

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 24, 2023

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 24, 2023 at 4:00 p.m.

Roll Call: Present: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

Absent: Mason Ruder

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 August 10, 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 July 31, 2023.

Month-to-date (MTD) general fund sales tax collections were at \$822,367, which was an increase of \$75,372 or 10% as compared to last year. Year-to-date (YTD) general fund sales tax is at \$5,593,303 up \$318,854 or 6% from a year ago. The six-month average is at 6.89%, which was a drop of 3.2% when compared to a year ago. MTD county sales tax collections were at \$98,305. YTD county sales tax is at \$668,096.

The total par value of the US Treasuries for July was \$52,855,000 with a weighted average yield to maturity of 3.7% up 2.9% from a year ago. The total of the portfolio of certificates of deposit on July 31, 2023 was \$17,600,000, with a weighted average rate to maturity of 4.78% up 4.72% from a year ago. The total balance of the Money Market account on July 31, 2023 was \$4,000,000, with a

current yield of 2.7% up 2.65% from a year ago. Total investments are up \$3,347,898.

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

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**4. CITIZEN COMMENTS:** Don Scheibler, Chief of Police, stated that Dispatch Shift Lead, Austin Schmeidler, and Dispatcher, Rachel Barnes, have both recently taken separate 911 calls in which they aided in bringing new babies into the world. Chief Scheibler stated that the actions by Dispatchers Schmeidler and Barnes are representative of the calm and professional support regularly given by the Communication Division to callers who are in crisis. Chief Scheibler presented each of them with a Stork Award for bringing calm assistance and instructions to the chaos when a baby wins the race against first responders to the scene.

**5. CONSENT AGENDA:** A. Approve the Cereal Malt Beverage License - St. Mary's Knights of Columbus for Thunder on the Plains Car Show.

B. The following appointments were recommended by Mayor Musil at the August 10, 2023 City Commission meeting and are now being presented for approval.

Hays Convention and Visitors Bureau Advisory Committee

Elinda Mages (Avid Hotel) – three-year term to expire August 24, 2026 (4th term – nonconsecutive)

Hays Public Library Board

Joe Lohmeyer – unexpired term to expire April 30, 2026 (1st term)

Hays Recreation Commission Board

Zach Binder – four-year term to expire August 1, 2027 (1st term)

C. The following proposed appointment will be presented for approval at the September 14, 2023 City Commission meeting.

Hays Convention and Visitors Bureau Advisory Committee

Amanda Rupp (Ellis County Historical Society) – three-year term to expire September 14, 2026 (1st term)

Reese Barrick moved, Alaina Cunningham seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham

**NEW BUSINESS**

**6. DOWNTOWN HAYS COMMON CONSUMPTION AREA:** Collin Bielser, Deputy City Manager, stated that a Common Consumption Area (CCA) is a defined indoor or outdoor area where the possession and consumption of alcoholic liquor and cereal malt beverages (CMB) are allowed pursuant to an approved permit. Prior to July 2023, it was a requirement for roads within a CCA to be blocked. Recent legislation modified this requirement, and now CCAs must be clearly marked with an apparent line of demarcation and include signage identifying the boundaries.

Mr. Bielser reviewed the process to establish a CCA:

- City must pass an ordinance designating the area's boundaries. City-specific rules, such as dates and time of operation, must be included in the ordinance.
- City seeks approval of a CCA permit from the State. Permits are valid for up to one year.
- To participate, businesses licensed to sell alcoholic beverages must apply to the State. Only businesses located within or immediately adjacent to the district are eligible to participate. Drinks must be served in a container that displays the licensee's trade name or logo that is unique to the participating business.

Mr. Bielser stated that the proposed rules and regulations that the Commission has discussed include establishing a year-round CCA with times allowed from 6:00 a.m. to 2:00 a.m. These times align with state law for the selling of alcohol. Plastic cups would be required and must display the name or logo of the participating business. The City Manager would have the ability to establish other rules and regulations as necessary.

Mr. Bielser added that two boundaries were discussed. Option one would include the area from 7<sup>th</sup> Street to 13<sup>th</sup> Street and Oak to Fort Street. Option two would be the same area, with the addition of a smaller area that would include 9<sup>th</sup> and 10<sup>th</sup> Streets to Ash Street. The cost for a CCA permit from the State is \$100 per year. Staff estimates signage and posts for the proposed district could range from \$10,000 to \$15,000; however, this cost will be dependent on the size of the established area and state approval of boundary demarcation plans.

Tony Taylor, owner of On the Rocks, and Chuck Taylor, owner of Chuck's Bar, located at 507 West 7<sup>th</sup> Street, stated the boundaries being discussed exclude their bars. They feel that their major competition is in that CCA boundary and they are being left out. They were also concerned with the confusion it will cause allowing a CCA at other bars and not theirs.

Mayor Shaun Musil stated the Commission wasn't trying to exclude anyone, but they were trying to avoid areas with residential neighborhoods.

Vice-Mayor Jacobs stated that there has to be a line of demarcation somewhere and she was in favor of the proposed Boundary Option 2 because it is connected to what she considers to be the social area of downtown. The CCA is a way to enhance the downtown and continue to make it a point of destination.

Justin Whyte, ABC Enforcement Agent, answered questions and provided information regarding requirements for containers, fines and fees, and other rules and regulations regarding CCAs. He also noted that if the CCA is approved, it is good for a year, and the Commission would then have the option to change boundaries and reapply for a new CCA next year.

Commissioner Cunningham was concerned about the City taking on the liability of including the three-block extension to On the Rocks and Chuck's Bar in

the CCA. She noted that it is primarily residential rental property for college students.

Don Scheibler, Chief of Police, stated that he would be reluctant to run a CCA corridor through the residential college area. He thinks it would be confusing for not only the students, but also the visitors that come here.

Sandy Jacobs moved, Alaina Cunningham seconded, to approve Ordinance No. 4032 establishing a Common Consumption Area including Option 2 within the corporate limits of the City of Hays, Kansas, and authorizing the possession and consumption of alcoholic liquor on property not otherwise subject to a license issued pursuant to the Kansas Liquor Control Act or the Club and Drinking Establishment Act.

Commissioner Cunningham moved, Sandy Jacobs seconded, to amend the original motion to change the wordage in the Ordinance from requiring plastic containers to any non-glass containers.

Vote: Ayes: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham

Mayor Musil called for the vote on the original motion and second to approve Ordinance No. 4032 including the amendment regarding container requirements.

Vote: Ayes: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham

**7. ORDINANCE REGARDING THE SALE, PUBLIC CONSUMPTION, AND PUBLIC POSSESSION OF ALCOHOLIC BEVERAGES:**

Collin Bielser, Deputy City Manager, stated that to establish a Common Consumption Area, the Municipal Code would need to be modified to include a statement that specifies the consumption and possession of alcoholic liquor and cereal malt beverages are allowed within a CCA established by the City pursuant to State law.

Alaina Cunningham moved, Sandy Jacobs seconded, to approve Ordinance No. 4033, amending Chapter 14 of the City of Hays, Kansas, Municipal Code, by modifying Article II, Division 5, Sections 14-141 and 14-143, regarding the sale, public consumption, and public possession of alcoholic beverages.

Vote: Ayes: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham

**8. HAYS AQUATIC PARK WOOD STRUCTURE STAINING – AWARD OF BID:**

Jeff Boyle, Director of Parks, reported that the wood structures at the Hays Aquatic Park need to be stained to protect them from the elements. This process was last completed in 2017 at a cost of \$24,320. The 2023 Pool Budget includes \$30,000 for this purpose. The only bid received was from Primary Painting in Russell, Kansas, for an amount of \$25,590, which is \$4,410 below budget.

At the August 17, 2023 Work Session, the Commission discussed replacing some of the non-structural wood areas at the Hays Aquatic Park with composite material. Mr. Boyle stated that composite material is expensive, and he has found that it can warp. He added that staff may look into that in the future because it lasts a long time and maintenance is minimal. He stated that he would need to do additional research regarding the type of products that are available.

Reese Barrick moved, Alaina Cunningham seconded, to approve the bid from Primary Painting and Remodeling for the staining of wood structures at the Hays Aquatic Park, for an amount of \$25,590, from the 2023 Pool Budget.

Vote: Ayes: Shaun Musil  
Sandy Jacobs  
Reese Barrick  
Alaina Cunningham

**9. 2023 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES:**

Don Scheibler, Chief of Police, stated the League of Kansas Municipalities (LKM) publishes a revised version of the Uniform Public Offense Code (UPOC) for

Kansas Cities on a yearly basis. These publications are made available for purchase by municipalities. The municipalities may adopt the ordinances for their use. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

The majority of the UPOC remains the same from year to year. Chief Scheibler reviewed the changes and additions that were made in 2023.

Sandy Jacobs moved, Reese Barrick seconded, to approve Ordinance No. 4034 adopting the 2023 version of the Uniform Public Offense Code for use within the City of Hays.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**10. 2023 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES:** Don Scheibler, Chief of Police, stated the League of Kansas Municipalities (LKM) publishes a revised version of the Standard Traffic Ordinance (STO) for Kansas Cities on a yearly basis. These publications are made available for purchase by municipalities. The municipalities may adopt these ordinances for their use. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

The majority of the STO remains the same from year to year. Chief Scheibler reviewed the changes and additions that were made in 2023.

Sandy Jacobs moved, Alaina Cunningham seconded, to approve Ordinance No. 4035 adopting the 2023 version of the Standard Traffic Ordinance for use within the City of Hays.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**11. ANNEXATION OF PROPERTY FOR “THE GROVE” PROPOSED DEVELOPMENT NEAR 27<sup>TH</sup> AND CANTERBURY:** Jesse Rohr, Director of

Public Works, reported that the property owners, Grow Hays and McGinnis Revocable Trust No. 1, who own the property at 2520 Canterbury Drive and the vacant lots surrounding this address, have submitted a signed consent to annex under K.S.A. 12-520(a)(7) and desire to annex to allow for development of the property. The property is located on the east side of Canterbury Drive and the south side of 27<sup>th</sup> Street, just north of the HaysMed Center for Health Improvement. The properties surrounding 2520 Canterbury Drive were purchased by Grow Hays for their planned development, The Grove. The Grove will consist of a childcare facility, community center, and a multi-family apartment complex, along with single family homes.

Approval of the annexation will allow the property owner to receive full benefits of City services, including utilities and fire/police protection. A request to rezone and plat the property will be heard under future agenda items. Staff recommends annexing this property due to it being contiguous to the City limits and the availability of City services and infrastructure necessary to serve this property.

Reese Barrick moved, Alaina Cunningham seconded, to approve Ordinance No. 4036 annexing the properties owned by Grow Hays and McGinnis Revocable Trust No. 1, as legally described within the adopting ordinance.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

## **12. ANNEXATION OF PROPERTY LOCATED AT 4945 GENERAL HAYS**

**ROAD:** Jesse Rohr, Director of Public Works, stated that the property at 4945 General Hays Road, formerly Hays Livestock Commission sale barn, has been vacant for the past several years. The property has been purchased by Vernie's Trux-N-Equip Inc. The property owner has submitted a signed consent to annex 4945 General Hays Road under K.S.A. 12-520(a)(7) and desires to annex to allow for future development of the property and connection to City utilities. City utilities are available for connection.



The owners plan to demolish the old Hays Livestock Commission sale barn, build a new office/shop building, and relocate their existing business to this new location.

Alaina Cunningham moved, Sandy Jacobs seconded, to approve Ordinance No. 4037 annexing the property at 4945 General Hays Road as legally described within the adopting ordinance.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Reese Barrick

Alaina Cunningham

**13. 2024 BUDGET REVIEW:** Collin Bielser, Deputy City Manager, reviewed the budget changes that resulted from action that took place at the joint City of Hays/Ellis County meeting on August 21, 2023, in which changes were made regarding Communications/Dispatch obligations. Mr. Bielser stated that 14 City of Hays employees will become employees of Ellis County and the City of Hays will add four employees, leaving a reduction of ten City of Hays employees. The four new employees will be the R9 Project Manager, R9 Property Manager, a Management Analyst, and one additional Detective.

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

**15. HAYS HAPPENINGS/UPCOMING EVENTS:** Melissa Dixon, Director of the Hays Convention and Visitors Bureau, presented information on events that will be going on in Hays during the month of September.

**16. COMMISSION INQUIRIES AND COMMENTS:**

Commissioner Cunningham thanked City staff that were out working in the heat cleaning the storm drains.

Vice-Mayor Jacobs thanked those that came to the meeting for the discussion of the Common Consumption Area.

Mayor Musil thanked Sarah Wasinger, President/CEO of The Chamber, for the work she has done on the childcare issue facing so many.

The meeting was adjourned at 5:25 p.m.

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

Brenda Kitchen – City Clerk