

**CITY OF HAYS COMMISSION MEETING
CITY HALL, 1507 MAIN STREET, HAYS, KS
THURSDAY, SEPTEMBER 12, 2019 – 6:30 P.M.
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on August 22, 2019. (PAGE 1)
3. **CITIZEN COMMENTS**: (non-agenda items).
4. **EMPLOYEE PROMOTIONS AND NEW HIRES**
5. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

6. **UPDATE ON FIRST CALL FOR HELP**: Linda Mills, Executive Director, will give an update on the services provided by First Call for Help. (PAGE 7)
7. **SOLID WASTE FEE INCREASE**: Approve Resolution No. 2019-009 increasing solid waste fees by 14% starting October 2019, a 5.5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024. (PAGE 9)
8. **COMMISSION INQUIRIES AND COMMENTS**
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.

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 22, 2019

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 22, 2019 at 6:30 p.m.

Roll Call: Present: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

Mayor Schwaller declared a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular meeting held on August 8, 2019; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended July 31, 2019.

Month-to-date general fund sales tax collections were at \$628,176 which was an increase of \$19,412 or 3.19% as compared to last year. Year-to-date general fund sales tax collections are at \$4,219,171 up \$87,135 or 2.1%. The six month average is at .51% which is a decrease of .88% when compared to a year ago.

The report of top ten quarter-to-date sales tax collections by classification was up \$33,850 or 1.76% when compared to the same time last year. These top ten now represent 78.9% of the total sales tax collections for July.

The portfolio of certificates of deposit on July 31, 2019 totaled \$62,500,000 with a weighted average interest rate of 2.42% up .60% from a year ago. The total balance of the Money Market account on July 31, 2019 was

\$1,850,000 with a current yield of .90%. Total investments are up \$1,693,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, to approve the Financial Statement for the month of July 31, 2019 as presented.

Vote: Ayes: Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick
Eber Phelps

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: There were no items on the Consent Agenda for consideration.

NEW BUSINESS

6. BACK 9 CART PATHS – AWARD OF BID: Jeff Boyle, Director of Parks, reported that the asphalt cart paths on the Back 9 of the Fort Hays Municipal Golf Course were installed in 1998 and have deteriorated to the point where they need to be replaced. Staff recommends replacing approximately 1,720 lineal feet of deteriorated 6' wide asphalt cart paths with new 6' wide concrete cart paths. Three bids were received for this project with the low bid submitted by JCorp for a total amount of \$48,675. This project would be funded from the Golf Course Improvement Trail Fee Fund. Golf Course Trail Fees have been collected and placed in the Golf Course Improvement Trail Fee Fund for this purpose. Construction is expected to begin October 15, 2019 and should be complete by November 16, 2019.

Sandy Jacobs moved, Henry Schwaller, IV seconded, to award the bid for the removal and replacement of cart paths on the Back 9 to JCorp for a total amount of \$48,675 from the Golf Course Improvement Trail Fee Fund.

Vote: Ayes: Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick
Eber Phelps

7. 2019 UNIFORM PUBLIC OFFENSE CODE: Don Scheibler, Chief of Police, stated the League of Kansas Municipalities (LKM) publishes a revised version of the Uniform Public Offense Code (UPOC) for Kansas Cities on a yearly basis. These publications are made available for purchase by municipalities and are designed to provide comprehensive laws for Kansas communities. The UPOC contains the most current legislative changes and updates put into place annually by the Kansas Legislature.

Don Scheibler, Chief of Police, reviewed the notable changes to the document for 2019.

Chief Scheibler noted a change in the marijuana law which allows for an affirmative defense for those being treated by a doctor with CBD oil with up to 5% THC, the active ingredient in marijuana. A person in possession of CBD oil with no more than 5% THC; that has been prescribed by a doctor, will not be found guilty of this section if the person, or their child, has a debilitating medical condition, and is being treated by a doctor for such illness with CBD oil. The person must have in their possession a letter from a licensed physician that confirms the person or their child has a medical condition and that they are being treated with CBD oil.

Chief Scheibler also reviewed three laws that have been added to the 2019 UPOC.

Sec 3.4 Unlawful Interference with an Emergency Medical Services (EMS) Attendant: this law prohibits interfering with EMS or impeding them from reaching the scene.

Sec. 3.10 Hazing: this law prohibits a person from recklessly encouraging another person to perform any act which could reasonably be expected to result in great bodily harm or death as part of joining a club or fraternal organization.

Sec. 10.2 Possession of a Firearm under the Influence: this law prohibits a person under the influence of alcohol and/or drugs to carry a loaded firearm, or to have in their immediate access while in a vehicle. This law does not apply to those persons who possess the firearm in their own home, business, or on their land.

Shaun Musil moved, Sandy Jacobs seconded, to approve Ordinance No. 3967 adopting the 2019 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

8. 2019 STANDARD TRAFFIC ORDINANCE: Don Scheibler, Chief of Police, stated the League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates. The majority of the STO remains the same from year to year, with only a few changes made.

Don Scheibler, Chief of Police, reviewed the notable changes to the document for 2019. Two new laws added to the STO include:

Sec. 135.1 Electric-Assisted Scooters: this law addresses the use of electric scooters on City streets. Prohibits their use on Federal and State highways, and requires them to follow the same rules of the road as a bicycle when driven on city streets.

Sec. 193. Driver's License in Possession: this law was changed because officers across the Country having incidents of drivers refusing to hand their license to an officer claiming that the law only required them to display it to the officer. The changes to this section now clearly state that the driver is required to promptly deliver their license to an officer when requested.

Henry Schwaller, IV moved, Ron Mellick seconded, to approve Ordinance No. 3968 adopting the 2019 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

9. SELF-CONTAINED BREATHING APPARATUS AIR COMPRESSOR

SYSTEM – AWARD OF BID: Ryan Hagans, Fire Chief, stated the 2019 Budget included \$45,000 to replace the 1993 self-contained breathing apparatus air compressor system used by the Hays Fire Department. The current air compressor was rebuilt in 2016, but continuously fails air quality testing. Five proposals were received. Staff recommends approval of the proposal from Air and Fire Systems of Salina, Kansas in the amount of \$37,954. Air & Fire Systems submitted two proposals, one for \$33,221 and the other for \$37,954. The proposals are for two different styles of air compressors, both being under the budgeted amount. The difference between them is one is contained in an enclosure and the other is open. Staff recommends purchasing the \$37,954 compressor with the enclosure because it is quieter and will provide protection for the equipment.

Ron Mellick moved, Sandy Jacobs seconded, to award the bid for the purchase of a new self-contained breathing apparatus air compressor system from Air and Fire Systems of Salina, Kansas in the amount of \$37,954 to be funded out of the New Equipment Reserve.

Vice-Mayor Musil stated the old equipment lasted 26 years and asked the life expectancy of the new equipment. Chief Hagans stated they take pride in taking care of the equipment and it should last as long as the last one.

Commissioner Mellick asked if Air and Fire Systems services their equipment. Chief Hagans stated they do service their own equipment.

Vote: Ayes: Henry Schwaller, IV
Shaun Musil
Sandy Jacobs
Ron Mellick
Eber Phelps

10. PROGRESS REPORT: City Manager, Toby Dougherty, presented a monthly report of city-related activities, services, and programs.

11. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps thanked City staff for the great job they have done picking up tree limbs following the recent storm.

Mayor Schwaller added that City crews have picked up 303 loads of tree limbs and he appreciates everyone's patience as the crews work their way through town. He also thanked Ellis County Public Works Director, Bill Ring and the Ellis County Commissioners for allowing the City to take these tree limbs to the Ellis County landfill free of charge.

The meeting was adjourned at 6:55 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 9-12-19

TOPIC:

Update on First Call for Help

ACTION REQUESTED:

N/A

NARRATIVE:

Linda Mills, Executive Director, will give an update on the services provided by First Call for Help.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Linda Mills, Executive Director – First Call for Help

ADMINISTRATION RECOMMENDATION:

N/A

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

N/A

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 9-12-19

TOPIC:

Solid Waste Fee Increase

ACTION REQUESTED:

Approve Resolution No. 2019-009 increasing Solid Waste fees by 14% starting October 2019, a 5.5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

NARRATIVE:

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 fees of \$15.20 started in 2006 are still in place today. Solid Waste collection fees are no longer high enough to cover expenses, therefore an increase is necessary as the reserves diminish. Staff recommends increasing the Solid Waste collection fees by 14% starting October 2019. Staff further recommends smaller increases in 2021 - 2024.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Jesse Rohr, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends increasing the Solid Waste collection fees by 14% starting October 2019. Staff further recommends approval for a 5.5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo(s)
Rate Recommendation Spreadsheet
Resolution No. 2019-009

Memo

DATE: 9-05-19
TO: City Commission
Cc: Toby Dougherty, City Manager
FROM: Jesse Rohr
RE: Solid Waste Rate Increase Review and Recommendation

At the July 18, 2019 Work Session, staff presented the Commission with information and a recommendation for an increase in solid waste rates (see attached memo). A discussion of utilizing a private hauler verses maintaining service with the Ellis County Sanitary Landfill delayed any action until the County could discuss fees and more rate information could be gathered.

Since that July 18 meeting, the rate offered to the City by a local private hauler has gone from \$65 to \$69/ton. This price would remain in effect for three years at which time a 3% increase would take place.

Also, since the July 18 meeting, discussions by the Ellis County Commission resulted in a \$3 decrease in tipping fees starting September 1, 2019. This changed the current rate from \$75 to \$72/ton for the City based on the volume we haul to the transfer station. This price will remain in effect through 2020, at which time a \$1 increase will take place. The attachments show more detail as to these rate changes for the upcoming years.

Based on this new information, staff recommends continuing service with the Ellis County Landfill and a 14% monthly rate increase from \$15.20 to \$17.30 effective the first billing cycle in October of 2019. Staff further recommends a 5.5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

More information will be provided during the presentation at the September 12 meeting.

	<u>2018</u> <u>Actual</u>	<u>2019</u> <u>Est.</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Equivalent Customer Accts.	7100									
Expense Increase per Year	0.02									
Current Rate	15.20									
Cash Balance as of Jan 1st	\$273,921	\$139,605	45,798	-5,735	-12,138	-4,699	2,889	10,628	-14,878	-74,294
Expenditures (2% Incr.)	\$1,456,201	\$1,464,735	1,525,493	1,561,303	1,597,729	1,629,684	1,662,277	1,695,523	1,729,433	1,764,022
Revenues	\$1,321,885	\$1,402,510	1,473,960	1,554,900	1,605,168	1,637,271	1,670,017	1,670,017	1,670,017	1,670,017
Unreserved Fund Balance	\$139,605	\$77,380	-5,735	-12,138	-4,699	2,889	10,628	-14,878	-74,294	-168,299
Required Rate Based on Revenue			17.30	18.25	18.84	19.22	19.60	19.60	19.60	19.60
Rate % Increase from Previous Year			14.00%	5.50%	3.00%	2.00%	2.00%	0.00%	0.00%	0.00%
\$ Increase from Previous Year			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer to Reserves	\$200,909	\$163,658	\$172,472	\$175,921	\$179,440	\$183,029	\$186,689	\$190,423	\$194,231	\$198,116
Vehicle & Equipment Replacement (from Reserve)	\$858,021	\$50,000	\$61,000	\$261,900	\$70,000	\$20,000	\$257,000	\$20,000	\$20,000	\$850,000
Solid Waste Reserve Fund Remaining	\$96,981	\$210,639	\$322,111	\$236,132	\$345,572	\$508,601	\$438,290	\$608,713	\$782,945	\$131,061
Diff. From Original Proposed Fee			-0.18	-0.10	-0.07	-0.07	-0.08	-0.08	-0.08	-0.08

RESOLUTION NO. 2019-009

**A RESOLUTION SETTING THE SOLID WASTE REFUSE
SERVICE FEES FOR RESIDENTIAL CUSTOMERS
WITHIN THE CITY OF HAYS, KANSAS.**

WHEREAS, The Governing Body of the City of Hays, Kansas has heretofore provided by Ordinance that Solid Waste Collection and Disposal Fees are to be recommended to the City Commissioner by the City Manager and set by the City Commission by resolution and reviewed from time to time; and

WHEREAS, the Solid Waste Collection and Disposal Fees have not been changed or adjusted since implementation of automated collection in 2007; and

WHEREAS, during the time since the Solid Waste Collection and Disposal Fees were last set, expenses have increased, including fuel costs, hauling fees, labor costs, sorting fees, and tipping/disposal fees, and revenues from recycling have declined because of market changes, and the current collection and disposal fees are not enough to adequately cover these expenses and anticipated future revenues; and

WHEREAS, the City Manager has made certain recommendations to the City Commission; and

NOW, THEREFORE, be it Resolved by the Governing Body of the City of Hays, Kansas that the monthly rate for Solid Waste Collection and Disposal Fees shall be \$17.30 commencing with the first billing cycle in October, 2019; \$18.25 commencing January, 2021, \$18.80 commencing January, 2022; \$19.18 commencing January, 2023; and \$19.56 commencing January, 2024, unless modified by Resolution otherwise during said period.

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

PASSED BY THE CITY COMMISSION on September 12, 2019.

HENRY SCHWALLER IV
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

Commission Work Session Agenda

Memo

From: Jesse Rohr, Director of Public Works

Work Session: July 18, 2019

Subject: Solid Waste Fee Increase

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

Summary

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 fees of \$15.20 started in 2006 are still in place today. Solid Waste collection fees are no longer high enough to cover expenses, therefore an increase is necessary as the reserves diminish. Staff recommends increasing the Solid Waste collection fees by 15% to \$17.48 starting August 2019. Staff further recommends smaller increases in 2021 - 2024.

Background

Solid Waste services include refuse collection, recycling collection, compost operations, annual alley cleanup, and tree disposal for customers. The City began automated collection of solid waste in 2007. The monthly fee established in 2006 was \$15.20. Twelve years later that same fee remains in place.

Discussion

It has become necessary to increase Solid Waste collection fees as expenses continue to increase. Staff is proposing a rate increase of 15% from the current \$15.20 rate to \$17.48 effective August 2019. Additional increases of 5% in 2021, 3% in 2022, and 2% in 2023 and 2024 are also proposed. It will be necessary to dip into the reserves for a few years to overcome the shortfall.

Expenses within the Solid Waste Division, as with most Divisions city wide, have slowly increased in the past 13 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 current monthly Solid Waste collection fees, which are intended to cover the expenses, are no longer high enough to cover those expenses, therefore an increase is necessary as the reserves diminish.

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.

Refuse collection fees compared to other peer cities include:

City	Hays	El Dorado	Liberal	Ellis	Dodge City	Lawrence	Salina	Garden City
Rate	\$15.20	\$15.75	\$17.80	\$19.00	\$19.22	\$20.80	\$21.50	\$23.00

Staff has done an intensive review of all expenses and revenues. A breakdown of all services was completed to fully understand where the collected fees are going. Of the main services provided in Solid Waste, the percentage per service is as follows:

Refuse Collection and Alley Cleanup	- 77%
Recycling	- 18%
Composting	- 5%

A more detailed breakdown of the cost to provide these services will be provided at the work session.

Legal Consideration

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

Financial Consideration

Maintaining fees at the current rate will not allow expenditures to be covered from fees collected. Staff is proposing a rate increase of 15% from the current \$15.20 rate to \$17.48 effective August 2019. Additional increases of 5% in 2021, 3% in 2022, and 2% in 2023 and 2024 are also proposed.

Options

The City Commission has the following options:

- Increase Solid Waste collection fees as proposed
- Provide staff other direction

Recommendation

Staff recommends increasing the Solid Waste collection fees by 15% to \$17.48 starting August 2019. Staff further recommends approval for a 5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

Action Requested

Approve a Resolution increasing Solid Waste fees by 15% to \$17.48 starting August 2019, a 5% increase beginning January 2021, a 3% increase beginning January 2022, and a 2% increase in 2023 and 2024.

Supporting Documentation

Proposed 2020 Solid Waste Budget