

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON AUGUST 27, 2020

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, August 27, 2020 at 6:30 p.m.

Roll Call: Present: Shaun Musil
Sandy Jacobs
Mason Ruder
Michael Berges
Ron Mellick

Mayor Musil 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 13, 2020; 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, 2020.

Month-to-date general fund sales tax collections were at \$661,399, which was an increase of \$33,223 or 3% as compared to last year. Year-to-date collections are at \$4,354,747 up \$135,575 or 3.21%. The six month average is at 3.63%, which is an increase of 3.12% when compared to a year ago. The original projection during COVID restrictions was at -25% for July.

The report of top ten quarter-to-date sales tax collections by classification was up \$4,873 or .25%. The largest categorical drops continue in accommodation, clothing, and food services.

The portfolio of certificates of deposit on July 31, 2020 totaled \$52,550,000 with a weighted average interest rate of 1.02% down 1.4% from a year ago. The total of US Treasuries at par value is \$1,477,000 with a weighted

average yield to maturity of 1.59%. The total balance of the Money Market account on July 31, 2020 was \$500,000 with a current yield of .05%. Total investments are down \$6,823,000 when compared to this time last year.

Ron Mellick moved, Mason Ruder seconded, to approve the Financial Statement for the month of July, 2020 as presented.

Vote: Ayes: Shaun Musil
Sandy Jacobs
Mason Ruder
Michael Berges
Ron Mellick

4. CITIZEN COMMENTS: There were no comments.

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

NEW BUSINESS

6. CITY OF HAYS FACE MASK REQUIREMENT EXTENSION: Jason Kennedy, Ellis County Health Services Director, provided an update on Covid-19 cases in Ellis County. He stated the percent of positive Covid-19 cases in Ellis County is about 18 times higher than it was a few weeks ago, indicating more community spread of the virus. He emphasized that this virus is not going away and is part of society. We are two months into growth of the virus in Ellis County, and are at least four or five months away from any kind of medical vaccine. He urged the Commission to develop a Covid-19 response plan. He provided the plan Ellis County has developed to help make educated decisions based on facts and science and to prepare for the future.

Vice-Mayor Jacobs asked if the recent increase in cases is due to the student population returning. Mr. Kennedy stated that students are part of this case growth and 77% of active cases are from the population of 18 to 24 year olds. He added that not all of those cases are from the campus community.

Dr. Amy Hogan, a rural Kansas physician, joined the meeting by phone. She stated it has come to her attention that in the last three months, while we have had more aggressive mask mandates, the psychological effects, especially on children, are devastating. She added that young children, three to five years and below, take about 50% to 80% of their communication not from the words we speak, but from the actions and emotions that are expressed by our faces and bodies. They are seeing more people that are anxious, fearful, and depressed. She added that in her opinion we are going to have to learn to live with this virus and those that have health conditions can and should wear a mask, but she does not think that every man, women, and child should be required to wear a mask and that it is terrorizing our society.

Mayor Musil read a letter from Dr. Heather Harris, stating she supports the continued use of face masks to reduce the number of individuals that become ill from Covid-19. She added that lives could be saved from this simple measure. She also encouraged social distancing and washing of hands. She added that decreasing the number of people that fall ill to Covid-19 keeps our businesses open, schools full of students, and the economy moving forward.

Mayor Musil stated due to the large crowd, the Commission will only allow five individuals to speak in support of extending the mask requirement, and five people will have the opportunity to speak against the extension. He asked that everyone be respectful.

Five citizens spoke against extending the face mask requirement: Marcie Pray, Tammy Werth, Komoss Creamer, Daren Hilger, and Kayla Acosta. There were no citizens that spoke in support of extending the face mask requirement.

Sandy Jacobs moved, Ron Mellick seconded, to approve Resolution No. 2020-016 extending the requirements of Ordinance No. 3988 of the City of Hays, Kansas, pertaining to requiring the wearing of masks or other face coverings.

Vice-Mayor Jacobs stated she would be voting yes for the extension of the mask mandate for the same reasons she voted to create the ordinance. She is still listening to medical professionals at Hays Med, The University of Kansas Health System and their opinion, for the most part, is to continue the mask

mandate. She added that we are in uncharted waters dealing with the immense unknown and she feels she has to stay the course. She stated she will go overboard to provide safety and security to both the citizens and businesses of this community.

City Manager, Toby Dougherty, stated the motion to approve the Resolution presented would need to include a termination date.

Sandy Jacobs moved to amend her previous motion to approve Resolution No. 2020-016 extending the requirements of Ordinance No. 3988 of the City of Hays, Kansas, pertaining to the requiring the wearing of masks or other face coverings to end December 31, 2020, Ron Mellick amended his second.

Komoss Creamer was escorted out of City Commission chambers by Hays Police Chief, Don Scheibler, at the direction of Mayor Musil after Ms. Creamer objected to the motion by Vice-Mayor Sandy Jacobs to extend the City's mask ordinance until December 31, 2020.

Commissioner Ruder stated that he would be voting against the extension because he believes the decision to wear a mask should be made by individuals and their physicians. He added that the community is so divided and he is saddened to see the hate and disrespect in this community.

Commissioner Jacobs clarified that her motion to extend the mandate to December 31, 2020 can be rescinded at any time.

Commissioner Berges stated based on the number of cases he feels the mask mandate was working up to a point. He said it was not surprising to see the numbers increase when Fort Hays State University students returned, and they expect the numbers to continue to rise. He added that the City's education efforts have helped to a point. He stated he doesn't know if we have the stomach to take the next step beyond just wearing a mask, like not gathering in groups, social distancing, and limiting capacity for bars and restaurants. His mindset would be to only extend the mandate to September 25, 2020 for four more weeks to hopefully drive the cases back down.

Commissioner Mellick clarified that the colleges, schools, and private businesses like Walmart, Home Depot, Ace Hardware, and Dillons all have their own policies.

All of the Commissioners spoke of e-mails and social media comments they had received. Some were favorable and other messages opposed the mandate and included personal condemnations of Commissioners.

Commissioner Mellick stated this has been a shocking and sad week in Ellis County in how people have treated each other. He added that it is tearing this community apart because people won't compromise.

Mayor Musil stated his goal is to keep schools and businesses open and with the increasing number of cases he feels this mask mandate is the right thing to do. He added that he would not vote for extending the mandate unless the City moves from educating the public to enforcing it.

Sandy Jacobs amended her previous motion to end the mandate on October 5, 2020. Ron Mellick amended his second.

Vote: Ayes: Shaun Musil

Sandy Jacobs

Ron Mellick

No: Mason Ruder

Michael Berges

Mayor Musil issued a challenge to the community to donate face masks or cash to First Call for Help to ensure school kids have the number of masks they need.

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

8. COMMISSION INQUIRIES AND COMMENTS: Commissioner Berges stated he personally believes we need the mask mandate and that it should be enforced. He also shared a Facebook post from a wrestling coach stating schools boards, the City Commission, and other local officials are trying to answer the unknowable by examining the unforeseeable and we need to quit blaming them for their decisions.

Commissioner Ruder thanked everyone that attended the meeting and shared their opinions respectfully. He stated at a future work session the Commission will discuss developing a plan to move forward regarding Covid-19. He does not want to lose sight of the many exciting projects that are going on in the City of Hays.

Vice-Mayor Jacobs shared a positive e-mail from a resident and thanked everyone for sharing their opinions respectfully.

Mayor Musil thanked City staff, his fellow Commissioners, school teachers, business owners, first responders, and everyone working in the community to keep people safe.

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

Submitted by: _____

Brenda Kitchen – City Clerk