

MINUTES OF A JOINT MEETING OF
THE HAYS CITY COMMISSION AND RUSSELL CITY COUNCIL
HELD ON MONDAY, JUNE 19, 2023 AT 6:00 P.M.
AT HAYS CITY HALL, 1507 MAIN STREET, HAYS, KANSAS

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, along with the Russell City Council, met for a joint meeting on Monday, June 19, 2023 at 6:00 p.m., to discuss the R9 Ranch water transfer proceedings.

City of Russell Councilmembers:

Roll Call: Present: Jim Cross

Michelle Wagner-Schneider

Monty Morrill

Lonnie Whitten

Blaine Stoppel

Andrea Garland

Dustin Madden

Brad Wagner

Absent: Lisa Schreiner

Mayor Jim Cross declared a quorum was present and called the meeting to order. Mayor Cross led the Pledge of Allegiance.

City of Hays Commissioners:

Roll Call: Present: Shaun Musil

Sandy Jacobs

Alaina Cunningham

Mason Ruder

Absent: Reese Barrick

Mayor Shaun Musil declared a quorum was present and called the meeting to order.

2. OTHER ITEMS FOR DISCUSSION: Toby Dougherty, Hays City Manager, outlined the water transfer proceeding schedule. He stated the public hearing is scheduled to begin in Wichita on July 19, 2023. Part of that process involves a

public comment hearing that will be held June 20, 2023 at 6:00 p.m. in the Fort Hays State University Memorial Union Black and Gold Room. The public comment hearing is a venue for the Judge, and ultimately, the Hearing Panel to gather public comments on the proposed process. He stated it is not intended to be a venue for debate, it is just creating a record of the proceedings. The Supreme Court oral arguments will begin September 13, 2023.

David Traster and Daniel Buller, Project Attorneys with Foulston Siefkin, LLP, presented information regarding the water transfer hearing and the Supreme Court oral arguments. Mr. Traster stated that there are many issues that must be covered regarding this process, and public interest affects a number of these issues.

Mr. Buller provided information regarding the appellate process concerning the change application proceeding, which is currently pending before the Kansas Supreme Court. This proceeding is running parallel to the water transfer proceeding. He added that they remain cautiously optimistic that they will receive a good order from the Kansas Supreme Court to finalize the change proceeding and will go forward with the transfer proceeding. After the water transfer hearing, either party can appeal. That would essentially require them to go through a similar appeal process they are going through at the Kansas Supreme Court for the change proceeding.

Mr. Dougherty stated that they are in the process of vetting firms for land acquisition services for the project. This will be a separate contract from the design contract. They are narrowing it down and hope to have a contract before the Governing Body for consideration on August 10, 2023.

Jeff Heidrick, Senior Project Manager, Burns and McDonnell Engineering Company, reviewed the design process and schedule for both the well field and pipeline projects. He noted that they are looking at a two-year design process, which includes state reviews and approvals. They plan to begin work in July of 2023 and complete the design process in the Summer of 2025.

It has been six years since the R9 land was actually farmed. Circle irrigation pivots were gradually taken out of production, and the ranch has been

returned to its natural environment. Mr. Dougherty stated that quarterly sampling is done on a dozen or more observation wells to check for water quality, water depth, and to see how the aquifer is performing. Because farming has stopped and fertilizer is no longer used, nitrate levels have decreased. He also stated that initial test drilling will take place this winter, which will help locate the best pockets of good quality water.

The Commissioners and Councilmembers thanked the engineering and legal teams, Toby Dougherty, Hays City Manager, and John Quinday, Russell City Manager, for all the work they have done on this project.

Mayor Shaun Musil stated that the City of Hays started researching a sustainable water source in the 1970s, and it is exciting to see we are moving forward on this.

Councilmember Lonnie Whitten stated the general public has no idea how badly these two communities need this water.

Mayor Jim Cross emphasized that the project is not so everyone can have a green lawn, this is for the people and industry, and it is going to keep us viable in the state of Kansas for a long time. He added that there are not many regions in the state that work together as well as the cities of Hays and Russell.

Vice-Mayor Sandy Jacobs stated that it is important that the people in the state of Kansas understand that we are in one of the few areas that does not have a sustainable source of water. She added that anyone that objects to this process needs to step back and think about that. We are doing this to save our area and our region.

Mayor Shaun Musil stated that water conservation is a way of life in this area, and we will continue to conserve no matter how much water we have. He added that if we want to grow and be sustainable, we need this water.

3. EXECUTIVE SESSION: Councilmember Dustin Madden moved, Councilmember Blaine Stoppel seconded, that the Russell City Council recess to an executive session at 6:37 p.m. under the justification and purpose of discussing litigation regarding the R9 Ranch pursuant to the consultation with an attorney on matters deemed privileged in an attorney client relationship. K.S.A.

75-4319(b)(2). The executive session included the City Council, City Manager, City Attorney, Assistant City Manager, Water Utility Director, Public Works Director, City Clerk, along with the Hays City Commission, Hays City Staff, and Legal Counsel. The open meeting will resume at 7:20 p.m.

The motion carried unanimously.

Commissioner Mason Ruder moved, Commissioner Sandy Jacobs seconded, that the Governing Body recess to an executive session at 6:37 p.m. under the justification and purpose of consultation with the Attorneys for the cities of Hays and Russell on matters deemed privileged to the attorney client relationship, pursuant to K.S.A. 75-4319(b)(2), for a period not to exceed 45 minutes. The executive session included the Hays City Commission, Russell Mayor and Councilmembers, City of Hays Staff, City of Russell Staff, Russell City Attorney, representatives from the City Attorney's Office, representatives from Foulston Siefkin, LLP, and representatives from Burns and McDonnell.

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

The open session was resumed at 7:20 p.m. and no action was taken.

The meeting was adjourned at 7:20 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk