

City of Hays
City Commission
Work Session Notes
Thursday, June 17, 2021 – 6:30 p.m.

Present: Sandy Jacobs, Mason Ruder, Michael Berges, Ron Mellick, Shaun Musil, Collin Bielser, Brenda Kitchen, and John T. Bird

June 3, 2021 Work Session Notes

There were no corrections or additions to the minutes of the work session held on June 3, 2021; the minutes stand approved as presented.

2022 Budget Presentations – Outside Agencies

The following agencies presented requests for Outside Agency funding in the 2022 Budget:

Grow Hays

Doug Williams, Grow Hays Executive Director \$115,000

Downtown Hays Development Corp. (DHDC)

Sara Bloom, DHDC Executive Director

Mike Holliday, DHDC Board President \$54,000

Fort Hays State University Scholarship Program

Dr. Joey Linn, FHSU Vice President for Student Affairs

Dr. Dennis King, Associate Vice President for Student Affairs \$100,000

CARE Council – Social Services/Special Alcohol Tax

Korinna Parker, CARE Council Chair

Erica Berges, United Way of Ellis County Executive Director \$168,000

Note: A budget request was submitted for Alcohol Tax Funds in the amount of \$60,000; this request is not part of the Social Services, Economic Development, or Quality of Life Budgets. These funds are specifically used for the education, prevention, and treatment of substance abuse.

Each organization thanked the City for their support and reviewed their past and future projects and programs.

The funding requests will be considered and voted upon during the budget process in July.

KPERS 457 Plan

Erin Giebler, Director of Human Resources, stated in 1980, the City of Hays began offering a deferred compensation plan through ICMA as an additional way employees could save for retirement. Currently, the City's record keeper for the plan is MassMutual, which was recently bought out by Empower. There are 47 employees enrolled in the City's 457 Plan, which offers both pre-tax and Roth contribution options as well as having a loan provision. Ms. Giebler stated recently, employees have expressed displeasure with the City's current plan provider. Due to this, the current plan and the Kansas Employees Retirement System (KPERS) 457 Plan were compared.

The KPERS 457 Plan began in the 1980s. Currently, over 400 governmental agencies in Kansas offer the KPERS 457 Plan. Their current record keeper is Empower. Areas of each plan that were reviewed include customer service, fees, performance, and plan offerings. During the review they found that KPERS has a local representative based out of Hays, fees were significantly lower on the KPERS 457 Plan, performance was comparable on both plans, and both offered the same contribution options as well as loans.

Ms. Giebler stated currently, our representative is based out of Kansas City. While he does come to Hays twice a year, KPERS 457 has someone located in Hays. City staff believes having a dedicated local representative based out of Hays will lead to more engagement in the 457 plan.

Due to factors including, but not limited to, fees, customer service, and employee feedback; City staff is recommending switching the City's current 457 plan provider to the KPERS 457 Plan. In order to join the KPERS 457 Plan, Kansas law requires the governing body enact a resolution in accordance with K.S.A. 74-49b14, to be considered an eligible employer for the KPERS 457 Plan.

At the June 24, 2021 Commission meeting, Commissioners will be asked to approve the resolution and the State of Kansas Public Employee Deferred Compensation Plan Joinder Agreement authorizing a deferred compensation plan for the employees of the City of Hays, Kansas.

Ellis County Multi-Jurisdictional Hazard Mitigation Plan

Ryan Hagans, Fire Chief, stated as required by state and federal authorities, Ellis County is requesting that each jurisdiction in the county adopt the Ellis County Multi-Jurisdictional Hazard Mitigation Plan. A hazard mitigation plan specifies the measures that a community may use to reduce risks from natural disasters. By adopting this county plan, developed with staff assistance, the City is eligible for future hazard mitigation grant funding that may become available. The plan does not mandate any future action by the City of Hays. It does, however, suggest actions for future consideration to reduce the risks from natural disasters.

At the June 24, 2021 Commission meeting, Commissioners will be asked to approve the resolution to adopt the Ellis County Multi-Jurisdictional Hazard Mitigation Plan.

King's Gate Second Addition – Award of Bid

Jesse Rohr, Director of Public Works, reported that Covenant Land & Developing, Inc. recently petitioned the City for street, storm sewer, water, and sanitary sewer improvements to an area containing 22 lots in the King's Gate Second Addition. Bids were recently opened, and of the three bids submitted, Morgan Brothers Construction was the low bidder with a bid of \$615,900.81. The engineer's estimate for total construction is approximately \$752,000.00. There are no over-sizing costs to the city in this project; therefore, no city capital will be expended for the construction of this project.

The proposed improvements include:

- The construction of Royal Court and all related curb, gutter, and stormwater sewer improvements.

- The construction of approximately 600 linear feet of 8” water line, fire hydrants, service connections, and all other necessary and related water improvements.
- The construction of approximately 750 linear feet of 8” sanitary sewer line, manholes, sanitary sewer service connections, and all other necessary and related sanitary sewer improvements.

The developer is intending to finance the development project through a special benefit district which was approved by the City Commission on January 28, 2021. As with most developments; 70% of the costs for this project will be allowed to be special assessed with the remaining 30% being paid in full by the developer, prior to award of the construction contract. The per-lot special assessment for this project is estimated to be approximately \$21,000, or \$1,040 per year to be assessed over a 20 year period.

At the June 24, 2021 Commission meeting, Commissioners will be asked to authorize the City Manager to enter a contract with Morgan Brothers Construction in the amount of \$615,900.81 for the construction of street, water, storm water, and sanitary sewer improvements for the development of 22 lots within the King’s Gate Second Addition.

Rezoning of Tract Owned by Hess Land, LLC located at 5809 230th Avenue

Jesse Rohr, Director of Public Works, stated an application has been submitted to request a change in zoning from A-L Agriculture to I-2 Heavy Industrial District for a 32.322-acre tract of land owned by Hess Land, LLC generally located at 5809 230th Avenue.

This property is located just outside the City limits but falls within the City’s extraterritorial jurisdiction (ETJ). At this time, the subject property will remain outside of the City limits of Hays, and no City utilities will be extended. This area north of I-70 along 230th Avenue has many industrial uses within proximity of this property including: MWE Goodman Energy Center, Ellis County Concrete Batch Plant, and Hess Services, among others.

At their May 17, 2021 meeting, the Hays Area Planning Commission recommended approval of this rezoning request by a vote of 7-0.

At the June 24, 2021 Commission meeting, Commissioners will be asked to approve an ordinance approving the change in zoning from A-L Agriculture to I-2 Heavy Industrial District for a 32.322-acre tract of land owned by Hess Land, LLC generally located at 5809 230th Avenue.

Utility Type Vehicles Discussion

Collin Bielser, Assistant City Manager, stated at the April 1, 2021, Work Session, the Commission discussed the possibility of allowing Utility Type Vehicles on City streets. When discussing the matter, the Commission seemed interested in allowing only two types of vehicles: work-site utility vehicles/utility task vehicles and micro utility trucks. The Commission favored a registration system for these types of vehicles. After some discussion of specific requirements and restrictions the Commission asked staff to provide additional information.

A draft ordinance as well as a registration form for these types of vehicles was presented for Commission consideration. The draft ordinance would allow the side-by-side vehicles categorized as work-site utility vehicles/utility task vehicles, as well as the mini pickups categorized as micro utility trucks. The ordinance does not allow ATVs or golf carts. The ordinance creates a registration system that would be managed by the Hays Police Department. Vehicles would need to be inspected and receive a tag that is good for one year. Staff suggests a registration fee of at least \$100 as there will be officer and administrative time required to process and inspect each vehicle. An insurance requirement and fine structure will need to be addressed, as well as roll bar requirements and proof of property tax payment.

Mr. Bielser stated staff does not recommend time limitations and noted that the way the draft ordinance is written headlights would be required and these vehicles would be treated like any other vehicle. Mr. Bielser asked for direction

regarding registration fees, fine costs, time limitations, location restrictions and trailer towing.

Mayor Jacobs stated she has been contacted by a number of citizens suggesting that golf carts be allowed as well.

Don Scheibler, Police Chief, stated he would discourage the Commission from allowing golf carts. He added that in regard to safety, golf carts do not have seat belts or roll bars, and there is limited lighting. He stated if you get hit in a car or UTV, you will probably survive that, but if you get hit in a golf cart you will be ejected and it would probably end badly. He stated he has no concerns with the vehicles currently in the draft ordinance. He has checked with other communities that allow them and it has not been a problem.

Commissioner Mellick stated he is not in favor of golf carts especially on arterial or collector streets. He noted that they are only running 20 miles per hour and they would cause traffic to back up.

Mayor Jacobs stated there are bicycles and motorcycles on the streets and she does not see the problem with golf carts. She does not want to make this more onerous on the Police Department to have to monitor it.

Commissioner Musil and Commissioner Ruder stated they do not feel all of these restrictions are necessary.

Ellis County Commissioner, Neal Younger, stated allowing these vehicles would generate money for the community, but if too many restrictions are added, people aren't going to want to ride them. He would like these vehicles to be treated like a car.

Following discussion, the Commission came to the following consensus:

- The fine and fee structure will remain as is written in the draft ordinance.
- There will be no time or location restrictions.
- Trailer towing will be allowed.
- Allowing the use of golf carts will not be considered at this time.

A final ordinance will be presented to the Commission for consideration at a future work session.

Rural Housing Incentive District (RHID) Section of the Economic Development Policy

Collin Bielser, Assistant City Manager, stated at the May 6, 2021 Work Session, the City Commission held a lengthy discussion regarding whether or not to modify the Rural Housing Incentive District (RHID) section of the Economic Development Policy. The consensus of the Commission was to remove most restrictions on usage of the policy over and above what State law allows. The policy was again discussed on May 20th and staff was asked to make minor revisions regarding the Commission's ability to deviate from the policy and require the housing study be updated every two years.

The RHID Policy was established in 2013 and has been utilized one time, by the Heart of America Development Corporation, to finance a 75-lot development on the east side of town.

Commissioner Berges asked that the requirement that the housing study be updated every two years be modified to every three years. The Commissioners agreed.

Commissioner Ruder stated he feels the Commission should open it up and see what happens.

At the June 24, 2021 Commission meeting, Commissioners will be asked to approve the modifications to the RHID section of the Economic Development Policy as presented.

Other Items for Discussion

Commissioner Mellick encouraged everyone to enjoy the events going on in the City this weekend including the Hays Arts Council Summer Art Walk and the Hays Larks 75th Anniversary Celebration.

Commissioner Berges added that the Hays Public Library will have a remodel celebration with a ribbon cutting at 5:00 p.m. on Friday, June 18th.

Mayor Jacobs stated the remodel of the Hays Public Library is amazing; it is a beautiful facility that we are very proud of.

The work session was adjourned at 8:20 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk