

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 22, 2019

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 22, 2019 at 6:30 p.m.

Roll Call: Present: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

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 August 8, 2019; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended July 31, 2019.

Month-to-date general fund sales tax collections were at \$628,176 which was an increase of \$19,412 or 3.19% as compared to last year. Year-to-date general fund sales tax collections are at \$4,219,171 up \$87,135 or 2.1%. The six month average is at .51% which is a decrease of .88% when compared to a year ago.

The report of top ten quarter-to-date sales tax collections by classification was up \$33,850 or 1.76% when compared to the same time last year. These top ten now represent 78.9% of the total sales tax collections for July.

The portfolio of certificates of deposit on July 31, 2019 totaled \$62,500,000 with a weighted average interest rate of 2.42% up .60% from a year ago. The total balance of the Money Market account on July 31, 2019 was

\$1,850,000 with a current yield of .90%. Total investments are up \$1,693,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, to approve the Financial Statement for the month of July 31, 2019 as presented.

Vote: Ayes: Henry Schwaller, IV  
Shaun Musil  
Sandy Jacobs  
Ron Mellick  
Eber Phelps

**4. CITIZEN COMMENTS:** There were no comments.

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

### **NEW BUSINESS**

**6. BACK 9 CART PATHS – AWARD OF BID:** Jeff Boyle, Director of Parks, reported that the asphalt cart paths on the Back 9 of the Fort Hays Municipal Golf Course were installed in 1998 and have deteriorated to the point where they need to be replaced. Staff recommends replacing approximately 1,720 lineal feet of deteriorated 6' wide asphalt cart paths with new 6' wide concrete cart paths. Three bids were received for this project with the low bid submitted by JCorp for a total amount of \$48,675. This project would be funded from the Golf Course Improvement Trail Fee Fund. Golf Course Trail Fees have been collected and placed in the Golf Course Improvement Trail Fee Fund for this purpose. Construction is expected to begin October 15, 2019 and should be complete by November 16, 2019.

Sandy Jacobs moved, Henry Schwaller, IV seconded, to award the bid for the removal and replacement of cart paths on the Back 9 to JCorp for a total amount of \$48,675 from the Golf Course Improvement Trail Fee Fund.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

**7. 2019 UNIFORM PUBLIC OFFENSE CODE:** 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 and are designed to provide comprehensive laws for Kansas communities. The UPOC contains the most current legislative changes and updates put into place annually by the Kansas Legislature.

Don Scheibler, Chief of Police, reviewed the notable changes to the document for 2019.

Chief Scheibler noted a change in the marijuana law which allows for an affirmative defense for those being treated by a doctor with CBD oil with up to 5% THC, the active ingredient in marijuana. A person in possession of CBD oil with no more than 5% THC; that has been prescribed by a doctor, will not be found guilty of this section if the person, or their child, has a debilitating medical condition, and is being treated by a doctor for such illness with CBD oil. The person must have in their possession a letter from a licensed physician that confirms the person or their child has a medical condition and that they are being treated with CBD oil.

Chief Scheibler also reviewed three laws that have been added to the 2019 UPOC.

Sec 3.4 Unlawful Interference with an Emergency Medical Services (EMS) Attendant: this law prohibits interfering with EMS or impeding them from reaching the scene.

Sec. 3.10 Hazing: this law prohibits a person from recklessly encouraging another person to perform any act which could reasonably be expected to result in great bodily harm or death as part of joining a club or fraternal organization.

Sec. 10.2 Possession of a Firearm under the Influence: this law prohibits a person under the influence of alcohol and/or drugs to carry a loaded firearm, or to have in their immediate access while in a vehicle. This law does not apply to those persons who possess the firearm in their own home, business, or on their land.

Shaun Musil moved, Sandy Jacobs seconded, to approve Ordinance No. 3967 adopting the 2019 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

**8. 2019 STANDARD TRAFFIC ORDINANCE:** Don Scheibler, Chief of Police, stated the League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates. The majority of the STO remains the same from year to year, with only a few changes made.

Don Scheibler, Chief of Police, reviewed the notable changes to the document for 2019. Two new laws added to the STO include:

Sec. 135.1 Electric-Assisted Scooters: this law addresses the use of electric scooters on City streets. Prohibits their use on Federal and State highways, and requires them to follow the same rules of the road as a bicycle when driven on city streets.

Sec. 193. Driver's License in Possession: this law was changed because officers across the Country having incidents of drivers refusing to hand their license to an officer claiming that the law only required them to display it to the officer. The changes to this section now clearly state that the driver is required to promptly deliver their license to an officer when requested.

Henry Schwaller, IV moved, Ron Mellick seconded, to approve Ordinance No. 3968 adopting the 2019 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays.

Vote: Ayes: Henry Schwaller, IV

Shaun Musil

Sandy Jacobs

Ron Mellick

Eber Phelps

**9. SELF-CONTAINED BREATHING APPARATUS AIR COMPRESSOR**

**SYSTEM – AWARD OF BID:** Ryan Hagans, Fire Chief, stated the 2019 Budget included \$45,000 to replace the 1993 self-contained breathing apparatus air compressor system used by the Hays Fire Department. The current air compressor was rebuilt in 2016, but continuously fails air quality testing. Five proposals were received. Staff recommends approval of the proposal from Air and Fire Systems of Salina, Kansas in the amount of \$37,954. Air & Fire Systems submitted two proposals, one for \$33,221 and the other for \$37,954. The proposals are for two different styles of air compressors, both being under the budgeted amount. The difference between them is one is contained in an enclosure and the other is open. Staff recommends purchasing the \$37,954 compressor with the enclosure because it is quieter and will provide protection for the equipment.

Ron Mellick moved, Sandy Jacobs seconded, to award the bid for the purchase of a new self-contained breathing apparatus air compressor system from Air and Fire Systems of Salina, Kansas in the amount of \$37,954 to be funded out of the New Equipment Reserve.

Vice-Mayor Musil stated the old equipment lasted 26 years and asked the life expectancy of the new equipment. Chief Hagans stated they take pride in taking care of the equipment and it should last as long as the last one.

Commissioner Mellick asked if Air and Fire Systems services their equipment. Chief Hagans stated they do service their own equipment.

Vote: Ayes: Henry Schwaller, IV  
Shaun Musil  
Sandy Jacobs  
Ron Mellick  
Eber Phelps

**10. PROGRESS REPORT:** City Manager, Toby Dougherty, presented a monthly report of city-related activities, services, and programs.

**11. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Phelps thanked City staff for the great job they have done picking up tree limbs following the recent storm.

Mayor Schwaller added that City crews have picked up 303 loads of tree limbs and he appreciates everyone's patience as the crews work their way through town. He also thanked Ellis County Public Works Director, Bill Ring and the Ellis County Commissioners for allowing the City to take these tree limbs to the Ellis County landfill free of charge.

The meeting was adjourned at 6:55 p.m.

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

Brenda Kitchen – City Clerk