

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 11, 2019

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, April 11, 2019 at 6:30 p.m.

Roll Call: Present: Henry Schwaller, IV

Sandy Jacobs

Ron Mellick

James Meier

Absent: Shaun Musil

Mayor Schwaller 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 March 14, 2019; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Assistant City Manager, Jacob Wood, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended February 28, 2019.

Month-to-date general fund sales tax collections had another great month at \$718,340 which is an increase of \$64,107 or 9.8% as compared to last year. Year-to-date general fund sales tax collections are at \$1,351,573 up \$133,071 or 10.9%.

The portfolio of certificates of deposit on February 28, 2019 totaled \$58,750,000 with a weighted average interest rate of 2.41% up 1.08% from a year ago. Par Value on the portfolio of Treasury Notes is \$3,200,000 with a weighted average yield to maturity of 1.86%. The total balance of the Money Market account on February 28, 2019 was \$1,500,000 with a current yield of .90%. Total investments are up \$1,793,000 when compared to this time last year.

Ron Mellick moved, Sandy Jacobs seconded, to approve the Financial Statement for the month of February, 2019 as presented.

Vote: Ayes: Henry Schwaller, IV

Sandy Jacobs

Ron Mellick

James Meier

4. CITIZEN COMMENTS: There were no comments.

5. EMPLOYEE PROMOTIONS AND NEW HIRES: The following employees were recognized for promotions or as new hires:

Police

Aaron Larson was promoted to Detective Sergeant.

Parks

Cliff Engel and Taylor Bahan were hired to the position of Maintenance Worker I.

Public Works

Gabe Koerner, Josh Young, and Tony Acosta were hired to the position of Maintenance Worker I.

Kate Armstrong was hired as an Inspector.

Jamie Salter was promoted to the position of Airport Manager.

Rick Hines was promoted to Airport Operations Foreman.

Water Resources

Caleb Vopat was hired as a Plant Operator I.

6. CONSENT AGENDA: A. The following appointments were recommended at the March 14, 2019 City Commission meeting and are now being presented for approval.

Hays Convention and Visitors Bureau Advisory Committee

Tammy Younger – three-year term to expire December 1, 2021 (3rd term)

Sister Cities Advisory Board

Stacey Lang – three-year term to expire January 1, 2022 (1st term)

B. The following proposed appointments will be presented for approval at the April 25, 2019 City Commission meeting.

Hays Area Board of Zoning Appeals

Louis Caplan (Planning Commission Rep/resides in city limits) – three-year term to expire May 1, 2022 (7th term)

Rich Sieker (resides in city limits) – three-year term to expire May 1, 2022 (3rd term)

Hays Area Planning Commission

Louis Caplan (resides in city limits) – three-year term to expire April 30, 2022 (7th term)

Hays Public Library Board

Amy Feauto – four-year term to expire April 30, 2023 (2nd term)

Sandy Jacobs moved, Ron Mellick seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Henry Schwaller, IV

Sandy Jacobs

Ron Mellick

James Meier

NEW BUSINESS

7. AWARD OF BID – FORT HAYS MUNICIPAL GOLF COURSE MOWERS:

Jeff Boyle, Director of Parks, stated an amount of \$67,000 is budgeted in the New Equipment Reserve in 2019 to replace a 2010 Jacobsen R-311 bat-wing mower from the golf course. This unit was originally scheduled for replacement in 2018. Since this style of mower cannot mow sensitive areas of the course, City staff recommends purchasing a different style of mower which is lighter in weight and can mow all areas on the course including sensitive areas such as green banks and tee box sides. Two zero-turn mowers can be purchased for the budgeted amount. The lowest responsive and responsible bid is from Kansas Golf and Turf for two 96” Exmark mowers for \$62,198. He added that Exmark is owned by the Toro Company and has excellent reviews.

City Manager, Toby Dougherty, commented that Mr. Boyle does a good job evaluating his equipment every year and his equipment often goes past its budgeted lifespan before he trades it in. He also appreciates the way he looked into this and recommended a more efficient purchase option.

James Meier moved, Ron Mellick seconded, to approve the purchase of two 96" Exmark Lazer Z diesel mowers from Kansas Golf and Turf, including trade-ins, for an amount of \$62,198 with budgeted funding from the New Equipment Reserve.

Commissioner Mellick asked what the life expectancy is for these mowers. Mr. Boyle stated the Exmark mowers have an industry leading 5-year or 2000-hour warranty, with no hour limit in the first two years. The mowers will be up for replacement in 10 years.

Commissioner Jacobs stated that she appreciates the investigating he does before making a recommendation to the Commission.

Commissioner Meier added that the reason the City is doing so well is because of the job City staff does; they are good stewards of taxpayer money.

Vote: Ayes: Henry Schwaller, IV

Sandy Jacobs

Ron Mellick

James Meier

8. AWARD OF BID – ASH, ELM, AND 4TH STREET RECONSTRUCTION: Prior to discussing this agenda item John Braun, Project Manager, provided an update on the reconstruction of 43rd Street by Walmart. He stated on March 18, 2019 they began reconstruction and the project should be complete before Memorial Day.

Mr. Braun reported that the Capital Improvement Plan within the 2019 Budget includes a project to reconstruct portions of Ash Street, 4th Street, and Elm Street in the area of Lewis Field Stadium near Fort Hays State University (FHSU). The intent of the project is to replace the pavement throughout the project; replace any failed curb and gutter; and correct any sidewalk and/or ADA curb ramp issues with limited replacement of sidewalk and driveways. The

project also includes adding more angle parking along Elm Street south of Lewis Drive, the upgrade and replacement of storm sewer inlets, the replacement of the old 4" water main on Ash Street with a new 8" water main, and new water meter service lines. FHSU requested the reconfiguration of parking along a portion of Elm Street south of Lewis Drive and the cost to add approximately 15 angled spaces along the west side of Elm Street is to be reimbursed by FHSU.

Bids were received from two contractors with the low bid coming from Morgan Brothers Construction, Inc. of LaCrosse, Kansas in the amount of \$1,338,054.93. The current schedule calls for construction to begin in May and be completed within 180 calendar days, with the Elm Street portion of the project to be completed prior to August 20, 2019 when FHSU summer break ends.

Sandy Jacobs moved, James Meier seconded, to authorize the City Manager to enter a contract with Morgan Brothers Construction, Inc. in the amount of \$1,338,054.93 for the construction of improvement to portions of Ash, Elm, and 4th Streets to be funded as follows: \$1,150,843.39 from Commission Capital Reserves, \$13,350.00 from Stormwater Reserves, \$143,869.00 from Water Capital, and \$29,992.54 to be reimbursed from Fort Hays State University.

Commissioner Jacobs asked when 4th Street fits into the equation as not to cause an issue with parking around the stadium during football season. Mr. Braun stated they will coordinate the work with the contractor and FHSU to arrive at an optimum work schedule.

Mayor Schwaller asked if it was possible to open Elm Street prior to August 20th as classes begin on August 19th. He added students will be moving into the dorms on August 14th and will need that road to get to the dorms. Mr. Braun stated they do anticipate that area being done well in advance of the deadline.

Vote: Ayes: Henry Schwaller, IV

Sandy Jacobs

Ron Mellick

James Meier

9. BLUE SKY ACRES ADDITION FINAL PLAT: Jesse Rohr, Director of Public Works, reported the owner of the proposed Blue Sky Acres Addition has submitted a final plat for consideration. The property is located outside the City of Hays corporate city limits, but does fall within the three mile extraterritorial jurisdiction area. It is approximately 2.5 miles south of Hays along US Highway 183. It is adjacent to previously platted property and is currently undeveloped farm ground. The plat is comprised of six lots ranging in size from 2.5 to 3 acres and is slated for residential development. Access will be from Highway 183 and all roads within the subdivision will be private and built/maintained by the developer or a future Home Owners Association. The proposed plat has been reviewed by the Utility Advisory Committee with no issues found. On April 18, 2016 the final plat was reviewed and approved (6-1 vote) by the Hays Area Planning Commission. On March 18, 2019, the plat was accepted by the Ellis County Commission. Considering the approval of the Blue Sky Acres Addition by the Hays Area Planning Commission as well as the Ellis County Commission, staff recommends accepting the plat as submitted.

James Meier moved, Henry Schwaller, IV seconded, to approve Resolution No. 2019-006 accepting the final plat known as Blue Sky Acres Addition.

Vote: Ayes: Henry Schwaller, IV
Sandy Jacobs
Ron Mellick
James Meier

10. REZONING REQUEST FOR PROPERTY LOCATED AT THE SE CORNER OF 22ND AND WHEATLAND FROM NC.3 TO C-2: Jesse Rohr, Director of Public Works, reported that the owner of the South 60 feet of Lot 2 Block D, Tallgrass 2nd Addition has submitted an application for rezoning from NC.3 (Neighborhood Conservation District) to C-2 (Commercial General District). The lot is located on the southeast corner of 22nd and Wheatland Avenue along a major collector street. There are a total of six undeveloped lots on the east side of Wheatland Avenue near the 22nd Street intersection. The north three lots were

rezoned from R-1 (NC.1) Single Family to R-3 (NC.3) Two Family Dwelling District in 2012. The current zoning allows duplexes to be built on these lots. In January 2019, Lot 1 and the North 20 feet of Lot 2 were rezoned from NC.3 to C-2. As the property owners were navigating that process, they were working on the site plan and determined they needed more area to facilitate their intended use. Therefore, they submitted a request to rezone the remaining portion of the south lot to C-2. City staff has no concerns with this rezone as it does match up with the commercial zoning on the property to the west. The rezoning request was approved by the Hays Area Planning Commission by a 6-0 vote. All utilities and street improvements have been made for these lots to be developed.

Mr. Rohr presented a list showing the various types of uses that are allowed in a C-2 zoned area. He noted when approving any rezoning, it is important to keep in mind that once zoned, any of these uses are “fair game” for that property.

Mr. Rohr also stated with the Unified Development Code update in 2016, district buffer requirements were added to assist with the development of properties adjacent to different zoning classifications and make them more compatible. Buffer means open spaces, landscaped areas, fences, walls, berms, or any combination thereof; which are used to physically and visually separate one use or property from an abutting property in order to mitigate the impacts of noise, light, or other nuisance. Bufferyards are required and the project will not be approved until they have been met. In this case, the property owner would have to provide a bufferyard on the south property line.

Ron Mellick moved, Sandy Jacobs seconded, to approve Ordinance No. 3963 rezoning the South 60 feet of Lot 2 Block D, Tallgrass 2nd Addition from Neighborhood Conservation District (NC.3) to Commercial General District (C-2).

Commissioner Mellick asked if there is a minimum height requirement for the buffer zone. Mr. Rohr stated it is a minimum of six feet high and City staff will work with the developer regarding their options.

Mayor Schwaller stated it is unfortunate that the owner did not bring the request for the zoning change for both lots at the same time.

Vote: Ayes: Henry Schwaller, IV
Sandy Jacobs
Ron Mellick
James Meier

11. COMMISSION INQUIRIES AND COMMENTS: City Manager, Toby Dougherty, reported it was a rather harsh winter which means a lot of sand and salt was applied to the streets and the snow plows were used quite often. This resulted in street markings degrading over the winter. Given the scale of damage a rather large marking project will be bid out to get all of the arterial streets repaired with professionally applied markings. He noted that there were cost savings when the Commission did not approve the diamond grinding project and those funds may be utilized to get these streets marked, as it is a safety issue.

Mr. Dougherty congratulated Assistant City Manager Jacob Wood who has been named as the Deputy City Manager in Salina. He said this is a great opportunity for Mr. Wood and he will do a great job.

Commissioner Meier stated that he will not run for re-election. He has taken a position with Via Christi Hospital St. Francis in Wichita. His last meeting as a City Commissioner will be May 2, 2019. He added it was a difficult decision and thanked everyone for the opportunity to serve. He said it has been one of the best experiences of his life. The Commission will appoint his replacement to fill the unexpired term.

Commissioner Mellick thanked Commissioner Meier for his years of service and wished him well.

Commissioner Jacobs wished Commissioner Meier the very best and stated she hopes the citizens of Hays realize the gift that he has given our community over four years. He is extremely knowledgeable, really convicted, he does his homework, he takes issues very seriously, and he truly works for the citizens of this community.

Mayor Schwaller stated it has been a pleasure serving with Commissioner Meier for four years. He added that he is intelligent, motivated, and can look at

both sides of an issue. He has brought a lot to this Commission and will be missed.

Mayor Schwaller paid tribute to Steve Barnes, the previous caretaker of the city cemeteries, both Mount Allen Cemetery and Hays Memorial Gardens. He noted there isn't a more important job in the City than taking care of the cemeteries because many of our veterans are buried there and that is our history. Many of the people that founded our town are buried in Mount Allen Cemetery and you go back generations. The cemetery had a very limited budget and we were able to increase that budget in the last ten to twelve years, but Mr. Barnes added a personal touch. Many people who visit or have family there really appreciated that personal touch that Steve gave the cemetery and he will be missed.

The meeting was adjourned at 7:19 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk