

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JUNE 24, 2021

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, June 24, 2021 at 6:30 p.m.

Roll Call: Present: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Ron Mellick  
Shaun Musil

Mayor Jacobs 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 June 10, 2021; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended May 31, 2021.

Month-to-date (MTD) general fund sales tax collections were at \$776,929, which was an increase of \$206,538 or 36% as compared to last year. Year-to-date (YTD) general fund sales tax collections are at \$3,338,900, up \$217,720 or 7%. The six month average is at 5.37%, which was a decrease of -.40% when compared to a year ago. MTD county sales tax collections were at \$92,643 with the YTD total at \$404,125.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$225,052 or 11.78%. The largest percentage increases were in accomodation at 30%, new and used car dealers at 27%, and electronic shopping at 26%.

The portfolio of certificates of deposit on May 31, 2021 totaled \$32,500,000 with a weighted average interest rate of .03% down -1.54% from a year ago. The total par value of the US Treasury Notes is \$5,025,000 with a weighted average yield to maturity of .06%. The total balance of the Money Market account on May 31, 2021 was \$28,750,000 with a current yield of .05%. Total investments are down \$10,248,000.

Ron Mellick moved, Mason Ruder seconded, to approve the Financial Statement for the month of May, 2021 as presented.

Vote: Ayes: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Ron Mellick  
Shaun Musil

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

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

## **NEW BUSINESS**

### **6. KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (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 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.

Mason Ruder moved, Shaun Musil seconded, to approve Resolution No. 2021-008 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 and repealing all previous resolutions, motions, or actions in conflict therewith.

Vote: Ayes: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Ron Mellick  
Shaun Musil

**7. 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.

Michael Berges moved, Ron Mellick seconded, to approve Resolution No. 2021-009 adopting the Ellis County Multi-Jurisdictional Hazard Mitigation Plan.

Vote: Ayes: Sandy Jacobs

Mason Ruder

Michael Berges

Ron Mellick

Shaun Musil

**8. 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.

Shaun Musil moved, Mason Ruder seconded, 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.

Vote: Ayes: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Ron Mellick  
Shaun Musil

**9. REZONING OF A TRACT OF LAND OWNED BY HESS LAND, LLC**

**LOCATED AT 5809 230<sup>TH</sup> 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 230<sup>th</sup> 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 the May 17, 2021 meeting, the Hays Area Planning Commission recommended approval of this rezoning request by a vote of 7-0.

Ron Mellick moved, Michael Berges seconded, to approve Ordinance No. 3999 authorizing 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 230<sup>th</sup> Avenue.

Vote: Ayes: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Ron Mellick  
Shaun Musil

**10. ECONOMIC DEVELOPMENT POLICY AMENDMENT – RURAL HOUSING INCENTIVE DISTRICT (RHID) SECTION:**

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 20<sup>th</sup> 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. At the June 17, 2021 Work Session the Commission came to the consensus that the housing study should be updated every three years instead of 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.

Mason Ruder moved, Shaun Musil seconded, to approve the modifications to the RHID section of the Economic Development Policy as presented.

Commissioner Musil stated he feels this is a good option to offer and will hopefully provide additional housing in our community.

Vote: Ayes: Sandy Jacobs  
Mason Ruder  
Michael Berges  
Shaun Musil  
No: Ron Mellick

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

**12. 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 July.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Ruder stated he is excited to see all the events and activities starting up again.

Mayor Jacobs stated there was a great crowd at the ribbon cutting at the Hays Public Library and the library remodel looks amazing. She added that we are very fortunate to have a library like that in our community.

Mayor Jacobs also stated that citizens have told her that they appreciate all of the work being done on the streets in Hays.

The meeting was adjourned at 7:04 p.m.

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

Brenda Kitchen – City Clerk