

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON FEBRUARY 23, 2023

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 23, 2023 at 4:00 p.m.

Roll Call: Present: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham  
Absent: Mason Ruder

Vice-Mayor Musil 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 session held on February 9, 2023; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Collin Bielser, Deputy City Manager, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended January 31, 2023.

Month-to-date (MTD) general fund sales tax collections were at \$740,708, which was an increase of \$6,177 or .84% as compared to last year. The six-month average is at 3.18%, which was a drop of 12% when compared to a year ago. MTD county sales tax collections were at \$89,637.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$23,426 or 1%. These top ten represent 73% of the total sales tax collections for the running quarter.

The total par value of the US Treasuries is \$67,100,000 with a weighted average yield to maturity of 3.18% up 2.94% from a year ago. The total of the portfolio of certificates of deposit on January 31, 2023 was \$4,400,000 with a weighted average rate to maturity of 4.3%. The total balance of the Money

Market account on January 31, 2023 was \$4,000,000 with a current yield of 2.2%. Total investments are up \$6,791,179.

Sandy Jacobs moved, Alaina Cunningham seconded, to approve the Financial Report for the month of January, 2023 as presented.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

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

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

## **NEW BUSINESS**

### **6. FORT HAYS MUNICIPAL GOLF COURSE CART PATHS – AWARD OF BID:**

Jeff Boyle, Director of Parks, reported that several areas of cart paths at the Fort Hays Municipal Golf Course need to be replaced due to deteriorating conditions. Asphalt cart paths on the course were installed in 1999 and approximately 40% of the cart paths have since been replaced with concrete paths. The areas needing replaced include hole #10, hole #18, and the entire front-nine. A Request for Bids was sent out for the base project, which would replace all existing cart paths, as well as an alternate project which includes four sections of re-routed cart paths for better accessibility and to speed up play.

The low bid for the recommended alternate project is from Morgan Brothers Construction in the amount of \$444,472.13. To minimize interest and issuance costs, it is recommended to use City idle funds to pay for this project. Repayment would come from the golf cart trail fees in the Golf Course Improvement Fund.

To absorb future interest rate risk, it is suggested that this financing be reviewed, and the interest rate adjusted annually, to equal the City's prevailing weighted average interest rate on the portfolio of investments. It is estimated that

the total term of this financing, all things remaining equal, would be approximately 14 years, based on an expected annual revenue for cart path trail fees of \$37,400.

Reese Barrick moved, Sandy Jacobs seconded, to approve the low bid from Morgan Brothers Construction for the alternate project in the amount of \$444,472.13 and adopt Resolution No. 2023-004 authorizing and directing the use of City idle funds to pay the costs of the project with repayment on an annual basis from revenue received from the cart path trail fees in the Golf Course Improvement Fund.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**7. AIRFLYTE ACRES 2<sup>ND</sup> ADDITION – FINAL PLAT:** Jesse Rohr, Director of Public Works, reported that an application has been submitted for a Final Plat of the Airflyte Acres 2<sup>nd</sup> Addition. The original plat was approved in 1961. The properties within the proposed Airflyte Acres 2<sup>nd</sup> Addition are not within the city limits of Hays, and there is no plan for annexation at this time. The property is located east of the Hays Regional Airport and south of Old Highway 40. The final plat consists of five lots and the next agenda item will discuss rezoning the property to Residential Suburban. City sanitary sewer and water are more than half a mile away, and no request to connect has been made at this time since the area would not be easily served. If developed, the area will be served by private utilities. Existing and proposed streets will continue to be maintained by other parties. Any new streets will be built to county standard and privately maintained unless approval for public maintenance is requested and then granted by the Ellis County Commission at a future date. The majority of development has occurred only to the lots along 280<sup>th</sup> Avenue, east of the 2<sup>nd</sup> Addition.

The Final Plat meets the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements. Staff,

as well as the Hays Area Planning Commission, recommend approving the Final Plat of Airflyte Acres 2<sup>nd</sup> Addition as submitted.

Sandy Jacobs moved, Alaina Cunningham seconded, to approve Resolution No. 2023-005 accepting the Airflyte Acres 2<sup>nd</sup> Addition Final Plat.

Commissioner Barrick asked where the septic systems would be placed since they would not be on city water or sewer. Mr. Rohr stated that it has been reviewed by the Ellis County Environmental Office and they determined that the lots are sized to support future septic systems.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**8. REZONING REQUEST FROM AGRICULTURE DISTRICT (A-L) TO RESIDENTIAL SUBURBAN DISTRICT (R-S) ON THE PROPOSED AIRFLYTE ACRES 2<sup>ND</sup> ADDITION:**

Jesse Rohr, Director of Public Works, stated an application has been submitted to request a change in zoning for a tract of land east of the Hays City Airport along Airflyte Drive. Airflyte Acres 1<sup>st</sup> Addition, located immediately east of the subject property, was platted in 1961. Homes in Airflyte Acres 1<sup>st</sup> Addition, along 280<sup>th</sup> Avenue, were built mostly in the mid 1960's to the mid 1970's, and only half of the plat has been developed.

The proposed area is outside the city limits of Hays and there is no plan for annexation at this time. The subject property is just outside the extents of the current Future Land Use Map but would likely be identified as Low Density Residential (LDR) if the map extended this far. Property adjacent to the subject property is zoned Neighborhood Conservation District 1 (NC.1), which allows larger single-family properties.

Public sanitary sewer and water are more than half a mile away from this area. Private water wells or rural water are the options for the developer to consider if the property develops. Private septic systems would need to be installed for each lot.

Staff, as well as the Hays Area Planning Commission, recommend approval of this rezoning request due to the zoning and uses of property nearby.

Alaina Cunningham moved, Reese Barrick seconded, to adopt Ordinance No. 4024 approving the change in zoning from Agriculture District (A-L) to Residential Suburban District (R-S) for the proposed Airflyte Acres 2<sup>nd</sup> Addition.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**9 HERITAGE HEIGHTS ADDITION – FINAL PLAT:** Jesse Rohr, Director of Public Works, stated that an application has been submitted for the Final Plat of the Heritage Heights Addition, which consists of 27.139 acres. The property is located west of Vine Street, north of 48<sup>th</sup> Street, and just west of Tractor Supply Company. The applicant has proposed three large lots and two lots for existing residences within the plat. The large lots will be able to accommodate larger industrial type uses. Access will primarily be from 48<sup>th</sup> Street and depending on how the property develops, will determine when streets within the addition will be constructed.

Water is currently available along 48<sup>th</sup> Street and partially up Roth Avenue but may need to be extended for future development. Prior to development, sanitary sewer will need to be extended to this property from the south and possibly up Roth Avenue as well.

Each lot will be responsible for water quantity and water quality requirements to meet the City of Hays stormwater management requirements. There is a natural drainageway that runs at a slight angle north from 48<sup>th</sup> Street through the lots and will remain protected with stream buffer requirements.

Mr. Rohr stated a rezoning request has also been submitted for consideration, which is the next item on the agenda. Due to the Final Plat meeting the requirements of the current subdivision regulations in regard to lot size, setbacks, and specific utility requirements. Staff, as well as the Hays Area Planning Commission, recommend approving the Final Plat as submitted.

Sandy Jacobs moved, Reese Barrick seconded, to approve Resolution No. 2023-006 accepting the Heritage Heights Addition Final Plat.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**10. REZONING REQUEST FROM AGRICULTURE DISTRICT (A-L) TO LIGHT INDUSTRIAL DISTRICT (I-1) ON THE PROPOSED HERITAGE HEIGHTS**

**ADDITION:** Jesse Rohr, Director of Public Works, reported that an application has been submitted to request a change in zoning for 27.3 acres of land near 48<sup>th</sup> Street and Roth Avenue for Heritage Heights Addition. The owners wish to rezone the property and make it available to develop for light industrial uses. The property does have city water and sanitary sewer nearby, but it would need to be extended in order to serve the property.

Due to the request's conformance with the Comprehensive Plan, Staff, as well as the Hays Area Planning Commission, recommend approving the rezoning request from Agriculture District (A-L) to Light Industrial District (I-1) of the 27.3 acres of land for Heritage Heights Addition.

Alaina Cunningham moved, Reese Barrick seconded, to adopt Ordinance No. 4025 approving the change in zoning from Agriculture District (A-L) to Light Industrial District (I-1) for Heritage Heights Addition.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**11. WATER CONSERVATION UPDATES AND 2023 PROGRAMS:**

Holly Dickman, Water Conservation Specialist, provided an update to the Commission on the Water Conservation Program and results from 2022.

Ms. Dickman stated that 2022 was a below average year for precipitation and noted that the seasonal drought outlook for our area shows that the drought is predicted to persist.

She stated that high efficiency toilet rebates remained the most popular program of 2022, but numbers were down this year. She stated that the highest rebate provided is \$150 and in prior years that would cover the cost of the toilet, but no longer does. They are considering increasing that rebate amount. She also reviewed the results of the washing machine and turf conversion rebate programs and the showerhead replacement program. She stated new for 2023 they will offer rebates for smart irrigation controllers and rain sensor shutoffs.

Ms. Dickman reviewed the various educational outreach forms that are in place. In 2022 TV, radio, and digital ads were a big part of the educational outreach/awareness efforts. Social Media continued to be a “go to” platform in 2022, with Facebook, Twitter, and Instagram being used. Followers continue to grow as staff shares information regarding water conservation, water leaks, and upcoming events. Multiple school presentations were given in 2022 to promote water conservation, water quality, the water poster contest, and water smart landscaping.

Ms. Dickman stated a partnership program that began in 2021 is the 4-H Water Ambassadors. This program is a leadership opportunity for teens 13 and older, focusing on the importance of water quality, water conservation, and water careers.

Ms. Dickman stated that the current drought brings the topic of water to everyone’s mind, and they will keep spreading the message of water conservation to the community.

**12. R9 UPDATE:** Jeff Crispin, Director of Water Resources, provided some history regarding the R9 Ranch and stated that the ranch is approximately 7,000 acres in size and sits along the south side of the Arkansas River in southwestern Edwards County approximately 70 miles south of Hays.

In 2007, the city began the process to take crops out of service and in 2017 all remaining irrigation circles were taken out of service. From 2018 to 2019 all remaining irrigation infrastructure was removed. In 2020 the city hired Dr. Keith Harmony, a Range Research Scientist with the Kansas State University Agriculture Research Center, to make recommendations regarding reseeding,

spraying, and cattle grazing to best reestablish native grasses on the R9 property.

Mr. Harmony stated the goal is to convert the land from a monoculture crop field into a naturalized diverse grassland. He stated this is not a fast process and the challenge has been the sandy soil, which has less water holding capacity than other types of soils. It is also in an area where there are hot and dry periods in the growing season. He added that the summer drought of 2022 was very hard on grasses.

Commissioner Musil asked about the benefits of converting to natural grasses. Mr. Harmony stated that establishing these areas back to native grassland will help control erosion potential. It will also help retain moisture and prevent runoff. Conservation wise, it is more friendly to the environment than a row cropping system.

Toby Dougherty, City Manager, added that by not planting crops it improves the water quantity and quality as you are not irrigating the crops or applying fertilizer. They have seen significant water quality improvements on the property and since this will be a municipal water source, we want the best water we can get.

Toby Dougherty, City Manager, announced that John Braun, the Project Manager for the City of Hays, will be transitioning to the position of R9 Ranch Project Manager. Mr. Braun will oversee the R9 Project and will work with the engineers, land acquisition parties, and everyone involved. He will be the eyes and ears that we need to manage this project.

Mr. Braun stated the R9 wellfield development, and the pipeline construction is an exciting project, and he appreciates the opportunity to be part of the team that will provide long term water security to Hays, Russell, and the surrounding area.

Mr. Dougherty also introduced Chris Smith, who is currently the Parks Superintendent for the City of Hays and has previously worked for the Kansas Department of Wildlife and Parks as the Cedar Bluff State Park Manager. Mr. Smith will be assuming the roll of R9 Property and Wellfield Manager. He will



oversee the day-to-day management of the property. He will also negotiate with the State as to what type of public access use area may be developed.

Mr. Smith stated that the R9 Project is exciting and will set a precedent for Kansas water law that will not only benefit the cities of Hays and Russell but will also have the potential to benefit communities in similar situations in the future. He is honored to be part of the team tasked with establishing the well field system and the transfer system. He looks forward to managing the land associated with the project and he believes that in addition to the wellfield, the ranch has the potential to provide additional benefits to the City of Hays, Edwards County, and the surrounding communities.

Mr. Dougherty provided an update on the water transfer proceedings. He stated the Prehearing Conference began February 15<sup>th</sup> and could continue up to March 31<sup>st</sup>. The hearing could run from late June through August with a location to be decided.

Commissioner Jacobs stated that this is a precedence setting activity we are in the middle of, and all eyes are on us. She added that she appreciates the work City Manager, Toby Dougherty, has done on this project and his knowledge of the water issues.

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

**14. 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 March.

**15. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Cunningham stated that there are big things coming to our small community and she is excited to be a part of it.

Commissioner Barrick stated the R9 Project is setting precedent and putting us on the map. He noted that we are utilizing one part of the state to help a lot of people in another part of the state. He stated that with Mr. Braun and Mr. Smith involved, we are doing it in a way that will benefit Edwards County as well as Ellis County, and it will also benefit the conservation of the land and animals.

Commissioner Barrick stated that housing is an issue for our area, and we do need more, but with the addition of Frontier Apartments and Tallgrass Addition we are adding quality housing.

Commissioner Jacobs encouraged everyone to attend State Wrestling being held in Hays this weekend.

Vice-Mayor Musil thanked City Manager, Toby Dougherty, for his work on the R9 Ranch Project and added that this water project will be good for not only Hays, but for the entire region.

The meeting was adjourned at 5:39 p.m.

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

Brenda Kitchen – City Clerk