

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MAY 26, 2022

1. CALL TO ORDER BY CHAIRPERSON: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, May 26, 2022 at 6:30 p.m.

Roll Call: Present: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

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 April 28, 2022; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Kim Rupp, Finance Director, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended April 30, 2022.

Month-to-date (MTD) general fund sales tax collections were at \$683,163, which was an increase of \$134,108 or 24% as compared to last year. Year-to-date (YTD) general fund sales tax is at \$2,960,073 up \$398,102 or 15.5% from a year ago. The six-month average is at 17%, which was an increase of 18% when compared to a year ago. MTD county sales tax collections were at \$82,982 up \$14,155 or 20.6% from a year ago. YTD county sales tax is at \$358,975.

The report of top ten quarter-to-date (QTD) sales tax collections by classification was up \$289,247 or 14%. The largest percentage increases were in electronic shopping at 97%, electric/gas distribution at 78%, and accomodation at 54%. These top ten represent 74% of the total sales tax collections for the running quarter.

The portfolio of certificates of deposit on April 30, 2022 totaled \$6,000,000 with a weighted average interest rate of .05% down .01% from a year ago. The total par value of the US Treasuries is \$57,454,000 with a weighted average yield to maturity of .43% up .37% from a year ago. The total balance of the Money Market account on April 30, 2022 was \$3,500,000 with a current yield of .05%. Total investments are up \$10,041,336.

Shaun Musil moved, Michael Berges seconded, to approve the Financial Report for the month of April 2022 as presented.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

ADD ON ITEM: RECOGNITION OF SERGEANT JASON BONCZYNSKI: Don Scheibler, Police Chief, presented Sergeant Jason Bonczynski a Life Saving Award from the American Police Hall of Fame for his life saving actions on March 23, 2022. Sergeant Bonczynski responded to a call of a four-week-old premature baby not breathing. Sergeant Bonczynski entered the home and found that the infant was unresponsive and still not breathing. Sergeant Bonczynski immediately began giving CPR. After nearly three minutes of CPR the child began to show signs of life. By the time EMS arrived on scene the child was breathing on his own. The child was transported to Hays Medical Center and later life watched to Wesley Medical Center in Wichita. The infant child, Brixton, is doing much better and is now at home with his parents, Zachary and Amber Binder. Brixton and his family attended the award presentation.

4. CITIZEN COMMENTS: Craig Pallister, USD 489 School Board Member, thanked the citizens of Hays, the City Commission, and everyone that supported the school bond issue.

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

NEW BUSINESS

6. 2022 STATE LEGISLATIVE SESSION REVIEW: Senator Rick Billinger, provided an update on the 2022 State Legislative Session. Senator Billinger discussed funding for KPERS, mental health, and housing, deferred maintenance at universities, and inflation.

Commissioner Barrick shared his opinion on things that can be done to help prevent school shootings.

Commissioner Berges stated he believes special education should be funded fully. He noted that in Hays one in six students have an Individualized Education Plan (IEP). He added that it is important to help students with Intellectual Developmental Disabilities (IDD) early in their childhood to get them the help they need.

7. 2021 AUDIT: As required by Kansas Statute, the City of Hays hires an outside firm to conduct an annual audit of City finances. The audit represents an unbiased opinion of business practices and the financial soundness of all City funds.

Kim Rupp, Director of Finance, thanked his staff, Lori Hertel, Brenda Kitchen, Jami Breit, Shanna Koster, and Brenda Dechant for all they do to ensure a clean audit.

Melissa Romme and Jami Benyshek of Adams Brown presented the 2021 Audit to the Commission, noting there were no significant findings.

Sandy Jacobs moved, Reese Barrick seconded, to accept the 2021 Audit for the City of Hays as presented by Adams Brown.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

8. OUTDOOR DINING IN THE PUBLIC RIGHT-OF-WAY POLICY: Collin

Bielser, Assistant City Manager, reported that at the April 21st work session, the City Commission deliberated the various policy issues associated with implementing a streatery program. The topics discussed included rules and regulations regarding alcohol consumption, location, footprint, use, structural and safety requirements, as well as insurance requirements. The Commission came to consensus on many of these policy considerations. At the May 19th work session, a draft policy was presented for further review. From that discussion, two additional adjustments were made, modification of allowable materials and specification of reapplication procedures if the streatery structures are not permanent fixtures for the duration of the allowable season.

Mr. Bielser stated that alcohol allowance will mirror State law and Alcohol, Beverage Control (ABC) rules will be followed. Only restaurants and bars may participate in the program.

Sidewalk Café and Streatery sections were created within the policy. Businesses may offer one or both options.

Sidewalk Café Highlights:

- Allowed year round
- Only located where restaurants/bars abut a public sidewalk and cannot offer outdoor dining on private property
- Permanent or attached structural barriers are not allowed, unless authorized

Streatery Highlights:

- Allowed from April 1st to October 31st
- Allowed where off-street parking is not available and where access to private property does not exist
- May use one full parking stall
- May be constructed directly on pavement or platform
- Must provide ADA access
- Stormwater must be able to flow without obstruction

- Barrier walls must be a minimum of three feet measured from sidewalk grade
- Planters and decorative elements are encouraged

Mr. Bielser also reviewed the permitting process and insurance requirements.

Sandy Jacobs moved, Michael Berges seconded, to approve the Outdoor Dining in the Public Right-of-Way Policy, for purposes of discussion.

Commissioner Jacobs stated that she has not talked to anyone in the community that has shown interest in streateries. She proposed that the streatory portion be removed from the policy and to approve the policy for Sidewalk Cafés only.

The Commissioners agreed that it makes more sense at this time to leave the streatory portion out of the policy due to lack of interest and to simply allow sidewalk cafés.

Sandy Jacobs moved, Michael Berges seconded, to amend her motion to strike the streatory portion of the Outdoor Dining in the Public Right-of-Way Policy.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

9. ORDINANCE REGARDING STREET SALES, PUBLIC DRINKING, AND

PUBLIC POSESSION: Collin Bielser, Assistant City Manager, stated that in order to implement a Sidewalk Café Program and allow alcohol on the public right-of-way, it will require change in the municipal code. The current code regulation states you cannot have alcohol or CMB in a public place except in City Parks. The new ordinance would amend the City's current municipal code to allow street sales, public drinking, and public possession of alcoholic liquor and cereal malt beverages on the public right-of-way, provided certain requirements

are met. The ordinance also clarifies the hours of operation and season that could occur.

Mr. Bielser clarified that any wordage in the ordinance that refers to a streatory is not in effect because streateries are not included in the Outdoor Dining in the Public Right-of-Way Policy.

Sandy Jacobs moved, Michael Berges seconded, to approve Ordinance No. 4009 amending Chapter 14 of the City of Hays, Kansas, Municipal Code, by modifying Article II, Division 5, Sections 14-141 and 14-143, regarding street sales, public drinking, and public possession.

Commissioner Musil clarified that this ordinance would apply to anywhere in the community, not just downtown. Mr. Bielser stated it would apply to anywhere in the community as long as it meets the geographic requirements in the policy.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

10. SOLID WASTE EQUIPMENT BUILDING – AWARD OF BID: Jesse Rohr, Director of Public Works, reported that the 2022 Budget included \$160,000 for the construction of a vehicle and polycart storage building for the Solid Waste Division. The current Solid Waste Facility was constructed to house three refuse trucks, the number of trucks in the Solid Waste fleet when the facility was built in 2000. Since that time, the fleet has grown to six trucks (two recycling, three automated, and one roll-off) and the current building cannot adequately house the trucks.

Three qualified bids were opened on May 3, 2022. Bids were required to include a minimum 40' x 90' insulated building with concrete floor, four 14' x 14' overhead doors with electric openers, one walk-through door, and exterior concrete adjacent to the overhead doors. The low bidder, QSI, LLC, whose bid came in at \$155,280, has completed many projects for the City, including several

structures for the Parks Department and sports complex, and seem to be highly qualified based on those projects. The electrical service was quoted separately from the building bid to provide the opportunity for better quotes and break out the cost of the electrical portion of the project. The total project cost, including the building and electrical service, is expected to be \$172,830. The amount budgeted in 2022 was \$160,000. Mr. Rohr stated that unfortunately the building costs have gone up since originally quoted over a year ago. If award of bid is approved, the \$12,830 over the budget amount would be funded out of Solid Waste Reserves, which is adequately funded to cover this expenditure.

Shaun Musil moved, Reese Barrick seconded, to award the bid to QSI, LLC and authorize the expenditure of up to \$172,830 of Solid Waste Reserve funds to cover the cost of construction of the Solid Waste equipment storage building and the necessary electrical service for the structure.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

11. SERVICE DIVISION DUMP TRUCKS – AWARD OF BID: Jesse Rohr, Director of Public Works, stated the 2022 Budget included \$565,000 for the purchase of three new dump trucks with snow removal equipment for the Public Works, Service Division. The current trucks are all 2002 models, having exceeded their service life and are in need of replacement.

Mr. Rohr stated two qualified bids were received. The total low bid for the three trucks that met all specifications is \$564,974. Staff recommends awarding the bid to WKI Operations, Inc. (DBA Wichita Kenworth) for the purchase of one Kenworth T-480V single-axle dump truck with plow and spreader and two Kenworth T-480V tandem-axle dump trucks with plows, spreader, and brine applicator system, for the total amount of \$564,974.

Reese Barrick moved, Michael Berges seconded, to award the bid for the purchase of one Kenworth T-480V single-axle dump truck with plow and

spreader and two Kenworth T-480V tandem-axle dump trucks with plows, spreader, and brine applicator system, for the total amount of \$564,974, to be funded out of the New Equipment Reserve Fund.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

12. HICKOK PARK STORM SEWER REHAB – AWARD OF BID: Jesse Rohr, Director of Public Works, stated two large diameter reinforced concrete pipes carrying storm water from the area of 27th Street and Indian Trail and discharging into Chetolah Creek at Hickok Park have begun to fail creating a hazard to the public and to infrastructure in the area. City Staff solicited bids to rehab the storm sewer infrastructure and restore the area around the discharge of these pipes.

Bids were received on April 26, 2022, from four bidders, with the low bid coming from M&D Excavating, Inc. of Hays. Since the need for this corrective action was not known at the time the 2022 Budget was prepared, this project was not budgeted. However, adequate funds exist within the Stormwater Operating Budget Contingency line item to cover the \$27,807.50 cost of the low bid.

Michael Berges moved, Shaun Musil seconded, to accept the low bid from M&D Excavating, Inc., and authorize the expenditure of \$27,807.50 to be funded from Stormwater Contingency.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

13. USD 489 EDUCATIONAL SALES TAX ORDINANCE: Kim Rupp, Director of Finance, stated that the local voters have approved a proposition to authorize the levy of a .5% Educational Sales Tax for USD 489. The sales tax is set to begin

October 1, 2022 and terminate in 10 years. The City Commission is tasked with approving an ordinance to enact the tax.

Sandy Jacobs moved, Reese Barrick seconded, to approve Ordinance No. 4010 implementing the levy of the .5% Educational Sales Tax and the application of the revenue received therefrom.

Vote: Ayes: Mason Ruder
Michael Berges
Shaun Musil
Sandy Jacobs
Reese Barrick

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

15. 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 June.

16. COMMISSION INQUIRIES AND COMMENTS: Commissioner Barrick stated Stonepost Apartments will hold an open house on May 31st showing their 18 new multi-family apartments. He added that the Sahara Sea Monsters traveling exhibit will open at Sternberg Museum this weekend. He also noted that Sunflower Summer is back, it is a program of the Kansas State Department of Education and will allow families to go to over 90 different zoos and museums across the state for free.

Commissioner Jacobs thanked the Hays Parks Department for repairing the ARC Park splash pad so quickly. She encouraged everyone this Memorial Day to recognize the soldiers who gave the ultimate sacrifice for our country and our freedom.

Commissioner Musil stated he hopes that as a nation we can work together to do something about the school shootings.

Vice-Mayor Berges noted the wide gamut of items on the agenda and stated it is a pleasure serving as a City Commissioner.

Mayor Ruder offered his condolences and support to the families of the recent school shooting in Uvalde, Texas. He held a moment of silence for the victims and their families.

The meeting was adjourned at 8:40 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk