

**CITY OF HAYS COMMISSION MEETING  
THURSDAY, AUGUST 14, 2014 – 6:30 P.M.  
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES:** Consider approval of the minutes from the regular meeting held on July 24, 2014. (PAGE 1)
3. **CITIZEN COMMENTS:** (non-agenda items).
4. **CONSENT AGENDA:** (Items to be approved by the Commission in one motion, unless objections are raised).
  - A. **Mayoral Appointments for Approval:** Building Trades Board, Fort Hays Municipal Golf Course Advisory Board, Hays Convention and Visitors Bureau Advisory Committee, and Hays Housing Authority Board (PAGE 5)
  - B. **Mayoral Appointment Recommendations:** Airport Advisory Committee and Hays Convention and Visitors Bureau (PAGE 11)

**UNFINISHED BUSINESS**

(No business to review)

**NEW BUSINESS**

5. **PROHIBITION OF OPEN CARRY OF FIREARMS WITHIN CITY BUILDINGS:** Consider approving Resolutions 2014-009 through 2014-020 prohibiting unconcealed firearms within the named City facilities and directing the postage of signage pursuant to Section 5 of HB2578. (PAGE 17)
6. **PORTABLE SHIPPING CONTAINERS AS STORAGE UNITS:** Consider adopting Ordinance No. 3887 amending Chapter 11 of the City of Hays, Kansas, Municipal Code, by modifying Article II, Division 5, Section 11-134 regarding temporary storage units/shipping containers and by adding Section 11-135 regarding permanent storage units/shipping containers. (PAGE 53)
7. **STORM SEWER LINING PROJECT – AWARD OF BID:** Consider approving a bid from Mayer Specialty Services, LLC for storm sewer lining to be funded from the Capital Projects line item with debt service coming from the Stormwater Utility line item on an annual basis. (PAGE 61)
8. **STORM SEWER LINING PROJECT – RESOLUTION:** Consider approving Resolution No. 2014-021 authorizing the use of City idle funds to pay costs of certain stormwater projects and repayment thereof. (PAGE 69)
9. **2015 BUDGET PRESENTATION AND PUBLIC HEARING:** Conduct a public hearing for the 2015 Budget. (PAGE 75)

10. [2015 BUDGET APPROVAL](#): Consider approving the 2015 Budget. (PAGE 77)
11. [REPORT OF THE CITY MANAGER](#) (PAGE 79)
12. **COMMISSION INQUIRIES AND COMMENTS**
13. **EXECUTIVE SESSION (IF REQUIRED)**
14. **ADJOURNMENT**

**ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.**

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON JULY 24, 2014

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, July 24, 2014 at 6:30 p.m.

Roll Call: Present: Eber Phelps

Ron Mellick

Kent Steward

Absent: Henry Schwaller IV

Shaun Musil

Vice-Chairperson Phelps declared that 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 July 10, 2014; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director Kim Rupp reported that month-to-date general fund sales tax collections were at \$609,416 which is an increase of \$41,780 as compared to last year. This puts the year-to-date general fund sales tax collections up \$6,402 or .18%.

The Finance/City Clerk's Office invested \$7,000,000 of maturing or renewing certificates with a weighted average interest rate of .22%. The portfolio of certificates of deposit on June 30, 2014 totaled \$55,050,000 with a weighted average interest rate of .23%. The total balance of the Money Market account on June 30, 2014 was \$1,000,000 with a current yield of .20%. Total investments are up \$1,150,000 when compared to this time last year.

Ron Mellick moved, Kent Steward seconded, that the Financial Statement for the month of June, 2014 be approved.

Vote: Ayes: Eber Phelps  
Ron Mellick  
Kent Steward

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

**5. CONSENT AGENDA:** The following proposed mayoral appointments were presented and are scheduled to be approved at the August 14, 2014 Commission meeting:

**Building Trades Board**

Robert Meier (Electrical Rep) – unexpired term to expire August 27, 2016

**Fort Hays Municipal Golf Course Advisory Board**

Ron Augustine – unexpired term to expire July 1, 2017

Jim Krob – 3-year term to expire July 1, 2017

**Hays Convention & Visitors Bureau Advisory Committee**

Tammy Younger (Fort Hays State Historic Site) – unexpired term to expire December 1, 2015

**Hays Housing Authority Board**

Elizabeth Innes – unexpired term to expire February 14, 2018

Kent Steward moved, Ron Mellick seconded, that the consent agenda be approved.

Vote: Ayes: Eber Phelps  
Ron Mellick  
Kent Steward

**NEW BUSINESS**

**6. 2013 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.

Ken Beran and Melissa Romme of Adams, Brown, Beran and Ball presented the 2013 Audit Report.

Kent Steward moved, Ron Mellick seconded, that the 2013 Audit for the City of Hays as presented by Adams, Brown, Beran and Ball, be accepted.

Vote: Ayes: Eber Phelps  
Ron Mellick  
Kent Steward

**7. FUNDING OF UNITED EXPRESS MARKETING CAMPAIGN:** When the City Commission recommended the selection of SkyWest Airlines to the U.S. Department of Transportation, it obligated \$50,000 for marketing assistance. City staff would like the Commission to authorize \$25,000 of Financial Policy Projects monies for funding assistance of the initial United Express marketing campaign. This money will be coupled with dollars provided by the Convention and Visitors Bureau, the Airport marketing account, and the Ellis County Coalition for Economic Development.

Ron Mellick moved, Kent Steward seconded, to approve the use of \$25,000 of City Commission Financial Policy Projects monies for the funding of the United Express marketing campaign.

Vote: Ayes: Eber Phelps  
Ron Mellick  
Kent Steward

**8. SCHEDULE OF BUDGET HEARING:** Kent Steward moved, Ron Mellick seconded, that the date of August 14, 2014 be set for a public hearing on the 2015 Budget.

Vote: Ayes: Eber Phelps  
Ron Mellick  
Kent Steward

**9. PROGRESS REPORT:** Assistant City Manager Paul Briseno presented a monthly report of city-related activities, services, and programs.

**10. REPORT OF THE CITY MANAGER:** The City Manager had no additional items to report on.

**11. COMMISSION INQUIRIES AND COMMENTS:** Vice-Chairperson Phelps complimented City staff on all the work done preparing the 2015 Budget.

The meeting was adjourned at 7:36 p.m.

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

Brenda Kitchen – City Clerk

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 4A

MEETING DATE: 8-14-14

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**TOPIC:**

Mayoral Appointments for Approval

**ACTION REQUESTED:**

Consider approving Mayoral appointments to the Building Trades Board, Fort Hays Municipal Golf Course Advisory Board, Hays Convention and Visitors Bureau Advisory Committee, and Hays Housing Authority Board.

**NARRATIVE:**

The following appointments were recommended at the July 24, 2014 City Commission meeting and are now being presented for approval.

Building Trades Board

Robert Meier (Electrical Rep) – unexpired term to expire 8-27-16 (1<sup>st</sup> term)

Fort Hays Municipal Golf Course Advisory Board

Ron Augustine – 3-year term to expire 7-1-17 (1<sup>st</sup> term)

Jim Krob – 3-year term to expire 7-1-17 (2<sup>nd</sup> term)

Hays Convention & Visitors Bureau Advisory Committee

Tammy Younger (Fort Hays State Historic Site) – unexpired term to expire 12-1-15 (1<sup>st</sup> term)

Hays Housing Authority Board

Elizabeth Innes – unexpired term to expire 2-14-18 (1<sup>st</sup> term)

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Mayor Schwaller

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Applications

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: [rmeier@fhsu.edu](mailto:rmeier@fhsu.edu)

Date: 7/15/2014

Name: Robert Meier

Address: 509 West 16th Street

Day Time Phone Number: 7856285879

Evening Phone Number: 7856259536

Place of Employment: Fort Hays State University

How long have you been a Resident of Hays: Forty years

Name of Board(s) you are interested in serving on: Trades Board

How much time could you devote per month: 4 to 5 hours

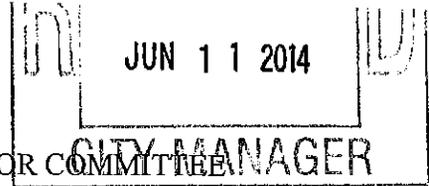
Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: In addition to being employed at Fort Hays State University, I am a licensed master electrician in the City of Hays. I have a good working relationship with the City Inspection personnel and support changes in the National Electrical Code as related to public safety.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: Active member of Trinity Lutheran Church since August 1974. I am a registered voter in the City of Hays and vote in every election.

FORT HAYS MUNICIPAL GOLF COURSE ADVISORY BOARD



CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

NAME: RON AUGUSTINE

ADDRESS: 1106 DOWNING

DAY TIME PHONE NUMBER: 785-650-2903 EVENING PHONE NUMBER: 785-650-2903

E-MAIL ADDRESS: ron67601@sbcglobal.net

PLACE OF EMPLOYMENT: NORTHWESTERN OFFICE SUPPLIERS

HOW LONG HAVE YOU BEEN A RESIDENT OF HAYS? 60 YEARS

NAME OF BOARD(S) YOU ARE INTERESTED IN SERVING ON: GOLF COURSE ADVISORY

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? AS MUCH AS NEEDED

ARE YOU RELATED TO ANYONE WHO IS CURRENTLY SERVING ON A BOARD/COMMITTEE? NO

IF YES, EXPLAIN: \_\_\_\_\_

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF HAYS.

BEEN A GOLFER FOR MANY YEARS, SECRETARY OF THE MEN'S GOLF ASSOCIATION, & LIKE TO DO IMPROVEMENTS TO THE COURSE.

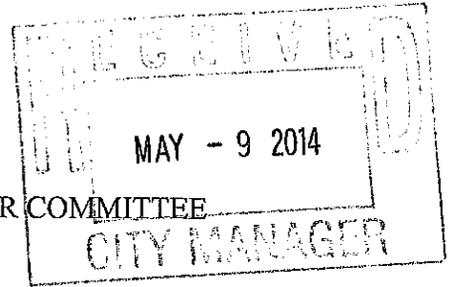
PLEASE LIST ANY GROUPS OR ACTIVITIES THAT YOU PARTICIPATE IN, OR HAVE PREVIOUSLY PARTICIPATED IN, THAT DEMONSTRATE YOUR INVOLVEMENT IN THE COMMUNITY.

MEN'S GOLF ASSOCIATION  
LITTLE LEAGUE COACH IN SOFTBALL & BASEBALL  
CURRENTLY ON THE GOLF COURSE ADVISORY BOARD

SIGNATURE: Ron Augustine DATE: 6-11-14

Thank you for your interest in serving on a Board/Commission. It is rewarding to see individuals who are willing and able to commit their time and energy to make the City of Hays a better place to work, live and play.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE



NAME: Jim Krob

ADDRESS: 211 E 29<sup>th</sup>

DAY TIME PHONE NUMBER: 650-3260 EVENING PHONE NUMBER: 625-8043

E-MAIL ADDRESS: jkrob@fhsu.edu

PLACE OF EMPLOYMENT: retired

HOW LONG HAVE YOU BEEN A RESIDENT OF HAYS? since '87

NAME OF BOARD(S) YOU ARE INTERESTED IN SERVING ON: \_\_\_\_\_

F.H. Golf Board

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? ?

ARE YOU RELATED TO ANYONE WHO IS CURRENTLY SERVING ON A BOARD/COMMITTEE? No

IF YES, EXPLAIN: \_\_\_\_\_

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF HAYS.

Have served  $\frac{1}{2}$  would like to be reappointed.

PLEASE LIST ANY GROUPS OR ACTIVITIES THAT YOU PARTICIPATE IN, OR HAVE PREVIOUSLY PARTICIPATED IN, THAT DEMONSTRATE YOUR INVOLVEMENT IN THE COMMUNITY.

FSU Instructor/coach

St. Nick's parish board

SIGNATURE: Jim Krob DATE: 5-09-14

Thank you for your interest in serving on a Board/Commission. It is rewarding to see individuals who are willing and able to commit their time and energy to make the City of Hays a better place to work, live and play.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: [thefort@kshs.org](mailto:thefort@kshs.org)

Date: 12/14/2013

Name: Tammy Younger

Address: 1472 Hwy. 183 Alt

Day Time Phone Number: 785-625-6812

Evening Phone Number: 785-259-0809

Place of Employment: Fort Hays State Historic site

How long have you been a Resident of Hays: 33 years

Name of Board(s) you are interested in serving on: Convention & Visitors Bureau

How much time could you devote per month: 2 hours

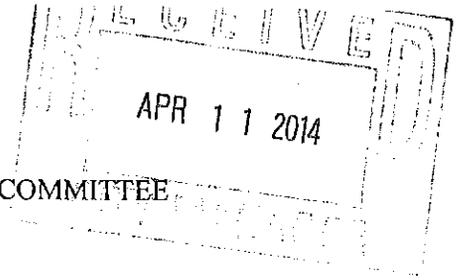
Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: to help promote our site in community activities

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community:

HAYS HOUSING AUTHORITY BOARD



CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

NAME: Elizabeth J. Innes (Betty)

ADDRESS: 1301 E. 33<sup>rd</sup> St. Apt. 4 Hays, KS 67601

DAY TIME PHONE NUMBER: 785-628-6505 EVENING PHONE NUMBER: Same

E-MAIL ADDRESS: bjinnes@yuraltel.net

PLACE OF EMPLOYMENT: Retired

HOW LONG HAVE YOU BEEN A RESIDENT OF HAYS? 35 years

NAME OF BOARD(S) YOU ARE INTERESTED IN SERVING ON:

Hays Housing Authority Advisory Board

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? What time is needed

ARE YOU RELATED TO ANYONE WHO IS CURRENTLY SERVING ON A BOARD/COMMITTEE? NO

IF YES, EXPLAIN: \_\_\_\_\_

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF HAYS.

As a retired social worker - I have been familiar with housing needs & availability. Suitable housing can be a concern for families as well as individuals - can be a serious problem.

PLEASE LIST ANY GROUPS OR ACTIVITIES THAT YOU PARTICIPATE IN, OR HAVE PREVIOUSLY PARTICIPATED IN, THAT DEMONSTRATE YOUR INVOLVEMENT IN THE COMMUNITY.

Methodist Church - DAR - BETA Friends of the Hays Public Library - Book Store

SIGNATURE: Elizabeth J. Innes DATE: 4-9-2014

Thank you for your interest in serving on a Board/Commission. It is rewarding to see individuals who are willing and able to commit their time and energy to make the City of Hays a better place to work, live and play.

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 4B

MEETING DATE: 8-14-14

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**TOPIC:**

Mayoral Appointment Recommendations

**ACTION REQUESTED:**

Receive Mayor Schwaller's proposed appointments to the Airport Advisory Committee and Hays Convention and Visitors Bureau Advisory Committee.

**NARRATIVE:**

The following proposed appointments will be presented for approval at the August 28, 2014 City Commission meeting.

Airport Advisory Committee

Mike Konz – 3-year term to expire 4-30-17 (2<sup>nd</sup> term)

Hays Convention & Visitors Bureau Advisory Committee

Lina Miller (Best Western Butterfield Inn) – unexpired term to expire 12-1-16 (1<sup>st</sup> term)

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Mayor Schwaller

**ADMINISTRATION RECOMMENDATION:**

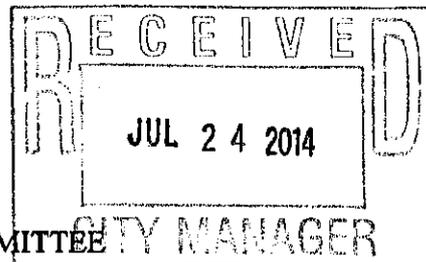
N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Applications Received for these Boards



CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

NAME: MIKE KONZ

ADDRESS: 3003 CHERASHEN DR

DAY TIME PHONE NUMBER: 785-635-0001 EVENING PHONE NUMBER: 785-259-3138

E-MAIL ADDRESS: MKONZ@ROADTEC.NET

PLACE OF EMPLOYMENT: WAL-MART

HOW LONG HAVE YOU BEEN A RESIDENT OF HAYS? 16 YEARS

NAME OF BOARD(S) YOU ARE INTERESTED IN SERVING ON: AIRPORT ADVISORY

HOW MUCH TIME COULD YOU DEVOTE PER MONTH? 5 HOURS

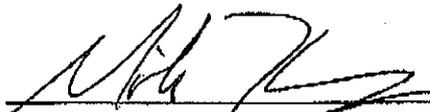
ARE YOU RELATED TO ANYONE WHO IS CURRENTLY SERVING ON A BOARD/COMMITTEE? NO

IF YES, EXPLAIN: \_\_\_\_\_

BRIEFLY DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMITTEE FOR THE CITY OF HAYS. BECAUSE PEOPLE WANT TO KEEP ECONOMY STRONG THRU A NEW RUN AIRPORT.

PLEASE LIST ANY GROUPS OR ACTIVITIES THAT YOU PARTICIPATE IN, OR HAVE PREVIOUSLY PARTICIPATED IN, THAT DEMONSTRATE YOUR INVOLVEMENT IN THE COMMUNITY. \_\_\_\_\_

AIRPORT HALL, BOARD OF DIRECTORS HALL, BOARD OF DIRECTORS DHDG  
BOARD OF DIRECTORS UNIFIED WAY

SIGNATURE:  DATE: 7/20/14

Thank you for your interest in serving on a Board/Commission. It is rewarding to see individuals who are willing and able to commit their time and energy to make the City of Hays a better place to work, live and play.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: cheryl.younger65@yahoo.com

Date: 4/2/2014

Name: Cheryl Younger

Address: 2512 Marjorie Drive

Day Time Phone Number: 720-544-1728

Evening Phone Number: 720-544-1728

Place of Employment: Until 3/31/2014 - Great Lakes Airlines

How long have you been a Resident of Hays: 45+ years.

Name of Board(s) you are interested in serving on: Airport Advisory Board

How much time could you devote per month: As much time as needed.

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: I believe in all the changes that are occurring at the airport, from the expansion to the new air service. I have over 9 years of commercial airline experience and feel that I could contribute some valuable insight into some of these changes. I also feel it's beneficial to have a variety of different voices and expertise on this committee. And to my knowledge there isn't a member that works for a commercial carrier.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: I currently do not participate in any committees. In the past, I have helped with only school functions and events. I have a son who is currently attending FHSU and since his graduation a year ago, I have free time, and feel as though this would be a great opportunity for me to contribute my time.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: [ldsmiller7@gmail.com](mailto:ldsmiller7@gmail.com)

Date: 7/28/2014

Name: Lina Miller

Address: 1010 E 41st St, Hays, KS 67601

Day Time Phone Number: 785-621-4337 (work)

Evening Phone Number: 785-650-3045 (cell)

Place of Employment: Best Western Butterfield Inn

How long have you been a Resident of Hays: 1976

Name of Board(s) you are interested in serving on: CVB

How much time could you devote per month: 5-10 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: My previous owners served on the Board. I understand how important it is to be in the pulse of things with planning and knowing what changes are likely to occur. I believe that it is also a benefit to our guests as they come in to Hays.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: I have served on the board of the Ellis Railroad Museum. I was involved in Girl Scouts, USD 489 volunteering as my children went through school, and my church and youth group, also as my children were growing up. I have not been actively involved in anything for a few years, but I would like to get involved in the community again.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: sal05pat@hotmail.com

Date: 4/22/2014

Name: Sean Patel

Address: 3503 Vine St, Hays, KS

Day Time Phone Number: 785-625-4839

Evening Phone Number: 785-625-4839

Place of Employment: EconoLodge

How long have you been a Resident of Hays: Year and a half

Name of Board(s) you are interested in serving on: Hays CVB

How much time could you devote per month: 4 to 8 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: Would like to bring some idea to help city brings more travelers.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: Had attend numerous meetings of CVB over last ten years in different cities. I have always been looking for an opportunity to be a part of board to explore some knowledge in respective field.

CITY OF HAYS  
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: [thefort@kshs.org](mailto:thefort@kshs.org)

Date: 12/14/2013

Name: Connie Schmeidler

Address: 1472 Hwy. 183 Alt.

Day Time Phone Number: 785-628-6812

Evening Phone Number: 785-639-6215

Place of Employment: Fort Hays State Historic Site

How long have you been a Resident of Hays: 40 years

Name of Board(s) you are interested in serving on: Convention & Visitors Bureau

How much time could you devote per month: 2 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: to help promote our site in community activities

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community:

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5

MEETING DATE: 8-14-14

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**TOPIC:**

Prohibition of Open Carry of Firearms within City Buildings

**ACTION REQUESTED:**

Approve Resolutions 2014-009 through 2014-020 authorizing the City Manager to post the signage as required by the Kansas Attorney General to prohibit unconcealed firearms within City buildings.

**NARRATIVE:**

The Kansas Legislature passed House Bill (HB) 2578 and made it legal for the City to prohibit unconcealed firearms (open carry) within City buildings. HB 2578 states that the City may prohibit the open carry of firearms within a building that is properly marked with signage approved by the Kansas Attorney General. City Staff has identified twelve City buildings that are frequented by employees and/or the public. In an effort to better protect the safety and wellbeing of the occupants of these buildings, the City Staff recommends that the City Commission approve resolutions prohibiting unconcealed firearms within the named City buildings.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
Don Scheibler, Chief of Police

**ADMINISTRATION RECOMMENDATION:**

City Staff recommends that the City Commission approve Resolutions 2014-009 through 2014-020 prohibiting unconcealed firearms within the named City buildings.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Prohibition of Open Carry - Memo  
Proposed Signage Prohibiting Open Carry  
Resolutions 2014-009 through 2014-020 Prohibiting the Open Carry of Firearms within City Bldgs.  
House Bill No. 2578

# Commission Work Session Agenda

## Memo

**From:** Don Scheibler, Chief of Police

**Work Session:** August 7, 2014

**Subject:** Prohibition of Open Carry of Firearms within City Buildings

**Person(s) Responsible:** Toby Dougherty, City Manager  
Don Scheibler, Chief of Police

### Summary

The Kansas Legislature passed House Bill (HB) 2578 which made it legal for the City to prohibit unconcealed firearms (open carry) within City buildings. HB 2578 states that the City may prohibit the open carry of firearms within a building that is properly marked with signage approved by the Kansas Attorney General. City staff has identified twelve City buildings that are frequented by employees and/or the public. In an effort to better protect the safety and wellbeing of the occupants of these buildings, the City Staff recommends that the City Commission approve the resolution prohibiting unconcealed firearms within the listed City buildings.

### Background

In 2006 the Kansas Legislature passed the Personal and Family Protection Act which provided the opportunity for citizens of Kansas to apply for a license to carry concealed firearms. The Personal and Family Protection Act initially did not allow for concealed carry in municipal buildings as long as the building was properly marked with the appropriate signage.

During the 2013 Legislative Session, the state law was amended to give concealed carry licensees (except on-duty city employees) the right to carry a concealed weapon within all municipal buildings. A city could only prohibit concealed carry in municipal buildings that had “adequate security measures” in place or that had a four-year exemption from concealed carry.

On June 27<sup>th</sup>, 2013, the City of Hays requested and received a 6-month exemption (a provision allowed by the law) in order to allow City Staff to review and make recommendations to the City Commission on how to proceed.

On December 12<sup>th</sup>, 2013, the City Commission voted not to pursue the four-year exemption, and currently the open carry and the concealed carry of a firearm is permitted in every City building.

On April 23, 2014, the State of Kansas adopted House Bill (HB) 2578, which became effective on July 1, 2014. Section 5 of HB 2578 states that a city may prohibit the open carry of firearms within a building that is properly marked with signage approved by the Kansas Attorney General. This means the City may ban the open carry of firearms by all persons within its City buildings. HB 2578 prohibits a city from adopting any ordinance or regulation that relates to open carry outdoors.

On June 19, 2014, the Attorney General approved “Proposed Temporary Regulations” that took effect on July 1, 2014. However, the Attorney General is also allowing a minimum sixty (60) day public comment period and a public hearing regarding the Proposed Temporary Regulations. In short, the Proposed Temporary Regulations and the design/wording of the signs are still subject to change.

### **Discussion**

HB 2578 states that a city may prohibit the open carry of firearms within a building that is properly marked with signage approved by the Kansas Attorney General. The open carry and the concealed carry of firearms are currently permitted in every City building. To carry a concealed weapon, an individual must meet certain licensing and training requirements. In contrast, to carry an unconcealed weapon (open carry), a person does **not** have to meet any licensing or training requirements. HB 2578 provides the City with the option to prohibit the open carry of firearms into City buildings by potentially untrained individuals. Further, the City’s personnel manual prohibits employees open carry while on duty, so banning open carry by the public helps to ensure that unconcealed weapons are not within City buildings. City staff recommends that open carry be banned in City buildings that are frequented by employees and/or the public to protect their health, safety, and welfare.

City staff contacted 6 comparable communities and found that the majority of them had already banned the open carry of firearms within a city building. Salina, Emporia, Junction City and Manhattan have all prohibited open carry in some or all city buildings. Dodge City and Derby allow both the concealed and open carry of firearms within city buildings. Ellis County has banned open carry in their county buildings.

City staff recommends that the City Commission approve the resolution prohibiting unconcealed firearms within the following City owned buildings:

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 1) Public Works Facility            | - 1002 Vine Street                  |
| 2) Water Treatment Facility         | - 1000 Vine Street                  |
| 3) Hays Regional Airport Terminal   | - 3950 East 8 <sup>th</sup> Street  |
| 4) Airport Fire Department          | - 3950 East 8 <sup>th</sup> Street  |
| 5) Waste Water Treatment Facility   | - 1498 Hwy 40 Bypass                |
| 6) Parks Department Office Facility | - 1546 Hwy 183 Alt.                 |
| 7) City Hall / Hays Fire Department | - 1507 Main Street                  |
| 8) Hays Welcome Center              | - 2700 Vine Street                  |
| 9) Golf Course Club House           | - 1450 Golf Course Road             |
| 10) Hays Aquatic Park Building      | - 300 Main Street                   |
| 11) Wilson Pool Building            | - 101 East 28 <sup>th</sup> Street  |
| 12) Recycling Building              | - 1780 West 55 <sup>th</sup> Street |

The resolution bans the carrying of unconcealed firearms in the listed buildings and authorizes the City Manager to post the signage as required by the Kansas Attorney General. This resolution will not limit or effect the Commission's previous decision relating to the concealed carry of firearms in a City building.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff.

### **Financial Consideration**

The estimated cost for each paper sign will be as little as \$0.25. If the Commission determined to post the 12 buildings for each public and nonpublic entrance, the total cost would be less than \$10.00.

### **Options**

The City Commission has the following options:

- Approve the resolution prohibiting unconcealed firearms within City buildings.
- Do not approve the resolution prohibiting the unconcealed firearms within City buildings.
- Table the item and take no action at this time.

### **Recommendation**

City staff recommends that the City Commission approve the resolution prohibiting unconcealed firearms within the listed City buildings.

### **Action Requested**

Approve the resolution authorizing the City Manager to post the signage as required by the Kansas Attorney General to prohibit unconcealed firearms within the listed City buildings.

### **Supporting Documentation**

Proposed Signage Prohibiting Open Carry  
Resolutions Prohibiting the Open Carry of Firearms within City Buildings  
House Bill No. 2578



**THE OPEN  
CARRYING OF  
FIREARMS  
IN THIS  
BUILDING IS  
PROHIBITED**

**RESOLUTION NO. 2014-009**

**A RESOLUTION PROHIBITING UNCONCEALED  
FIREARMS WITHIN THE PUBLIC WORKS FACILITY AND  
DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO  
SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Public Works Facility, 1002 Vine Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Public Works Facility, 1002 Vine Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-010**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE WATER PLANT FACILITY AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Water Plant Facility, 1000 Vine Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Water Plant Facility, 1000 Vine Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-011**

**A RESOLUTION PROHIBITING UNCONCEALED  
FIREARMS WITHIN THE HAYS REGIONAL AIRPORT  
TERMINAL AND DIRECTING THE POSTAGE OF SIGNAGE  
PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Hays Regional Airport Terminal, 3950 East 8th Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Hays Regional Airport Terminal, 3950 East 8th Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-012**

**A RESOLUTION PROHIBITING UNCONCEALED  
FIREARMS WITHIN THE AIRPORT FIRE DEPARTMENT  
AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT  
TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Airport Fire Department, 3950 East 8th Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Airport Fire Department, 3950 East 8th Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-013**

**A RESOLUTION PROHIBITING UNCONCEALED  
FIREARMS WITHIN THE WASTE WATER TREATMENT  
PLANT AND DIRECTING THE POSTAGE OF SIGNAGE  
PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Waste Water Treatment Plant, 1498 Hwy 40 Bypass, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Waste Water Treatment Plant, 1498 Hwy 40 Bypass, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-014**

**A RESOLUTION PROHIBITING UNCONCEALED  
FIREARMS WITHIN THE PARKS DEPARTMENT OFFICE  
FACILITY AND DIRECTING THE POSTAGE OF SIGNAGE  
PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Parks Department Office Facility, 1546 Hwy 183 Alt., Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Parks Department Office Facility, 1546 Hwy 183 Alt., Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-015**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE CITY HALL/HAYS FIRE DEPARTMENT AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

City Hall/Hays Fire Department, 1507 Main Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

City Hall/Hays Fire Department, 1507 Main Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-016**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE HAYS WELCOME CENTER AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Hays Welcome Center, 2700 Vine Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Hays Welcome Center, 2700 Vine Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-017**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE GOLF COURSE CLUB HOUSE AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Golf Course Club House, 1450 Golf Course Road, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Golf Course Club House, 1450 Golf Course Road, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-018**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE HAYS AQUATIC PARK BUILDING AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Hays Aquatic Park Building, 300 Main Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Hays Aquatic Park Building, 300 Main Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-019**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE WILSON POOL BUILDING AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Wilson Pool Building, 101 East 28th Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Wilson Pool Building, 101 East 28th Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the \_\_\_\_\_ day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

**RESOLUTION NO. 2014-020**

**A RESOLUTION PROHIBITING UNCONCEALED FIREARMS WITHIN THE RECYCLING BUILDING AND DIRECTING THE POSTAGE OF SIGNAGE PURSUANT TO SECTION 5 OF HB2578**

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WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that unconcealed firearms should be prohibited in certain City-owned buildings to protect the health, safety, and welfare of both employees and the public;

AND WHEREAS, Section 5 of HB 2578, made effective July 1, 2014, provides that a city may prohibit the open carry of firearms within a building where such prohibition is conspicuously posted in accordance with rules and regulations adopted by the Kansas Attorney General;

AND WHEREAS, the Governing Body of the City of Hays, Kansas, has determined that signage should be posted in accordance with the rules and regulations adopted by the Kansas Attorney General and unconcealed weapons should be prohibited in the following City-owned building:

Recycling Building, 1780 West 55th Street, Hays, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, that the carrying of unconcealed weapons is hereby prohibited in the following designated City-owned building:

Recycling Building, 1780 West 55th Street, Hays, Kansas;

and that signage be put in place conspicuously announcing that the carrying of unconcealed weapons in such designated City-owned building is prohibited.

This resolution shall be effective upon its passage.

Adopted by the Commission on the 14<sup>th</sup> day of August, 2014.

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HENRY SCHWALLER IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

HOUSE BILL No. 2578

AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04, 75-7c12 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) When the transfer of a firearm requires certification by a chief law enforcement officer in accordance with 27 C.F.R. § 479.85, in effect on January 24, 2003, a person may apply for such certification to a chief law enforcement officer. Within 15 days of receipt of a request for certification, the chief law enforcement officer shall provide such certification and approve the transfer unless a condition as provided in 27 C.F.R. § 479.85 exists which the chief law enforcement officer cannot certify because of specific acts or information directly related to the applicant. A generalized belief by the chief law enforcement officer that certain types of firearms have no lawful purpose or should not be possessed even by those who are not otherwise prohibited by law from possessing or receiving them shall not be sufficient reason to deny certification under this section. If certification of the application is not completed, the chief law enforcement officer, or such officer's designee, shall provide written notification to the applicant that certification of the application cannot be completed and the reason for such denial of certification.

(b) Any applicant whose request for certification is denied pursuant to subsection (a), may appeal such denial to the district court of the county in which the applicant resides. The district court shall review any denial of certification de novo. If the district court finds that the applicant is not prohibited by state or federal law from receiving the firearm and that there is no pending legal or administrative proceeding against the applicant which could result in such prohibition, the district court shall order the chief law enforcement officer to issue the certification. In addition to such other relief as may be ordered, the district court may award the applicant court costs and reasonable attorney's fees.

(c) Any chief law enforcement officer who certifies and approves the transfer of a firearm pursuant to this section shall not be held liable in any civil or criminal action for any act committed by another person with such firearm following such transfer.

(d) For purposes of this section:

(1) "Certification" means the written certificate required under 27 C.F.R. § 479.85, in effect on January 24, 2003, to be completed by a chief law enforcement officer for the approval of an application to transfer a firearm.

(2) "Chief law enforcement officer" means a person holding any of the offices described in 27 C.F.R. § 479.85, in effect on January 24, 2003, as eligible to provide the required certification for the transfer of a firearm.

(3) "Firearm" shall have the same meaning as provided in the federal national firearms act, 26 U.S.C. § 5845, in effect as of the effective date of this act.

New Sec. 2. (a) No city or county shall expend any funds derived from the proceeds of any tax levied by such city or county or any political subdivision thereof, for the purpose of implementing, administering or otherwise operating a firearms buyback program.

(b) For purposes of this section:

(1) "Firearm" shall have the same meaning as that term is defined in K.S.A. 2013 Supp. 21-5111, and amendments thereto.

(2) "Firearms buyback program" means any program wherein individuals are offered the opportunity to gift, sell or otherwise transfer ownership of such individual's firearm to a city or county.

New Sec. 3. (a) No employee of a municipality shall be required to disclose to such person's employer the fact that such employee possesses a valid license to carry a concealed handgun. No employee shall be terminated, demoted, disciplined or otherwise discriminated against due to such employee's refusal to disclose the fact that the employee possesses a valid license to carry a concealed handgun. No municipality shall create or maintain a record of an employee's possession of a valid license to carry a concealed handgun, or that an employee has disclosed the fact that such employee possesses a valid license to carry a concealed handgun. Any such record created and maintained by a municipality on or before June

30, 2014, shall be destroyed by such municipality on or before July 31, 2014.

(b) For purposes of this section, the term “municipality” has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

(c) This section shall be a part of and supplemental to the personal and family protection act.

New Sec. 4. (a) No municipality shall be liable for any wrongful act or omission relating to the actions of any person carrying a firearm, including employees of such municipality, concerning acts or omissions regarding such firearm.

(b) For purposes of this section, the term “municipality” has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

New Sec. 5. (a) Provided that the building is conspicuously posted in accordance with rules and regulations adopted by the attorney general as a building where carrying an unconcealed firearm is prohibited, it shall be unlawful to carry an unconcealed firearm into such building.

(b) Nothing in this section shall be construed to prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer’s duties.

(c) It shall be a violation of this section to carry an unconcealed firearm if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (d). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(d) (1) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on a building where carrying an unconcealed firearm is prohibited pursuant to subsection (a). Such regulations shall prescribe, at a minimum, that:

(A) The signs be posted at all exterior entrances to the prohibited buildings;

(B) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;

(C) the signs not be obstructed or altered in any way;

(D) signs which become illegible for any reason be immediately replaced; and

(E) except as provided in paragraph (2), signs shall include the following, which shall be printed in large, conspicuous print: “The open carrying of firearms in this building is prohibited.”

(2) Such rules and regulations shall provide that the same signage used to prohibit the carrying of concealed handguns under K.S.A. 75-7c01 et seq., and amendments thereto, may be used to also prohibit the carrying of unconcealed firearms.

New Sec. 6. (a) Possession of a firearm under the influence is knowingly possessing or carrying a loaded firearm on or about such person, or within such person’s immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm.

(b) Possession of a firearm under the influence is a class A nonperson misdemeanor.

(c) This section shall not apply to:

(1) A person who possesses or carries a firearm while in such person’s own dwelling or place of business or on land owned or possessed by such person; or

(2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.

(d) If probable cause exists for a law enforcement officer to believe a person is in possession of a firearm under the influence of alcohol or drugs, or both, such law enforcement officer shall request such person submit to one or more tests of the person’s blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The selection of the test or tests shall be made by the officer.

(e) (1) If a law enforcement officer requests a person to submit to a

test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:

(A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;

(B) a registered nurse or a licensed practical nurse;

(C) any qualified medical technician, including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, an emergency medical technician-intermediate/defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or

(D) a phlebotomist.

(2) A law enforcement officer may direct a medical professional described in this subsection to draw a sample of blood from a person if the person has given consent or upon meeting the requirements of subsection (d).

(3) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

(4) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.

(5) If a sample is to be taken under authority of a search warrant, and the person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(6) A law enforcement officer may request a urine sample upon meeting the requirements of subsection (d).

(7) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by:

(A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;

(B) a registered nurse or a licensed practical nurse; or

(C) a law enforcement officer of the same sex as the person being tested.

The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in paragraphs (2) and (3) shall apply to the collection of a urine sample.

(8) The person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test who

is acting in accordance with this section shall not be liable in any civil and criminal proceeding involving the action.

(f) (1) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of possession of a firearm under the influence of alcohol or drugs, or both.

(2) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(3) In any criminal prosecution for a violation of this section, if the court finds that a person refused to submit to testing when requested pursuant to this section, the county or district attorney, upon petition to the court, may recover on behalf of the state, in addition to the criminal penalties provided in this section, a civil penalty not exceeding \$1,000 for each violation.

(g) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, is convicted of a violation of this section, such person's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

(h) In any criminal prosecution for possession of a firearm under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:

(1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol or drugs, or both.

(2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.

(3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of alcohol or drugs, or both.

(i) The provisions of subsection (h) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.

(j) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.

Sec. 7. K.S.A. 2013 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124. (a) No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or any component or combination thereof. ~~Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7c10, and amendments thereto, any such ordinance, resolution or regulation adopted prior to the effective date of this 2007 act shall be null and void.~~

(b) *No city or county shall adopt or enforce any ordinance, resolution or regulation relating to the sale of a firearm by an individual, who holds a federal firearms license, that is more restrictive than any ordinance, resolution or regulation relating to the sale of any other commercial good.*

(c) *Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.*

(d) Nothing in this section shall:

(1) *Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto;*

(2) *prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2013 Supp. 75-7c20, and amendments thereto; or*

(3) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;

~~(2) prohibit a city or county from regulating the manner of openly carrying a loaded firearm on one's person, or in the immediate control of a person, not licensed or recognized under the personal and family protection act while on property open to the public;~~

~~(3) prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall, or~~

~~(4) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms, provided such ordinance, resolution or regulation shall not apply to persons licensed or recognized under the personal and family protection act.~~

~~(c) Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7e10, and amendments thereto, no person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person: (1) Is storing or transporting the firearm without violating any provision of the Kansas criminal code; or (2) is otherwise transporting the firearm in a lawful manner.~~

~~(d) No person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.~~

Sec. 8. K.S.A. 2013 Supp. 12-16,134 is hereby amended to read as follows: 12-16,134. (a) A municipality shall not enact *or enforce* any ordinance, resolution, ~~rule~~ *regulation* or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration or use of a knife or knife making components.

(b) A municipality shall not enact *or enforce* any ordinance, resolution or ~~rule~~ *regulation* relating to the manufacture of a knife that is more restrictive than any such ordinance, resolution or ~~rule~~ *regulation* relating to the manufacture of any other commercial goods.

(c) *Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.*

(d) *No action shall be commenced or prosecuted against any individual for a violation of any ordinance, resolution or regulation that is prohibited by either subsection (a) or (b) and which was adopted prior to July 1, 2014, if such violation occurred on or after July 1, 2013.*

~~(e)~~ (e) As used in this section:

(1) "Knife" means a cutting instrument and includes a sharpened or pointed blade.

(2) "Municipality" has the same meaning as defined in K.S.A. 75-6102, and amendments thereto, but shall not include *unified* school districts, jails, as defined in K.S.A. 38-2302, and amendments thereto, ~~and~~ *or* juvenile correctional facilities, as defined in K.S.A. 38-2302, and amendments thereto.

Sec. 9. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d) ~~and~~ (e) *and* (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d) ~~and~~ (e) *and* (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) *Any person convicted of a violation of any ordinance that is pro-*

*hibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.*

~~(b)~~(c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, “coercion” means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

~~(c)~~(d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

~~(d)~~(e) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

~~(e)~~(f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

~~(f)~~(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

(A) Defendant’s full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant’s current name;

(C) defendant’s sex, race and date of birth;

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant’s arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

~~(g)~~(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

~~(h)~~(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department for children and families;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed

weapon pursuant to the personal and family protection act, K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

~~(i)-(j)~~ Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(j)-(k)~~ Subject to the disclosures required pursuant to subsection ~~(g)~~ (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

~~(k)-(l)~~ Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of the department for children and families, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department for children and families of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and

prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 10. K.S.A. 2013 Supp. 12-4516a is hereby amended to read as follows: 12-4516a. (a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state:

- (1) The petitioner's full name;
- (2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (3) the petitioner's sex, race and date of birth;
- (4) the crime for which the petitioner was arrested;
- (5) the date of the petitioner's arrest; and
- (6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2013 Supp. 21-6107, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:

- (1) The arrest occurred because of mistaken identity;
- (2) a court has found that there was no probable cause for the arrest;
- (3) the petitioner was found not guilty in court proceedings;
- (4) *the arrest was for a violation of any ordinance that is prohibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and amendments thereto, and which was adopted prior to July 1, 2014;* or
- ~~(4)~~(5) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection ~~(c)(4)~~ (c)(5), the court shall determine whether, in the interest of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined by K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 11. K.S.A. 2013 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a *dagger*, *dirk*, *billy*, *blackjack*, *slungshot*, *dangerous knife*, *straight-edged razor*, *stiletto* or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;

(7) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(10) ~~possession of~~ *possessing* any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(11) ~~possession of~~ *possessing* any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades ~~1~~ *one* through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(12) ~~refusal~~ *refusing* to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

(13) ~~possession of~~ *possessing* any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto; or

(14) possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age ~~whether the person knows or has reason to know the length of the barrel.~~

(b) Criminal use of weapons as defined in:

(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a class A nonperson misdemeanor;

(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(13) is a severity level 8, nonperson felony; and

(5) subsection (a)(14) is a:

(A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);

(B) severity level 8, nonperson felony upon a second or subsequent conviction.

(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention

of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and

(3) in possession of commercially manufactured devices which are:

(A) Owned by the law enforcement agency;

(B) in such officer's possession only during specific operations; and

(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) ~~any~~ possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2013 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, *or at another private range with permission of such person's parent or legal guardian*;

(3) engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of

the internal revenue code of 1986 which uses firearms as a part of such performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2013 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 12. K.S.A. 2013 Supp. 21-6304 is hereby amended to read as follows: 21-6304. (a) Criminal possession of a ~~firearm~~ *weapon* by a convicted felon is possession of any ~~firearm~~ *weapon* by a person who:

(1) Has been convicted of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, *K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer*, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, *K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer*, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, and was found to have been in possession of a firearm at the time of the commission of the crime;

(2) within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(3)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was not found to have been in possession of a firearm at the time of the commission of the crime; or

(3) within the preceding 10 years, has been convicted of a:

(A) Felony under K.S.A. 2013 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of 21-5807, and amendments thereto; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such felony; or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was not found to have been in possession of a firearm at the time of the commission of the crime, and has not had the conviction of such crime expunged or been pardoned for such crime. The provisions of subsection (j)(2) of K.S.A. 2013 Supp. 21-6614, and amendments

thereto, shall not apply to an individual who has had a conviction under this paragraph expunged; or

(B) nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the crime.

(b) Criminal possession of a ~~firearm~~ *weapon* by a convicted felon is a severity level 8, nonperson felony.

(c) *As used in this section:*

(1) *“Knife” means a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character; and*

(2) *“weapon” means a firearm or a knife.*

Sec. 13. K.S.A. 2013 Supp. 22-2512 is hereby amended to read as follows: 22-2512. ~~(1)~~(a) Property seized under a search warrant or validly seized without a warrant shall be safely kept by the officer seizing the same unless otherwise directed by the magistrate, and shall be so kept as long as necessary for the purpose of being produced as evidence on any trial. The property seized may not be taken from the officer having it in custody so long as it is or may be required as evidence in any trial. The officer seizing the property shall give a receipt to the person detained or arrested particularly describing each article of property being held and shall file a copy of such receipt with the magistrate before whom the person detained or arrested is taken. Where seized property is no longer required as evidence in the prosecution of any indictment or information, the court which has jurisdiction of such property may transfer the same to the jurisdiction of any other court, including courts of another state or federal courts, where it is shown to the satisfaction of the court that such property is required as evidence in any prosecution in such other court.

~~(2)~~(a)(b) (1) Notwithstanding the provisions of subsection ~~(1)~~ (a) and with the approval of the affected court, any law enforcement officer who seizes hazardous materials as evidence related to a criminal investigation may collect representative samples of such hazardous materials, and lawfully destroy or dispose of, or direct another person to lawfully destroy or dispose of the remaining quantity of such hazardous materials.

~~(b)~~(2) In any prosecution, representative samples of hazardous materials accompanied by photographs, videotapes, laboratory analysis reports or other means used to verify and document the identity and quantity of the material shall be deemed competent evidence of such hazardous materials and shall be admissible in any proceeding, hearing or trial as if such materials had been introduced as evidence.

~~(c)~~(3) As used in this section, the term “hazardous materials” means any substance which is capable of posing an unreasonable risk to health, safety and property. It shall include any substance which by its nature is explosive, flammable, corrosive, poisonous, radioactive, a biological hazard or a material which may cause spontaneous combustion. It shall include, but not be limited to, substances listed in the table of hazardous materials contained in the code of federal regulations title 49 and national fire protection association’s fire protection guide on hazardous materials.

~~(d)~~(4) The provisions of this subsection shall not apply to ammunition and components thereof.

~~(3)~~(c) When property seized is no longer required as evidence, it shall be disposed of as follows:

~~(a)~~(1) Property stolen, embezzled, obtained by false pretenses, or otherwise obtained unlawfully from the rightful owner thereof shall be restored to the owner;

~~(b)~~(2) money shall be restored to the owner unless it was contained in a slot machine or otherwise used in unlawful gambling or lotteries, in which case it shall be forfeited, and shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;

~~(c)~~(3) property which is unclaimed or the ownership of which is unknown shall be sold at public auction to be held by the sheriff and the proceeds, less the cost of sale and any storage charges incurred in pre-

servicing it, shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;

~~(d)~~(4) articles of contraband shall be destroyed, except that any such articles the disposition of which is otherwise provided by law shall be dealt with as so provided and any such articles the disposition of which is not otherwise provided by law and which may be capable of innocent use may in the discretion of the court be sold and the proceeds disposed of as provided in subsection ~~(2)(b)~~ (c)(3);

~~(e)~~(5) ~~firearms, ammunition, explosives, bombs and like devices,~~ which have been used in the commission of crime, may be returned to the rightful owner, or in the discretion of the court having jurisdiction of the property, destroyed or forfeited to the Kansas bureau of investigation ~~as provided in K.S.A. 2013 Supp. 21-6307, and amendments thereto;~~

(6) (A) *except as provided in subsections (c)(6)(B) and (d), any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:*

(i) *forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency's use;*

(ii) *forfeited to the Kansas bureau of investigation for law enforcement, testing or comparison by the Kansas bureau of investigation forensic laboratory;*

(iii) *forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes; or*

(iv) *forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.*

(B) *Except as provided in subsection (d), any weapon which cannot be forfeited pursuant to subsection (c)(6)(A) due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 2013 Supp. 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405, and amendments thereto, shall be destroyed.*

~~(f)~~(7) controlled substances forfeited for violations of K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto, shall be dealt with as provided under K.S.A. 60-4101 through 60-4126, and amendments thereto;

~~(g)~~(8) unless otherwise provided by law, all other property shall be disposed of in such manner as the court in its sound discretion shall direct.

(d) *If a weapon is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution of the case against the individual, including any period of appeal, the law enforcement agency that seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.*

(e) *If weapons are sold as authorized by subsection (c)(6)(A), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.*

(f) *For purposes of this section, the term "weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto.*

Sec. 14. K.S.A. 2013 Supp. 32-1047 is hereby amended to read as follows: 32-1047. The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is hereby authorized and directed to:

(a) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. ~~2013 Supp. 21-6307~~ 22-2512, and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and

public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund; or

(b) retain the seized item for educational, scientific or department operational purposes.

Sec. 15. K.S.A. 2013 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or subsections (a)(10) through (a)(13) of K.S.A. 2013 Supp. 21-6301 or subsections (a)(1) through (a)(3) of K.S.A. 2013 Supp. 21-6304, and amendments thereto;

~~or~~ (3) *has been convicted of or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of any of the offenses described in subsections (a)(1) and (a)(3)(A) of K.S.A. 2013 Supp. 21-6304, and amendments thereto;* or

(4) is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or

(C) a determination by the attorney general pursuant to subsection (d) of K.S.A. 2013 Supp. 75-7c03, and amendments thereto.

Sec. 16. K.S.A. 2013 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(b) Any state or municipal building which contains both public access entrances and restricted access entrances shall provide adequate security measures at the public access entrances in order to prohibit the carrying of any weapons into such building.

(c) No state agency or municipality shall prohibit an employee who is licensed to carry a concealed handgun under the provisions of the per-

sonal and family protection act from carrying such concealed handgun at the employee's work place unless the building has adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(d) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building so long as that person is licensed to carry a concealed handgun under the provisions of the personal and family protection act and has authority to enter through a restricted access entrance into such building which provides adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality which provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building, as authorized by the personal and family protection act, such state agency or municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality which does not provide adequate security measures in a state or municipal building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(g) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection (b).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided that other means of security are employed such as armed law enforcement or armed security officers.

(i) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal building, may exempt the building from this section until January 1, 2014, by notifying the Kansas attorney general and the law enforcement agency of the local jurisdiction by letter of such exemption. Thereafter, such governing body or chief administrative officer may exempt a state or municipal building for a period of only four years by adopting a resolution, or drafting a letter, listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has been developed for the building being exempted which supplies adequate security to the occupants of the building and merits the prohibition of the carrying of a concealed handgun as authorized by the personal and family protection act." A copy of the security plan for the building shall be maintained on file and shall be made available, upon request, to the Kansas attorney general and the law enforcement agency of local jurisdiction. Notice of this exemption, together with the resolution adopted or the letter drafted, shall be sent to the Kansas attorney general and to the law enforcement agency of local jurisdiction. The security plan shall not be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period of four years only by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general:

- (1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;
- (2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;
- (3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2013 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.

(l) For purposes of this section:

(1) “Adequate security measures” means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) The terms “municipality” and “municipal” are interchangeable and have the same meaning as the term “municipality” is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

(3) “Restricted access entrance” means an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel.

(4) “State” means the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(5) (A) “State or municipal building” means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) On and after July 1, 2014, provided that the provisions of K.S.A. 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect, the term “state and municipal building” shall not include the state capitol.

(6) “Weapon” means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto, *except the term “weapon” shall not include any cutting instrument that has a sharpened or pointed blade.*

(m) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 17. K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 21-6307, 22-2512, 32-1047, 75-7c04, 75-7c12 and 75-7c20 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 8-14-14

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**TOPIC:**

Portable Shipping Containers as Storage Units

**ACTION REQUESTED:**

Consider approving Ordinance No. 3887 amending Chapter 11 of the City of Hays, Kansas, Municipal Code, by modifying Article II, Division 5, Section 11-134 regarding temporary storage units/shipping containers and by adding Section 11-135 regarding permanent storage units/shipping containers.

**NARRATIVE:**

Staff was asked by the Commission to research options to possibly allow shipping containers as permanent storage units. Currently this use is allowed on a temporary basis only as per ordinance Sec. 11-134 adopted July 24, 2008. Staff has researched other communities as well as evaluated the ramifications of Hays having such an ordinance in place that would allow permanent placement of shipping containers. Staff has received a recommendation from the Planning Commission to move forward with the proposed draft ordinance which would allow shipping containers as a permanent use, although the PC recommendation included prohibiting the stacking of units. Staff recommends adopting the ordinance as recommended by the Planning Commission.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
I.D. Creech, Director of Public Works

**ADMINISTRATION RECOMMENDATION:**

City staff recommends adopting the proposed ordinance as recommended by the Planning Commission.

**COMMITTEE RECOMMENDATION(S):**

The Planning Commission recommends adopting the proposed ordinance as drafted EXCEPT for the stacking provision, of which they recommend no stacking be allowed.

**ATTACHMENTS:**

Staff Memo  
Ordinance No. 3887  
Visual

# Commission Work Session Agenda

## Memo

**From:** Jesse Rohr, PIE Superintendent

**Work Session:** August 7, 2014

**Subject:** Portable Shipping Containers as Storage Units

**Person(s) Responsible:** Toby Dougherty, City Manager  
I.D. Creech, Director of Public Works

### Summary

Staff was asked by the Commission to research options to possibly allow shipping containers as permanent storage units. Currently this use is allowed on a temporary basis only as per ordinance Sec. 11-134 adopted July 24, 2008. Staff has researched other communities as well as evaluated the ramifications of Hays having such an ordinance in place that would allow permanent placement of shipping containers. Staff has received a recommendation from the Planning Commission to move forward with the proposed draft ordinance which would allow shipping containers as a permanent use, although the PC recommendation included prohibiting the stacking of units.

### Background

At the May 15, 2014 Work Session and subsequently the June 5 Work Session, the Commission discussed options for the possible allowance of shipping containers being used as permanent storage units. Staff put together regulations based on the comments of the Commissioners. The Planning Commission held a discussion regarding shipping containers at the June 16 Planning Commission meeting.

### Discussion

Based on the discussions at the May 15, 2014 Work Session and the June 5, 2014 Work Session, the attached draft ordinance provides options for consideration for the allowance of shipping containers to be used as permanent storage units. Below are some high points of the proposed ordinance guided by the City Commission to the Planning Commission:

- All signage shall be removed and the structure painted to match surrounding properties
- Materials stored must be relevant to primary use of the property
- No rear setback required – Side yard to match zoning district - No placement of structure between main structure and street
- Units not to be placed within 100' of a residential zoned district
- Stacking prohibited except in Industrial zoned areas
- Renting/sub-leasing of units not allowed

- Not allowed in residential zoned districts
- No utilities allowed EXCEPT for electricity

These proposed changes allow the permanent use of shipping containers as storage units as long as regulations are met. These regulations can be modified as the Commission sees fit as they move forward on this item.

Any proposed amendments to the current ordinance require action by the City Commission typical of any ordinance amendment. A Planning Commission recommendation has been sought for this item since it does have impacts regarding zoning regulations. The Planning Commission recommended moving forward with all parts of the draft ordinance EXCEPT for the consideration of allowing stacking of units in Industrial zoned areas. The Planning Commission felt that stacking was not appropriate and not necessary to help facilitate the use of the containers as desired.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff.

### **Financial Consideration**

N/A

### **Options**

Options include the following:

- Adopt proposed ordinance.
- Adopt ordinance with amendments.
- Send back to the Planning Commission.
- Do nothing.

### **Recommendation**

The Planning Commission recommends adopting the proposed ordinance as drafted EXCEPT for the stacking provision, of which they recommend no stacking be allowed.

### **Action Requested**

Adopt Ord. 11-135 and the amendments to Sec. 11-134 as proposed.

### **Supporting Documentation**

Current Shipping Container Ordinance w/Suggested Revisions  
Visual

**ORDINANCE NO. 3887**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE II, DIVISION 5, SECTION 11-134 REGARDING TEMPORARY STORAGE UNITS/SHIPPING CONTAINERS AND BY ADDING SECTION 11-135 REGARDING PERMANENT STORAGE UNITS/SHIPPING CONTAINERS.**

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BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. Chapter 11, Article II, Division 5, Section 11-134 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

**CHAPTER 11**

**BUILDINGS AND BUILDING REGULATIONS**

**ARTICLE II. BUILDING REGULATIONS**

**DIVISION 5. MISCELLANEOUS REQUIREMENTS**

**Sec. 11-134. Temporary Storage Units/Shipping Containers.**

- (a) Storage/shipping containers shall be allowed as a temporary use within the City of Hays. Temporary uses shall be allowed in the following instances:
  - (1) At construction sites for the duration of the project, however, units are to be removed within 60 days of the issuance of the certificate of occupancy;
  - (2) Natural disaster recovery and clean-up efforts; and
  - (3) Short-term temporary storage of goods for business enterprises located within commercially zoned districts (for example: holiday season retail storage).
- (b) The following conditions apply to all storage/shipping containers:
  - (1) A temporary building permit is required for any units being set for more than ten days at any location;
  - (2) Unless otherwise stated, a limit of one permit per calendar year shall be granted for a maximum of 60 days with one 60-day extended renewal permit possible at the discretion of the zoning administrator;
  - (3) All units must meet established setbacks for the district in which they are located; and

- (4) Vertical stacking and/or the stacking of materials on top of the storage units is prohibited.
- (c) All units that were legally placed upon property in the City of Hays prior to July 24, 2008, are considered existing nonconforming per the zoning ordinances contained in Chapter 71, Article VII, Nonconformities.

Section 2. Chapter 11, Article II, Division 5 of the City of Hays, Kansas Municipal Code is hereby amended by adding Section 11-135 as follows:

## **CHAPTER 11**

### **BUILDINGS AND BUILDING REGULATIONS**

#### **ARTICLE II. BUILDING REGULATIONS**

##### **DIVISION 5. MISCELLANEOUS REQUIREMENTS**

###### **Sec. 11-135. Permanent Storage Units/Shipping Containers.**

- (a) Storage/shipping containers shall be allowed as a permanent use within the City of Hays under the following conditions:
  - (1) Shipping containers shall be allowed as an accessory use only and subject to the requirements of the zoning district in which they are located;
  - (2) All signage on the container shall be removed and the container painted an earth tone color or a color compatible with the adjacent surrounding properties **OR** the container shall be sided with a siding material compatible with the surrounding environment and adjacent structures. The painting or siding shall occur within 60 days of placement of the structure;
  - (3) Containers shall be safe, structurally sound, in good repair, and placed on a stable surface;
  - (4) Any container that becomes unsound, unstable or otherwise dangerous, as determined by the City, shall be immediately repaired or removed by the property owner;
  - (5) Containers shall not be stored in a manner that impedes access to public right-of-ways, public utility or drainage easements, adjacent structures, or buildings;

(6) Materials stored inside the container shall only include items normally associated with the business use of the property;

(7) Containers may be placed on the rear property line, subject to the provisions in subsection (5), but shall not be closer to the side lot line than the required side yard setback of the district. The front yard setback shall meet the provisions of the applicable zoning district in which the container is placed. At no time shall the containers be placed between the main structure and the public street;

(8) Containers shall be set back a minimum of 100 ft. when abutting any property zoned for residential land uses. A property shall not be considered as abutting if it is separated by a street or alley;

(9) Stacking of containers shall be prohibited except within industrial zoned districts, in which a maximum of two containers may be stacked;

(10) At no time shall the containers be utilized as rental units or be leased to anyone other than the property owner or property lessee of the existing on-site business enterprise where the unit is placed;

(11) At no time shall any container be placed as a permanent use in any residentially zoned district within the City;

(12) Containers shall not be connected to utility services, with the exception of electricity, nor shall any other utility service be utilized within a container; and

(b) The following conditions apply to all storage/shipping containers:

(1) A building permit is required for any units being put in place for more than ten days at any location;

(2) All shipping containers are subject to inspection of contents to ensure adherence to the ordinances set forth.

(c) All units that were legally placed upon property in the City of Hays prior to July 24, 2008, are considered existing nonconforming per the zoning ordinances contained in Chapter 71, Article VII, Nonconformities.

(d) Any shipping container legally placed upon property in the City of Hays at the time of adoption of this ordinance which does not conform to the requirements of Section 11-134 or Section 11-135 (except those meeting the requirements of Section 11-134 (c)), shall be required to meet the requirements of Section 11-134 or Section 11-135 within 90 days of adoption of this ordinance.

Section 3. The ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

ORDINANCE NO. 3887

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PASSED by the Commission on August 14, 2014.

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HENRY SCHWALLER, IV  
Mayor

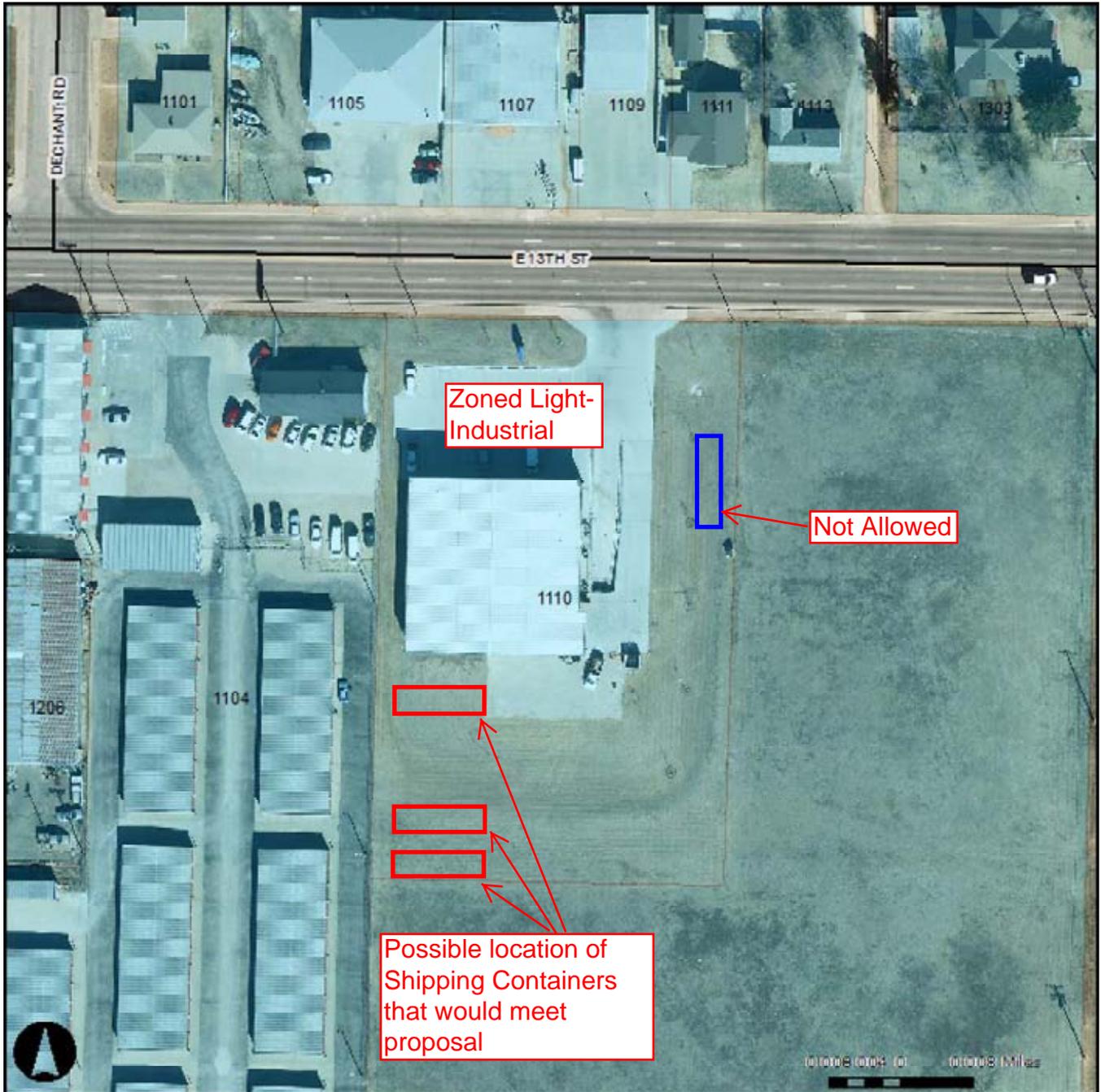
ATTEST:

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BRENDA KITCHEN  
City Clerk

(SEAL)

# Example



Property is zoned light-industrial, allowed units are located a minimum of 100' from front property line, units are allowed to be placed on rear lot lines, and there is a minimum 10' from the side lot line which is required in the light-industrial zoning. Units would be required to be painted a color similar to existing on-site structures. The blue structure is not allowed since not a minimum of 100' from front property line and is placed in front of main structure.

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 8-14-14

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**TOPIC:**

Storm Sewer Lining – Award of Bid

**ACTION REQUESTED:**

Direct the City Manager to enter into a contract with Mayer Specialty Services, LLC for storm sewer lining in the amount of \$1,123,298 to be funded from the Capital Projects line item with debt service coming from the Stormwater Utility line item on an annual basis.

**NARRATIVE:**

Staff asks the Commissioners to award \$1,123,298 for storm sewer lining in 2014 to Mayer Specialty Services, LLC of Goddard, KS. The suggested award includes lining 9,776 feet of corrugated metal storm sewer pipe in 104 locations, and represents about 6.0% of the total feet of storm sewer pipe in the City of Hays. Construction is expected to start around September 1, 2014 and be completed by July 31, 2015. The project will be funded by the Capital Projects fund with the debt service provided from the Stormwater Utility fund.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
John Braun, Assistant Director of Public Works

**ADMINISTRATION RECOMMENDATION:**

City staff recommends awarding the project to the low bidder as described including all alternates for \$1,123,298

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff memo  
Tabulation of Bids  
Location Map

# Commission Work Session Agenda

## Memo

**From:** Steven Walters, Stormwater Specialist

**Work Session:** August 7, 2014

**Subject:** Storm Sewer Lining - Award of Bid

**Person(s)** Toby Dougherty, City Manager

**Responsible:** I.D. Creech, Director of Public Works

### Summary

Staff is asking the Commissioners to award \$1,123,298 for storm sewer lining in 2014 to Mayer Specialty Services, LLC of Goddard, KS. The suggested award totals 9,776 feet (7,115 feet base and 2,651 feet alternate) of existing corrugated metal storm sewer pipe. This represents about 6.0% of the total feet of storm sewer pipe in the City of Hays. The proposed bid consists of a base bid comprising storm sewer pipes in 80 prioritized locations throughout the City of Hays totaling 7,115 feet. Alternates suggested for award include an additional 24 locations totaling 2,651 feet. Construction is expected to start around September 1, 2014 and be completed by July 31, 2015.

Staff recommends awarding contract to Mayer Specialty Services in the amount of \$1,123,298. The project will be funded by the Capital Projects fund with the debt service provided from the Stormwater Utility fund.

### Background

The project is an extension of storm sewer lining projects completed in 2011, 2012, and 2013. The work was started in 2011 in an attempt to reduce the number of emergency repairs necessary to storm sewer infrastructure. This year's project is considerably larger than the three previous projects, and was developed as such in the 2014 budget process to benefit from "economy of scale". This is evident in the unit prices being 13.6% lower than the previous year. The previous 3 projects lined 5,060 LF of storm sewer pipe. This year's project includes lining 9,766 LF and address all of the known problem areas of Corrugated Metal Pipe. Completing this project should allow staff to focus on other areas of stormwater infrastructure maintenance like structure rehabilitation.

### Discussion

The spin-cast concrete lining in this project will not reduce the flow rates through the pipes. The city's experience in previous years showed that there was minimal disturbance during installation, when compared to dig and replace methods. At the end of a working day, there is very little above-ground sign that a contractor had been working.

This contract requires construction to be completed by July 31, 2015. Since there are no open trenches or similar construction site hazards, this allows for maximum contractor flexibility and thus lowers cost.

The unit prices received are very competitive and are lower than last year's smaller project. Unit prices for on average are 13.6% lower than the previous year with larger diameter pipe (54" and 48") being 3% lower, and smaller diameter pipe (18", 24", and 30") ranging from 11-36% lower. The award and subsequent completion of this contract will finish the approximately 9,766 feet of corrugated metal pipe considered "high" and "medium" priority. The project will serve to reduce the chances of pipe failure in town, and significantly reduce the backlog of deferred maintenance and replacement of the storm sewer system.

Mayer Specialty Services, LLC (Mayer) is a different contractor than previous years; however they have been awarded sewer contracts in the past and are currently working on a contract involving the sanitary sewer system. They will use the same technology, spin-cast concrete, however, a different concrete manufacturer, with similar physical properties, is proposed to be used. Mayer has not applied the proposed concrete or used the specific application method before, but does have extensive experience in vertical application (manhole rehabilitation) of similar materials from the proposed concrete manufacturer. The proposed on-site foreman has over 20 years of cementitious liner rehabilitation experience. Additionally, representatives from the concrete company are proposed to be on-site at the beginning of the project to ensure quality control.

The proposed concrete product has changed from previous years. Mayer is proposing to use "Strong Seal Storm Mix" manufactured by The Strong Company, Inc of Pine Bluff, AR (Strong). Equipment to be used has been specifically designed by Strong for the application of the Strong Seal Storm Mix. Staff had a small demonstration of this product in late 2013 and was pleased with the results. The product is virtually identical to the APM Centri-pipe product used on past projects.

The bid tab summary for the project is as follows.

2014-04 Bid Tabulation for Cementitious Storm Sewer Lining Summary  
Bid's Received: July 23, 2014

	Core Bid	Alternate Bid	Total Bid
Engineer's Estimates	\$ 1,205,485.00	\$392,210.00	\$ 1,597,695.00
Mayer Speciality Services, LLC	\$ 845,839.90	\$277,457.90	\$ 1,123,297.80
Utility Solutions, LLC	\$ 944,813.00	\$304,544.00	\$ 1,249,357.00
UMC, LLC	\$ 948,807.00	\$308,143.00	\$ 1,256,950.00
Ace Pipe Cleaning, Inc.	\$ 1,153,934.00	\$387,570.00	\$ 1,541,504.00

## **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by city staff.

## **Financial Consideration**

The \$1,123,298 cost of this project will be from the capital projects fund with the debt service coming from stormwater over the next few years to pay back capital projects. A separate agenda item at this meeting from the Director of Finance describes the process.

Past project cost summary:

2011	962 LF	\$ 134,882
2012	3,119 LF	\$ 391,975
2013	1,459 LF	\$ 179,200
2014	9,766 LF	\$1,123,298 (proposed)

## **Options**

The City Commission has the following options available:

1. Direct city staff to enter into a contract with Mayer Specialty Services, LLC for \$1,123,298 for storm sewer lining.
2. Give city staff further direction.

## **Recommendation**

City staff recommends awarding the project to the low bidder as described including all alternates for \$1,123,298.

## **Action Requested**

Direct city staff to enter into a contract with Mayer Specialty Services, LLC for storm sewer lining in the amount of \$1,123,298 to be funded from the Capital Projects line item with debt service coming from the Stormwater Utility line item on an annual basis.

## **Supporting Documentation**

Tabulation of Bids  
Location Map

2014-04 Bid Tabs for Cementitious Storm Sewer Lining  
 Compiled on July 23, 2014 by Steven Walters, City of Hays

Bid Item	Description	Length	Unit	Engineer's Estimate		Mayer Speciality Services, LLC		Utility Solutions LLC		UMC, LLC		Ace Pipe Cleaning, Inc	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
B1	18" W 25th & Pershing Dr.	89	LF	\$ 110.00	\$ 9,790.00	\$ 61.20	\$ 5,446.80	\$ 78.00	\$ 6,942.00	\$ 84.00	\$ 7,476.00	\$ 94.00	\$ 8,366.00
B2	18" W 24th & Lincoln Dr.	61	LF	\$ 110.00	\$ 6,710.00	\$ 61.20	\$ 3,733.20	\$ 84.00	\$ 5,124.00	\$ 90.00	\$ 5,490.00	\$ 94.00	\$ 5,734.00
B3	18" W 23rd & Pershing	60	LF	\$ 110.00	\$ 6,600.00	\$ 61.20	\$ 3,672.00	\$ 84.00	\$ 5,040.00	\$ 90.00	\$ 5,400.00	\$ 94.00	\$ 5,640.00
B4	18" W 23rd & Pershing	40	LF	\$ 110.00	\$ 4,400.00	\$ 61.20	\$ 2,448.00	\$ 86.00	\$ 3,440.00	\$ 100.00	\$ 4,000.00	\$ 94.00	\$ 3,760.00
B5	24" W 23rd & Pershing	48	LF	\$ 125.00	\$ 6,000.00	\$ 81.60	\$ 3,916.80	\$ 88.00	\$ 4,224.00	\$ 98.00	\$ 4,704.00	\$ 94.00	\$ 4,512.00
B6	18" W 22nd & Pershing	56	LF	\$ 110.00	\$ 6,160.00	\$ 61.20	\$ 3,427.20	\$ 84.00	\$ 4,704.00	\$ 92.00	\$ 5,152.00	\$ 94.00	\$ 5,264.00
B7	18" W 21st & Pershing	60	LF	\$ 110.00	\$ 6,600.00	\$ 61.20	\$ 3,672.00	\$ 84.00	\$ 5,040.00	\$ 91.00	\$ 5,460.00	\$ 94.00	\$ 5,640.00
B8	36" Cross Pipe on Greenbrier Lane	96	LF	\$ 190.00	\$ 18,240.00	\$ 122.40	\$ 11,750.40	\$ 144.00	\$ 13,824.00	\$ 138.00	\$ 13,248.00	\$ 155.00	\$ 14,880.00
B9	Lining of outfall at Greenbrier Pond, 1" Thickness	45	SF	\$ 30.00	\$ 1,350.00	\$ 20.00	\$ 900.00	\$ 30.00	\$ 1,350.00	\$ 71.00	\$ 3,195.00	\$ 25.00	\$ 1,125.00
B10	24" SE Corner of Centennial & General Custer	34	LF	\$ 125.00	\$ 4,250.00	\$ 81.60	\$ 2,774.40	\$ 90.00	\$ 3,060.00	\$ 110.00	\$ 3,740.00	\$ 94.00	\$ 3,196.00
B11	24" W 29th & Canal	52	LF	\$ 125.00	\$ 6,500.00	\$ 81.60	\$ 4,243.20	\$ 88.00	\$ 4,576.00	\$ 95.00	\$ 4,940.00	\$ 94.00	\$ 4,888.00
B12	24" W 29th & Canal	52	LF	\$ 125.00	\$ 6,500.00	\$ 81.60	\$ 4,243.20	\$ 88.00	\$ 4,576.00	\$ 95.00	\$ 4,940.00	\$ 94.00	\$ 4,888.00
B13	24" W 29th & Canal	6	LF	\$ 150.00	\$ 900.00	\$ 81.60	\$ 489.60	\$ 110.00	\$ 660.00	\$ 310.00	\$ 1,860.00	\$ 94.00	\$ 564.00
B14	24" W 29th & Canal	6	LF	\$ 150.00	\$ 900.00	\$ 81.60	\$ 489.60	\$ 110.00	\$ 660.00	\$ 310.00	\$ 1,860.00	\$ 94.00	\$ 564.00
B15	24" Canal & 30th	40	LF	\$ 125.00	\$ 5,000.00	\$ 81.60	\$ 3,264.00	\$ 90.00	\$ 3,600.00	\$ 104.00	\$ 4,160.00	\$ 94.00	\$ 3,760.00
B16	24" W 32nd & Canal	18	LF	\$ 125.00	\$ 2,250.00	\$ 81.60	\$ 1,468.80	\$ 92.00	\$ 1,656.00	\$ 148.00	\$ 2,664.00	\$ 94.00	\$ 1,692.00
B17	24" Canterbury - 2500 block	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B18	24" 25th & Canterbury	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B19	24" 24th & Canterbury	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B20	24" Canterbury - 2200 block north	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B21	30" Canterbury - 2200 block	51	LF	\$ 160.00	\$ 8,160.00	\$ 102.00	\$ 5,202.00	\$ 105.00	\$ 5,355.00	\$ 147.00	\$ 7,497.00	\$ 135.00	\$ 6,885.00
B22	24" 22nd & Canterbury	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B23	24" South of 21st & Canterbury	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B24	24" N of 1716 Canterbury	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B25	24" Canterbury - 1700 block	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B26	24" North of Canterbury & 15th St.	51	LF	\$ 125.00	\$ 6,375.00	\$ 81.60	\$ 4,161.60	\$ 88.00	\$ 4,488.00	\$ 96.00	\$ 4,896.00	\$ 94.00	\$ 4,794.00
B27	42" 15th Street b/w Marjorie & Canterbury	301	LF	\$ 195.00	\$ 58,695.00	\$ 142.90	\$ 43,012.90	\$ 154.00	\$ 46,354.00	\$ 147.00	\$ 44,247.00	\$ 185.00	\$ 55,685.00
B28	15" Marjorie & 15th St.NE corner	59	LF	\$ 110.00	\$ 6,490.00	\$ 51.10	\$ 3,014.90	\$ 85.00	\$ 5,015.00	\$ 103.00	\$ 6,077.00	\$ 94.00	\$ 5,546.00
B29	15" Marjorie & 15th St.NW corner	35	LF	\$ 110.00	\$ 3,850.00	\$ 51.10	\$ 1,788.50	\$ 85.00	\$ 2,975.00	\$ 119.00	\$ 4,165.00	\$ 94.00	\$ 3,290.00
B30	48" Arch 15th St b/w Haney & Marjorie	294	LF	\$ 195.00	\$ 57,330.00	\$ 163.30	\$ 48,010.20	\$ 164.00	\$ 48,216.00	\$ 178.00	\$ 52,332.00	\$ 245.00	\$ 72,030.00
B31	18" Haney & 15th St. NE corner	7	LF	\$ 110.00	\$ 770.00	\$ 61.20	\$ 428.40	\$ 88.00	\$ 616.00	\$ 242.00	\$ 1,694.00	\$ 94.00	\$ 658.00
B32	24" Haney & 15th St. NE corner	43	LF	\$ 125.00	\$ 5,375.00	\$ 81.60	\$ 3,508.80	\$ 88.00	\$ 3,784.00	\$ 100.00	\$ 4,300.00	\$ 94.00	\$ 4,042.00
B33	24" Haney & 15th Cross Pipe	22	LF	\$ 125.00	\$ 2,750.00	\$ 81.60	\$ 1,795.20	\$ 92.00	\$ 2,024.00	\$ 133.00	\$ 2,926.00	\$ 94.00	\$ 2,068.00
B34	54" Arch 15th & Haney South	138	LF	\$ 215.00	\$ 29,670.00	\$ 183.70	\$ 25,350.60	\$ 184.00	\$ 25,392.00	\$ 210.00	\$ 28,980.00	\$ 285.00	\$ 39,330.00
B35	54" Arch 13th & Haney North	488	LF	\$ 215.00	\$ 104,920.00	\$ 183.70	\$ 89,645.60	\$ 184.00	\$ 89,792.00	\$ 191.00	\$ 93,208.00	\$ 285.00	\$ 139,080.00
B36	24" Haney near alley - 1300 block	18	LF	\$ 125.00	\$ 2,250.00	\$ 81.60	\$ 1,468.80	\$ 92.00	\$ 1,656.00	\$ 148.00	\$ 2,664.00	\$ 94.00	\$ 1,692.00
B37	18" Haney near alley - 1300 block	12	LF	\$ 110.00	\$ 1,320.00	\$ 61.20	\$ 734.40	\$ 95.00	\$ 1,140.00	\$ 170.00	\$ 2,040.00	\$ 94.00	\$ 1,128.00
B38	54" 13th & Haney	88	LF	\$ 215.00	\$ 18,920.00	\$ 183.70	\$ 16,165.60	\$ 184.00	\$ 16,192.00	\$ 225.00	\$ 19,800.00	\$ 285.00	\$ 25,080.00
B39	18" 13th & Haney NW corner	17	LF	\$ 110.00	\$ 1,870.00	\$ 61.20	\$ 1,040.40	\$ 88.00	\$ 1,496.00	\$ 141.00	\$ 2,397.00	\$ 94.00	\$ 1,598.00
B40	18" 13th & Haney NE corner	27	LF	\$ 110.00	\$ 2,970.00	\$ 61.20	\$ 1,652.40	\$ 88.00	\$ 2,376.00	\$ 115.00	\$ 3,105.00	\$ 94.00	\$ 2,538.00
B41	24" 13th & Haney NE corner	17	LF	\$ 125.00	\$ 2,125.00	\$ 81.60	\$ 1,387.20	\$ 92.00	\$ 1,564.00	\$ 152.00	\$ 2,584.00	\$ 94.00	\$ 1,598.00
B42	18" NW corner of Walnut & 20th	52	LF	\$ 110.00	\$ 5,720.00	\$ 61.20	\$ 3,182.40	\$ 84.00	\$ 4,368.00	\$ 93.00	\$ 4,836.00	\$ 94.00	\$ 4,888.00
B43	18" SW corner of Walnut & 20th	24	LF	\$ 110.00	\$ 2,640.00	\$ 61.20	\$ 1,468.80	\$ 88.00	\$ 2,112.00	\$ 120.00	\$ 2,880.00	\$ 94.00	\$ 2,256.00
B44	48" Arch W 20th Walnut to Canal	248	LF	\$ 195.00	\$ 48,360.00	\$ 163.30	\$ 40,498.40	\$ 164.00	\$ 40,672.00	\$ 180.00	\$ 44,640.00	\$ 245.00	\$ 60,760.00
B45	18" Canal & 20th West Side	20	LF	\$ 110.00	\$ 2,200.00	\$ 61.20	\$ 1,224.00	\$ 88.00	\$ 1,760.00	\$ 130.00	\$ 2,600.00	\$ 94.00	\$ 1,880.00
B46	18" Canal & 20th East Side	15	LF	\$ 110.00	\$ 1,650.00	\$ 61.20	\$ 918.00	\$ 88.00	\$ 1,320.00	\$ 150.00	\$ 2,250.00	\$ 94.00	\$ 1,410.00
B47	48" Arch Canal Street W 20th to 21st	287	LF	\$ 195.00	\$ 55,965.00	\$ 163.30	\$ 46,867.10	\$ 164.00	\$ 47,068.00	\$ 179.00	\$ 51,373.00	\$ 245.00	\$ 70,315.00
B48	18" near 2005 Canal	43	LF	\$ 110.00	\$ 4,730.00	\$ 61.20	\$ 2,631.60	\$ 86.00	\$ 3,698.00	\$ 98.00	\$ 4,214.00	\$ 94.00	\$ 4,042.00
B49	18" NW corner of Canal & 21st	26	LF	\$ 110.00	\$ 2,860.00	\$ 61.20	\$ 1,591.20	\$ 88.00	\$ 2,288.00	\$ 117.00	\$ 3,042.00	\$ 94.00	\$ 2,444.00
B50	18" NE corner of Canal & 21st	9	LF	\$ 110.00	\$ 990.00	\$ 61.20	\$ 550.80	\$ 90.00	\$ 810.00	\$ 204.00	\$ 1,836.00	\$ 94.00	\$ 846.00
B51	42" Arch Canal from 21st to 23rd	392	LF	\$ 195.00	\$ 76,440.00	\$ 142.90	\$ 56,016.80	\$ 154.00	\$ 60,368.00	\$ 145.00	\$ 56,840.00	\$ 185.00	\$ 72,520.00
B52	18" SW corner of Canal & 23rd	24	LF	\$ 110.00	\$ 2,640.00	\$ 61.20	\$ 1,468.80	\$ 88.00	\$ 2,112.00	\$ 120.00	\$ 2,880.00	\$ 94.00	\$ 2,256.00
B53	18" NW corner of Canal & 23rd	68	LF	\$ 110.00	\$ 7,480.00	\$ 61.20	\$ 4,161.60	\$ 84.00	\$ 5,712.00	\$ 88.00	\$ 5,984.00	\$ 94.00	\$ 6,392.00
B54	18" NE corner of Canal & 23rd	25	LF	\$ 110.00	\$ 2,750.00	\$ 61.20	\$ 1,530.00	\$ 88.00	\$ 2,200.00	\$ 118.00	\$ 2,950.00	\$ 94.00	\$ 2,350.00
B55	18" SE corner of Canal & 23rd	42	LF	\$ 110.00	\$ 4,620.00	\$ 61.20	\$ 2,570.40	\$ 86.00	\$ 3,612.00	\$ 112.00	\$ 4,704.00	\$ 94.00	\$ 3,948.00
B56	36" Canal from 23rd to alley to north	233	LF	\$ 190.00	\$ 44,270.00	\$ 122.40	\$ 28,519.20	\$ 144.00	\$ 33,552.00	\$ 120.00	\$ 27,960.00	\$ 155.00	\$ 36,115.00

B57	18" Canal near alley b/w 23rd & 24th - west side	24	LF	\$ 110.00	\$ 2,640.00	\$ 61.20	\$ 1,468.80	\$ 88.00	\$ 2,112.00	\$ 120.00	\$ 2,880.00	\$ 94.00	\$ 2,256.00
B58	18" Canal near alley b/w 23rd & 24th - east side	14	LF	\$ 110.00	\$ 1,540.00	\$ 61.20	\$ 856.80	\$ 90.00	\$ 1,260.00	\$ 156.00	\$ 2,184.00	\$ 94.00	\$ 1,316.00
B59	36" Canal from 24th south to alley	357	LF	\$ 190.00	\$ 67,830.00	\$ 122.40	\$ 43,696.80	\$ 144.00	\$ 51,408.00	\$ 114.00	\$ 40,698.00	\$ 155.00	\$ 55,335.00
B60	18" NW corner Canal & 24th	18	LF	\$ 110.00	\$ 1,980.00	\$ 61.20	\$ 1,101.60	\$ 90.00	\$ 1,620.00	\$ 137.00	\$ 2,466.00	\$ 94.00	\$ 1,692.00
B61	18" NE corner Canal & 24th	28	LF	\$ 110.00	\$ 3,080.00	\$ 61.20	\$ 1,713.60	\$ 88.00	\$ 2,464.00	\$ 113.00	\$ 3,164.00	\$ 94.00	\$ 2,632.00
B62	24" Canal & 24th north	107	LF	\$ 125.00	\$ 13,375.00	\$ 81.60	\$ 8,731.20	\$ 86.00	\$ 9,202.00	\$ 81.00	\$ 8,667.00	\$ 94.00	\$ 10,058.00
B63	15" Canal south of 27th - west side	23	LF	\$ 110.00	\$ 2,530.00	\$ 51.10	\$ 1,175.30	\$ 90.00	\$ 2,070.00	\$ 140.00	\$ 3,220.00	\$ 94.00	\$ 2,162.00
B64	15" Canal south of 27th - east side	13	LF	\$ 110.00	\$ 1,430.00	\$ 51.10	\$ 664.30	\$ 90.00	\$ 1,170.00	\$ 187.00	\$ 2,431.00	\$ 94.00	\$ 1,222.00
B65	24" Canal 27th Street south	88	LF	\$ 125.00	\$ 11,000.00	\$ 81.60	\$ 7,180.80	\$ 88.00	\$ 7,744.00	\$ 84.00	\$ 7,392.00	\$ 94.00	\$ 8,272.00
B66	18" Canal north of 27th to the west	38	LF	\$ 110.00	\$ 4,180.00	\$ 61.20	\$ 2,325.60	\$ 86.00	\$ 3,268.00	\$ 102.00	\$ 3,876.00	\$ 94.00	\$ 3,572.00
B67	36" 11th b/w Milner and Spruce North to alley inlet	169	LF	\$ 190.00	\$ 32,110.00	\$ 122.40	\$ 20,685.60	\$ 144.00	\$ 24,336.00	\$ 124.00	\$ 20,956.00	\$ 155.00	\$ 26,195.00
B68	36" Alley inlet to 12th Street	174	LF	\$ 190.00	\$ 33,060.00	\$ 122.40	\$ 21,297.60	\$ 144.00	\$ 25,056.00	\$ 124.00	\$ 21,576.00	\$ 155.00	\$ 26,970.00
B69	36" 12th Street midblock west to Milner	296	LF	\$ 190.00	\$ 56,240.00	\$ 122.40	\$ 36,230.40	\$ 144.00	\$ 42,624.00	\$ 116.00	\$ 34,336.00	\$ 155.00	\$ 45,880.00
B70	36" Milner b/w 12th & 13th	290	LF	\$ 190.00	\$ 55,100.00	\$ 122.40	\$ 35,496.00	\$ 144.00	\$ 41,760.00	\$ 116.00	\$ 33,640.00	\$ 155.00	\$ 44,950.00
B71	30" SW Corner of 6th St. Montgomery Ditch Bridge	82	LF	\$ 125.00	\$ 10,250.00	\$ 102.00	\$ 8,364.00	\$ 130.00	\$ 10,660.00	\$ 129.00	\$ 10,578.00	\$ 135.00	\$ 11,070.00
B72	24" SE Corner of 6th St. Montgomery Ditch Bridge	73	LF	\$ 125.00	\$ 9,125.00	\$ 81.60	\$ 5,956.80	\$ 90.00	\$ 6,570.00	\$ 88.00	\$ 6,424.00	\$ 94.00	\$ 6,862.00
B73	24" 6th St. E of Montgomery Ditch cross-pipe	32	LF	\$ 125.00	\$ 4,000.00	\$ 81.60	\$ 2,611.20	\$ 90.00	\$ 2,880.00	\$ 112.00	\$ 3,584.00	\$ 94.00	\$ 3,008.00
B74	42" Arch NW corner of 20th & Oak	91	LF	\$ 200.00	\$ 18,200.00	\$ 142.90	\$ 13,003.90	\$ 154.00	\$ 14,014.00	\$ 170.00	\$ 15,470.00	\$ 185.00	\$ 16,835.00
B75	42" Arch E 20th to Main Street Terrace	118	LF	\$ 200.00	\$ 23,600.00	\$ 142.90	\$ 16,862.20	\$ 154.00	\$ 18,172.00	\$ 162.00	\$ 19,116.00	\$ 185.00	\$ 21,830.00
B76	36" Arch 2000 Blk Main Street Terrace	22	LF	\$ 190.00	\$ 4,180.00	\$ 122.40	\$ 2,692.80	\$ 160.00	\$ 3,520.00	\$ 242.00	\$ 5,324.00	\$ 155.00	\$ 3,410.00
B77	18" on west side of Triangle Park, Main St. Ter	55	LF	\$ 110.00	\$ 6,050.00	\$ 61.20	\$ 3,366.00	\$ 84.00	\$ 4,620.00	\$ 92.00	\$ 5,060.00	\$ 94.00	\$ 5,170.00
B78	36" Arch 2002 Main St. Ter to ~2014 Main St. Ter	337	LF	\$ 190.00	\$ 64,030.00	\$ 122.40	\$ 41,248.80	\$ 144.00	\$ 48,528.00	\$ 115.00	\$ 38,755.00	\$ 155.00	\$ 52,235.00
B79	18" ~2014 Main St. Ter	12	LF	\$ 110.00	\$ 1,320.00	\$ 61.20	\$ 734.40	\$ 90.00	\$ 1,080.00	\$ 170.00	\$ 2,040.00	\$ 94.00	\$ 1,128.00
B80	36" Arch 2014 Main St. Ter to Int of Main St. Ter & Mai	307	LF	\$ 190.00	\$ 58,330.00	\$ 122.40	\$ 37,576.80	\$ 144.00	\$ 44,208.00	\$ 116.00	\$ 35,612.00	\$ 155.00	\$ 47,585.00

Total	7,115	LF	Engineers Estimate	\$ 1,205,485.00	Mayer Speciality Services, LLC	\$ 845,839.90	*Utility Solutions LLC	\$ 944,813.00	UMC, LLC	\$ 948,807.00	Ace Pipe Cleaning, Inc	\$ 1,153,934.00
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Alternate	Description	Length	Unit	Unit Cost	Total	Mayer Speciality Services, LLC	Utility Solutions LLC	UMC, LLC	Ace Pipe Cleaning, Inc				
A1	48" Arch E. 29th St. East of Barclay	226	LF	\$ 195.00	\$ 44,070.00	\$ 163.30	\$ 36,905.80	\$ 182.00	\$ 41,132.00	\$ 245.00	\$ 55,370.00		
A2	48" Arch Intersection of E. 29th & Barclay	46	LF	\$ 195.00	\$ 8,970.00	\$ 163.30	\$ 7,511.80	\$ 234.00	\$ 10,764.00	\$ 245.00	\$ 11,270.00		
A3	42" Arch West of 2705B Plaza	50	LF	\$ 195.00	\$ 9,750.00	\$ 142.90	\$ 7,145.00	\$ 199.00	\$ 9,950.00	\$ 185.00	\$ 9,250.00		
A4	48" Arch North of 2705A&B Plaza	267	LF	\$ 195.00	\$ 52,065.00	\$ 163.30	\$ 43,601.10	\$ 180.00	\$ 48,060.00	\$ 245.00	\$ 65,415.00		
A5	48" Arch West of 2705B Plaza	103	LF	\$ 195.00	\$ 20,085.00	\$ 163.30	\$ 16,819.90	\$ 198.00	\$ 20,394.00	\$ 245.00	\$ 25,235.00		
A6	48" Arch East of 2705A Plaza	99	LF	\$ 195.00	\$ 19,305.00	\$ 163.30	\$ 16,166.70	\$ 199.00	\$ 19,701.00	\$ 245.00	\$ 24,255.00		
A7	24" W x 18" H at 32nd & Canal	38	LF	\$ 135.00	\$ 5,130.00	\$ 81.60	\$ 3,100.80	\$ 90.00	\$ 3,420.00	\$ 106.00	\$ 4,028.00	\$ 285.00	\$ 10,830.00
A8	18" Skyline Court East - 300 block	50	LF	\$ 110.00	\$ 5,500.00	\$ 61.20	\$ 3,060.00	\$ 90.00	\$ 4,500.00	\$ 95.00	\$ 4,750.00	\$ 94.00	\$ 4,700.00
A9	18" Skyline Court West - 300 block	78	LF	\$ 110.00	\$ 8,580.00	\$ 61.20	\$ 4,773.60	\$ 90.00	\$ 7,020.00	\$ 86.00	\$ 6,708.00	\$ 94.00	\$ 7,332.00
A10	18" W x 13" H arched CMP Int. of 20th & Oak	47	LF	\$ 150.00	\$ 7,050.00	\$ 61.20	\$ 2,876.40	\$ 90.00	\$ 4,230.00	\$ 96.00	\$ 4,512.00	\$ 210.00	\$ 9,870.00
A11	24" Main St. Ter from 24th North to cemetery	408	LF	\$ 125.00	\$ 51,000.00	\$ 81.60	\$ 33,292.80	\$ 95.00	\$ 38,760.00	\$ 71.00	\$ 28,968.00	\$ 94.00	\$ 38,352.00
A12	18" Int of Main St & Main St. Terrace south	36	LF	\$ 110.00	\$ 3,960.00	\$ 61.20	\$ 2,203.20	\$ 90.00	\$ 3,240.00	\$ 104.00	\$ 3,744.00	\$ 94.00	\$ 3,384.00
A13	18" Int of Main St & Main St. Terrace north	36	LF	\$ 110.00	\$ 3,960.00	\$ 61.20	\$ 2,203.20	\$ 90.00	\$ 3,240.00	\$ 104.00	\$ 3,744.00	\$ 94.00	\$ 3,384.00
A14	30" Int of Main St. & Main St. Ter to Main & 22nd int.	225	LF	\$ 160.00	\$ 36,000.00	\$ 102.00	\$ 22,950.00	\$ 105.00	\$ 23,625.00	\$ 110.00	\$ 24,750.00	\$ 135.00	\$ 30,375.00
A15	18" NW Corner of Main St & 22nd inlet to inlet	26	LF	\$ 110.00	\$ 2,860.00	\$ 61.20	\$ 1,591.20	\$ 90.00	\$ 2,340.00	\$ 117.00	\$ 3,042.00	\$ 94.00	\$ 2,444.00
A16	18" NW Corner of Main St & 22nd inlet to mainline	35	LF	\$ 110.00	\$ 3,850.00	\$ 61.20	\$ 2,142.00	\$ 90.00	\$ 3,150.00	\$ 105.00	\$ 3,675.00	\$ 94.00	\$ 3,290.00
A17	18" NE Corner of Main St. & 22nd inlet to mainline	8	LF	\$ 150.00	\$ 1,200.00	\$ 61.20	\$ 489.60	\$ 110.00	\$ 880.00	\$ 221.00	\$ 1,768.00	\$ 94.00	\$ 752.00
A18	24" Main St. & 22nd to Main St. & 23rd	281	LF	\$ 125.00	\$ 35,125.00	\$ 81.60	\$ 22,929.60	\$ 90.00	\$ 25,290.00	\$ 73.00	\$ 20,513.00	\$ 94.00	\$ 26,414.00
A19	18" Main St. & 23rd inlet to mainline	5	LF	\$ 150.00	\$ 750.00	\$ 61.20	\$ 306.00	\$ 110.00	\$ 550.00	\$ 311.00	\$ 1,555.00	\$ 94.00	\$ 470.00
A20	24" Main St. & 23rd to Main St. & 24th	322	LF	\$ 125.00	\$ 40,250.00	\$ 81.60	\$ 26,275.20	\$ 95.00	\$ 30,590.00	\$ 72.00	\$ 23,184.00	\$ 94.00	\$ 30,268.00
A21	24" Main St. & 24th across int through "Tee"	57	LF	\$ 125.00	\$ 7,125.00	\$ 81.60	\$ 4,651.20	\$ 95.00	\$ 5,415.00	\$ 93.00	\$ 5,301.00	\$ 94.00	\$ 5,358.00
A22	18" Main St. & 24th inlet to manhole	5	LF	\$ 110.00	\$ 550.00	\$ 61.20	\$ 306.00	\$ 120.00	\$ 600.00	\$ 311.00	\$ 1,555.00	\$ 94.00	\$ 470.00
A23	18" Main St. & 24th inlet to inlet	20	LF	\$ 110.00	\$ 2,200.00	\$ 61.20	\$ 1,224.00	\$ 95.00	\$ 1,900.00	\$ 131.00	\$ 2,620.00	\$ 94.00	\$ 1,880.00
A24	24" 24th St b/w Main St. & Main St. Ter	183	LF	\$ 125.00	\$ 22,875.00	\$ 81.60	\$ 14,932.80	\$ 90.00	\$ 16,470.00	\$ 75.00	\$ 13,725.00	\$ 94.00	\$ 17,202.00

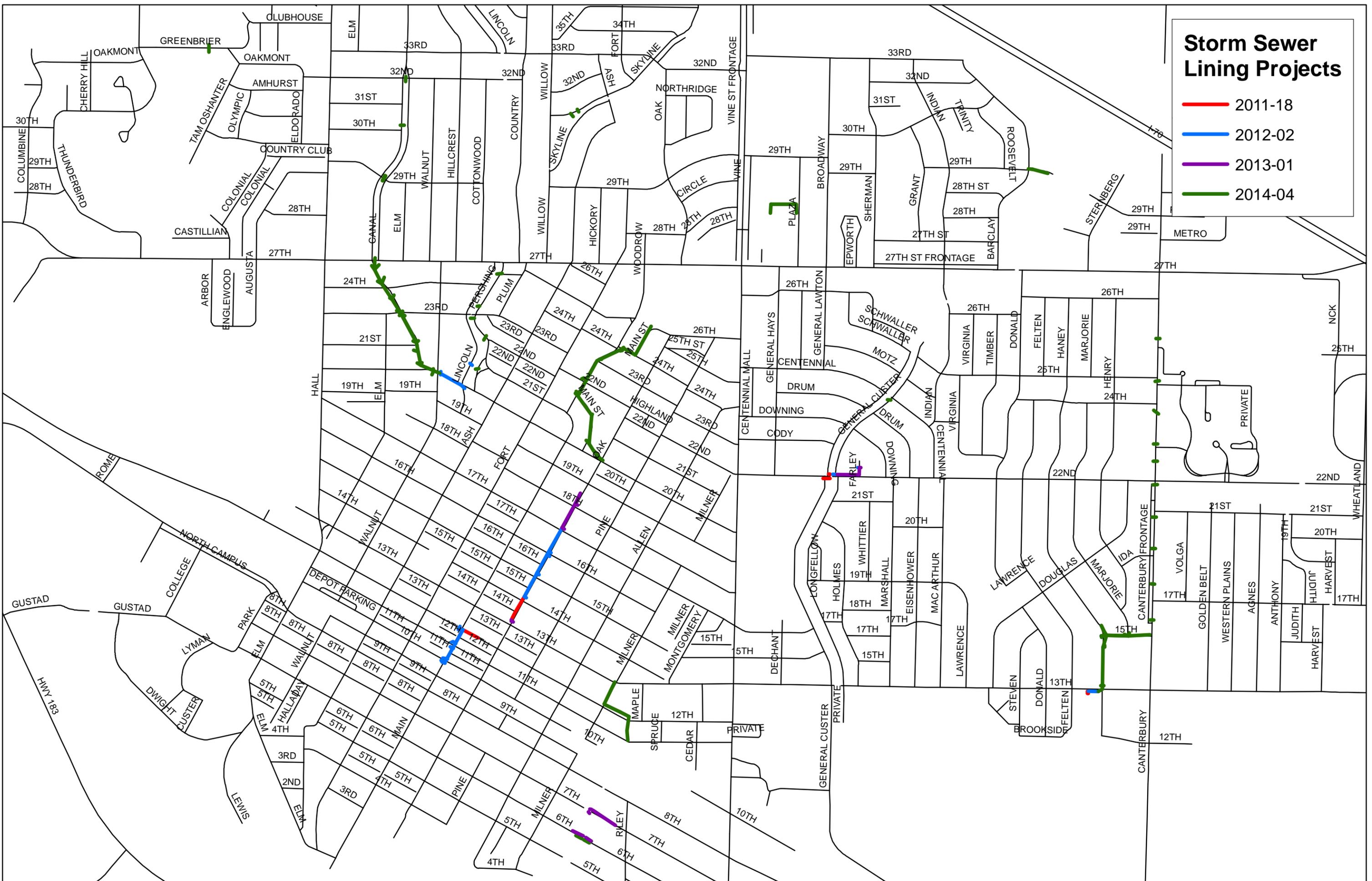
2,651

Engineer's Estimate	\$392,210	Mayer Speciality Services, LLC	\$277,457.90	Utility Solutions LLC	\$304,544.00	UMC, LLC	\$308,143.00	Ace Pipe Cleaning, Inc	\$387,570.00
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Core and Alternate Total	Engineer's Estimate	\$1,597,695	Mayer Speciality Services, LLC	\$1,123,298	Utility Solutions LLC	\$1,249,357	UMC, LLC	\$1,256,950	Ace Pipe Cleaning, Inc	\$1,541,504
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# Storm Sewer Lining Projects

- 2011-18
- 2012-02
- 2013-01
- 2014-04





# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 8

MEETING DATE: 8-14-14

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**TOPIC:**

Storm Sewer Lining Project – Resolution

**ACTION REQUESTED:**

Approve Resolution 2014-021 authorizing and directing the use of City idle funds out of Capital Projects, not to exceed \$1,200,000, to pay the costs of certain storm water projects with such idle funds to be repaid from the Stormwater Management budget.

**NARRATIVE:**

The City's Capital Improvement Plan includes a metal storm pipe rehabilitation project for 2014. In an effort to minimize interest and issuance costs it is recommended to use City idle funds to pay for this project with a debt service plan coming from the storm water management budget. City staff recommends approving Resolution 2014-021 authorizing and directing the use of City idle funds not to exceed \$1,200,000 to pay the costs of certain storm water projects with such idle funds to be repaid from the Stormwater Management budget.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
Kim Rupp, Director of Finance

**ADMINISTRATION RECOMMENDATION:**

Staff recommends adopting the resolution authorizing and directing the use of City idle funds from Capital Projects to pay the costs of certain stormwater projects with repayment from Debt Service in the Stormwater Management budget.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Staff memo  
Resolution 2014-021

# Commission Work Session Agenda

## Memo

**From:** Kim Rupp, Director of Finance

**Work Session:** August 7, 2014

**Subject:** Resolution Authorizing the Use of City Idle Funds to Pay Costs of Certain Storm Water Projects and Repayment Thereof

**Person(s) Responsible:** Kim Rupp, Director of Finance  
Toby Dougherty, City Manager

### Summary

The City's Capital Improvement plan includes a metal storm pipe rehabilitation project for 2014. In an effort to minimize interest and issuance costs it is recommended to use City idle funds to pay for this project with a debt service plan coming from the storm water management budget. City staff recommends approving a Resolution authorizing and directing the use of city idle funds not to exceed \$1,200,000 to pay the costs of certain storm water projects with such idle funds to be repaid from the storm water management budget.

### Background

In recent years, on projects that require bonding such as special assessment districts, it has been common practice to use idle funds and reimburse the city at the end of the project with proceeds of the bond issue. This helped lower the interest costs associated with the project. Given the prevailing low interest rates received and sufficient availability of city idle funds it is suggested that the savings can also be extended to this project by foregoing the issuance of bonds.

### Discussion

The current weighted average interest rate on the portfolio of certificates of deposit is .23% which we could call "the index". To cover administrative costs the city would add .5% to the index making an initial rate of .73%. To absorb any interest rate risk it is suggested that beginning on 9-1-15 this financing be reviewed and adjusted annually at a rate equal to .5% over the index mentioned above. It is estimated that the total term of this financing, all things remaining equal, would be approximately five years. Four years at \$250,000 per year with a final odd payment in the fifth year.

## **Legal Consideration**

Bond counsel has prepared all necessary documents for this project. There are no known legal obstacles to proceeding as recommended by city staff.

## **Financial Consideration**

The proposed 2015 storm water management budget includes a debt service line item in the amount of \$250,000. Below is a comparison and projected cost savings if the storm sewer lining project was funded using city idle funds in lieu of bonding the project.

\$1,123,298 plus estimated issuance costs of \$33,699 and using a current blended bond rate of 1.2% with principal and interest payments of \$250,000 results in an approximate total interest cost of \$40,744.

Loan amount	\$ 1,156,997.00
Annual interest rate	1.20 %
Loan period in years	5
Number of payments per year	1
Payment start date	9/1/2015
Total Interest costs	\$ 40,743.84

\$1,123,298 using an initial rate of .73% with principal and interest payment of \$250,000 results in an approximate total interest cost of \$23,220.

Loan amount	\$ 1,123,298.00
Annual interest rate	0.73 %
Loan period in years	5
Number of payments per year	1
Payment start date	9/1/2015
Total Interest costs	\$ 23,219.66

Therefore total interest and issuance cost savings to the storm water management fund is an approximate total of \$51,223. All things remaining equal, the city would realize a net total gain on their investment of approximately \$16,000.

## **Options**

Options include the following:

1. Consider adopting the resolution authorizing and directing the use of city idle funds to pay the costs of certain storm water projects.
2. Decide not to adopt the resolution
3. Provide staff with alternate direction

## **Recommendation**

Staff recommends adopting the resolution authorizing and directing the use of city idle funds from capital projects to pay the costs of certain storm water projects with repayment from debt service in the storm water management budget.

### **Action Requested**

Adopt the resolution authorizing and directing the use of city idle funds out of capital projects not to exceed \$1,200,000 to pay the costs of certain storm water projects with such idle funds to be repaid from the storm water management budget.

### **Supporting Documentation**

Resolution

**RESOLUTION NO. 2014-021**

**A RESOLUTION AUTHORIZING AND DIRECTING THE USE OF CITY IDLE FUNDS TO PAY THE COSTS OF CERTAIN STORM WATER PROJECTS, WITH SUCH IDLE FUNDS TO BE REPAID FROM THE STORM WATER MANAGEMENT BUDGET.**

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**WHEREAS**, the governing body of the City of Hays, Kansas (the “City”) hereby finds that it is necessary and advisable to undertake a storm sewer lining project in accordance with the presentation made this date (the “Project”) ; and

**WHEREAS**, the total estimated costs of the Project is \$1,200,000; and

**WHEREAS**, in lieu of issuing general obligation bonds or temporary notes of the City to finance the Project, the governing body of the City desires to use City idle funds to pay the costs of the Project; and

**WHEREAS**, the governing body of the City desires to evidence its intent to repay such idle funds, together with interest thereon, from future revenues generated by the debt service line item in the storm water management budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS, AS FOLLOWS:**

**Section 1.** The governing body of the City hereby finds that it is necessary and advisable to undertake a storm sewer lining project in accordance with the presentation made this date, with total costs not to exceed \$1,200,000.

**Section 2.** The governing body of the City hereby finds that it is advisable to pay the costs of the Project with City idle funds.

**Section 3.** The governing body of the City hereby evidences its intent to repay such idle funds from future revenues generated by the debt service line item in the storm water management budget. The idle funds shall be repaid over five (5) years, in the principal amount of \$250,000 per year due on each September 1, together with interest thereon at an annually adjusted rate equal to 0.5% over the City’s prevailing weighted average interest rate on the portfolio of certificates of deposit. The initial interest rate for the period through August 31, 2015 shall be 0.73%.

**Section 4.** The City Manager and other City staff are authorized to take all necessary actions to proceed with the Project and the use of City funds as directed herein.

**Section 5.** This resolution shall be in full force and effect from and after its adoption.

**PASSED** by the Governing Body on August 14, 2014.

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HENRY SCHWALLER, IV  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

(SEAL)

**CITY OF HAYS**  
**AGENDA ITEM COVER SHEET**

**COMMISSION AGENDA ITEM NO. 9**

**MEETING DATE: 8-14-14**

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**TOPIC:**

2015 Budget Presentation and Public Hearing

**ACTION REQUESTED:**

Conduct a public hearing for the approval of the 2015 Budget.

**NARRATIVE:**

The Assistant City Manager will make a formal presentation with the public hearing following.

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
Paul Briseno, Assistant City Manager

**ADMINISTRATION RECOMMENDATION:**

Hold a public hearing for the 2015 Budget.

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Budget Certificate



**CITY OF HAYS**  
**AGENDA ITEM COVER SHEET**

COMMISSION AGENDA ITEM NO. 10

MEETING DATE: 8-14-14

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**TOPIC:**

2015 Budget Approval

**ACTION REQUESTED:**

Consider approving the 2015 Budget for the City of Hays.

**NARRATIVE:**

N/A

**PERSON/STAFF MEMBER(S) MAKING PRESENTATION:**

Toby Dougherty, City Manager  
Paul Briseno, Assistant City Manager

**ADMINISTRATION RECOMMENDATION:**

Approval

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

None



## COMMISSION INFORMATIONAL MEMORANDUM

TO: City Commission  
FROM: Toby Dougherty, CPM  
City Manager  
DATE: August 8, 2014

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Attached are the following items:

1. The minutes of the May 8, 2014 meeting of the **Sister Cities Advisory Board.**
2. The minutes of the June 11, 2014 meeting of the **Downtown Hays Development Corporation Board.**
3. The minutes of the June 16, 2014 meeting of the **Hays Area Planning Commission.**
4. The minutes of the July 7, 2014 meeting of the **Airport Advisory Committee.**
5. The minutes of the July 7, 2014 meeting of the **Fort Hays Municipal Golf Course Advisory Board.**
6. The minutes of the July 7, 2014 meeting of the **Hays Housing Authority Board.**

If you have any questions regarding this information, please do not hesitate to contact me.

aw



**Hays Sister Cities Advisory Board Agenda**  
**Thursday, May 8, 2014**  
**Noon – Prairie Room**  
**FHSU Memorial Union**

Call to Order –Meeting was called to order at 11:35 pm at the Smoky Hill Room at the FHSU Memorial Union by Ann Leiker.

**Members Present:** Ann Leiker, Greg Sund, Olga Detrixhe, Mehran Shahidi, Dawne Leiker, Max Maximov, Patricia Levy, Corrie Zimmerman and Carol Solko-Olliff  
**Members Absent:** Helen Robson

**Guest(s):** None

**Minutes:** Carol S. presented the minutes from the April 10, 2014 meeting. It was moved by Greg S. and seconded by Patricia L. to accept the minutes. Minutes were approved.

**Treasurer's Report:** Ann L. reported the account information stands the same as last month. Mehran S. will turn his receipts into Dawne L. for flight and registration to the Sister Cities conference in San Jose for reimbursement. It was moved by Carol S. and seconded by Olga D. to allocate \$1,500.00 to go toward covering the costs of Mehran S. to attend the Sister Cities conference in San Jose, California the end of July and represent the Hays Sister Cities committee. Motion carried. Mehran S. will work with Dawne L. on reimbursement of his expenses.

**New Business** - No new business was discussed

**Old Business**

**China Trip** – Olga D. reported that she had visited with Aaron White and he would be happy to help plan a trip and direct the group where we might be able to secure resources to help fund it. More research needs to be done before a definite plan can be developed and presented. Areas of interest may determine where the group would visit and what type of trip should be planned. Olga D. will continue to work on this.

At this point the meeting was suspended to dedicate the rest of our time to go over information for the 2014 Strategic Planning process. Greg S. shared with the board the results of our planning meeting from April 25, 2014. The group discussed the best way to create a document that would contain both a vision and set of goals for the Hays Sister Cities Committee to adopt and follow. Compilation of this document needs to be completed and turned in with our upcoming budget proposal to the City Commission. As the group reviewed the information Greg S. and Olga D. made notes and will work on putting everything together. They will forward this information out to the Sister Cities Committee for review before it is submitted with the budget request. Everyone is asked to review it and provide feedback.

The next meeting will be Thursday, May 12, 2014 at noon.

Meeting was adjourned at 1:05 pm.

Respectfully submitted by: Carol Solko-Olliff



**Downtown Hays Development Corporation  
June Meeting Minutes**

June 11, 2014

11:30 pm – Hays Welcome Center

***Board Members/Staff:*** Megan Colson, Stacey Smith, Andrew Rupp, Chris Wente, Michael Billinger, Eddie Perrett, Kim Hodny, Andy Stanton, Alaina Cunningham, Karen Dreiling, Pam Joy, and Sarah Cearley

***Guests:*** Kelli Hansen, Mary Martin, Paul Berisno, Henry Schwaller, Jill Moeder, Ashley Neese Asst to the Director, Sabrina Williams

**CALL TO ORDER:** President Stacey Smith called the meeting to order at 11:30 am.

**PUBLIC COMMENT:** Susan G. Komen Organization thanked the DHDC for their support of the Komen Race.

**TREASURER’S REPORT:** Not available at time of meeting.

**APPROVAL OF MINUTES:** After a motion by Kim and second by Karen, the May 2014 meeting minutes were approved as presented. Passed unanimously.

**CURRENT BUSINESS:**

***Partnership Program:*** Partnership Program 2014 ended \$17,525, \$2,475 balance from goal of \$20,000.

***Beat the Street Campaign:*** Megan will be working into schedule during June.

**COMMITTEE UPDATES:**

***Farmers Market:*** Saturday, 7:30 to 11am kicked off the Farmers Market 2014. Approximately 12 vendors. Three previous vendors will not be able to attend the market this year due to various reasons. Fresh produce vendors will be likely to attend July on. T-shirts are available to purchase.

***Blues, BBQ, & Bargains:*** Sponsorship has declined for the event. Twenty-six teams are currently registered. The committee would appreciate the Board selling tickets for the event.

***Lark’s Game:*** Scheduled and being organized for Sunday

***Core to Campus:*** 6-8p – time change to help with heat issue.

***Wines & Steins:*** Currently trying to secure the event host sponsor. Welcome ideas and auction items. Suggestions included approaching Downtown merchants for donations.

**ECC REPORT:** Karen reported a Starbucks will be in addition to the Doonans Truck Stop. Hobby Lobby will open the end of June.

**LIBERTY GROUP:** Kelli said the Feasibility Study was completed. The company who conducted the study is impressed with the community and the hotel concept. The hotel will be funded by investors. Once a plan is finalized, Liberty Group will approach the City Commissioners.

**MARKETING PRESENTATION:** Henry Schwaller, Mary Martin, and Jill Moeder presented the Marketing Plan for Downtown Hays.

**ANNOUNCEMENTS & ACTIVITIES:**

June 11th–DHDC Board of Directors Meeting ~ Hays Welcome Center @ 11:30 am

June 11th–Downtown Hays Market ~ First Wednesday Open 5:00 pm –7:00 pm

June 13th –Leadership Hays “Rockin’ for CASA” event at Singers ~ 7:00 pm

June 19th –Core to Campus Committee Meeting at Noon at the Hays Welcome Center

June 20th–Summer Art Walk

July 4th–DHDC Office Closed

July 7th–DHDC Executive Board Meeting

July 9th–DHDC Board of Directors Meeting –Location TBD

**ADJOURN:** Sandy moved to adjourn at 1:00 pm. Seconded by Chris.

**HAYS AREA PLANNING COMMISSION  
CITY HALL IN COMMISSION CHAMBERS  
JUNE 16, 2014  
MINUTES  
6:30 P.M.**

**1. CALL TO ORDER BY CHAIRMAN:** The Hays Area Planning Commission met in regular session on Monday, June 16, 2014 at 6:30 p.m. in Commission Chambers at City Hall. Chairman Paul Phillips declared that a quorum was present and called the meeting to order.

**Roll Call:**

**Present:** Paul Phillips            Lou Caplan            Pam Rein            Tom Denning  
              Jake Glover            Travis Rickford        Justin McClung        Kris Munsch

**Absent:** Matthew Wheeler

City Staff in attendance: I.D. Creech, Director of Public Works, Jesse Rohr, Superintendent of Planning, Inspection and Enforcement, and Linda Bixenman, Administrative Assistant of Planning, Inspection and Enforcement.

Chairman Phillips asked if there were any changes to the agenda. Jesse Rohr answered that there would be one item added after the approval of the minutes.

**2. CONSENT AGENDA:**

**A. Minutes:** Kris Munsch moved, Lou Caplan seconded to approve the minutes from the June 3, 2014 meeting. There were no corrections or additions to those minutes.

**Vote: AYES**    Paul Phillips            Lou Caplan            Pam Rein            Tom Denning  
                  Jake Glover            Travis Rickford        Justin McClung        Kris Munsch

**3. PUBLIC HEARING ITEMS:**

A. None.

**5. OFF AGENDA ITEMS: (Some agenda Items presented at this time in the meeting)**

**1. Recognize Jim Fouts for his many years of dedicated service on the Hays Area Planning Commission:** Jesse Rohr recognized Jim Fouts with a plaque to thank him for his long term dedicated service of 12 years on the Hays Area Planning Commission. He was out of town on a business meeting and not able to attend.

Jesse Rohr gave a brief history of Jim Fouts's help and assistance to the city as a whole through the Planning Commission. He had been a member since March, 2002 and filled in as chair.

He was involved in 66 various zoning cases and 82 various platting and development projects. He was involved with the development of regulations for wind generation, 2012 Comprehensive Plan, construction of 22<sup>nd</sup> Street from Canterbury to Commerce Parkway, sexually oriented businesses, various projects for the hike and bike trail, storm water regulations, changes in development regulations, and the North Vine St Reverse Access Road etc.

**2. Recognize Larry Gould for his many years of dedicated service on the Hays Area Planning Commission:** Jesse Rohr recognized Larry Gould with a plaque to thank him for his long term dedicated service of 28 years to the Hays Area Planning Commission. He was chairman for the last 16 years of that term.

Jesse Rohr gave a brief history of Larry Gould's help and assistance to the city as a whole through the Planning Commission. He had been a member since May, 1986.

In addition to the projects listed above for Jim Fouts, he was involved in the 1994 Comprehensive Plan, development of Commerce Parkway, reconstruction of 8<sup>th</sup> Street, reconstruction of Hall Street from 8<sup>th</sup> Street to 27<sup>th</sup> Street; discussion for changes of 32<sup>nd</sup> and 33<sup>rd</sup> Street on Vine Street, 147 various zoning cases, 152 various plats and development items, GIS development, incubators for new business starts etc.

Jesse Rohr presented the plaque to Larry Gould.

Larry Gould thanked Jesse Rohr for providing all the records during his time on the commission. He expressed thanks to Jesse Rohr that he had been good to work with as well as other city staff members. He pointed out that he was on the commission under 4 city managers and two city staff during his term.

He emphasized the importance to volunteer. This is a model he tries to encourage. Democracy does not work unless people participate to voice concerns.

**4. NON-PUBLIC HEARING ITEMS:**

**A. Portable Shipping Containers – Consider draft of proposed regulations:**

Jesse Rohr explained that the City Commission had received a request from several business owners that came to the table with a draft proposal to find an answer to come up with new regulations for the portable shipping containers that would lead to a broader use of these units.

The City Commission had asked city staff to research options that would possibly allow permanent placement of the shipping containers in certain zoning districts. After discussion at the May 15, 2014 and June 5, 2014 work session, the City Commission asked for a recommendation from the Hays Area Planning Commission and invite public comment. City staff drafted a set of regulations based on the comments from the City Commission and staff's research of regulations from other municipalities.

This proposed ordinance will apply to the city limits only. It would not apply to the 3 mile exterritorial area because it is not part of the zoning regulations within the Hays Municipal Code; thus the reason it would not be required to go before a public hearing; although the interested business owners are invited to the meeting dates on this topic.

The current ordinance Sec.11-134 adopted July 24 2008 allows for portable shipping containers for temporary uses up to 120 days per calendar year.

He explained that the portable shipping containers were safe, secure and dry storage with less cost than building a structure from the ground up. The important aspects are safety and aesthetics to include buffering and screening from the public right of way and be compatible with adjacent properties.

Jesse Rohr gave a presentation of the proposed draft ordinance for portable shipping containers as permanent storage units for the commercial and industrial zoned districts.

1. Accessory use only
2. Must meet all adopted building and fire codes
3. All signage to be removed and container painted to match adjacent surrounding buildings within 60 days
4. Containers shall be safe, structurally sound, and in good repair
5. No rear yard building setback required - side yard building setback to match zoning district - At no time is the container to be placed between the main structure and public street
6. Container must be setback a minimum of 100 feet from any abutting property zoned for residential
7. Not allowed to be utilized as rental units
8. At no time shall any containers be placed as a permanent use in any residential zoned district within the City of Hays
9. Utility connections are prohibited except electricity is allowed
10. A building permit is required for container if it is set for more than 10 days
11. No grandfathered units if placed after July 24, 2008; they would need to be brought into compliance
12. No stacking of units, except within the Industrial zoned district in which a maximum of 2 units may be stacked.
13. Existing regulations would remain in place for temporary uses

He presented pictures to give the commission an idea of the aesthetics for a visual of shipping containers. He presented pictures of some of the containers that have been modified. Modifications would be allowed; windows and doors can be added.

He covered the draft ordinance with the commission asking for questions and comments. There were no amendments to the temporary provisions.

Travis Rickford asked if the modification would have to be done in 60 days. Jesse Rohr answered that the 60 day requirement applies to removing the signage and painting the container the same color as adjoining property. Modification would be based on the building permit time frame.

Pam Rein asked if there was a limitation to the number of permanent containers on the property. Jesse Rohr answered that there would be no limit provided they meet the proposed regulations.

Travis Rickford asked what led to this discussion. Jesse Rohr answered that several business owners had come to the city commission with a draft proposal to request to come up with new regulations that would lead to a broader use of shipping containers. There is a distributor within the community also.

Jake Glover asked if there is a definition of "shipping containers". Jesse Rohr answered that there is a definition of "shipping containers".

He also asked how many units would have to adhere to the ordinance that would not be grandfathered in. Jesse Rohr stated that they would work with the business owners to adhere to the ordinance.

Lou Caplan asked if they would be required to be anchored in place. Jesse Rohr stated, that after talking to the distributor about the size and weight of the container is 10,000 lbs, they felt comfortable that anchoring was not warranted.

Pam Rein pointed out that the proposed ordinance would allow shipping containers in commercial zoned or industrial zoned districts. Jesse answered that was correct.

Lou Caplan pointed to a section under (b) (2) of Sec. 11-134 to ask if an addition needed to be added to the first sentence: "Unless otherwise stated **within the ordinance**". Jesse Rohr explained this was standard language and would be understood.

Lou Caplan pointed to a section of (a) (4) under Sec. 11-135 to suggest it read as follows: "Any container that becomes **in disrepair**, unsound, unstable, or otherwise dangerous, as determined by the City, shall be immediately repaired or removed by the property owner".

Lou Caplan recalled that the consultant for the rezoning rewrite had spoke about not using parking stalls to set containers. Jesse Rohr explained that the containers could not take away from the minimum parking stalls required per the parking regulations.

Paul Phillips was concerned about the complaints that may arise with the inconsistency by allowing containers to be set on the rear property line; although a detached structure would have to adhere to a building setback of five feet from the rear property line. He was in favor of consistency.

Jesse Rohr answered that they would keep this in consideration. He explained that there is no setback for the front and rear yard of commercially zoned properties provided they meet the building and fire codes. The side yard set back would apply.

There would be setbacks that apply on all sides in an industrial zoned district. With the containers allowed on the rear property line, this would alleviate weeds and junk that can get stacked within the 5 feet.

Tom Denning asked how this would affect the alley or street associated with the snow drifts and runoff from the container allowed to set on the rear property line. Jesse Rohr explained that currently buildings can be built up to the rear property line in the commercial zoned districts; although this is a comment worth noting.

There was discussion if there was sufficient distance (100 feet) of the container being setback from adjoining property zoned for residential uses. Jesse Rohr noted that if a property is separated by a street or alley, the property across from it is not considered an abutting property.

John Ziegler, distributor of containers, asked what would happen if the landowner did not have the entire 100 feet of separation from adjoining landowners. Jesse Rohr answered that would prohibit them from having a container.

Paul Phillips pointed out that he had issues with the height of stacking two containers allowed in industrial zoned districts. He pointed out that the aesthetics would be the big item. He can see complaints arise from the nearby residential areas.

Kris Munch stated that he had a concern with number nine of the draft ordinance that opens up the opportunity for the stacking of containers in the industrial zone. He pointed out that access would be difficult, so why do it.

Justin McClung asked if the stacking had been requested. He stated that he had more of a concern with safety with the stacked unit tipping over. If there is no issue with that happening, he has no issue with it.

Travis Rickford suggested they could request a special use permit.

Jesse Rohr explained that they are designed to stack; they are made to interlock.

Jesse Rohr asked Mr. Ziegler if there is much stacking of containers in his trade. John Ziegler stated that it is uncommon that the customer would stack the units. One man from the audience stated that there may be stacking to stay within the parameter of the lot.

I.D. Creech pointed out that 100 foot setback is quite a distance. There is another section of the building code regulations of height restrictions near residential properties. It would not create a bad view if it met the regulations to blend in.

Lou Caplan pointed out that there are no building height restrictions in the industrial zoned district. He did not see that this would be any different.

Scott Simpson, business owner, stated that some business owners have been working on this since October 13, 2013 requesting that the regulations for the portable shipping containers be more business friendly. They can be used to expand the horizon for transitional growth and to keep inventory as is so widely used by businesses in so many municipalities. They came to the table to the city commission with a draft proposal to find an answer. They tried to approach the problem with what they think is the start of an answer so they can come together in the middle to promote local business by allowing these containers to be utilized. They agree that the containers should be aesthetically pleasing and meet the fencing requirements. Since the containers have a flat roof, he did not believe there would be any problems with water run-off. He thought there were already 60 some containers within the city limits excluding Walmart.

As for stacking, he mentioned the option that this could be done on a temporary basis and long term could be a judgment call. Tornado activity could probably topple a stacked container. He is not personally interested in stacking. He needs the containers mostly during a transitional period for his business.

Lou Caplan asked if the units can be refrigerated. Jesse Rohr answered that they probably could be if they were modified; although it would not be economical.

John Ziegler asked if the containers could be left on a driveway during a cleanup effort from a catastrophic event. He also asked if it can be set in the street. Jesse Rohr answered that it is allowed for that type of event. As for setting it on the street due to a catastrophic event, the police department and public works would need to be involved so it would be visible at night.

Jake Glover informed the public and pointed out to the commission to be mindful that this may be affected in some way during the rewrite of the zoning and subdivision regulations and have to be revisited. He wanted to be sure there was a definition of a portable shipping container.

Lou Caplan asked if the public would be informed of the work session on this topic and if they can participate in the discussion. Jesse Rohr answered "yes".

Paul Phillips asked about the placement of the containers on corner lots. Jesse Rohr explained that there would be two street frontages on a corner lot.

Pam Rein moved, Travis Rickford seconded to recommend to the governing body approval of the draft ordinance as presented amending Chapter 11 of the City of Hays, Kansas Municipal Code by modifying Article II, Division 5, Section 11-134 regarding temporary storage units/shipping containers and by adding Section 11-135 regarding permanent storage units/shipping containers with the stipulation to consider the concerns and comments from the discussion by the Hays Area Planning Commission, particularly if it should be allowed to stack the portable shipping containers.

<b>Vote: AYES</b>	Paul Phillips	Lou Caplan	Pam Rein	Tom Denning
	Jake Glover	Travis Rickford	Justin McClung	Kris Munsch

**B. Zoning Regulations Rewrite – Update on the rewrite of the Zoning & Subdivision Regulations Project** Jesse Rohr provided the brief update for the rewrite of the zoning regulations. The consultant is drafting an annotated outline and strategic approach based on comments from the planning commission, city staff, steering focus groups and their drive around the city that will be presented June 26, 2014. This will be forwarded to the Planning Commission and discussed at the July meeting to be sure they are on the right track of what the city expects.

**5. OFF AGENDA ITEMS/COMMUNICATIONS (Continued):**

**A. City Commission action and planning and development updates on Planning Commission issues:** Jesse Rohr stated that the two projects were the rewrite of the zoning regulations and the consideration for the amendment to the ordinance for the portable shipping containers.

**B. Other: Mike Woofer Proposal to Develop Property near exit 157 next to Doonan Truck Sales and Service:** Pam Rein asked of the status of the above proposal. Jesse Rohr answered that the developer plans to pursue the development. They are in the process to put together an economic development packet.

**41<sup>st</sup> Street:** Pam Rein asked about the progress on 41<sup>st</sup> Street. I.D. answered that the welcome rain slightly delayed the project. They will catch up. They will finish soon after the end of the year.

**6. ADJOURNMENT:** Travis Rickford moved, Pam Rein seconded the motion to adjourn the meeting. The meeting was adjourned at 7:58 p.m.

<b>Vote: AYES</b>	Paul Phillips	Lou Caplan	Pam Rein	Tom Denning
	Jake Glover	Travis Rickford	Justin McClung	Kris Munsch

Submitted by: Linda K. Bixenman, Administrative Assistant  
 Planning, Inspection and Enforcement



Airport Advisory Committee Meeting Minutes  
July 7, 2014

Members Present;

Dan Stecklein, Don Benjamin, I.D. Creech, Chris Springer, Gary Wentling and Errol Wuertz

1.) Call to Order

2.) Approval of June 2, 2014 Minutes  
Approved.

3.) Discuss Election of Officers.  
No discussion.

4.) Discuss Fly-In Update.  
Looking at June 13, 2005 as next years date. Will announce date early for next year to avoid conflicts with other organized events in the area.

5.) Discuss Terminal Expansion Update.  
Everything has been approved and submitted to the FAA. Waiting for a meeting between City and Wertenberger Construction for establishing start up date.

6.) Discuss Essential Air Service Update.  
Operations are scheduled to begin on August 1st. Nine tickets have been sold. Some Sky West personnel already working at terminal.

7.) Discuss Airport Promotion.  
Hays will be spending \$20k and will discuss additional funding at August 7th Commission Meeting. Need to research where to advertise to get most exposure for money spent.

8.) Discuss Apron and Parking Lot Repairs and Painting.  
There is a new design for paint markings and they need to be painted before August 1st.

9.) Discuss Danny Dinkel - High Plains Aerial.  
Water restrictions are preventing new commercial taps outside city limits. Danny Dinkel is talking about installing loading pad for aerial spraying operations but water not available at this time.

10.) Schedule Next Meeting.  
August 4, 2014 at 6:30 PM.

11.) Adjourn.

Respectfully submitted,

Chris Springer



**Fort Hays Municipal Golf Course  
Advisory Board Meeting  
July 7, 2014**

**In Attendance:**

Jim Krob, President (absent)	Jeff Boyle, Director, Parks Department (absent)
Ron Speier, Vice President	Travis Haines, Parks Superintendent
Karen Schueler, Secretary	Kevin Kamphaus, Golf Course Superintendent
Bill Bieker	Rich Guffey, ProShop Manager, Tournament Chair
Doug Huston, Men's Association	
Janet Schmidt, Ladies Association	

Guest: Ron Augustine, past president, FH Men's Association  
The meeting was called to order at 5:30 pm by Vice President Ron Speier.

**1. Approval of the minutes from June 2014 meeting:** Approved as written.

**2. Board membership:** current status - appointed members (3 year terms)

*Bill Bieker 07/01/15 Ron Speier, 07/01/16*

*Karen Schueler 07/01/15*

*Currently two open positions.*

It was noted that Doug Huston is now on the board as president of the FH Men's Association. Ron Augustine has applied for the appointed position vacated by Doug. Jim Krob has applied for reappointment.

**3. Old Business:**

*\* Financial impact of State 2A Tournament (discussion)*

Travis gave a handout with a summary created by the Convention and Visitors Bureau on the economic impact estimate of the state high school 2A tournament held the Tuesday after Memorial Day:

**Estimate Number of People:**

Day Before: 92 participants, 50 relatives

Day of: 92 participants, 25 coaches, 300 spectators

**Estimate Money Spent in Hays:**

142 people x \$120 = \$ 17,040

472 people x \$120 = \$ 50,040

**Total = \$ 67,080 spent in Hays**

The weekend and Memorial Day (Monday) also showed a significant increase in players, with a total of 429 in 2013, and 673 this year. Thus having the tournament at FHGC was beneficial in several ways, including revenue for the Hays business community, and positive advertisement for the golf course.

**4. New Business:**

*\* Discussion regarding item #4, Disabled Golfers Policy*

Travis Haines asked that this item be moved to the next meeting because Jeff Boyle was not present for discussion.

**5. Pro-Shop report:** Rich Guffey reported:

	Rounds Played			Year-to-Date Rounds Played	Greens Fees Paid	Total Greens Fees for Year
	2014	2013	2012			
June	3029	3379	2980		\$ 19,802.00 \$16,682.00 (2013)	\$ 64,096.00
May	3326	3190	3203		\$22,986.00 \$16,327.00 (2013)	
April	1859	1912	2564		\$ 9,796.00	\$ 20, 861.00
March	966	897	2139		\$ 5,139.00	\$ 8,170.00
February	292	489	474			
January	717	456	23			
				2013 / 21,945 2012 / 23, 649 2011 / 22,990		2013 - \$109,446.00 2012 - \$115, 742.00

Rich reported June numbers to be down a little due to rainy weather. Several tournaments helped increase revenue. There was discussion about repainting the names on granite yardage markers that are by the tee boxes and on the 150 markers. Many are faded and difficult to read. Kevin has a crew member who may be able to work on that. Karen volunteered to help.

**6. Tournament report:** Rich Guffey reported that the NW Kansas Junior Golf tournament on Monday, June 23, 2014, had only 35 players attend, which was more than last year, but he would like to see more play. It was noted that Junior Golf numbers have been dropping nationwide.

The TMP and the Relay for Life tournaments in June both had a large number of participants. The Ladies Scramble on June 21<sup>st</sup> had 24 teams, and good weather. The Member –Guest the weekend of June 28<sup>th</sup> had 51 teams. The Hays Ministerial Alliance tournament had only five teams (21 players). There was some discussion on how to help this tournament be more successful. The 4<sup>th</sup> of July 9-hole tournament had 14 teams (52 players).

**7. Course report:** Kevin Kemphaus reported that the recent rains had really helped in flushing the greens. He and his crew did a lot of work to prepare for the many tournaments. The tee boxes and fairways have been sprayed with a fungicide, and a growth regulator with the result that those need to be mowed twice a week instead of three times.

Kevin and Kerry attended a Kansas Golf Course Superintendent meeting hosted at the Winfield Country Club. Kevin also played in the Kansas Turfgrass Foundation Research Tournament at Manhattan Country Club. These are great learning experiences, giving staff the opportunity to see other courses and spend time with other golf course personnel.

**8. Parks Department update:** Nothing that wasn't discussed elsewhere.

Golf Course improvement Balance - 6/25/14

Cart Path Trail Fees: \$60,508.14

Donation Money: \$2,525.85 includes

- Putting Green (Men's Association): \$2,224.00
- Trees: \$ 226.41
- Carry over from previous tournament funds: \$75.44

**9. Ladies' Association report:** Janet Schmidt reported the June 2-Lady Scramble was a success with 24 teams participating, and a lot of compliments about the golf course. The FHLGA has been able to play all the Tuesday evenings due to good weather.

**10. Men's Association report:** Doug and Ron both reported that the June Meal Nite had 43 in attendance, with a keg of beer sponsored by Bank of Hays. Insurance Planning will sponsor in July, and Next-tech will sponsor in August.

**Add-ons:**

There was general discussion regarding the course marshals and the enforcing of course rules. There have been a couple complaints about 4-somes playing with only one or two sets of clubs, and thus holding up play. There are also a couple of regular groups who are always very slow. Rich will attempt to have a talk with them about that.

Adjourned: 6:10 pm.

*Submitted by Karen Schueler, Secretary*

*July 10, 2014*



**Hays Housing Authority  
July 7, 2014**

The Board of Commissioners of the Public Housing Authority of the City of Hays met in the Community Room for the monthly meeting Monday, July 7, 2014. The meeting scheduled for June 30, 2014 was not held due to lack of a quorum.

Commissioners Present: Sue Rouse, Chair  
Al Klaus, Vice-Chair  
Daron Jamison

Commissioners Absent: Cathy Van Doren

HHA Staff Present: Kathy Nelson, Executive Director

**MINUTES**

- Al Klaus moved to approve the minutes of the May 27, 2014 meeting as presented, Daron Jamison seconded the motion. All commissioners voted “Aye” – motion carried.

**AGENDA**

Kathy Nelson requested adding 7 c. “Extremely Low Income Limits”

**SECTION 8 FINANCIALS**

- May 2014 Section 8 financial reports prepared by the fee accountant were presented to the Commissioners. Daron Jamison moved to accept the reports as presented, Al Klaus seconded the motion. All Commissioners voted “Aye” – motion carried. Housing assistance payments were made on behalf of 69 families for the month of July. Four vouchers are currently outstanding and another applicant is scheduled for a briefing session.

**BILLS AND COMMUNICATIONS**

- May 2014 Public Housing financial reports prepared by the fee accountant were presented to the Commissioners. Daron Jamison moved to accept the reports as presented, Al Klaus seconded the motion. All Commissioners voted “Aye” – motion carried.

**Hays Housing Authority**  
**July 7, 2014**

**OLD BUSINESS**

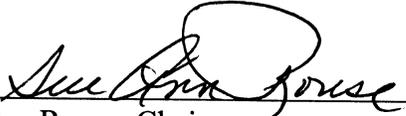
- **Capital Fund Program** – The sprinkler system repair is nearing completion. Kathy has begun checking into replacement of the spiral slide on the playground as it is beginning to crack. Also the original benches on the complex are needing replacement.

**NEW BUSINESS**

- There is still 1 open position on the board. An application has been received and forwarded to the City Commission.
- A tenant in a three bedroom unit has been given notice of lease termination due to multiple lease violations.
- Kathy discussed with Commissioners the possible need to purchase a pickup for maintenance use. Commissioners agreed that it would be beneficial for the Housing Authority to own a pickup for maintenance with the provision that it would not be allowed for personal use.
- **December 31, 2013 Audit Report** – Commissioners discussed the audit report for the period ending December 31, 2013 which was prepared by Niewedde & Wiens. Al Klaus moved to accept and approve the audit report as prepared, Daron Jamison seconded the motion. All Commissioners voted “Aye” – motion carried.
- **Extremely Low Income Limits** – The 2014 Appropriations Act amended the definition of Extremely Low Income families as families whose incomes do not exceed the higher of the Federal poverty level or 30 percent of Area Median Income. Extremely Low Income limits are taken into consideration for admission targeting requirements. Regulations require that 40% of new admissions to Public Housing annually be from the Extremely Low Income category and that 75% of new admissions to the Section 8 program be from the Extremely Low Income category. Al Klaus moved to approve resolution #2014-2 adopting the FFY 2014 Extremely Low Income Limits as published by HUD to be effective July 1, 2014, Daron Jamison seconded the motion. All Commissioners voted “Aye” – motion carried.

Next meeting will be held Monday, July 28, 2014.

  
\_\_\_\_\_  
Kathy Nelson, Executive Director

  
\_\_\_\_\_  
Sue Rouse, Chair

