

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

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

Roll Call: Present: Mason Ruder

Shaun Musil

Sandy Jacobs

Alaina Cunningham

Absent: Reese Barrick

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 session held on February 23, 2023; the minutes stand approved as presented.

3. 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 February 28, 2023.

Month-to-date (MTD) general fund sales tax collections were at \$945,586, which was an increase of \$99,109 or 11.7% as compared to last year. Year-to-date (YTD) general fund sales tax is at \$1,686,294 up \$105,286 or 6.7% from a year ago. The six-month average is at 5.02%, which was a drop of 12.5% when compared to a year ago. MTD county sales tax collections were at \$114,610. YTD county sales tax is at \$204,247.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$35,878 or 1.4%. These top ten represent 75% of the total sales tax collections for the running quarter.

The total par value of the US Treasuries is \$64,600,000 with a weighted average yield to maturity of 3.21% up 2.8% from a year ago. The total of the portfolio of certificates of deposit on February 28, 2023 was \$4,400,000 with a

weighted average rate to maturity of 4.3%. The total balance of the Money Market account on February 28, 2023 was \$5,000,000 with a current yield of 2.325%. Total investments are up \$4,689,552.

Shaun Musil moved, Alaina Cunningham seconded, to approve the Financial Report for the month of February, 2023 as presented.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

4. CITIZEN COMMENTS: There were no comments.

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

Sandy Jacobs moved, Shaun Musil seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

NEW BUSINESS

6. NUISANCE ABATEMENT FOR 1700 MARSHALL ROAD: Mayor Ruder stated that staff recommended this item be removed from the agenda.

7. AIRPORT SNOW REMOVAL EQUIPMENT BUILDING – AWARD OF BID:

Jamie Salter, Director of Hays Regional Airport, stated that the Airport maintenance shop was constructed in 1996 with grant funding through the Federal Aviation Administration (FAA). Its size was determined by the snow removal equipment the Airport had acquired through the FAA's Airport Improvement Program (AIP), as this equipment is required to be stored in a heated building. At that time, this consisted of two pieces of equipment, a loader and a plow. Of the Airport's current fleet, seven pieces are eligible for AIP grant

funding and have been used to determine the overall size of 9,159 square feet for the new building to store and maintain this snow equipment.

In October 2021, staff came before the City Commission and received authorization to enter a design agreement with Burns and McDonnell (BMcD) for this project. The new building calls for a four bay, drive-thru design. Eligible spaces also include a 1,500 square foot wash bay and storage for deicer.

Bids for the construction of the snow removal equipment building were opened on February 9, 2023. One bid was received with a total price of \$3,196,628.00. The bid received by RDH Electric & Construction Inc. came in below the engineer's estimate of \$3,632,292.62. The construction of this building is eligible for 90% funding through the FAA, resulting in a city share of \$319,662.80.

Sandy Jacobs moved, Shaun Musil seconded, to accept the bid from RDH Electric & Construction Inc., in the amount of \$3,196,628.00, to construct the snow removal equipment building at the Hays Regional Airport, contingent upon the FAA awarding a grant for Federal funding and authorize the City Manager to carry out this project including the execution of the FAA grant agreement when offered.

Vote: Ayes: Mason Ruder

Shaun Musil

Sandy Jacobs

Alaina Cunningham

8. AIRPORT SNOW REMOVAL EQUIPMENT BUILDING – CONSTRUCTION

ENGINEERING: Jamie Salter, Director of Hays Regional Airport, stated that the previous agenda item addressed the bids that were received for the construction of the snow removal equipment building at the Hays Regional Airport. Inspection and observation of the construction needs to be accomplished according to FAA guidelines to satisfy the terms of the grant funding, to ensure proper adherence to the plans, and to ensure quality construction. The City's Airport Engineering Consultant, Burns and McDonnell (BMcD), has presented a scope of services and fee to accomplish the required construction oversight and project

documentation. The cost for said services is \$384,948.69 and is eligible for 90% funding through the FAA, resulting in a city share of \$38,494.87.

Shaun Musil moved, Alaina Cunningham seconded, to authorize the City Manager to execute Work Authorization No. 4 with BMcD, in the amount of \$384,948.69, with the City share of \$38,494.87 to be funded from the Airport Improvement Fund, contingent upon the FAA awarding a grant for Federal funding.

Vote: Ayes: Mason Ruder

Shaun Musil

Sandy Jacobs

Alaina Cunningham

9. SANITARY SEWER LINING – AWARD OF BID: Jeff Crispin, Director of Water Resources, stated the Capital Improvement Plan within the 2023 Budget includes a project labeled Sewer Line Repair Projects from CCTV Inspections. Staff developed a project to accomplish lining of approximately 10,000 linear feet of 8” sanitary sewer line. This project is part of the ongoing annual sewer maintenance program that includes sewer line cleaning and inspection, manhole rehabilitation, sewer point repairs, and sewer lining.

Bids were received from six contractors with the lowest cost proposal submitted by Mayer Specialty Services of Goddard, Kansas in the amount of \$320,721.12.

Sandy Jacobs moved, Alaina Cunningham seconded, to authorize the City Manager to enter an agreement with Mayer Specialty Services to complete sanitary sewer lining at a cost of \$320,721.12, to be funded from Water Reclamation Capital.

Vote: Ayes: Mason Ruder

Shaun Musil

Sandy Jacobs

Alaina Cunningham

10. 13TH STREET RECONSTRUCTION – DESIGN CONTRACT: Jesse Rohr, Director of Public Works, stated that the proposed construction of a new high

school on 13th Street has prompted the reconstruction and widening of 13th Street, east of Anthony Drive to Commerce Parkway, in anticipation of increased school traffic.

The project calls for widening the two-lane asphalt street to a three-lane street with three-foot shoulders. It also includes extending the existing eight-foot-wide multi-use path along the north side of the street to Commerce Parkway. The current schedule calls for design to begin in spring of 2023 with final design completed by the end of 2023. Construction is anticipated to be finished by the end of 2024. The total cost for this project is estimated to be \$2.45 million.

Due to MKEC Engineering, Inc. already being engaged in a project with USD 489 for the new high school and associated site improvements, staff solicited a proposal from MKEC for design services for this project. This was done to avoid duplication of services from multiple engineering firms working on related projects. Staff negotiated with MKEC and feel their proposal of \$120,000 for the engineering design is reasonable and consistent with past projects of a similar nature.

Shaun Musil moved, Alaina Cunningham seconded, to authorize the City Manager to enter an agreement with MKEC Engineering, Inc., in the amount of \$120,000, for engineering services related to the design of the reconstruction of 13th Street from Anthony Drive to Commerce Parkway, to be funded from Commission Capital Reserves.

Vote: Ayes: Mason Ruder

Shaun Musil

Sandy Jacobs

Alaina Cunningham

11. ANNEXATION OF PROPERTY LOCATED AT 2500 EAST 13TH STREET:

Jesse Rohr, Director of Public Works, reported that USD 489, who owns the property at 2500 East 13th Street, has submitted a signed consent to annex the property under K.S.A. 12-520(a)(7) and desires annexation to allow for development of the property and connection to city services. This property has been owned by USD 489 for many years and has remained in agriculture

production. Recently, a school bond was passed, and this location will be the site of USD 489's new high school building. The property is located just east of the current high school and the land is contiguous to city limits. Staff recommends annexing this property due to its proximity to the city limits and the availability of city services and infrastructure necessary to serve this property.

Alaina Cunningham moved, Shaun Musil seconded, to adopt Ordinance No. 4026, annexing the property at 2500 East 13th Street, as legally described within the adopting ordinance.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

12. REZONING REQUEST FROM AGRICULTURE DISTRICT (A-L) TO PUBLIC INSTITUTIONAL DISTRICT (P-I) FOR THE USD 489 PROPERTY LOCATED AT 2500 EAST 13TH STREET:

Jesse Rohr, Director of Public Works, stated that an application has been submitted to request a change in zoning for a tract of land east of USD 489's existing high school, on property located at 2500 East 13th Street. The property has been in agriculture production for many years. This land is proposed to be the location of the new high school. Staff, as well as the Planning Commission, recommend changing the zoning from Agriculture District (A-L) to Public Institutional District (P-I) for the 43 acres of property, due to the compatibility of the surrounding areas.

Alaina Cunningham moved, Sandy Jacobs seconded, to adopt Ordinance No. 4027, approving the change in zoning from Agriculture District (A-L) to Public and Institutional District (P-I) for the USD 489 property located at 2500 East 13th Street.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

13. PUBLIC HEARING FOR SPECIAL ASSESSMENTS – KING’S GATE 2ND

ADDITION IMPROVEMENT DISTRICT: Mayor Ruder opened the Public Hearing to hear comments regarding the special assessments in the King’s Gate 2nd Addition.

Kim Rupp, Director of Finance, stated special assessments for the King’s Gate 2nd Addition within the City of Hays are ready to be finalized and assessed to property owners. King’s Gate 2nd Addition is located in the northwest corner of the city and is more commonly referred to as Royal Court. It is directly across the street from the new fire station. Resolution No. 2021-03 was approved by the City Commission authorizing the improvements. The improvements have been completed, and it is now time to begin the process of assessing the property owners for the improvements.

This will be a 20-year assessment, split equally among 22 lots. The improvements included installation of water lines, sanitary sewer, and storm sewer along with grading, paving, curbing, and guttering. The total amount to be assessed is \$470,000, which includes an estimate of issuance costs and a 30% apportionment from the developer. The current property owners of record will be mailed a notice of assessment and given 30 days to prepay their assessment in full. The assessment is proposed to be approximately \$21,363.63 per lot. If the property owners choose not to prepay the proposed assessment, the cost of the improvements, plus interest charges from bonding the project, will be placed on the tax roll with Ellis County. The first installment will be included with the tax statements issued by the Ellis County Treasurer’s Office in November 2023.

Mr. Rupp noted that this bond issue will likely be a local private placement rather than a public offering. The size and length of term is a bit prohibitive for a public offering. He added that staff has contacted several banks in Hays and has received positive response to the request.

There were no comments from the public.

Sandy Jacobs moved, Shaun Musil seconded, to close the public hearing regarding special assessments in the King’s Gate 2nd Addition.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

14. ORDINANCE LEVYING SPECIAL ASSESSMENTS – KING’S GATE 2ND

ADDITION IMPROVEMENT DISTRICT: Shaun Musil moved, Sandy Jacobs seconded, to approve Ordinance No. 4028, assessing the cost of improvements to King’s Gate 2nd Addition as presented.

Vote: Ayes: Mason Ruder
Shaun Musil
Sandy Jacobs
Alaina Cunningham

15. R9 UPDATE: Toby Dougherty, City Manager, reviewed the schedule for the R9 Water Transfer Proceedings that are underway. He also reviewed the anticipated timeline for design and land acquisition services.

Mr. Dougherty reviewed climate trends and the risk of decadal drought. He stated that our area has the potential to be dry and stay dry for a long period of time. If that were to occur, we could not conserve our way out of it, as we do not have enough locally available water.

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

17. 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 April.

18. COMMISSION INQUIRIES AND COMMENTS: Commissioner Cunningham stated we have the best of the best in Hays, and she loves our community and employees. She wished good luck to the Hays High School girls soccer team who are kicking off their season in Great Bend.

Commissioner Jacobs encouraged everyone to enjoy the many activities and events going on in Hays.

Vice-Mayor Musil stated he appreciates city staff and thanked them for all they do.

The meeting was adjourned at 5:04 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk