

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JANUARY 10, 2022

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Monday, January 10, 2022 at 6:30 p.m.

Roll Call: Present: Sandy Jacobs

Mason Ruder

Michael Berges

Shaun Musil

Absent: Ron Mellick

Mayor Jacobs 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 December 9, 2021; the minutes stand approved as presented.

**3. SWEARING IN CEREMONY:** Brenda Kitchen, City Clerk, administered the oath of office to Shaun Musil, Sandy Jacobs, and Reese Barrick who were recently elected to the City Commission.

Sandy Jacobs stated it has been an honor to serve as Mayor of this amazing community.

**4. REORGANIZATION OF GOVERNING BODY:** A. Nomination and election of Mayor. Michael Berges moved, Shaun Musil seconded, that Mason Ruder be elected to the position of Mayor for the City of Hays.

Vote: Ayes: Mason Ruder

Michael Berges

Shaun Musil

Sandy Jacobs

Reese Barrick

B. Nomination and election of Vice-Mayor. Mason Ruder moved, Shaun Musil seconded that Michael Berges be elected to the position of Vice-Mayor for the City of Hays.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

C. Recognition of outgoing Mayor. Mayor Ruder recognized outgoing Mayor Sandy Jacobs for her service and dedication to the community.

**5. FINANCIAL STATEMENT:** Kim Rupp, Director of Finance, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended November 30, 2021.

Month-to-date (MTD) general fund sales tax collections were at \$610,347, which was a decrease of \$2,000 or .3% as compared to last year. Year-to-date (YTD) general fund sales tax collections are at \$7,626,665, up \$635,394 or 9%. The six month average is at 10.8% which was an increase of 7.8% when compared to a year ago. MTD county sales tax collections were at \$88,784 with the YTD total at \$965,927.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$184,391 or 8.9%. The largest percentage increases were in electronic shopping at 98%, accomodation at 54%, and merchant wholesalers at 42%. These top ten represent 74% of the total sales tax collections for the running quarter.

The portfolio of certificates of deposit on November 30, 2021 totaled \$11,000,000 with a weighted average interest rate of .05% down .68% from a year ago. The total par value of the US Treasury Notes is \$12,954,000 with a weighted average yield to maturity of .06%. The total balance of the Money Market account on November 30, 2021 was \$38,750,000 with a current yield of .05%. Total investments are up \$11,443,328.

Sandy Jacobs moved, Michael Berges seconded, to approve the Financial Report for the month of November, 2021 as presented.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

**6. CITIZEN COMMENTS:** There were no comments.

**7. CONSENT AGENDA:** The following appointments were recommended by Mayor Jacobs at the December 9, 2021 City Commission meeting and are now being presented for approval:

Hays Convention and Visitors Bureau Advisory Committee

Jeremy Gill (Hays Public Library) – three-year term to expire January 10, 2025 (2<sup>nd</sup> term)

Ron Roberson (Avid Hotel) – three-year term to expire January 10, 2025 (1<sup>st</sup> term)

Rachel Unruh (Sternberg Museum) – three-year term to expire January 10, 2025 (1<sup>st</sup> term)

Sandy Jacobs moved, Michael Berges seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

### **NEW BUSINESS**

**8. FINAL PLAT OF HEART OF AMERICA THIRD ADDITION:** Jesse Rohr, Director of Public Works, reported that the owner of the proposed Heart of America Third Addition has submitted a final plat for consideration. They are

proposing to replat two of the lots in the Heart of America Second Addition. Lot three of Heart of America Second Addition, on the north side of 9th Street, was platted 50 feet south of the original north property line to accommodate for a future street. At this time, it has been determined that a street would not be desirable on the north side of this lot. This will allow the property owner to utilize more of the lot. Lot two of Heart of America Second Addition will be extended to the east by 158 feet to accommodate future development of the lot. The new plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements.

Staff has reviewed the proposed plat, which was also reviewed by the Utility Advisory Committee. Staff, as well as the Hays Area Planning Commission, recommends approving the final plat as submitted.

Shaun Musil moved, Michael Berges seconded, to approve Resolution No. 2022-001 accepting the final plat of Heart of America Third Addition.

Vice-Mayor Berges asked if developing this property would require extensive water retention infrastructure. Mr. Rohr stated any lot development would require standard improvements to stormwater infrastructure. He added that they are fairly large lots and should be able to accommodate any stormwater requirements, so he does not think it will be a problem.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

**9. FINAL PLAT OF EL CHARRO ADDITION:** Jesse Rohr, Director of Public Works, reported an application has been submitted to consider the final plat of El Charro Addition located at 2010 and 2020 East 8th Street. The properties are not within the City limits of Hays, but are within the current Extraterritorial Jurisdiction (ETJ). Currently, there are three apartment buildings and a convenience store that were built in the 1940's at this location. This plat will allow the property to be divided into four separate lots. There is no plan for annexation at this time. These

properties are served by City water and are part of the Big Creek Sewer District. No additional utilities are being requested to serve the property. Staff recommends approving the final plat of El Charro Addition as submitted.

Sandy Jacobs moved, Shaun Musil seconded, to approve Resolution No. 2022-002 accepting the final plat of El Charro Addition.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

**10. VINE STREET RECONSTRUCTION, 13<sup>TH</sup> STREET TO BYPASS – AUTHORITY TO AWARD CONTRACT AND COMMITMENT OF FUNDS:**

John Braun, Project Manager, stated that in 2019, City staff applied for and received a Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) Grant in the amount of \$1M to help fund the cost to reconstruct the pavement on Vine Street, south of 13th Street. In February of 2020, the City hired Kaw Valley Engineers to design the construction project.

The project includes the replacement of the concrete pavement, select areas of curb and gutter, sidewalk ramps, pedestrian crossings at 8th Street, storm sewer inlet tops, and pavement markings. The project begins at the south City limit, which includes the intersection of Vine Street and the US-183 Bypass and proceeds north to approximately 350 feet south of the intersection of 13th Street and Vine Street.

KDOT let the project and opened bids on December 15, 2021. Only one bid was received for this project, which was from Smoky Hill Construction of Salina, Kansas, in the amount of \$3,532,366. The bid was reviewed by KDOT, City staff, and the City's engineering consultant, Kaw Valley Engineering, and is considered valid. Subtracting out the \$1M KDOT grant, the City share is rounded up to \$2,533,000. Under an agreement between KDOT and the City of Hays, executed in January 2020, KDOT will be administering the construction of the project as required by the Federal Highway Administration. KDOT has provided

a resolution authorizing the award of a construction contract to Smoky Hill Construction and committing City funds for the project.

Reese Barrick moved, Sandy Jacobs seconded, to authorize the Mayor to sign the resolution from KDOT authorizing the commitment of City funds, and awarding a contract to Smoky Hill Construction for the reconstruction of South Vine Street; with the City share of \$2,533,000 to be paid to KDOT from the Commission Capital Reserve.

Commissioner Jacobs stated she is excited to see this project begin and feels the improvements to the 8<sup>th</sup> Street intersection are really important as those residential areas have increased. She noted that because of City staff's planning and the way the budget is managed, the City of Hays is able to pay cash for another large project.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

**11. VINE STREET RECONSTRUCTION, 13<sup>TH</sup> STREET TO BYPASS – CONSTRUCTION ENGINEERING AGREEMENT:** John Braun, Project Manager, stated this agenda item accompanies the previous agenda item regarding the authority to award and commitment of funds for the reconstruction of South Vine Street.

Utilizing KDOT's prequalified list of Construction Engineering Consultants, Kirkham Michael Engineers of Ellsworth, Kansas was selected to provide inspection services. The Governing Body is asked to authorize the Mayor to sign a three-party agreement between KDOT, Kirkham Michael & Associates, and the City of Hays. The \$147,984 fee for construction engineering services is to be funded from Commission Capital Reserve.

Michael Berges moved, Shaun Musil seconded, to authorize the Mayor to sign the Agreement No. 430-21, Construction Engineering Inspection Services by Consultant.

Vote: Ayes: Mason Ruder  
Michael Berges  
Shaun Musil  
Sandy Jacobs  
Reese Barrick

**12. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Barrick stated he is excited to be on the City Commission and looks forward to serving the City of Hays for the next two years.

The Commissioners welcomed Commissioner Barrick to the Commission and thanked Commissioner Jacobs for her service to the Community as Mayor.

The meeting was adjourned at 7:05 p.m.

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

Brenda Kitchen – City Clerk