

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON SEPTEMBER 8, 2022

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 8, 2022 at 6:30 p.m.

Roll Call: Present: Mason Ruder

Shaun Musil

Reese Barrick

Absent: Michael Berges

Sandy Jacobs

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 meeting held on August 25, 2022; the minutes stand approved as presented.

3. CITIZEN COMMENTS: There were no comments.

4. CONSENT AGENDA: The following appointments were recommended by Mayor Ruder at the August 25, 2022 City Commission meeting and are now being presented for approval.

Hays Area Board of Zoning Appeals – three-year terms

Louis Caplan (Planning Commission Rep) (resides in city limits) – term to expire May 1, 2025 (8th term)

Brian Garret (resides in city limits) – term to expire May 1, 2025 (2nd term)

Rich Sieker (resides in city limits) – term to expire May 1, 2025 (4th term)

Hays Area Planning Commission – three-year terms

Louis Caplan (resides in city limits) – term to expire April 30, 2025 (8th term)

Ralph (Bernie) Gribben (resides in ETJ) – term to expire April 30, 2025 (2nd term)

Matthew Wheeler (resides in ETJ) – term to expire April 30, 2025 (4th term – nonconsecutive)

Shaun Musil moved, Reese Barrick seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Mason Ruder
Shaun Musil
Reese Barrick

NEW BUSINESS

5. HADLEY CENTER MODERATE INCOME HOUSING GRANT –

RESOLUTION OF SUPPORT: Collin Bielser, Assistant City Manager, stated that David VanDoren, owner of the Hadley Office Center, intends to apply for a Moderate-Income Housing (MIH) grant from the Kansas Housing Resources Corporation (KHRC) to renovate the third floor of the Hadley building to include 31, one- and two-bedroom apartment units. Only cities or counties may officially apply for the grant, and grant applications must include a resolution from the governing body indicating support for the project. Adopting the MIH Resolution would allow the developer to continue with the preparation and submission of an application for a \$650,000 MIH grant.

Only local governments with populations less than 60,000 may apply for MIH funds. No City incentives are being requested. If the grant is awarded, the grant will be officially between the City of Hays and the Kansas Housing Resources Corporation. However, City staff does not have the capacity to administer the grant, which includes monitoring the income levels of all tenants for five years. To address this, the City Attorney has prepared an assumption agreement, which unconditionally assigns all grant agreement rights and obligations to the developer. A personal guaranty is also included which states that Mr. VanDoren guarantees to the City prompt payment of all amounts due under the agreement, prompt performance of all Grantee/Assignee obligations, as well as the City's fees and expenses of collection. The personal guaranty is

equal to the requested \$650,000 grant. Mr. Bielser noted that this is the same arrangement that was agreed to with the developer of Frontier Apartments, who received a MIH grant to renovate the former St. Joseph School.

Reese Barrick moved, Shaun Musil seconded, to adopt Resolution No. 2022-011 in support of a Moderate Income Housing grant application.

Commissioner Musil stated that he appreciates Mr. VanDoren's investment in our community.

Vote: Ayes: Mason Ruder

Shaun Musil

Reese Barrick

6. 2022 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. Municipalities may adopt by ordinance the updated version of the 2022 UPOC for their use. The UPOC contains the most current legislative changes and updates put into place annually by the Kansas Legislature. Chief Scheibler reviewed the notable changes to the document for 2022.

Shaun Musil moved, Reese Barrick seconded, to approve Ordinance No. 4017 adopting the 2022 version of the Uniform Public Offense Code for use within the City of Hays.

Vote: Ayes: Mason Ruder

Shaun Musil

Reese Barrick

7. 2022 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. It provides the City of Hays with the most current and comprehensive laws which parallel the criminal and traffic codes of the State of Kansas. Municipalities may adopt by ordinance the 2022 STO for their use. Chief Scheibler reviewed the notable changes to the document for 2022.

Reese Barrick moved, Shaun Musil seconded, to approve Ordinance No. 4018 adopting the 2022 version of the Standard Traffic Ordinance for use within the City of Hays.

Vote: Ayes: Mason Ruder
Shaun Musil
Reese Barrick

8. MODIFICATIONS TO CITY ANIMAL CODE: Toby Dougherty, City Manager, stated Commissioner Barrick suggested a few changes to the Animals Section of the City Code. Most notable involves allowing residents to keep non-venomous constrictor snakes longer than six feet, and requiring the microchipping, registration, and taxation of such snakes. City staff is also suggesting a modification that would allow the Municipal Court Judge to set the fines for violation of this section of the ordinance.

Reese Barrick moved, Shaun Musil seconded, to approve Ordinance No. 4019 amending Chapter Five of the City of Hays Code of Ordinances.

Vote: Ayes: Mason Ruder
Shaun Musil
Reese Barrick

9. REVENUE NEUTRAL RATE PUBLIC HEARING: Mayor Ruder declared the public hearing open to allow interested taxpayers an opportunity to be heard concerning the City's intent to exceed the Revenue Neutral Rate.

Collin Bielser, Assistant City Manager, provided a formal presentation of the 2023 proposed budget and noted the following highlights:

- It is a balanced budget
- Sales tax revenue is projected to be up 5%
- Assessed valuation up 12%
- 186 full-time employees – this includes an increase of two positions (one at Solid Waste and one at Water Resources)
- A programmed step (2%) and COLA (4%) increase for all City employees
- The mill levy is maintained at 25 for the 14th consecutive year
- Reserves are funded

Commissioner Musil stated that he appreciates that the City continues to be aggressive in paying cash for projects, taking care of our community, and our employees. He added that it is important to have quality trained employees.

Mayor Ruder asked if there were any public comments regarding the City's intent to exceed the Revenue Neutral Rate.

Ken Kennedy, local resident, spoke to the Commission regarding the proposed budget and exceeding the Revenue Neutral Rate. He stated he is not attending the public hearing to complain about taxes, but he is concerned with the increase in taxes. He stated that the mill levy is often the small part of the tax collection formula, assessed valuation can be the greater part. He stated that Hays is a beautiful community and is well kept, but you need to be careful if you overtax people, they may start looking for communities that don't tax quite as heavily. He suggested that the City, County, and School District consider determining the amount of revenue they actually need to provide essential services for their citizens and levy accordingly. He further suggested that each year taxing entities critically evaluate their services to see where efficiencies can be achieved. He asked that the Commission do their part to conserve the resources of the taxpayer and budget conservatively.

Shaun Musil moved, Reese Barrick seconded, to close the public hearing.

Vote: Ayes: Mason Ruder

Shaun Musil

Reese Barrick

10. RESOLUTION TO EXCEED REVENUE NEUTRAL RATE: The 2023 Budget proposed by the Governing Body will require the levy of a property tax rate exceeding the Revenue Neutral Rate. Therefore, a Resolution approved by roll call vote is required.

Reese Barrick moved, Shaun Musil seconded, to approve Resolution No. 2022-012 to exceed the Revenue Neutral Rate in its property tax levy for the tax year of 2022, budget year 2023.

Roll Call Vote

Mason Ruder	Yes
Shaun Musil	Yes
Reese Barrick	Yes
Michael Berges	Absent
Sandy Jacobs	Absent

11. 2023 BUDGET PUBLIC HEARING: Mayor Ruder declared the public hearing open to allow interested citizens an opportunity to be heard concerning the City’s proposed 2023 Budget. There were no public comments.

Shaun Musil moved, Reese Barrick seconded, to close the public hearing for the approval of the 2023 Budget.

Vote: Ayes: Mason Ruder
Shaun Musil
Reese Barrick

12. 2023 BUDGET APPROVAL: Shaun Musil moved, Reese Barrick seconded, to approve the 2023 Budget for the City of Hays.

Vote: Ayes: Mason Ruder
Shaun Musil
Reese Barrick

13. COMMISSION INQUIRIES AND COMMENTS: The Commissioners thanked staff for preparing a clear and concise budget. They also thanked Mr. Kennedy for attending the meeting and for his comments.

The meeting was adjourned at 7:18 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk