, Division 2, Section 11-42 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

**CHAPTER 11**

**BUILDINGS AND BUILDING REGULATIONS**

**ARTICLE II. BUILDING REGULATIONS**

**DIVISION 2. CONSTRUCTION STANDARDS**

**Sec. 11-42. International Building Codes – Adopted by reference; amendments**

Section 1. Chapter 11, Article II, Division 2, Section 11-42 of the City of Hays, Kansas Municipal Code, is hereby amended as follows:

(b) Amendments. 2015 International Residential Code (IRC)

- (7) Section R314.2.2 *Alterations, repairs, and additions*, to read as follows: ~~Where alterations, repairs or additions requiring a permit occur, or~~ where one or more sleeping rooms are added or created in existing dwellings, the ~~individual dwelling unit~~ **sleeping room and the area outside each sleeping area in the immediate vicinity of the bedrooms** shall be equipped with smoke alarms located as required for new dwellings.
- (8) Section R314.4 *Interconnection. Exception*, to read as follows: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure. ~~unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.~~
- (9) Section R315.2.2 *Alterations, repairs, additions*, to read as follows: ~~Where alterations, repairs, or additions requiring a permit occur, or~~ where one or more sleeping rooms are added or created in existing dwellings, ~~the~~

ORDINANCE NO.

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~~individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings~~ a carbon monoxide alarm shall be installed outside of the sleeping area in the immediate vicinity of the sleeping room.

Section 2. Chapter 11, Article II, Division 2, Section 11-42 of the City of Hays, Kansas Municipal Code, is hereby revised.

Section 3. The ordinance shall take effect and be in force on August 9, 2019.

PASSED by the Commission on August 8, 2019.

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HENRY SCHWALLER, IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

(SEAL)