

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JANUARY 23, 2025

**1. CALL TO ORDER BY CHAIRPERSON:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, January 23, 2025 at 4:00 p.m.

Roll Call: Present: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

By Phone: Sandy Jacobs

Vice 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 session held on December 26, 2024; the minutes stand approved as presented.

**3. CITIZEN COMMENTS:** Justin Choitz, citizen of Hays, gave praise to the water department on fixing the leaks in the freezing temperatures. He also stated with everything going on nationally, he appreciates that the City of Hays is taking significant steps to be a progressive community for western Kansas. He was curious about the City's long-term plans to support all the development going on out east, especially when it comes to public safety. Mr. Choitz has questions and concerns about how the City will offer 100 plus new houses fire protection. With staffing as it is now, Mr. Choitz does not believe that the City of Hays has proper staff to handle a significant emergency. Mr. Choitz would really like the City to focus and concentrate on what the City will do to staff and protect the citizens on the eastern part of town.

Vice Mayor Ruder appreciated the presentation and stated growth of public safety resources associated with development is definitely something the Commission will continue to look in to.

Friday Otuya, Nex-Tech Community Engagement Specialist, wanted to let the community know about programs that Nex-Tech offers: Revolving Loan Fund (which supports small businesses), Fiber Internet, Universal Service Fund (Federal fund that supports getting fiber to rural towns), and the Nex-Tech Academy.

Mayor Jacobs left the meeting due to bad phone connection.

**4. CONSENT AGENDA:** A. Authorize the Mayor to execute the Quitclaim Deed as presented.

B. Mayoral Appointments for Approval.

Hays Convention and Visitors Bureau Advisory Committee

Jeremy Gill – three-year term to expire 2-13-2028 (3<sup>rd</sup> term)

Hays Housing Authority Board

Jo Ann Morse – four-year term to expire 2-13-2029 (1<sup>st</sup> term)

Northwest Kansas Community Corrections and Juvenile Services Governing Board

Donnette Noble – two-year term to expire 2-1-2027 (1<sup>st</sup> term)

Commissioner Musil moved, Commissioner Cunningham seconded, to approve the Consent Agenda as presented.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

#### **NEW BUSINESS**

**5. 32<sup>nd</sup>/33<sup>rd</sup> Street Reconstruction – Award of Bid:** Jesse Rohr, Director of Public Works, stated that 32<sup>nd</sup>/33<sup>rd</sup> Street from Willow to Vine needs repair. This section of roadway is listed in the Capital Improvement Plan (CIP) of the 2025 budget for reconstruction. This section of street is a minor urban arterial road and carries approximately 3,500 vehicles per day. The total project length is approximately 2,500 LF. The existing pavement is comprised of all concrete.

Driggs Design Group was awarded the bid to design the project last year, and for the past several months, the City of Hays has been working with Driggs

Design Group on the formulation of the reconstruction plans for 32<sup>nd</sup>/33<sup>rd</sup> Street from Willow to Vine. The project includes removing and replacing all the concrete pavement, various areas of curb & gutter, select areas of sidewalk and curb ramps to meet ADA requirements, intersections, and some alley entrances. The north intersection of Skyline and 33<sup>rd</sup> Street will be widened, which will entail lengthening the box culvert under 33<sup>rd</sup> Street adjacent to that intersection.

The project went out for bid in November 2024, and bids were opened on December 3<sup>rd</sup>. The low bid was under budget and from Vogts-Parga Construction, LLC from Moundridge, KS. Vogts-Parga has performed work in Hays in the past, with the most recent street project being in 2018 for the reconstruction of 43<sup>rd</sup> and 45<sup>th</sup> streets north of I-70 and west of Vine. Staff was satisfied with this contractor in the past and looks forward to working with them on this project.

Commissioner Barrick moved, Commissioner Cunningham seconded, to authorize the City Manager to enter an agreement with Vogts-Parga Construction, LLC in the amount of \$1,554,275.70 for construction services related to the reconstruction of 32<sup>nd</sup>/33<sup>rd</sup> Street from Willow to Vine to be funded from Commission Capital Reserves.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

#### **6. 32<sup>nd</sup>/33<sup>rd</sup> Street Reconstruction – Construction Engineering Services**

**Agreement:** Jesse Rohr, Director of Public Works, stated that the 2025 budget included funding for a project to reconstruct 32<sup>nd</sup>/33<sup>rd</sup> Street from Willow to Vine. For the past several months, the City of Hays has been working with Driggs Design Group on the design and engineering work for the reconstruction project. Driggs Design Group has prepared a contract for construction engineering services to include daily project inspection, testing of soils, subgrade and concrete, shop drawing review and approval, and developing pay applications. The contract is in the amount of \$52,320.

Commissioner Cunningham moved, Commissioner Musil seconded, to approve the Construction Engineering Services Agreement with Driggs Design Group in the amount of \$52,320 for the reconstruction of 32<sup>nd</sup>/33<sup>rd</sup> Street, to be funded from the City Commission Capital Reserve Fund.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

**7. Annexation of Property Located at 800A Commerce Parkway (BEREXCO, LLC):** Jesse Rohr, Director of Public Works, stated that the property owner, BEREXCO, LLC, has submitted a signed consent to annex 800A Commerce Parkway under K.S.A. 12-520(a)(7) and desires to annex to allow for connection to City utilities.

The City Manager approved a lot split for this property in November of 2024. The front 5.177-acre lot, which is proposed to be annexed, will have a 20 ft. access easement on the north property line for access to the rear 12.636-acre lot. Currently, BEREXCO, LLC owns both of the lots, and they plan to retain both lots for the foreseeable future.

The land is contiguous with the present City limits. Approval of the annexation will allow the property owner to receive full benefits of City services, including utilities and fire/police protection.

Commissioner Musil moved, Commissioner Barrick seconded, to adopt Ordinance No. 4067 annexing the property located at 800A Commerce Parkway, as legally described within the adopting ordinance.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

**8. Tallgrass 4<sup>th</sup> Addition – Rezoning from Agriculture District (A-L) and Residential General (R-G) to Residential Multi-Family (R-M):** Jesse Rohr, Director of Public Works, stated that an application has been submitted to request

a change in zoning from Agriculture District (A-L) and Residential General (R-G) to Residential Multi-Family (R-M). This area is slated for the fourth phase of Heart of America Development Corporation's workforce housing project. A portion of the property is already zoned Residential Multi-Family and will remain as such. Residential Multi-Family is requested for this stage of development due to it providing more housing type options for the developer.

The purpose of the Residential Multi-Family District is to provide for the development of residential neighborhoods with auto-urban character. These areas are required to utilize an urban level of services and are generally comprised of higher density residential uses such as apartments. The developer will extend streets, water, and sanitary sewer for the development.

Since 2021, 54 homes have been completed in the first and second phases of this development. In the third phase, 12 homes will be completed in the next 12 months. Rezoning this fourth phase to multi-family allows more flexibility regarding density, setbacks, and types of housing. However, single-family homes, which are still an allowable use within the R-M zoning, with smaller lots, will be the main focus for this phase.

The Comprehensive Plan identifies this area as MDR (Medium Density Residential). Any type of residential use will have a compatible rating of 5 out of 5 adjacent to any other residential uses, making this logical for development.

Commissioner Barrick moved, Commissioner Cunningham seconded, to adopt Ordinance No. 4068 approving the rezoning request from Agriculture District (A-L) and Residential General (R-G) to Residential Multi-Family (R-M) for Tallgrass 4<sup>th</sup> Addition, as legally described within the adopting ordinance.

Commissioner Musil commented on how excited everyone is about this project with 101 lots. He asked Toby Dougherty, City Manager, where the City is in regards to public safety in the next five years and if he is comfortable with public safety right now.

Mr. Dougherty stated that he is comfortable with public safety in the City and that the City is always reevaluating potential future needs of public safety. The City is currently an ISO rating (Public Protection Classification) of two, which

puts the City in the top 5% in the State. He stated there will be a time when we need to expand east, and the Airport Fire Station was designed to add on to. Public safety will continue to be discussed, and eventually this will need to be on the Capital Improvement Plan.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

**9. Tallgrass 4<sup>th</sup> Addition – Final Plat:** Jesse Rohr, Director of Public Works, stated that an application has been submitted for the final plat of the Tallgrass 4<sup>th</sup> Addition. This area is the fourth phase of Heart of America Development Corporation's workforce housing project. The proposed plat includes 101 lots in total. The final plat meets the requirements of the current subdivision regulations regarding lot size, setbacks, and specific utility requirements. Staff, as well as the Hays Area Planning Commission, recommend approving the Tallgrass 4<sup>th</sup> Addition final plat as submitted.

Commissioner Musil moved, Commissioner Barrick seconded, to approve Resolution No. 2025-001 accepting the Tallgrass 4<sup>th</sup> Addition Final Plat.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

**10. Tallgrass 4<sup>th</sup> Addition – Engineering Services Agreement:** Jesse Rohr, Director of Public Works, stated that the developer (Grow Hays/Heart of America Development Corporation) of Tallgrass 4<sup>th</sup> Addition is moving forward with development plans for street, storm sewer, water, and sanitary sewer improvements to an area containing 101 lots in the Tallgrass 4<sup>th</sup> Addition. Sloan Engineering and Consulting has prepared a contract for engineering services to include civil engineering design, contractor bid solicitation, bid review, and final contractor recommendation. The contract is for a lump-sum amount of \$249,850. The construction of the streets will be completed along with the associated utilities

(water, sanitary sewer, and storm sewer) as specified by the City of Hays Development Policy Infrastructure Guidelines for New Development. The current timeline has construction starting fall of 2025.

Commissioner Cunningham moved, Commissioner Barrick seconded, to approve the Engineering Services Agreement with Sloan Engineering and Consulting in the amount of \$249,850 for the infrastructure design of Tallgrass 4<sup>th</sup> Addition, to be paid by a 30% pre-construction agreement deposit from Heart of America.

Vote: Ayes: Mason Ruder

Alaina Cunningham

Reese Barrick

Shaun Musil

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

**12. 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 January.

**13. COMMISSION INQUIRIES AND COMMENTS:** Commissioners thanked city staff for handling both the snowstorm and water leak events amazingly.

Commissioner Cunningham thanked the community members who reached out to her. She encourages community members to reach out because a lot of information was exchanged, and perspective was gained.

Vice Mayor Ruder added thanks to staff for the communication for something that our community hasn't seen before regarding the Boil Advisory. He also congratulated the Ellis County Child Care Task Force for receiving a \$30,000 grant to address the childcare needs in Ellis County.

The meeting was adjourned at 5:03 p.m.

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

Jami Breit – City Clerk