

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 8, 2019

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 8, 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 July 25, 2019; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: The following appointments were recommended at the July 25, 2019 City Commission meeting and are now being presented for approval.

Hays Housing Authority Board – four year terms

Audra Brungardt – term to expire February 14, 2023 (2nd term)

Hays Recreation Commission Board – four year terms

Nancy Jeter – term to expire August 1, 2023 (6th term)

Ron Mellick moved, Shaun Musil seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

NEW BUSINESS

5. INTERNATIONAL RESIDENTIAL BUILDING CODE AMENDMENTS: Jesse Rohr, Director of Public Works, reported that effective July 1, 2017, the City of Hays updated electrical, building, and fire codes. Some recent concerns brought forward by contractors pertain to 2015 International Residential Code (IRC). Staff agrees with the concerns and is suggesting changes to the code. The changes being suggested amend the smoke and carbon monoxide alarm requirements for remodel projects in existing dwellings.

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 carbon monoxide 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 suggests 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.

Shaun Musil moved, Sandy Jacobs seconded, to approve Ordinance No. 3965 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.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

6. NATIONAL ELECTRICAL CODE AMENDMENTS: Jesse Rohr, Director of Public Works, stated concerns were also brought forward by contractors pertaining to the 2014 National Electric Code (NEC). Staff agrees with the concerns and is suggesting changes to the codes. The recommended NEC changes are for Arc Fault Circuit Interrupter (AFCI) Circuits/Receptacles in existing dwellings. The changes being suggested remove many AFCI requirements for remodel projects in existing dwellings.

Mr. Rohr explained that 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; therefore, cutting power to the receptacle or circuit, and eliminating a potential fire hazard. 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 suggests allowing 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.

Mayor Schwaller stated that most homes that were built before 1980 do

not have these devices and that is the vast percentage of the housing stock in Hays so this would be impossible to enforce.

Commissioner Jacobs asked how it would be discovered that code was not followed if you are not required to get a permit for the work you are doing. Mr. Rohr stated if there was a fire in a home and the fire marshal or insurance company investigates and realizes there was an electrical issue, they may further investigate and find out that receptacles were changed out and not changed to arc fault devices. If that is required by code, they may deny the claims.

Commissioner Mellick asked for clarification about the e-mail the Commissioners received from Brian Holland, with the National Electrical Manufacturing Association. He apparently heard about the discussion regarding the proposed changes to the codes and mentioned three options. Mr. Rohr reviewed the three options and exceptions.

Sandy Jacobs moved, Ron Mellick seconded, to approve Ordinance No. 3966 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.

Commissioner Mellick stated he looks at this like seatbelts, all vehicles have seatbelts in them and some people use them and others don't. People can still hard wire their smoke alarms or put in AFCI devices if they choose to, but the City will not require it.

Vice-Mayor Musil thanked City staff and the contractors that recommended these changes for bringing them before the Commission.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

7. 2020 BUDGET PUBLIC HEARING: Mayor Henry Schwaller, IV opened the public hearing to hear comments on the 2020 Budget.

There were no comments from the Public.

Sandy Jacobs moved, Shaun Musil seconded, to close the public hearing regarding the 2020 Budget.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

8. 2020 BUDGET APPROVAL: City Manager, Toby Dougherty, provided an overview of the 2020 Budget. He stated the 2020 Budget is a balanced budget with no mill levy increase. It contains no additional employees, it allows payment of cash for large projects, and adequately funds reserves. He added the mill levy will remain stable at 25 mills. He noted it has been at or below 25 mills for 13 of the last 14 years, it's the 7th lowest levy in Kansas, and the lowest levy outside of Johnson County.

Sandy Jacobs moved, Henry Schwaller, IV seconded, to approve the 2020 Budget for the City of Hays.

Commissioner Phelps stated it would be interesting to know the cost savings the city has experienced by being proactive. He noted the street maintenance program is extending the life of our streets and keeping up the infrastructure, like sewer line cleaning, is saving us money in the long run.

Commissioner Jacobs congratulated City Manager, Toby Dougherty and City staff for the great job they do in preparing the Budget.

Mr. Dougherty gave Finance Director, Kim Rupp, credit for all the work he does in preparing the budget.

Mayor Schwaller thanked all of the City employees, he noted that most of this budget is possible because they are finding savings, particularly in recent years as sales tax dollars have dropped, so we are able to carry those savings forward and fund future budgets.

Commissioner Mellick stated keeping our mill levy at 25 mills for 13 out of the last 14 years is a tremendous feat.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

9. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps thanked City staff for the great job they have done on the Budget.

Commissioner Mellick asked for an update on the sewer line break on the Bypass. Jeff Crispin, Director of Water Resources, provided an update on the repairs that were made. He noted that there was no disruption of service. City Manager, Toby Dougherty, added that M & D Contracting was very quick to respond to the break.

Commissioner Jacobs stated she attended the Big Brothers Big Sister Duck Derby at the Hays Aquatic Park and she has heard from many citizens that they enjoy the new water feature at the aquatic park and that it is a wonderful facility.

Vice-Mayor Musil thanked Mayor Schwaller for suggesting the half price admission to the Hays Aquatic Park for Ellis residents following their pool closure.

The meeting was adjourned at 7:13 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk