

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON JANUARY 27, 2022

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 27, 2022 at 6:30 p.m.

Roll Call: Present: Mason Ruder

Michael Berges

Shaun Musil

Reese Barrick

Absent: Sandy Jacobs

Mayor Ruder 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 January 10, 2022; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: Approve a Cereal Malt Beverage License for Kiwanis Club/Wild West Festival.

Shaun Musil moved, Michael Berges seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Mason Ruder

Michael Berges

Shaun Musil

Reese Barrick

NEW BUSINESS

5. REZONING REQUEST FOR 1680 EAST 10th STREET FROM AGRICULTURE (A-L) TO HEAVY INDUSTRIAL (I-2): Jesse Rohr, Director of Public Works, stated an application has been submitted by Langer Industrial Services, LLC to

request a change in zoning from (A-L) Agriculture to (I-2) Heavy Industrial District for a 17.903 acre tract of land owned by Thomas D. and Joleen M. Arnhold generally located at 1680 East 10th Street. The property was originally platted in 1979 and has not been developed. The applicant plans to develop the area for heavy industrial uses. The property is located just outside the city limits, but within the Future Land Use Map area. The area is designated as Urban Reserve (UR) on the Future Land Use Map. There is no plan at this time for this property to be annexed into the city limits of Hays.

There are currently five other properties along East 10th Street that are of heavy industrial use. Due to its proximity to adjacent I-2 zoned property, staff, as well as the Hays Area Planning Commission, recommends approving the rezoning request.

Michael Berges moved, Shaun Musil seconded, to approve Ordinance No. 4007 accepting the change in zoning from Agriculture (A-L) to Heavy Industrial (I-2) for the property located at 1680 East 10th Street.

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

6. LANGER INDUSTRIAL ADDITION – FINAL PLAT: Jesse Rohr, Director of Public Works, reported that an application has been submitted proposing the Langer Industrial Addition Plat. This is a replat of a portion of the Arnhold's Industrial Plat that was approved in 1979. The replat consists of one large lot 17.903 acres in size. The properties within the proposed Langer Addition are not within the city limits of Hays, and there is no plan for annexation at this time. Sanitary sewer is nearby but no request to connect has been made. City water does not run adjacent to this property. Existing or proposed streets will continue to be maintained by parties other than the City at this time. Staff, as well as the Hays Area Planning Commission, recommends approving the final plat as submitted.

Shaun Musil moved, Reese Barrick seconded, to approve Resolution No. 2022-003 accepting the final plat of Langer Industrial Addition.

Commissioner Musil thanked Langer Industrial Services for their investment in our community.

Commissioner Berges clarified that the road access will be maintained by Ellis County or the property owners since it is outside of the city limits. Mr. Rohr stated that is correct. He stated the road would continue to be maintained by Ellis County or the developer. They do expect truck traffic to increase with this proposed development.

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

7. VEHICLE ABATEMENT AT 208 EAST 32ND STREET: Jesse Rohr, Director of Public Works, stated the abandoned vehicle located in the side yard at 208 East 32nd Street has no current legal tag and is not road worthy; therefore, deeming it inoperable. All proper notification has been given to the owner of the property informing them of the violation. To date, no action has been taken by the owner of the property. If the vehicle is removed by the City, all costs of abatement will be charged to the property owner.

Reese Barrick moved, Michael Berges seconded, to approve Resolution No. 2022-004 to abate the vehicle located on the property at 208 East 32nd Street 10 days after the approval date.

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

8. 2022 WELL REHABILITATION (WATER PRODUCTION) – AWARD OF BID: Jeff Crispin, Director of Water Resources, reported that staff solicited bids for the 2022 Well Rehabilitation Project to perform professional maintenance on specific production wells. Bids were submitted by three contractors, with the lowest cost

bid from Downey Drilling of Lexington, Nebraska in the amount of \$70,465.68. Downey Drilling's bid is below the budgeted number of \$80,000.00. Mr. Crispin stated Downey Drilling was awarded the 2020 and 2021 Projects and their work is exceptional.

Mr. Crispin stated City staff performs routine maintenance on wells by acidizing and disinfecting the wells in an effort to improve performance. When our maintenance efforts can no longer improve the performance of the well, professional rehabilitation is necessary. Rehabilitating wells extends the life of the well, reduces electricity to pump the water, and the costs to produce water.

Shaun Musil moved, Michael Berges seconded, to authorize the City Manager to execute a contract with Downey Drilling in the amount of \$70,465.68 for the 2022 Well Rehabilitation Project to be funded from the Projects line item in the Water Production and Distribution Budget.

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

9. WATERLINE UPGRADE AT 8th AND PARK STREETS – AWARD OF BID:

Jeff Crispin, Director of Water Resources, stated in late 2020 staff from the Fire Department and Water Resources Department met to discuss options to increase water flow to hydrants on the East side of the Fort Hays State University (FHSU) campus. An investigation of two hydrants on Park Street found that performance could not be improved due to capacity restriction of the current four inch line along Park Street.

The annual Capital Improvement Plan includes a project to upgrade the waterline and add a hydrant on 8th Street between Elm and Park Streets next to the FHSU campus. One bid for the 2022 project was received from J Corp of Hays in the amount of \$65,000.00.

Michael Berges moved, Shaun Musil seconded, to authorize the City Manager to enter into a contract with J Corp in the amount of \$65,000.00 for the

construction of the waterline upgrade at 8th and Park Streets to be funded from Water Capital.

Vice-Mayor Berges asked if this will change the parking in that area. Mr. Crispin stated due to the crosswalk you can't park in that area so they are not planning to make any changes to the parking due to the additional hydrant.

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

10. PRE-ANNEXATION AGREEMENT WITH BBJ, LLC: Toby Dougherty, City Manager, stated with the installation of water and sewer main infrastructure to serve the I-70 Exit 157 Development and the rebuilding of the intersection of 230th and 55th Street, it allowed the opportunity to enter negotiations with BBJ, LLC, the owner of four parcels along 55th Street. City staff and the owners of the parcels have worked out the terms of a Pre-Annexation Agreement that governs BBJ, LLC's property annexation as well as the construction of infrastructure to serve future development.

BBJ, LLC owns four tracts of land along 55th Street near the intersection of 230th Avenue. One tract of land has previously been developed as a Doonan Peterbilt dealership. All tracts of land are currently outside of the city limits, and only the dealership is served by a city waterline. City water and sewer infrastructure do not exist to serve the vacant properties for future development.

Mr. Dougherty reviewed the terms of the Pre-Annexation Agreement which include:

- BBJ, LLC agrees to plat and zone all of its property upon execution of this agreement.
- BBJ, LLC agrees to immediate annexation of all properties, except for the Peterbilt dealership, upon execution of this agreement.
- The City of Hays will solicit proposals for water and sewer main infrastructure to serve BBJ, LLC's developable property.
- The City of Hays will pay 100% of the cost of the water main.

- BBJ, LLC and the City of Hays will split the cost of the sewer main.
- BBJ, LLC agrees to annex the dealership no later than three years from the date that the City completes the water main.
 - o There are two provisions in the agreement that could push the dealership annexation to four or five years.
- The City of Hays agrees to entertain a possible request from BBJ, LLC to modify the existing Community Improvement District (CID) for the dealership property if BBJ, LLC feels that the CID should be reduced or eliminated.

Mr. Dougherty stated that while this is a little bit different than the normal pre-annexation agreements, we think this is very advantageous for Hays. He added that this would make the developer's tracts developable for commercial capacity as well as the tract south of Celebration Church.

Reese Barrick moved, Michael Berges seconded, to approve the Pre-Annexation Agreement between the City of Hays and BBJ, LLC.

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

11. AIRPORT LAND ACQUISITION: Jamie Salter, Director of Hays Regional Airport, reported that in September 2021, the City was approached by Dean Haselhorst inquiring whether the City was interested in purchasing just over 20 acres of land located east of the airport. After some negotiation regarding price, the City and the landowner came to an agreement for a purchase price of \$61,170.00.

Ms. Salter stated the land purchase is not eligible for Federal funding, and would be funded 100% by the Airport Improvement Fund. A portion of this land is identified for future development in the FAA-approved Airport Layout Plan. The 20 acres connects the recent land purchase back to City property, which supports future development opportunities. Acquisition of the land would also be beneficial to control drainage and protect our airspace.

The purchase price for the land is \$61,170.00. With other attorney and miscellaneous fees included, the total cost is estimated to be \$71,170.00. Adequate funds are available in the Airport Improvement Fund to cover these costs.

Shaun Musil moved, Michael Berges seconded, to approve the purchase of 20.39 acres of land in the amount of \$61,170.00 from Dean and Julie Haselhorst to be funded from the Airport Improvement Fund.

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

12. PROGRESS REPORT: Collin Bielser, Assistant City Manager, presented a monthly report of city-related activities, services, and programs.

13. HAYS HAPPENINGS/UPCOMING EVENTS: Melissa Dixon, Director of the Convention and Visitors Bureau, presented information on events that will be going on in Hays during the month of February.

14. COMMISSION INQUIRIES AND COMMENTS: Commissioner Barrick stated he is excited to see all of the activities going on in Hays.

Commissioner Musil welcomed Hays High School Student Body President, Alex Johnson. He also stated he had an opportunity to tour the Bickle-Schmidt Sports Complex and it looks great. He is excited to see what will happen in this community this summer.

Vice-Mayor Berges congratulated all of the winners at the Annual Chamber Awards Banquet.

Mayor Ruder thanked City Manager, Toby Dougherty, who joined him at the State Capitol to provide testimony regarding House Bill 2480 supporting a change on how water transfer projects can be funded with the Kansas Public Water Supply Loan Fund. He is hopeful that will help with the R-9 Project in the future.

The meeting was adjourned at 7:24 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk