

City of Hays  
City Commission  
Work Session Notes

Thursday, April 1, 2021 – 6:30 p.m.

Present: Mason Ruder, Michael Berges, Ron Mellick, Shaun Musil, Toby Dougherty, Kim Rupp, and John T. Bird

Absent: Sandy Jacobs

**March 18, 2021 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on March 18, 2021; the minutes stand approved as presented.

**Allowing Alternative Vehicles on City of Hays Streets**

Ellis County Commissioner, Neal Younger, presented a request to the City Commission, to legalize the use of side-by-side vehicles on City streets. This would include using these vehicles in the City limits from sunrise to sunset. Mr. Younger stated in February, petitions were placed at eight local businesses yielding 330 signatures of support to allow these vehicles on City streets. Mr. Younger also provided city ordinances from Victoria, Ellis, and Dodge City allowing these vehicles on City streets.

Commissioner Mellick clarified that those 330 signatures may not have all been from City of Hays residents.

Commissioner Musil asked if there was information regarding traffic accidents with these vehicles in peer cities such as Dodge City. Mr. Younger stated he spoke to the mayor in Dodge City last October and at that time they had no accidents involving these vehicles.

Don Scheibler, Hays Police Chief, stated he spoke to the Garden City and Dodge City Police Departments and they indicated they have not had any accidents or problems with the side-by-side vehicles.

Commissioner Mellick asked about safety equipment requirements and age limits for using those vehicles. Chief Scheibler stated helmets are not required for adults, but a windshield or safety goggles are required; the same requirements as a motorcycle. He stated he would report back regarding car seat and age limit requirements.

Kevin Bainter, of BOS Motorsports, stated these alternative vehicles come equipped with turn signals, horn, three mirrors, seat belts, and roll cages.

Toby Dougherty, City Manager, noted that these vehicles are not required to be tagged, but the City could create their own regulatory system to require that they be tagged.

Commissioner Berges asked about creating a separate system to register, not tag them, similar to the pet registration process. Mr. Dougherty stated the City could require such vehicles be registered and/or insured. He added that it would be a burdensome process, and would take staff time that is currently allocated somewhere else.

Commissioner Berges stated he doesn't mind his neighbors using alternative vehicles in Hays, because they live in Hays and they understand Hays, but he is concerned that when events are held in Hays like dirt bike races and Oktoberfest, these vehicles could be brought in from all over the state or from out of state. He would prefer that there be a system in place requiring them to register that vehicle to be driven in Hays.

Chief Scheibler stated in order to drive an alternative vehicle in Dodge City or Garden City it must be registered with those cities. The Police Department handles the process in those communities. Commissioner Ruder asked what the requirements are to drive them in those communities. Chief Scheibler stated in order to register an alternative vehicle in those cities; you must meet the safety requirements previously mentioned, show a Kansas Driver's License, and provide proof of insurance.

Commissioner Berges talked about possibly restricting the vehicles to certain hours, certain months, or certain streets. Vice-Mayor Ruder noted that many people use side-by-sides for snow removal. Mr. Dougherty stated the City

Commission could put whatever constraints on the use of alternative vehicles as they wish, as long as it doesn't conflict with state law.

Mr. Dougherty reviewed the four different types of alternative vehicles being discussed: All-Terrain Vehicles (ATV), Utility Task Vehicles (UTV), Work Site Utility Vehicles (WSUV), and Micro-Utility Vehicles (MUT).

Mr. Younger stated he did not intend to include ATV's in the request to legalize for use on City streets.

Commissioner Musil asked if there have been many accidents in Ellis County involving these alternative vehicles. Scott Braun, Ellis County Sheriff, stated they have not had a lot of accidents in the County. He feels as a whole they are pretty safe. He added that drivers must have a valid driver's license, must be 16½ years or older and follow the same laws as you would driving a car.

Billy Briney, owner of Briney Motorsports, suggested adding a requirement that the vehicle must have a roll cage, seat belts, and a minimum tire size so the slower vehicles like golf carts would not be included. He added that the accidents we hear about generally occur while off-roading.

It was the consensus of the Commission to take time to review the request and gather additional information. This item will be placed on a future agenda for further discussion.

### **Quitclaim Deed – Resolution for Transfer of Certain Mineral Rights to Rick M. and Betty A. Wolf**

Several years ago, the City acquired the right-of-way along East 41st Street to accommodate future widening. When the right-of-way was acquired for the northeast portion of what would be the 260<sup>th</sup> Avenue and 41st Street intersection, the City also obtained the mineral rights.

John T. Bird, City Attorney, reported that Rick M. and Betty A. Wolf, the owners of the contiguous tract, are looking to sell the property along with the mineral rights. They have requested that the City of Hays quitclaim to them the oil, gas, and other minerals on and under the property. Given that the one-tenth acre that the City of Hays owns amounts to an annual income of approximately

\$1.00; the City of Hays would not be giving up any significant money by signing the Quitclaim Deed and it will allow the descendants of the original owner to unify title to their minerals. Kansas law requires that a city use a Resolution authorizing its Mayor to execute any deeds to land.

Toby Dougherty, City Manager, clarified that they are not giving up the right-of-way for future development, only the mineral rights.

At the April 8, 2021 Commission meeting, Commissioners will be asked to approve the Resolution and authorize the Mayor to execute a deed and all other documents necessary to transfer certain mineral rights to Rick M. and Betty A. Wolf.

**Other items for discussion**

There were no other items for discussion.

The work session was adjourned at 7:10 p.m.

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

Brenda Kitchen – City Clerk