

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: 9-16-13
Re: September 19, 2013 Work Session

Please find the attached agenda and supporting documentation for the September 19, 2013 Work Session.

Item 2 – Motor Vehicles and Mobile Equipment at the Hays Regional Airport – Proposed Ordinance

Please see the attached memorandum from Director of Public Works I.D. Creech regarding parking of vehicles at the Airport. Current City Code requires motor vehicles to be parked inside the hangar at the Hays Regional Airport. The Airport Advisory Committee is suggesting a modification to City Code allowing vehicles to be parked outside the hangar as long as it is on a concrete pad and does not interfere with travel on the taxiway. City staff is supportive of this change.

Item 3 – Proposed Hays Regional Airport Rules and Regulations

Please refer to the attached memorandum from Bob Johnson, Airport Manager, regarding rules and regulations for the Hays Regional Airport. Currently, the City has several rules and regulations regarding the Hays Regional Airport; however, these are not readily accessible in one document. City staff suggests codifying these rules and regulations to make it easier to not only keep track of them but to also keep track of changes in the future.

Items 4 – 13th Street Improvements from Main to Milner

As discussed during the 2014 budgeting process, City staff has identified 13th Street as the next candidate for reconstruction. City staff is requesting permission to solicit proposals for engineering services regarding the reconstruction of 13th Street. The plan is for City staff to work with an engineer to come back with various designs for the reconstruction. We will work with the City Commission to pick a final design, and cost estimates will be determined.

Item 5 – Transfer of \$1.5 Million from Financial Policy Projects to Capital Projects to Fund 13th Street Reconstruction

City staff is requesting that the City Commission transfer \$1.5 million from Financial Policy Projects to Capital Projects to fund the 13th Street reconstruction. City staff will utilize a small part of this money to pay for the engineer (see previous agenda item) and utilize the rest for construction. Once City staff has worked with the engineer and the City Commission to come up with a design everyone is comfortable with, a final cost estimate will be determined. It is hoped that there will be enough money in Capital Projects to pay for the reconstruction. If the cost estimates exceed the amount available in Capital Projects, City staff will request that the Commission transfer a little more money out of Financial Policy Projects to pay for the reconstruction. Again, this will all be determined by the design chosen by the City Commission.

Item 6 – Policy for the Placement of Plaques on City Facilities

The need to have a policy for the placement of plaques on City facilities was previously discussed by the City Commission. The City Commission asked for specific language addressing Larks Park within the policy. Please find my first draft of the policy for your consideration.

aw

**CITY OF HAYS
CITY COMMISSION WORK SESSION
THURSDAY, SEPTEMBER 19, 2013 – 6:30 P.M.
AGENDA**

1. **ITEM FOR REVIEW: [September 5, 2013 Work Session Notes \(PAGE 1\)](#)**
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Motor Vehicles and Mobile Equipment at the Hays Regional Airport – Proposed Ordinance \(PAGE 7\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
3. **ITEM FOR REVIEW: [Proposed Hays Regional Airport Rules and Regulations \(PAGE 11\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
4. **ITEM FOR REVIEW: [13th Street Improvements from Main to Milner \(PAGE 49\)](#)**
DEPARTMENT HEAD RESPONSIBLE: I.D. Creech, Director of Public Works
5. **ITEM FOR REVIEW: [Transfer of \\$1.5 Million from Financial Policy Projects to Capital Projects to Fund 13th Street Reconstruction \(PAGE 53\)](#)**
PERSON RESPONSIBLE: Paul Briseno, Assistant City Manager
6. **ITEM FOR REVIEW: [Policy for the Placement of Plaques on City Facilities \(PAGE 55\)](#)**
PERSON RESPONSIBLE: Commissioner Mellick
7. **OTHER ITEMS FOR DISCUSSION**
8. **EXECUTIVE SESSION (IF REQUIRED)**
9. **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.

City of Hays
City Commission
Work Session Notes
September 5, 2013

Present: Kent Steward, Henry Schwaller IV, Eber Phelps, Shaun Musil, Ron Mellick, John Bird, Toby Dougherty

August 15, 2013 Work Session Notes

There were no corrections or additions to the minutes of the work session held on August 15, 2013; the minutes stand approved as presented.

2013 Uniform Public Offense Code/2013 Standard Traffic Ordinance

The League of Kansas Municipalities publishes a revised version of the Uniform Public Offense Code for Kansas Cities (UPOC) and the Standard Traffic Ordinance for Kansas Cities (STO) on a yearly basis. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature. The Commissioners will be requested to adopt by ordinance the updated UPOC and STO at the September 12, 2013 Commission meeting for use within the city of Hays.

Vehicle abatement at 3312 Country Lane

A vehicle located at 3312 Country Lane is in such a condition which deems it inoperable and not worthy of being driven on the public street. Police Department staff confirmed that this vehicle is not street legal in its current state of disrepair and is considered inoperable by ordinance and State Statute. The owner of the property James William Davis (Bill Davis) was cited by certified mail by the Planning, Inspection, and Enforcement Office for allowing an inoperable vehicle to remain on the premises. If the vehicle is removed by the city, all costs of abatement will be charged to the owner of the property.

At the September 12, 2013 Commission meeting, Commissioners will be requested to approve a resolution allowing the vehicle located at 3312 Country Lane to be abated by the city.

I D Creech, Director of Public Works stated as of this afternoon the vehicle has been moved, so we do not know if Mr. Davis will appear for the hearing, but recommended to leave it on the agenda.

Golden Belt Estates 5th Addition – Resolution to Establish Benefit District (Danby Lane)

Western Plains Service Corp. has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 18 lots adjacent to West 45th St. within the Golden Belt Estates 5th Addition on the street known as Danby Lane. The engineer's estimate for total construction costs are \$473,093.40. This project is consistent with past residential developments within the City of Hays.

The Commissioners will be requested to adopt a resolution authorizing the creation of a special benefit district for infrastructure improvements in the estimated amount of \$473,093.40 for the development of eighteen lots within Golden Belt Estates 5th Addition at the September 12, 2013 Commission meeting.

Golden Belt Estates 5th Addition – Engineering Services Agreement

Western Plains Service Corporation has petitioned the City for Street, Storm Sewer, Water, and Sanitary Sewer Improvements to an area containing 18 lots within Block 2 of the Golden Belt Estates 5th Addition. Ruder Engineering and Surveying, L.L.C. has prepared a contract for engineering services to include engineering design, contractor solicitation, construction engineering, and warranty inspection. The contract is for a not-to-exceed amount of \$28,200.

Commissioners will be requested to approve the Engineering Services Agreement with Ruder Engineering & Surveying, LLC for professional services related to improvements to Block 2 of the Golden Belt Estates 5th Addition in an amount not to exceed \$28,200 at the September 12, 2013 Commission meeting.

Levee Improvements – Engineering Design Services Agreement

Wilson & Company was hired in 2012 to perform a safety inspection of the Hays Levee system. The proposed engineering services contract is for design services for repairs and upgrades addressing most of the concerns detailed in Wilson & Co.'s Levee Safety Inspection Engineering Report from October 2012. Making these repairs and improvements will improve the safety and function of the levee and help the City to remain in a federal flood control insurance program known as Public Law 84-99.

At the September 12, 2013 Commission meeting, the Commissioners will be requested to direct the City Manager to execute a contract with Wilson & Co. for levee engineering services in the amount of \$49,500 to be funded out of the Stormwater Utility's Project Line Item.

Bike Hays – On-street Bike Route and Levee Trail Engineering Design Agreements

The 2013 budget included \$400,000 in funding for the Bike Hays Plan. In addition, the City was awarded a Transportation Enhancement Grant. As the next step in the process, staff recommends entering into agreements with Cook, Flatt & Strobel Engineers (CFS Engineers) for the On-Street Bike Routes portion of the Bike Hays Plan and a separate agreement with Wilson Company for the Levee Trail Improvements. The cost for engineering design services for the on-street bike routes is \$48,400, and levee trail is \$49,238. The engineer's primary objective is to provide bidding documents and work in collaboration with the state to ensure standards are met as required by Kansas Department of Transportation (KDOT).

Assistant City Manager Paul Briseno informed the Commissioners of some changes that occurred since the grant was awarded. KDOT informed city Staff that state oversight would be required so implementation of the system will take longer than expected, due to the state's engineers being backlogged.

At the September 12, 2013 Commission meeting the Commissioners will be requested to authorize the City Manager to enter an agreement with CFS

Engineers for the design of the on-street bike routes in the amount of \$48,400 and a separate agreement with Wilson Company for the levee trail at \$49,238 to be funded out of Capital Projects.

Refuse Truck Lease/Purchase Buyout

In 2007 the Solid Waste division purchased three Bridgeport refuse trucks. These were purchased from Downing Sales & Service Inc and financed by an equipment lease/purchase agreement with Municipal Services Group, Inc. On or after October 18, 2013 the agreement provides for the option to purchase the equipment upon a 30 day written notice to Municipal Services Inc. The City can realize an interest savings of \$16,236.04 if a buyout were completed on the date mentioned.

Commissioners will be asked to approve an expenditure of \$207,735.16 from the Solid Waste reserve fund to buyout the lease/purchase agreement on the three refuse trucks at the September 12, 2013 Commission meeting.

Executive Session

Ron Mellick moved, Shaun Musil seconded, that the Governing Body recess to executive session at 7:20 p.m. for 30 minutes to discuss possible property acquisition. The executive session included the City Commissioners, the City Manager, the Assistant City Manager and the City Attorney. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Kent Steward
Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick

Chairperson Steward called the meeting back to order at 8:50 p.m. No action was taken during the executive session.

The work session was adjourned.

Submitted by: _____

Brenda Kitchen – City Clerk

Commission Work Session Agenda

Memo

From: ID Creech, Director Public Works

Work Session: September 19, 2013

Subject: Proposed Ordinance – Motor Vehicles and Mobile Equipment - Airport

Person(s) Responsible: Toby Dougherty, City Manager
ID Creech, Director Public Works

Summary

Staff forwards a recommendation from the Airport Advisory Board to amend Section 8-30 of the Hays City Code with regard to Motor Vehicles and Mobile Equipment operations on the Hays Regional Airport. The dominant change would be allowance of the construction and use of concrete parking pads adjacent to hangers. Staff supports this recommendation.

Background

The Airport Advisory Board discussed an airport tenant request for the ability to park a motor vehicle inside the security fence adjacent to his hanger. Currently, vehicle parking rules under Section 8-30 of the City code only allow parking inside the security fence within hangers. The overriding concern for where parking can occur stems from the requirement of forty (40) feet of clearance space on either side of the center line of taxiways within the hanger area. Hangers are constructed no closer than this forty (40) foot clearance, thus, parking within hangers insures the clearance.

Discussion

The current requirement under Section 8-30 of the Code restricts motor vehicle parking within the security fence to an area that is known to meet the requirement of the forty (40) foot clearance space as required by the Federal Aviation Administration assurances. Making changes that allow vehicle parking beside or between hangers may make parking easier for tenants – but, enforcement of the forty (40) foot clearance area will be an added responsibility for Airport Staff.

Additional clarification of authorized operations of motor vehicles inside the security fence would transfer to City Staff through the City Manager and/or his designate – presumed to be the on site Airport Manager. Such would allow timely response to requests and inquiries.

Legal Consideration

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

Financial Consideration

All costs for construction and maintenance of any parking pad constructed under this change would be the responsibility of the lease holder for the pad location. Since a pad requires construction and will, therefore be considered an improvement, the leased space identified in square footage shall be increased. Additionally, if the future requires removal of the improvements from a lease, the pad would also have to be removed.

Options

1. Approve the proposed ordinance;
2. Direct Staff to some other alternative;
3. Deny approval of the proposed ordinance;
4. Do nothing.

Recommendation

Airport Advisory Board recommends adoption of the changes to parking.

Action Requested

Consider motion to adopt the proposed changes to airport parking regulations.

Supporting Documentation

Section 8-30 - Motor vehicles and mobile equipment.

Proposed Ordinance Amending Section 8-30.

Current Code Language

Sec. 8-30. – Motor vehicles and mobile equipment.

No person shall operate any motor vehicle or mobile equipment, including automobiles and trucks, except in accordance with the rules prescribed in the ordinance from which this article is derived. The speed limit for all vehicles shall be 20 miles per hour. No vehicles with the exception of vehicles being operated for city business, shall be driven on the runways, ramp areas, or active taxiways except by permission of the commission. No vehicle shall be parked less than 40 feet from any taxiway or ramp area, including taxiways between hangars. No vehicle shall be allowed on airport property other than public parking areas, except those vehicles operated by hangar owners, hangar lessees and aircraft owners, and all authorized vehicles shall only be parked within the hangars of the individual owners and shall not be permitted to be parked outside of such hangars, between such hangars and the airport runway. (Code 2000, § 12.40.120)

ORDINANCE # _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE II, SECTION 8-30, REGARDING MOTOR VEHICLES AND MOBILE EQUIPMENT ON AIRPORT PROPERTY.

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

Section 1. Chapter 8, Article II, Section 8-30 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 8
AVIATION

ARTICLE II. HAYS MUNICIPAL AIRPORT

Section 8-30. Motor vehicles and mobile equipment.

- a) No person shall operate any motor vehicle or mobile equipment including automobiles and trucks, except in accordance with the rules prescribed in the ordinance from which this article is derived.
- b) The speed limit for all vehicles shall not exceed 20 miles per hour.
- c) No vehicle, with the exception of vehicles being operated for city business, and vehicles approved by the City Manager or his designate shall be driven on the movement area or aprons.
- d) No vehicle shall be parked within than forty (40) feet of the centerline of any taxiway in the hanger area.
- e) No vehicle shall be allowed on airport **airside** property except those vehicles operated by hanger owners, lessees and tenants.
- f) All authorized vehicles shall be parked within the hangers of the individual owners, lessees or tenants and shall not be permitted to be parked outside of such hanger **unless on a city approved concrete parking pad authorized in a lease agreement.**
- g) No parking will be allowed on grass, taxiways, aprons, runways or safety areas **unless approved by the City Manager of his designate.**

Section 2. 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.

PASSED by the Commission on _____ 2013.

KENT L. STEWARD
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

Commission Work Session Agenda

Memo

From: Robert Johnson, Airport Manager

Work Session: September 19, 2013

Subject: Hays Regional Airport Rules & Regulations

Person(s) Toby Dougherty, City Manager
Responsible: ID Creech, Director of Public Works

Summary

Based on the recommendation of the Airport Advisory Board, Staff is recommending the adoption of the attached Rules and Regulations for the Hays Regional Airport.

The City is Responsible for taking appropriate steps to insure the safety of those who utilize the Hays Regional Airport. The establishment of local regulations is to control the use of the airport in a manner that will eliminate hazards to aircraft, users, and infrastructure. As in the operation of any public service facility, there should be adequate written rules to regulate and ensure safe operations, preservation of facilities, and the protection of the public interest.

The airport has existing Minimum Standards which set operational and functional standards, for the provisions of Aeronautical services. Rules and Regulations are the written standards for personal utilization, conduct, and doing business on airport property. The Combination of these two documents provides clarification on how users will conduct their business and helps avoid confusion and misunderstanding about tenant activities and business operations. Rules and regulations provide for the safe, orderly, and efficient operation on the airport.

The adoption of these rules at this time provides a single reference document for tenants, Staff and other users of the Airport. The rules identified within the document are found in other areas of City Code, FAA regulations and FAA directives. Thus, as these proposals provide a single reference, the rules would still exist if the consolidation were not approved.

Background

The following documents outline the need, justification, and general subjects that should be covered by Airport Rules and Regulations;

Code of Ordinances, City of Hays Kansas

Sec. 8-20. General Operations

All persons or any port of the property comprising the airport shall be governed by the regulations prescribed in this article and by such further rules and regulations as may be necessary for the operation and maintenance of the airport. (Code 2000, § 12.40.160)

Sec. 8-30. Supplemental rules and regulations

The City Manager, subject to approval by the commission, is authorized to prescribe such additional rules and regulations as may be necessary for the operation and maintenance of the airport. (Code 2000. § 12.40.160)

FAA Order 5190.6B

7.9 Local Rules and Procedures

One of the most important functions of local regulations is to control the use of the airport in a manner that will eliminate hazards to aircraft, people, and structures on the ground.

11.6 Reasonable Rules and Regulation

The sponsor should design its self-service rules and regulations to ensure safe operations, preservation of facilities, and the protection of the public interest.

Other guidance documents;

- FAA Advisory Circular 150/5190-7, Minimum Standards for Commercial Aeronautical Activities
- Airport Cooperative Research Program Report 16, Guidebook for Managing Small Airports.
- Airport Cooperative Research Program Report 47, Guidebook for Developing and Leasing Airport Property.
- National Air Transportation Association Guide to Minimum Standards & Airport Rules and Regulations.

While minimum standards govern the basic requirements to provide a commercial aeronautical service on a public use airport, rules and regulations govern the ongoing activities of service providers and others using the airport.

Discussion

The staff, Airport Advisory Committee, and tenants have reviewed and have general agreement on validity and necessity of the proposed rules and regulations.

Legal Consideration

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

Financial Consideration

N/A

Options

Option 1: Approve the City Manager's Rules and Regulations as presented;

Option 2: Make recommendations or changes;

Option 3: Do nothing.

Recommendation

City Staff upon recommendation of the Airport Advisory Board recommends motion to approve the City Manager's proposed Rules and Regulations for the Hays Regional Airport.

Action Requested

Motion to approve the City Manger's Airport Rules and Regulations.

Supporting Documentation

Rules and Regulation Justification Summary

Rules and Regulations



Rules and Regulation Justification Summary

Code of Ordinances/ City of Hays Kansas

Sec. 8-20. General operations

All persons or any part of the property comprising the airport shall be governed by the regulations prescribed in this article and by such further **rules and regulations** as may hereafter be adopted by the governing body of the city relative to the use or occupation of any part of the property comprising the airport. (Code 2000, § 12.40.202)

Sec. 8-30 Motor Vehicles and mobile equipment.

No person shall operate any motor vehicle or mobile equipment, including automobiles and trucks, except in accordance with the rules prescribed in the ordinance from which this article is derived. The speed limit for all vehicles shall be 20 miles per hour. No vehicles with the exception of vehicles being operated for city business, shall be driven on the runways, ramp areas, or active taxiways except by permission of the commission. No vehicle shall be parked less than 40 feet from any taxiway or ramp area, including taxiways between hangars. No vehicle shall be allowed on airport property other than public parking areas, except those vehicles operated by hangar owners, hangar lessees and aircraft owners, and all authorized vehicles shall only be parked within the hangars of the individual owners and shall not be permitted to be parked outside of such hangars, between such hangars and the airport runway. (Code 2000, § 12.40.120)

Sec. 8-34 Supplemental rules and regulations

The city manager, subject to approval by the commission, is authorized to prescribe such additional **rules and regulations** as may be necessary for the operation and maintenance of the airport. (Code 2000, § 12.40.160)

FAA Order 5190.6B

Page 7-7

7.9. Local Rules and Procedures

One of the most important functions of **local regulations** is to control the use of the airport in a manner that will eliminate hazards to aircraft and people and structures on the ground.

As in the operation of any public service facility, there should be adequate rules covering vehicular traffic, sanitation, security, crowd control, access to certain areas, and fire protection. The sponsor is also expected to control services such as fueling aircraft, storing hazardous materials, and spray painting at a public airport to protect the public.

11-3

The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable federal, state and local agencies for **maintenance and operation**. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.

The sponsor should design its self-service **rules and regulations** to ensure safe operations, preservation of facilities, and protection of the public interest. Examples of such **rules and regulations** include safe practices for handling, storage, and application of paint and fuel. The safety of operations at a self-service fueling location will depend greatly upon the airport's minimum standards and rules and regulations established for both the provider and the users.

11.6. Reasonable Rules and Regulations. The sponsor should design its self-service rules and regulations to ensure safe operations, preservation of facilities, and the protection of the public interest.

Examples of such **rules and regulations** may include:

- a. Confining the use of paints, dopes, and thinners to structures that meet appropriate safety and environmental criteria.
- b. Establishing safe practices for storing and transporting fuel.
- c. Restricting hangars to related aeronautical activities.
- d. Placing restrictions on the use of solvents to protect sewage and drainage facilities.
- e. Establishing weight limitations on vehicles and equipment to protect airport roads and paving, including limits on delivery trucks, fuel trucks, and construction equipment.
- f. Setting time limits on the open storage of non-airworthy aircraft, wreckage, and unsightly major components.
- g. Maintaining minimum requirements for taxiing an aircraft, i.e., student pilot, rated pilot or Airframe and Power Plant (A&P) mechanic.

- h. Setting requirements for escorting passengers and controlling vehicular access.

ACRP Report 47 **Guidebook for Developing and Leasing Airport Property**

3.3 Minimum Standards and Rules and Regulations

Two important documents for any airport sponsor to adopt and keep updated are Minimum Standards and a set of Rules and Regulations. Minimum Standards set the facility, operational, and functional standards for the provision of aeronautical services, and **Rules and Regulations** are the standards for conduct and doing business on airport lands. The combination of these two documents provides clarification on how the airport will do business and helps avoid confusion and misunderstanding about tenant activity and business operations. The balance for the airport sponsor is to have these foundational documents in place and that they are stringent enough and set the threshold high enough for the type of services it wants from aviation-related businesses, but not so stringent as to discourage airport development. These documents should ideally be developed prior to concluding a lease, and referenced in the lease agreement as an exhibit, along with language to the effect that Minimum Standards and **Rules and Regulations** are subject to change from time to time. Since these two foundational documents are living instruments that can change as the airport matures, and a lease may span multiple decades, it's important to both acknowledge and allow for occasional changes. The caution to change is that an increase to standards and rules is much easier than a reduction. If a tenant has made significant investment to meet a set of Minimum Standards, and then the standards are lowered to allow easier access to competitors, the tenant may conclude that the airport handled the lease in bad faith. On the other hand, increasing the standards to make the threshold for entry higher, and then grandfathering the tenant that has already made the investment, generally appeals to the sense of fairness. Both the Minimum Standards and the **Rules and Regulations** documents should evolve over time, just as the ALP is changed to reflect current conditions and changing ultimate solutions.

Guidance on developing an Airport Minimum Standards document can be found in the following two publications:

- **FAA Advisory Circular AC 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities***; and
- **ACRP Report 16: *Guidebook for Managing Small Airports*.**

Routinely updating an airport's Rules and Regulations document is equally important. For example, changing insurance requirements may increase the

importance of visual inspections and preclude the storage of certain solvents and materials. An airport sponsor may be taxed to include, or even anticipate, the need for specific language that addresses unforeseen issues that may occur in the future. Coordination of such language in all of its leases would be tedious, but an airport sponsor can easily reference its **Rules & Regulations** in its leases, and that they may be updated from time to time. This approach allows the airport to respond to contemporary issues by simply updating its Regulations and then applying the new requirements consistently to all tenants without rewriting leases.

Rules and Regulations documents provide for the safe, orderly, and efficient operation of the airport.

ACRP Report 16: Guidebook for Managing Small Airports, provides the following list of topics that should be addressed by an airport Rules and Regulations document:

- Aircraft rules,
- Personal conduct,
- Animals,
- Smoking,
- Waste containers and disposal,
- Storage,
- Pedestrians,
- Vehicle operations,
- Fueling safety,
- On-airport traffic rules,
- Environmental restrictions,
- Airport residences,
- Hangar construction standards, and
- Fire safety.

National Air Transportation Association

Airport Sponsors Guide to Minimum Standards & Airport Rules and Regulations

Airport Rules & Regulations

While minimum standards govern the basic requirements to provide a commercial aeronautical service on a public-use airport, **rules and regulations govern the ongoing activities of service providers and others using the airport**. The following are some basic topics that an airport sponsor should consider when developing airport rules and regulations.

- Proper conduct within the AOA
- Security procedures

- Fire Safety
- Removal of disabled aircraft
- Aircraft registration
- The use and storage of paints, dopes, and thinners
- Storage and transport of aviation fuels
- Self-Fueling regulations
- Procedures for the clearing of non-airworthy aircraft, wreckage, or unsightly major components
- Environmental restrictions and protections
- Motor vehicle operation requirements and parking

Airport Rules & Regulations
Hays Regional Airport
Hays, Kansas



Robert Johnson
Airport Manager
September 1, 2013

INTRODUCTION

PURPOSE OF RULES & REGULATIONS [AC 150/5190-7: Regulatory & Guidance Library]

Rules and regulations as outlined in this document are designed to facilitate the safe and efficient operation of the Hays Regional Airport and to govern the conduct of all operations at the airport. They are intended to be reasonable, non-arbitrary and non-discriminatory and therefore applied equally to everyone, lessees, permittees, and users shall at all times comply with federal, state, and local laws, ordinances, rules and regulations which are applicable to their operations. Lessees, permittees and users shall display to the city, upon request, any permit(s), license or other evidence of compliance with such law.

It shall be the responsibility of every user of the Hays Regional Airport, including pilots and others, to become familiar with the provisions of these rules and regulations. A copy will be maintained current to reflect any amendments and will be available in the airport manager's office and on the airport website.

GENERAL PROVISIONS

1. **Airport Staff- Actions to Safeguard the Public:** The airport staff shall have the authority to safeguard the public and further the public health, safety, and welfare. [City Code - Section 8-21]
2. **Airport Staff- Rules and Regulations:** Any and all persons shall be governed by the rules and regulations prescribed herein and by any permit, instruction(s) or other approval(s) issued by the City of Hays relative to the use or occupancy of any part of the airport premises. [City Code - Section 8-20]
3. **Violation of Rules:** Any person who operates or handles any aircraft, vehicle, equipment, apparatus or uses the airport or any of its facilities in violation of rules set forth herein, may be prevented from further use of the airport. In addition, such persons may be subject to the penalties provided herein or in the city code or elsewhere in any applicable federal, state or local law or regulation. The airport manager may refuse the further use of the airport or its facilities to such person(s) for such length of time as he/she determines. Appeal of the airport manager's decision may be made to the city manager who has oversight of the airport, whose determination shall be the final administrative determination of the matter. [City Code - Section 8-20]

TABLE OF CONTENTS

SECTION 1: DefinitionsPages 4-7

SECTION 2: General RegulationsPages 8-11

SECTION 3: Personal Conduct.....Pages 12-14

SECTION 4: Fire & SafetyPages 15-21

SECTION 5: Aeronautical.....Pages 22-25

SECTION 6: Motor VehiclesPages 26-28

SECTION 7: ChargesPages 29

SECTION 1

DEFINITIONS

1.01 Unless specifically defined otherwise herein, or unless a different meaning is apparent from the content, the terms used in these rules and regulations shall have the following definitions:

AGREEMENT TO LEASE shall mean a written agreement between the airport and an entity granting a concession that transfers rights or an interest in property, or otherwise authorizes the conduct of certain non-exclusive activities.

AIR OPERATIONS AREA (AOA) shall mean any area of the airport used or intended to be used for landing, takeoff, or the surface maneuvering of aircraft.

AIRCRAFT shall mean any contrivance now known or hereafter designed, invented or used for powered or non-powered flight in the air. For the purpose of this definition, parachutes and ultralight vehicles are not included.

AIRPORT shall mean Hays Regional Airport

AIRSIDE shall mean that portion of the airport intended for operation and parking of aircraft and includes parking aprons, taxiways, runways and safety areas.

APRON OR RAMP shall mean those areas of the airport within the AOA designated for the loading, unloading, servicing, or parking of aircraft

AUTHORIZED AREA shall mean a specified location approved by the city, or the airport manager, as accessible.

AUTHORIZED REPRESENTATIVE OF AIRPORT MANAGER shall mean such person or persons as designated by the airport manager.

AIRPORT ADVISORY COMMITTEE shall mean a group consisting of seven members to: serve as advisors to the airport manager and /or the city commission and make recommendations regarding airport administration, maintenance and development.

BASING shall mean the regular or routine use of the airport for aeronautical activities. Basing occurs when one or more of the following conditions are met:

1. An aircraft is based at and operated from the airport
2. Supplies, equipment, facilities or personnel are offered commercially to the public for aircraft servicing or maintenance at the airport.

CITY CODE shall mean the Code of the City of Hays, Kansas.

FAA shall mean *Federal Aviation Administration*.

FAR shall mean *Federal Aviation Regulation*.

FIRE DEPARTMENT shall mean that fire department having jurisdiction over the airport.

FIXED BASE OPERATOR (FBO) means an entity that is authorized and required by agreement with the airport to provide services as outlined in the minimum standards. [FBO Lease]

FLAMMABLE LIQUIDS shall mean a liquid or agent which, when in contact with another property or properties, may ignite causing a flame.

FLYING CLUB means any non-profit entity organized for the purpose of providing its members with aircraft for their personal enjoyment only. Aircraft must be in the name of the club or owners on a pro-rata share. The club may not derive a profit from the use of the aircraft. The club may collect only enough funds to cover the costs to insure, operate, maintain and replace the aircraft.

FUEL FLOWAGE FEE shall mean a fee due the airport for fuel that is brought on either airport or city property within the airport boundaries as set forth in city ordinances. [FBO Lease]

GROSS WEIGHT shall mean the maximum allowable gross landing weight of aircraft as determined by the FAA or other governmental agency having jurisdiction.

IMPROVEMENTS shall mean all buildings, structures and facilities including pavement, fencing, signs, and landscaping that is constructed, installed or placed on, under or above any leased area.

INDEPENDENT OPERATOR shall mean an individual or entity not based at the airport that provides services at or from the airport.

ITINERANT PILOT shall mean a pilot operating an aircraft not based at the airport.

LAW ENFORCEMENT AGENCIES shall mean those law enforcement agencies having jurisdiction over the airport.

LEASED AIRCRAFT shall mean any aircraft not owned, but under the control of any individual or organization, through a valid and legal lease agreement with the aircraft owner.

LINE SERVICE shall mean the into-aircraft delivery of fuels, oils and other lubricants, ramp service assistance, towing, parking, storage and tie-down of aircraft. [FBO Lease]

MINIMUM STANDARDS mean the criteria established by the airport owner as the minimum requirements that must be met by businesses in order to engage in providing on-airport activities or services as authorized in city ordinances.

MOTOR VEHICLE means any vehicle other than an aircraft that is motorized.

NFPA shall mean the *National Fire Protection Association*.

NON-AERONAUTICAL ACTIVITY shall mean activities undertaken not for profit but for philanthropic, religious, charitable, benevolent, humane, public interest or similar purpose.

NOTAM shall mean *Notice to Airmen*.

NTSB shall mean *National Transportation Safety Board*.

OBSTRUCTION TO AIRCRAFT PUBLIC NUISANCE shall mean any structure or surface that may interfere with safe operation of aircraft in the airport area.

ON-DEMAND FLYING SERVICE shall mean commercial flying activities other than airline activities. Examples are crop dusting, flight instruction, air taxi and air ambulance.

OPERATOR shall mean person(s) directly controlling or maneuvering equipment, vehicles or aircraft.

OPERATING DIRECTIVES (OD/SOP) shall mean the specific written documents detailing the approved operations as directed and signed by the airport manager.

OPERATOR, AIRCRAFT shall mean any person engaged in the use or movement of an aircraft.

OWNER shall mean person(s) possessing a legal or implied right to property.

PARACHUTE OPERATION shall mean the performance of all activity for the purpose of, or in support of, a parachute jump or parachute drop, or as otherwise, defined by FAA Regulations Part 105.

PARACHUTIST shall mean the person who intends to exit an aircraft while in flight as defined by FAA Regulations Part 105.

PARK shall mean to put or leave or let a motor vehicle or aircraft stand or stop in any location whether the operator thereof leaves or remains in such vehicle or aircraft when such standing or stopping is not required by traffic controls or conditions beyond the control of the operator.

PERSON shall mean any individual, firm, partnership, corporation, company, association, joint stock association, and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

PRIVATE VEHICLE shall mean a vehicle transporting persons or property for which no charge is paid directly or indirectly by the passenger or by any other entity.

PUBLIC AREAS shall mean a specified location maintained for community use.

RAMP - see “Apron”

RESIDE shall mean to occupy, lodge in, live, rest, repose, rest within.

RESTRICTED AREA shall mean any area of the airport designated to prohibit entry or to limit entry or access to specific authorized persons.

ROTOR CRAFT shall mean a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

RUNWAY shall mean a restricted area used primarily for take-off and landing of aircraft.

SOLICITATION OR TO SOLICIT shall mean to repetitively or continuously, directly or indirectly, actively or passively, openly or subtly, ask orally, in writing, or otherwise (or endeavor to obtain by asking) request, implore, plead for, importune, seek or try to obtain.

SPECIALIZED AVIATION SERVICE OPERATOR (SASO) means an aeronautical Business that offers a single or limited service. SASOs are sometimes known as single-service providers or special FBOs performing less than full services. These types of companies differ from a full-service FBO in that they typically offer a specialized aeronautical service such as aircraft sales, flight training, aircraft maintenance, or avionics services for example.

STAY AT shall mean to reside temporarily.

TAXIWAY OR TAXILANE shall mean a restricted area designated for ground maneuvering.

TENANT shall mean any person, firm or corporation leasing space or property at the Hays Regional Airport.

TRANSIENT AIRCRAFT shall mean an aircraft not using the airport as its permanent base of operations.

ULTRALIGHT VEHICLES means a vehicle as described by FAA Regulations Part 103.

UNICOM means the air/ground radio communication station operated in accordance with the aeronautical information manual on the common traffic advisory frequency assigned for use at the airport by the FAA and the Federal Communications Commission.

1.02 CLARIFICATIONS AND USAGES

Words relating to aeronautical practices, processes, and equipment shall be construed according to their general usage in the aviation industry. In the event of any conflict in rules, regulations, and/or terminology, federal regulations, policies and assurances shall prevail.

SECTION 2

GENERAL REGULATIONS

2.01 COMPLIANCE WITH RULES AND REGULATIONS

- A.** The airport manager or his/her authorized representative(s) has authority to take such actions as may be necessary to safeguard the public in attendance at the airport as well as all facilities under his/her control. All persons authorized on or using the airport shall cooperate with the airport manager and his/her designated representative(s) to enforce these rules and regulations. [City Code - Section 8-20]
- B.** Any permission granted by the city, directly or indirectly, expressly or by implication or otherwise to any person to enter or to use the airport or any part thereof, is conditioned upon strict compliance with the rules and regulations, minimum standards, city ordinances. [City Code - Section 8-20]
- C.** Any permission granted by the city under these rules and regulations is conditioned upon the payment of any and all applicable fees and charges established by the commission. [City Code - Section 8-24]
- D.** Written procedures and directives issued by the airport manager from time to time shall, for temporary situations, be considered as addenda to and have full force and effect as these rules and regulations. [City Code - Section 8-21 & 8-34]

2.02 COMMERCIAL ACTIVITIES

No person shall occupy or rent space in a city-owned structure and no person shall conduct any business, commercial enterprise or activity, or other form of revenue producing activity on the airport without first obtaining a written contract, lease, permit or other form of written authorization from the city. [City Code - Section 8-23]

2.03 THROUGH-THE-FENCE OPERATIONS (TTF)

(Are not permitted at Hays Regional Airport) [AC 150/5300-18B, Compliance Guidance Letter 2012-X & Order 5190-6B]

2.04 LIABILITY

The city neither assumes nor accepts responsibility for loss, injury, or damage to any person(s) or property for any reason whatsoever, including but not limited to, fire, theft, vandalism, wind, flood, earthquake, collision, strikes, or act of God while said person(s) or property is on the airport property.

2.05 ADVERTISING AND DISPLAY/COMMERCIAL SPEECH

- A. No person, for a commercial purpose, shall post or display signs, pictures, sketches, drawings or other forms of printed or written material in public areas at the airport without the express written permission of the airport manager. [City Code - Section 8-23]
- B. No person, for a commercial purpose, shall post, distribute or display signs, advertisements, circulars, pictures, sketches or engage in other forms of commercial speech without first complying with Section 2.02 above. [City Code - Section 8-23]

2.06 OBSTRUCTION OF AIRPORT USE AND OPERATION

No person shall obstruct, impair or unreasonably interfere with the safe, orderly and efficient use of the airport by any other person, vehicle or aircraft. [City Code - Section 8-26]

2.07 RESTRICTED AREAS AND AIR OPERATIONS AREAS [49 CFR Part 139.335 & Airport Security Program]

- A. Except as otherwise provided herein, no person may, without the prior, written authorization of the city, enter the air operations area or any restricted area on the airport except:
 - 1. Persons assigned to duty thereon
 - 2. Passengers who, under appropriate supervision, enter upon the aircraft apron for the purposes of enplaning or disembarking an aircraft
 - 3. Persons authorized by the airport manager or his/her authorized representative
 - 4. Persons engaged or having been engaged in the operation of aircraft
- B. The security of all vehicle and pedestrian gates, doors, fences, walls and barricades which lead from a tenant, lessee or contractor area, or from the air operations area or another restricted area shall be the responsibility of the tenant, lessee or contractor abutting the air operations area.

2.08 PICKETING, MARCHING AND DEMONSTRATION

No person shall walk in a picket line as a picket or take part in a labor or other form of demonstration including but not limited to parades, marches, patrols, sit-ins and public assemblies on any part of the airport, except in or at the place specifically assigned through prior arrangements by the city for such picketing or other permitted demonstration, to any such picketing or demonstration shall be conducted as follows: [City Code - Section 8-26]

- A. In the peaceful and orderly manner contemplated by law without physical harm, molestation, threat or harassment of persons, obscenities, violence, breach of the peace or other unlawful conduct. [City Code - Section 8-26]

- B. Without obstructing the use of the airport by others and without hindrance to or interference with the proper, safe, orderly and efficient operation of the airport and the activities conducted thereupon.
- C. In strict accordance with city ordinances governing such activities on the airport and pursuant to directions and conditions outlined in writing by the city in each instance.

2.09 OTHER LAWS

All applicable provisions of all applicable ordinances, codes, laws of the State of Kansas, City of Hays, Ellis County now in existence or hereafter promulgated are hereby adopted by reference as part of the rules and regulations of the airport. [City Code - Section 8-22]

2.10 INSURANCE CERTIFICATES

A valid certificate of insurance, or copies of it, shall be deposited at the office of the airport manager by all tenants holding a valid lease, sublease, contract or permit executed with the city. [Minimum Standards Section 5.5]

2.11 DAMAGE INSPECTION

- A. At the earliest opportunity, a damage inspection of any airport facilities owned by the city involved in an accident or incident shall be made by the Kansas Highway Patrol and the aircraft or vehicle owner or operator to determine the extent of damages. Damages so sustained will be assessed by the city insurance adjuster as a claim against the owner or operator of the aircraft or vehicle. [City Code - Section 8-22 & 8-33]
- B. In the case of privately-owned property that is damaged, the owner will report same to the airport manager. [City Code - Section 8-20]

2.12 RESPONSIBILITY FOR DAMAGES

Any person causes damage to or destroying public or private property of any kind including buildings, fixtures or appurtenances, through any act or omission, shall be fully liable to the city. [City Code - Section 8-33]

2.13 ACCIDENT REPORTS

Any person involved in an accident, whether personal, aircraft or automotive, occurring on the airport property shall make a full report to the airport manager within ten days. The report shall be in accordance with NTSB and FAA Regulations Title 49, Chapter VIII and city ordinance. [City Code - Section 8-22 & 49, CFR Part 139.329]

2.14 STORAGE OF EQUIPMENT (Non-Aeronautical)

Unless otherwise provided for by a lease or other contractual agreement, no person shall use any area of the airport including buildings, either privately or publicly owned, for the storage of non-aeronautical material or equipment. [Tenant Lease & Order 5190-6B]

SECTION 3

PERSONAL CONDUCT

3.01 COMPLIANCE WITH SIGNS

The public shall observe and obey all posted signs, fences and barricades prohibiting entry upon the airport operations area or restricted areas or governing the activities and demeanor of the public while at the airport. [City Code - Section 8-20, 8-21, 8-34 & AC 150-5190-7]

3.02 USE AND ENJOYMENT OF AIRPORT PREMISES

- A.** No person(s) singularly or in association with others shall by his, her or their conduct or by congregating with others prevent any other person or persons lawfully entitled thereto from the use and enjoyment of the airport and its facilities or any part thereof, or prevent any other person or persons lawfully entitled thereto from passage from place to place or through entrances, exits or passageways on the airport. [City Code - Section 8-20, 8-22 & Tenant Lease]
- B.** It shall be unlawful for any person to remain in or on any public area, place or facility at the airport in such a manner as to hinder or impede the orderly passage in or through or the normal or customary use of such area, place or facility by persons or vehicles entitled to such passage or use. [City Code - Section 8-20 & 8-22]

3.03 ENVIRONMENTAL POLLUTION AND SANITATION

To the maximum extent possible, each person, while on the airport property, shall conduct his/her activities thereon in such a manner as not to cause littering or any other form of environmental pollution. [City Code - Section 8-34, 49 CFR Part 139.343 & 139.321]

- A.** No person shall dispose of garbage, papers, refuse or other forms of trash including cigarettes, cigars and matches except in receptacles provided for such purpose.
- B.** No person shall dispose of any fill or building materials or any other discarded or waste materials on airport. Liquids shall not be placed in storm drains or the sanitary sewer system which might damage such drains or system or will result in environmental pollution.
- C.** Any solid or liquid material which may be spilled at the airport shall immediately be cleaned up by the person responsible for such spillage and reported to the airport manager
- D.** No person shall unnecessarily or unreasonably or in violation of law, cause any smoke, dust, fumes, gaseous matter or particulates to be emitted into the atmosphere.
- E.** Any person discarding chemicals, paints, oils or any products which may not be discarded in a routine manner will adhere to all applicable state, local, county and federal laws and regulations.
- F.** All persons shall fully comply with airport stormwater management plan and NFDA permit.
- G.** No vehicle or aircraft will be washed on airport property except in the designated area.

3.04 ANIMALS [49 CFR Part 139.337]

- A. No person shall enter any part of the airport with a domestic animal unless such animal is restrained by a leash or is so confined as to be completely under control.
- B. Animals that are to be or have been transported by air and are to be properly confined for air travel, no person shall permit any animal under his/her control or custody to be allowed free run on the airport,
- C. No person, other than in conduct of an official act, shall hunt, pursue, trap, catch, injure or kill any animal on the airport.
- D. No person shall feed or do any other act to encourage the congregation of birds or other animals on the airport.
- E. No person shall ride horse back on the airport.

3.05 FIREARMS AND WEAPONS

All federal, state and local laws pertaining to firearms and weapons shall be followed. [City Code - Section 8-20, 8-22 & 49 USC]

3.06 PRESERVATION OF PROPERTY [49 CFR Part 139.333 & 139.339]

- A. No person may destroy, injure, deface or disturb any building, sign, equipment, marker or other structure, tree, flower, lawn or other property on the airport. [City Code - Section 8-33]
- B. No person shall travel upon the airport other than on roads, walks or other rights-of-way provided for such specific purpose.
- C. No person shall alter, add to, or erect any building or sign on the airport or make any excavation on the airport without prior, written approval of the city or designated representative. [City Code - Section 8-29]
- D. Any person causing or being responsible for injury, destruction, damage or disturbance at the airport shall immediately report such incident to the airport manager or designated representative. [City Code - Section 8-33]

3.07 LOST, FOUND AND ABANDONED PROPERTY

- A. Any person finding lost articles in the public areas at the airport shall immediately deposit them with the airport office. Articles unclaimed by their proper owner within ninety (90) days thereafter shall, upon request, be turned over to the finder in accordance with Kansas statutes. Nothing in this paragraph shall be construed to deny the right of airport tenants to maintain "lost and found" services for property of their patrons, invitees or employees.
- B. No person shall willfully abandon any personal property on the airport.
- C. Any property which has been determined by the city to be abandoned, will be removed, stored and/or disposed of at the owner's expense and in accordance with appropriate city ordinances or state laws.

3.08 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

All city, federal, state and local laws pertaining to alcoholic beverages and controlled substances shall be followed. [City Code - Section 8-22]

3.09 DISORDERLY CONDUCT [City Code - Section 8-22 & 49 CFR Part 139.335]

- A.** No person shall commit any disorderly, obscene, indecent act, or commit any nuisance within the airport premises.
- B.** No person shall throw, shoot or propel any object in such a manner as to interfere with or endanger the safe operation of any aircraft or any vehicle operating on the airport.
- C.** No person shall use profane or abusive language within any building, room or area of the airport designated for use by the public.
- D.** No person shall knowingly or willfully make any false statement or report to the city or its authorized representatives.
- E.** No person shall smoke within 100 feet of any flammable material or in any public area of the airport.

SECTION 4

FIRE AND SAFETY

4.01 GENERAL [49 CFR Part 139.319 & 139.321]

- A.** All persons using the airport or the facilities of the airport shall exercise the utmost care to guard against fire and injury to persons or property.
- B.** All applicable city, county, state and NFPA codes, and standards and recommended practices of the City of Hays now in existence or hereafter promulgated and not in conflict with operating directives of the city or with federal aviation regulations, are hereby adopted by reference as part of the rules and regulations of the airport. In the event of conflict, NFPA codes and/or federal aviation regulations shall prevail.

4.02 SELF FUELING OPERATIONS [49 CFR Part 139.321 & NFPA 407]

A. Aircraft Engines

1. Fuel servicing shall not be performed on a fixed wing aircraft while an on-board engine is operating or being warmed by external heat or within the confines of any building,
2. Combustion heaters on aircraft (e.g. wing and tail surface heaters, integral cabin heaters) shall not be operated during fueling operations.
3. No person(s) shall start the engine of an aircraft on the airport if there is any gasoline or other volatile fluid on the ground within the vicinity of the aircraft.

B. Distance from Buildings

1. Aircraft being fueled shall be positioned so that the aircraft fuel system vents or fuel tank openings are not closer than 50 feet from any terminal building, hangar, service building or enclosed passenger concourse other than a loading walkway.
2. Fuel trucks, whether loaded or empty, shall never enter hangars nor shall they be parked unattended within a distance of 50 feet of hangars, fuel storage systems or other critical installations.

C. Spillage

1. No fuel, grease, oil, dopes, paints, solvents, acid, flammable liquids or contaminants of any kind shall be allowed to flow into or be placed in any airport sanitary or storm drain system.
2. Any person(s), including the owner or operators of aircraft, causing overflowing or spilling of fuel, oils, grease, or other contaminants anywhere on the airport, shall be responsible for expeditious notification to the airport manager of said spillage and will be held responsible for immediate cleanup of the effected area. When fuel spills occur, fueling shall stop immediately.
3. In the event of spillage, fuel delivery devices and other vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. A fire guard shall be promptly posted.

D. Passengers

No aircraft shall be fueled or defueled while passengers are on board unless a passenger boarding device is in place at the cabin door of the aircraft, the door is open and a flight crew member is at or near the cabin door.

E. Static Bonding

1. Prior to the fueling and defueling of aircraft, the aircraft and the transfer of fuel apparatus shall be adequately bonded.
2. Prior to making any fueling connection to the aircraft, the fueling equipment shall be bonded to the aircraft by the use of a cable thus providing a conductive path to equalize potential between the fueling equipment and aircraft. The bond shall be maintained until fueling connections have been removed. A minimum of three minutes bonding for start of fueling operations is required.
3. When fueling overwing, the nozzle shall be bonded with a nozzle bond cable having a clip or plug to a metallic component of the aircraft that is metallically connected to the tank filler port. The bond connection shall be made before the filler cap is removed. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the potential between the nozzle and the filler port. The spout shall be kept in contact with the filler neck until the fueling is completed.
4. When a funnel is used in aircraft fueling, it shall be kept in contact with the filler neck as well as the fueling nozzle spout or the supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used.
5. Each hose, funnel or apparatus used in fueling or defueling aircraft shall be maintained in good condition and must be properly bonded to prevent ignition of volatile liquids.

F. Positioning of Equipment for Fueling

Positioning of aircraft fuel servicing vehicles shall be as follows:

1. Aircraft fuel servicing vehicles shall be positioned so that they can be moved after all aircraft fuel hoses have been disconnected and stowed.
2. The propulsion or pumping engine of aircraft fuel servicing vehicles shall not be positioned under the wing of aircraft during overwing fueling or where aircraft fuel system vents are located on the upper wing surface. Aircraft fuel servicing vehicles shall not be positioned within a 10 foot radius of aircraft fuel system vent openings.
3. Brakes shall be set on fuel servicing vehicles before operator leaves the vehicle cab.
4. No fuel vehicle shall be backed within 20 feet of an aircraft unless a person is posted to assist or guide.

G. Fire While Fueling

When a fire occurs in the fuel delivery the fire department shall be notified immediately, fueling discontinued and all emergency valves shut down.

H. Operation of Fuel Tenders on Runways and Taxiways

No fuel vehicle designed for or employed in the transportation of fuel shall be operated on a taxiway or runway at any time.

I. Fire Extinguishers

No person shall engage in aircraft fueling or defueling operations without proper and adequate fire extinguishing equipment readily accessible and operational at the point of fueling.

J. Parking Areas for Fuel Tender

Parking areas for city approved fuel tenders shall be arranged to:

1. Facilitate dispersal of the vehicles in the event of emergency
2. Provide at least 10 feet of clear space between parked vehicles for accessibility for fire control purposes.
3. Prevent any leakage from draining to an adjacent building
4. Minimize exposure to damage from out-of-control aircraft
5. Provide at least 50 feet from any airport terminal building, aircraft cargo building, aircraft hangar or other airport structure housing the public which has windows or doors in the exposed walls.

K. Use of Radio, Radar and Electrical Systems

No person shall operate a radio transmitter or receiver or switch electrical appliances on or off in an aircraft while it is being fueled or defueled.

L. Thunderstorm Activity

Fueling or defueling operations shall not be conducted during periods of dangerous thunderstorm activity on the airport or when thunderstorm activity is observed within five statute miles of the airport.

4.03 FUEL TRANSPORTING VEHICLES [Order 1050.15A, NFPA 407, International Fire Code 2006 EDITION, 49 CFR Part 139.321]

- A. Each tank vehicle shall be conspicuously marked on both sides and rear of the cargo tank with the word “flammable” and type of fuel.
- B. Emergency operating devices on all fuel tank vehicles shall be conspicuously marked “emergency shut off.”
- C. The propulsion and pumping engine on all tank vehicles shall have safeguards to reduce ignition sources to a minimum.
- D. The carburetor on all fuel tank vehicles shall be fitted with an approved back-flash arrester.
- E. The wiring on all fuel tank vehicles shall be adequately insulated and fastened to eliminate chafing and affixed to terminal connections by tight-fitting snap or screw connections with rubber or similar insulating and shielding covers and molded boots.
- F. Two fire extinguishers should be conspicuously apparent on all tank vehicles.
- G. Each hose, meter, funnel or apparatus on a fuel truck used in fueling or defueling aircraft shall be maintained in good condition.
- H. Maintenance and testing of aircraft fueling systems shall be conducted under controlled conditions and in accordance with National Fire Protection Association guidelines.
- I. Fuel tank vehicles shall be stored and maintained outdoors in areas authorized by the town.

J. All fuel truck vehicles shall be operated under a quality control, inspection and maintenance program of a licensed and bonded fuel supplier.

4.04 SMOKING [49 CFR Part 139.321 & NFPA 407]

Smoking or carrying lighted smoking materials or striking matches or other incendiary devices shall not be permitted on airport apron areas

4.05 OPEN FLAME OPERATIONS [NFPA 407 & 409]

Lead and carbon burning, fusion gas and electric welding, blow-torch work, reservoir repairs, engine testing, battery charging and all operations involving open flames shall be restricted to the repair shop section and isolated from the storage section of any hangar and be conducted in full compliance with NFPA Codes 407 and 409. During such operations, the shop shall be separated from the storage section by closing all doors and openings to the storage section.

4.06 STORAGE OF MATERIALS [49 CFR Part 139.321 & NFPA 407]

- A.** No person shall keep or store material or equipment in such manner as to constitute a fire hazard or be in violation of applicable city ordinances, NFPA codes, standard operating procedures and/or operational directives of the airport.
- B.** Gasoline, kerosene, ethyl, jet fuel, ether, lubricating oil or other flammable gases or liquids, shall be stored in accordance with the applicable city, state, federal and NFPA codes.
- C.** Any and all hangars shall be required to provide fire suppression devices required by code as approved by the fire chief.
- D.** No person shall keep, transport, or store lubricating oils on the airport except in containers and receptacles designed for such purpose and in areas specifically approved for such storage in compliance with the applicable FAA regulations.

4.08 HAZARDOUS MATERIALS [49 CFR Part 139.321 & NFPA 407]

- A.** No person shall, transport, handle, or store at, in or upon the airport any cargo of explosives or other hazardous articles which is barred from loading in or for transportation by civil aircraft in the United States under the current provisions of regulations promulgated by the Department of Transportation, the FAA or by any other competent authority.
- B.** No person may offer and no person may knowingly accept any hazardous article for shipment at the airport unless the shipment is handled and stored in full compliance with the current provisions of the federal aviation regulations.
- C.** Any person engaged in transportation of hazardous articles shall have designated personnel at the airport authorized and responsible for receiving and handling such shipments in compliance with the prescribed regulations.
- D.** Any person engaged in the transportation of hazardous articles shall provide storage facilities which reasonably insure against unauthorized access or exposure to persons and against damage to shipments while at the airport.

4.09 **MOTORIZED GROUND EQUIPMENT AROUND AIRCRAFT [49 CFR Part 139.321 & 139.329]**

No person shall park motorized ground equipment near any aircraft in such manner so as to prevent it or the other ground equipment from being readily driven or towed away from the aircraft in case of an emergency.

4.10 **AIRCRAFT ELECTRICAL AND ELECTRONIC SYSTEMS [49 CFR & AC 43.13-1B]**

- A.** Radio transmitters and similar equipment in aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of the antenna system are at least one (1) foot removed from any other object. No aircraft shall be placed, at any time, so that any fabric-covered surface is within one foot of an antenna system.
- B.** No airborne radar equipment shall be operated or ground tested in any area on the airport where the directional beam of high intensity radar is within 300 feet or the low intensity beam is within 100 feet of an aircraft fueling operation, airport fueling truck or flammable liquid storage facility unless an approved shielding device is used during the radar operation.

4.11 **ELECTRICAL EQUIPMENT AND LIGHTING SYSTEMS [49 CFR & AC 43.13-1B]**

- A.** Vapor or explosion-proof electrical equipment and lighting systems shall be used exclusively within hangars or maintenance shelters when required under NFPA standards. No portable lamp assembly shall be used without a proper, protective guard or shield over such lamp assemblies to prevent leakage.
- B.** All power-operated equipment or electrical devices shall be shut off when not in actual use.
- C.** The aircraft electrical system shall be de-energized on any aircraft upon which work is being done within any hangar or structure by disconnecting the battery or power source.

4.12 **HEATING HANGARS [NFPA 403 & 407]**

Heating systems or devices in any hangar shall only be approved systems or devices as listed by the Underwriters Laboratories, Inc., as suitable for use in aircraft hangars and shall be installed in the manner prescribed by the Underwriters Laboratories, Inc.

4.13 **USE OF CLEANING FLUIDS [NFPA 407]**

Cleaning of aircraft parts and other equipment shall preferably be done with non-flammable cleaning agents or solvents. When the use of flammable solvents cannot be avoided, only liquids having flash points in excess of 100°F shall be used and special precautions shall be

taken to eliminate ignition sources in compliance with good practice recommendations of the NFPA.

4.14 APRONS, BUILDING AND EQUIPMENT [NFPA 407]

- A. All persons on the airport shall keep all areas of the premises leased or used by them clean and free of oil, grease and other flammable material. The floors of hangars and other buildings shall be kept clean and continuously kept free of rags, waste materials or other trash or rubbish. Approved metal receptacles, with a self-extinguishing cover, shall be used for storage of oily waste rags and similar materials.
- B. No person shall use flammable substances for cleaning hangars or other buildings on the airport. Cleaning agents shall meet all federal, state and local codes, regulations and permit requirements. All cleaning of buildings must be in compliance with the airport stormwater plan.

4.15 CONTAINERS [NFPA 407]

- A. No tenant, lessee, concessionaire or agent thereof doing business on the airport may keep uncovered trash containers adjacent to sidewalks or roads in a public area of the airport.
- B. No person shall spill dirt or any other materials from a vehicle operated on the airport.

4.16 REPAIRING AIRCRAFT [49 CFR Part 43 & Order 5190-6B]

- A. Aircraft repairs in storage areas of hangars shall be allowed provided such repairs or as allowed by FAA.
- B. The starting or operating of aircraft engines inside any hangar is prohibited. This shall not be construed as prohibiting the use of tractors with NFPA approved exhaust systems when moving aircraft within any hangar.

4.17 DOPING, SPRAY PAINTING AND PAINT STRIPPING [NFPA 407]

- A. The use of “dope” (cellulose nitrate or cellulose acetate dissolved in volatile flammable solvents) within any hangars is prohibited.
- B. For paint, varnish or lacquer spraying operations, the arrangement, construction, ventilation and protection of spraying booths and the storing and handling of materials shall be in accordance with NFPA standards and applicable city ordinances.

4.18 FIRE EXTINGUISHERS [NFPA 407 & 49 CFR Part 139.321]

- A. Fire extinguishing equipment at the airport shall not be tampered with at any time nor used for any purpose other than fire fighting or fire prevention. All such equipment shall be maintained in accordance with NFPA standards. Tags showing the date of the last

inspection shall be attached to each unit or records acceptable to fire underwriters shall be kept showing the status of such equipment.

- B.** All tenants or lessees of hangars, aircraft maintenance buildings or shop facilities shall supply and maintain an adequate number of readily accessible fire extinguishers. Extinguishers shall conform to applicable NFPA standards.

4.19 HAYS FIRE DEPARTMENT

All regulations and recommendations of the Hays Fire Department shall be adhered to with regard to fueling, storage and handling of all inflammables.

SECTION 5

AERONAUTICAL

5.01 GENERAL RULES [City Code - Section 8-22 & 49 CFR Part 139.101]

A. Compliance with Orders

All aeronautical activities at the airport shall be conducted in compliance with the current applicable FAR, these rules and regulations, standard operating procedures and minimum standards, directives/resolutions issued by the city.

B. Hold Harmless

The aircraft owner, pilot, agent or his/her duly authorized representative, (“releasing parties”) agrees to release or discharge the city, airport, its officers and its employees of and from liability for any damage which may be suffered by any aircraft and its equipment and for personal injury or death. Said releasing parties further agree to indemnify and hold the city harmless from and against any and all claims for injuries, damages or losses resulting from and related to the releasing party’s use of the Hays Regional Airport.

C. Negligent Operations Prohibited

1. No person shall operate aircraft at the airport in a careless manner or in disregard of the rights and safety of others.
2. All persons using the airport shall be held liable for any property damage caused by carelessness or negligence on or over the airport, and any aircraft being operated, so as to cause such property damage may be retained in the custody of the airport and the airport may have a lien on said aircraft until all charges for damages are paid. Any person liable for such damage agrees to indemnify fully and to save and hold harmless the city, the airport, its governing body, its officers and its employees from claims, liabilities and causes of action of every kind, character and nature, and from all costs and fees, including attorney’s fees) connected therewith and from the expenses of the investigation thereof.

D. Denial of Use of Airport

The airport manager or his/her authorized representative shall have the right at any time to close the airport in its entirety or any portion thereof to air traffic, to delay or restrict any flight or other aircraft operation, to direct refusal of takeoff permission to aircraft, and to deny the use of the airport or any portion thereof to any specified class of aircraft or to any individual or group, when he or she considers any such action to be necessary and desirable to avoid endangering persons or property and to be consistent with the safe and proper operation of the airport. In the event the airport manager or his/her authorized representative believes the condition of the airport to be unsafe for landings or takeoffs, it shall be within his/her authority to issue or cause to be issued, a NOTAM closing the airport or any portion thereof. [49 CFR Part 139.335]

E. Aircraft Accidents or Incidents

The pilot or operator of any aircraft involved in an accident or incident on the airport causing personal injury or property damage shall, in addition to all other reports required by other agencies, make prompt and complete report concerning said accident or incident to the office of the airport manager within 48 hours of the time of the accident or incident occurred. When a written report of any accident or incident is required by FAR, a copy of such report may be submitted to the airport manager in lieu of the report required above. In either instance, the report shall be filed to the airport manager within 48 hours from the time the accident or incident occurred. [National Transportation Safety Board (NTSB), Flight Safety Director's Office (FSDO) & FAA]

F. Disabled Aircraft

Subject to compliance with appropriate federal regulations, the aircraft owner shall be responsible for the prompt removal of all disabled aircraft and its parts at the airport, as reasonably directed by the airport manager or his/her authorized representative. In the event of the owner's failure or refusal to comply with removal orders, disabled aircraft or any parts thereof may be removed by the airport at the owner's expense without liability to the airport for any damage which may be incurred by the aircraft owner as a result of such removal.

5.02 AIRPORT OPERATIONAL RESTRICTIONS [Airman's Information Manual/Federal Aviation Regulations (AIM/FAR)-Chapter 5]

A. General

Unless contrary to federal policy regulations and/or grant assurances, the City of Hays shall have the authority to designate or restrict the use of runways or other operational areas at the airport with respect to but not limited to the following types of operations:

1. Experimental flights
2. Equipment demonstration
3. Air shows
4. Aircraft type
5. Compliance with FAR Part 36, Noise Standards; Aircraft Type and Airworthiness Certification.

B. Take Offs and Landings

1. Except for a helicopter, which may operate from a helipad or other approved location; no person shall cause an aircraft to land or take off at the airport except on a runway.

C. Balloon Operations

As per Federal Aviation Regulations (FAR)

D. Ultra light Vehicles

As per Federal Aviation Regulations (FAR)

E. Parachute Operations

All parachute operations must be conducted in accordance with FAR Part 105 and shall meet or exceed the basic safety requirements of the United States Parachute Association. Parachute operations at Hays Regional Airport shall be limited to drop zone(s) specified by the airport manager and shall be in accordance with all current airport operational directives.

F. Glider Operations

All glider operations must be conducted in accordance with current FAR Part 91 and current airport operational directives.

G. No Camping Allowed On Airport Grounds [Compliance Guidance Letter 2 DIZ-X]

5.03 TAXI AND GROUND RULES [AIM/FAR-Chapter 5]

A. Aircraft Parking

1. No person shall park an aircraft in any area on the airport except those designated and in the manner prescribed by the airport manager. If any person uses unauthorized areas for aircraft parking, the aircraft so parked may be removed by or at the direction of the airport manager, at the risk and expense of the owner thereof.
2. No aircraft shall be left unattended on the airport unless it is in a hangar or adequately secured. Owners of such aircraft shall be held responsible for any damage resulting from failure to properly comply with this provision.
3. Articles left in aircraft are the sole responsibility of the aircraft owner/pilot. Theft or vandalism of said articles are not the responsibility of the city, or airport staff

B. Derelict Aircraft

1. No person shall park or store any aircraft in non-flyable condition on airport property unless in a state of repair with a documented completion date.

C. Starting and Running Aircraft Engines

1. No aircraft engine shall be run at the airport unless a pilot or certified airframe and power plant mechanic qualified to run the engine of that particular type of aircraft is at the controls.
2. No person may run an engine of an aircraft parked on the airport in a manner that could cause injury to persons or damage to any other property or endanger the safety of operation on the airport.
3. No aircraft will be run-up or started up while under the roofline of a hangar whether said hangar is enclosed or not.
4. Noise emanating from aircraft engines during ground operations shall be maintained within the then applicable aircraft engine noise limits promulgated by the federal government or the city, whichever is the most restrictive.

D. Aircraft Taxiing

1. No person shall taxi an aircraft on the airport until he or she has ascertained there will be no danger of collision with any persons or objects.
2. All aircraft shall be taxied at a safe and reasonable speed.
3. All aircraft operating on the airport shall be equipped with wheel brakes in proper working order.
4. Where taxiing aircraft are converging, the aircraft involved shall pass each other bearing to the right.
5. No aircraft shall be taxied into or out of any hangar under its own power.
6. All aircraft being taxied, towed or otherwise moved on the airport shall operate aircraft position lights in accordance with FAR Part 91 during the hours between sunset and sunrise.

5.04 ROTORCRAFT OPERATIONS RULES [AIM/FAR-Chapter 10]

In addition to all other rules and regulations contained herein, the following rules shall apply to rotorcraft.

- A.** Rotorcraft aircraft shall follow traffic patterns published by the FAA or as otherwise directed by the airport manager.
- B.** Rotorcraft shall not be taxied, towed or otherwise moved with rotors turning unless there is a clear area of at least 50 feet in all directions from the outer tips of the rotors.
- C.** Rotorcraft aircraft shall not be operated within 200 feet of any areas on the airport where unsecured light aircraft are parked.
- D.** Rotorcraft shall not, during landing and take off, pass over any airport building, structure or auto parking area.

5.05 USE OF T-HANGARS AND STORAGE HANGARS

The use or occupancy of any hangars on the airport shall be subject to the terms and conditions of the applicable lease or rental agreement which shall be strictly enforced by the city. No one is allowed to reside/establish living quarters, stay at or repose within hangars or on airport grounds. [Tenant Lease]

SECTION 6

MOTOR VEHICLES

6.01 GENERAL TRAFFIC REGULATIONS [49 CFR Part 139.329]

A. Authority

Unless otherwise provided herein, the city shall, establish ordinances relating to traffic and traffic control and shall post official traffic control devices pursuant thereto. Said ordinances shall include, but not necessarily be limited to, parking, standing, stopping, one-way roadways, through roadways, stop or yield intersections, speed restrictions, crosswalks, safety zones, matters pertaining to all forms of commercial ground transportation traffic lanes, signal devices, limitations on roadway use, and restricted areas. [City Code - Section 8-22]

B. Pedestrian Right-of-Way

The operator of any vehicle shall yield the right-of-way to a pedestrian. The driver of a vehicle must exercise due care for the safety of any pedestrian upon a roadway. [City Code - Section 8-22]

C. Authorized Vehicles

Only vehicles properly registered to operate on public roads shall be authorized to use designated airport roadways, except vehicles of non-standard height and/or weight shall require the express written permission of the airport manager. No person shall operate upon the airport premises any motor vehicle which: 1) is so constructed, equipped or loaded or which is in such unsafe condition as to endanger persons or property, or 2) which has attached thereon any object or equipment (including that which is being towed) which drags, swings or projects so as to be hazardous to persons or property.

D. Closing or Restricting use of Airport Roadways

The airport manager or his/her authorized representative is authorized to close or restrict the use of any or all airport roadways to vehicular traffic in the interest of public safety.

E. Storing, Parking or Repairing Vehicles

No motor vehicle shall be stored, parked or repaired on airport property except vehicles parked or stored in areas so designated by the manager or his/her authorized representative. Repairs are limited to only minor repairs necessary with respect to a temporarily disabled vehicle.

6.02 LICENSING

No person shall operate a motorized vehicle or motorized equipment on the airport without a valid operator's license.

6.03 PROCEDURE IN CASE OF MOTOR VEHICLE ACCIDENTS

The driver of any vehicle involved in an accident on the airport which results in injury to or death of any persons or property damage shall immediately stop such vehicle at the scene of the accident and shall render reasonable assistance. The driver shall immediately, by the quickest means of communication, give notice of an accident to the applicable law enforcement agency and the airport manager. The driver of each vehicle involved shall furnish the name and address of the owner and the driver of the vehicle, the operator's license and vehicle registration and the name of the liability insurance carrier for the vehicle to any person injured, the driver or occupant of the vehicle damage and to any police officer.

6.04 SPEED LIMITS

A. Safe Speed

No person shall drive a vehicle on the airport at a speed greater than 20 mph or prudent under the existing conditions and having due regard to actual and potential hazards.

B. Minimum Speed

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law.

C. Maximum Speed

No person shall drive a vehicle on the streets and other vehicular areas on the airport, including parking areas, in excess of the speed limits indicated on signs posted and maintained by the town. In areas in which signs are not posted, the speed limit shall be 20 mph. Speed limits around hangars and taxiways providing access to apron is 10 mph.

6.05 VEHICLE OPERATIONS WITHIN AIR OPERATIONS AREA [49 CFR Part 139.329]

A. Licensing and Registration

1. No person shall operate motorized ground equipment of any kind on the airport without a valid operator's license.
2. No person shall operate any motor vehicle in the air operations area without having first registered the same with the airport manager and obtained a permit and airfield safety briefing for the operation of such equipment.

B. Rules of Operations

1. No person shall operate a motor vehicle of any kind on the airport in a reckless manner or in excess of the speed limits prescribed by the airport manager. Speed limits shall not exceed 20 mph on ramp, apron, and 10 mph in aircraft parking or hanging areas.
2. Pedestrians and aircraft shall, at all times, have right of way over vehicular traffic. All vehicles shall pass to the rear of taxing aircraft and shall pass no nearer than 20 feet horizontal distance from any wing or tail section of a parked aircraft.
3. No persons operating a motor vehicle on the airport shall fail to give proper signals or fail to observe the directions of posted traffic signs.
4. No person under the influence of intoxicating liquor, narcotic or dangerous drugs shall operate a motor vehicle or aircraft on the airport.

5. No person shall operate any motor vehicle on the airport overloaded or carrying more passengers than that for which the vehicle was designed. No person shall ride on the running board, standing up in the body of moving vehicles or with arms or legs protruding from the body of motor vehicles other than crash, fire and rescue vehicles designed for standing personnel.
6. No vehicles shall be operated on the airport if so constructed, equipped or loaded as to endanger persons or property.
7. No person shall operate a motorcycle, truck or other motor vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame in any hangar on the airport.
8. When parking adjacent to a runway, all vehicles must park parallel to the runway and at least 250 feet to the outside of the runway lights.
9. Two-way radio communications (VHF UNICOM 122.8) will be required of all authorized vehicles or escort by vehicles so equipped, traversing or operating on runways and taxiways at the airport. Such vehicles will display a flashing or rotating yellow beacon. Vehicle operators will contact the UNICOM operator (when on duty) and will receive information regarding known aircraft movement on the ground and in the air around the airport. The vehicle operator will closely monitor UNICOM for transmissions by aircraft or the UNICOM operator. Responsibility lies with the vehicle operator to visually clear himself prior to entering a taxiway or runway.

C. Parking

No person shall park a motor vehicle for loading, unloading or any other purpose on the airport other than in the areas specifically designated for parking and in the manner prescribed by signs, lines or other means. No person shall abandon any motor vehicle on the airport. No person shall park a motor vehicle in a manner as to obstruct roadways nor in a manner which could interfere with or create a hazard for aircraft operations. Vehicle will not be parked on the grass or between hangars. [Certification Alert 12-06 & 49 CFR Part 139.323]

SECTION 7

CHARGES

7.01 SPACE OCCUPANCY CHARGES [City Code - Section 8-23 & 8-24]

Occupancy and rental of all space or the conduct of any business, commercial enterprise or other form of revenue producing activity on the airport shall not be permitted unless a written agreement for such occupancy, rental or conduct or business has first been obtained from the city.

7.02 REMOVAL OF PROPERTY [City Code - Section 8-22, 8-23 & Order 5190-6B]

1. Law enforcement may remove or cause to be removed from any restricted or reserved areas, any roadway or right-of-way, or any other unauthorized area or structure at the airport, any property which is disabled, abandoned or which creates an operations problem, nuisance, security or safety hazard or which otherwise is placed in an illegal, improper or unauthorized manner. Any such property may be removed or caused to be removed by the law enforcement to an official impound area or such other area designated by the city.
2. Any property impounded by the airport shall be released to the owner or operator thereof, upon proper identification of the property, provided that the person claiming it pays any towing, removal or stage charges and any other accrued fees. The city shall not be liable for any damage, which may be caused to the property or loss of diminution of value which may be caused by the act of removal.

7.03 INTENT

Nothing in the preceding sections is intended to preclude any authorized city or law enforcement personnel from taking other action authorized by law.

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: September 19, 2013

Subject: 13th Street Improvements from Main to Milner

Person(s) Toby Dougherty, City Manager

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

Summary

The 2014 Budget included funding from City Commission Financial Policy Projects Fund to make improvements to 13th Street from Main to Milner. This would be the next large reconstruction project following the reconstruction of 41st Street from the US-183 Bypass to Hall Street in 2014.

Staff recommends soliciting proposals for engineering services related to development of concept plans and cost estimates for the reconstruction of 13th Street from Main to Milner.

Background

Over the last several years, the City has changed its method of upgrading and reconstructing major streets (arterials). In the past, the Surface Transportation Program (STP), also called the KDOT 5-year Plan, funded 80% of the cost of major reconstruction projects using federal money. Recent projects funded under that program include Hall Street from 8th to 27th Street, 8th Street from Elm to Milner, 22nd Street from Canterbury to Commerce Parkway, and in 2014, 41st Street from the US-183 Bypass to Hall Street. In 2011, KDOT changed the way they distribute the STP Funds and for the most part, things have changed. The City's future allocation of STP funds until 2022 is being used for the 41st Street reconstruction project. What this means, is that the City must find alternative funding for major street reconstruction projects.

Towards the effort of keeping the mill levy from increasing, the City has also tended not to bond the cost of street reconstruction projects, and has gone to a "pay-as-you-go" system. That cash based funding comes from the City Commission Financial Policy Projects Fund (FPP) which contains surplus sales tax revenues. Recently, the City Commission has authorized funding from FPP to fund the local match for 41st Street and

the Airport Runway Reconstruction. FPP is also currently being used to rehabilitate 13th Street from Vine to Hays High School.

The Capital Improvement Plan contained within the 2014 Budget identified funding in 2014 and 2015 for the reconstruction of 13th Street from Main to Milner as the next “big project” to be funded.

Discussion

Several factors contributed to considering the reconstruction of 13th Street from Main to Milner as the next large reconstruction project to be funded from FPP:

- The Comprehensive Plan Update recommended maintaining “good design quality along major community corridors, allowing them to serve as attractive gateways into the town and supporting the business and community environment.”
- 13th Street is a gateway to Downtown.
- 13th Street from Main to Milner is excessively wide with on-street parking on both sides.
- The pavement on 13th Street from Main to Milner is in need of replacement. The Pavement Condition Index in 2011 was 38 out of 100 resulting in a rating of poor.
- Water Distribution and Stormwater System Improvements can be incorporated into the project.
- Other considerations include the road diet improvements to 13th Street east of Milner currently underway, which include the mill and overlay of the asphalt and restriping to 3-lanes with bike lanes on both sides. Any improvement of 13th Street from Main to Milner would continue the multi-modal incorporation of the Hays Bike Plan.

Some scenarios may include:

- Landscaped Medians
- Stormwater Improvements
- Bicycle Facilities
- Improved Lighting
- Gateway/Entryway Art
- New pavement and underground utilities

Improving 13th Street would be a highly visible project that would provide a benefit to a large portion of the City and regional population.

In order to effectively proceed with a project to improve 13th Street from Main to Milner, an engineering firm should be hired to develop concept plans, cost estimates, and eventually design a project based on feedback from the City Commission.

If authorized, staff would solicit proposals from interested firms and bring back a recommendation for a firm to enter a Professional Services Agreement.

Legal Consideration

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

Financial Consideration

While the estimated cost of improvements is not known at this time, the Capital Improvement Plan within the 2014 budget included \$100,000 for Engineering Services in 2014 and \$1.4 million for construction in 2015. Funding would come from Capital Projects.

Options

The Commission has the following options:

Option 1: Authorize staff to solicit proposals for engineering services related to development of concept plans and cost estimates for the reconstruction of 13th Street from Main to Milner.

Option 2: Provide alternate direction to staff.

Recommendation

City staff recommends proceeding with Option 1.

Action Requested

Consider authorizing staff to solicit proposals for engineering services related to the development of concept plans and cost estimates for the reconstruction of 13th Street from Main to Milner.

Supporting Documentation

Location Map

13th Street Main to Milner

City of Hays Public Works
September 19, 2013 Work Session



Commission Work Session Agenda

Memo

From: Paul Briseno, Assistant City Manager

Meeting: September 19, 2013

Subject: Transfer of \$1.5 Million from Financial Policy Projects to Capital Projects to Fund 13th Street Reconstruction

Person(s) Toby Dougherty, City Manager
Responsible: Paul Briseno, Assistant City Manager

Summary

Over the past five years the City Commission has implemented necessary strategies to minimize municipal costs to property taxes. In 2011 the Commission went to a pay as you go system to keep the mill levy at 25 for the foreseeable future. The next prioritized project is 13th Street reconstruction from Main to Milner with a tentative cost of \$1,500,000.

City staff recommends transferring \$1.5 million from Financial Policy Projects to Capital Projects to pay for 13th Street reconstruction from Main to Milner.

Background

Historically property taxes funded capital projects. General obligation bonds were utilized to finance capital projects not associated to enterprise funds. Therefore any new capital projects automatically increased the city's property tax levy.

Increased Projects =>Increased Payments=>Increased Property Taxes to Cover Payments

In 2011 the City Commission established a capital improvement plan with no additional projects that required additional debt/property taxes, in an effort to stabilize the city's mill at 25 for future years. To fund necessary capital projects City Commission excess Financial Policy Projects would be utilized. Over the past five years City Commission has used \$9.4 million to pay cash for capital projects, early pay off of debt, or offsetting necessary property taxes.

Discussion

A transfer is recommended from the Commission Financial Policy Projects to Capital Projects Fund to accomplish a pay-as-you-go process for 13th Street reconstruction from Main to Milner at a preliminary cost of \$1,500,000.

Approximately \$100,000 of these funds is budgeted in the Capital Improvement Plan for engineering to establish design options and cost considerations. Tentative construction costs are estimated at \$1,400,000. Once design options are finalized the City Commission will select a desired plan which may require additional City Commission Financial Policy Projects.

Legal Consideration

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

Financial Consideration

This recommendation meets City Commissions Financial Policy. A transfer to pay for the 13th Street reconstruction from Main to Milner will reduce the 2013 estimated Commission Financial Policy Projects to acceptable levels for 2014. This amount is estimated and will be updated through the budget process. The first step in this project is proper design/engineering to solidify costs. Of the \$1,500,000 noted in the Capital Improvement Plan for this project, \$100,000 is noted for engineering and design.

Options

This item will be presented at the September 26, 2013 meeting for City Commission action. At that time the Commission has the following options:

Option 1: Approve a transfer of \$1,500,000 from the City Commission Financial Policy Projects to Capital Projects Fund for the 13th reconstruction from Main to Milner.

Option 2: Do nothing.

Option 3: Move this item to another Commission Work Session for further review.

Recommendation

City staff recommends a 2013 transfer from City Commission Financial Policy Projects in the amount of \$1,500,000 to Capital Projects Fund for the reconstruction of 13th Street from Main to Milner.

Action Requested

Approval of a 2013 transfer in the amount of \$1,500,000 from City Commission Financial Policy Projects to Capital Projects Fund for the reconstruction of 13th Street from Main to Milner

Supporting Documentation

None

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
POLICY FOR THE PLACEMENT OF PLAQUES ON CITY FACILITIES	City Commission	9-26-13	

POLICY STATEMENT:

In an effort to ensure consistent placement of recognition plaques, as well as to protect the historical integrity of Larks Park, the City Commission hereby adopts the following policy.

Procedure:

Larks Park

No recognition plaques, or any other plaque, will be attached to the main structure at Larks Park without City Commission approval. The City Commission understands that Fort Hays State University may choose to recognize donors for specific projects at Larks Park. These recognition plaques must be located in a centralized area created and maintained by Fort Hays State University.

Fixed Structures on City Property

Any entity wishing to seek or acknowledge recognition on a fixed structure located on any City property must first receive approval of the City Commission. City Commission approval will take into account the size, location and language included on the plaque.

Recognition for Non-fixed City Structures

Recognition for non-fixed structures such as benches, trees or any other non-fixed object shall be approved by the City Manager.

Acknowledgement of City Financial Assistance

The City’s financial assistance, if provided, must be noted on any recognition plaque that will be located on or within any City-owned property.

Commission Work Session Agenda

Memo

From: Toby Dougherty, City Manager

Work Session: August 15, 2013

Subject: Discussion of Larks Park Recognition Plaques

Person(s) Commissioner Mellick
Responsible: Toby Dougherty, City Manager

Summary

Fort Hays State University installed a plaque on the grand stands at Larks Park identifying a donor for a smaller project completed at the facility. Commissioner Mellick would like to discuss a possible policy dealing with these types of recognition.

Background

Two years ago, the City had budgeted \$10,000 for backstop improvements at Larks Park. The City was contacted by Fort Hays State University about the possibility of replacing the entire backstop. As this would require more than the \$10,000 budgeted, the City indicated to the University that it would pledge the budgeted \$10,000 for the project if the University came up with the rest of the money. The total project to replace the backstop was \$18,350. Fort Hays State University oversaw the backstop replacement project. The City merely provided guidance on specifications and financial assistance.

As the backstop was being reconstructed, the City Commission directed staff to install preventative measures in hopes of reducing the number of foul balls that ended up in the Hays Aquatic Park. This change required an expenditure of \$2,735 that the City paid for.

Discussion

As previously mentioned, the total project cost was \$18,350. The City of Hays paid \$10,000, and Fort Hays State University paid \$8,350. It is unknown at this time where the \$8,350 came from for the University's portion. Sometime this year, a plaque appeared on the east side of the Larks Park grand stand identifying The Meckenstock Group for its financial contribution to this project. City staff was contacted by Fort Hays State University and advised the plaque be small and unobtrusive.

Commissioner Mellick would like to discuss the University's installation of the plaque with the rest of the Commission to determine if there needs to be permission granted by the City Commission for future recognitions such as this plaque.

Legal Consideration

Larks Park is City-owned property and the City controls all aspects of it, including signage such as that involved in this matter. The lease between the City and University does allow for advertising space to be sold by the University, however, this particular plaque is not something that is contemplated by the agreement. There is no known legal obstacle to the City asserting approval rights for such modifications to the facility.

Financial Consideration

There are no financial considerations at this time.

Action Requested

This item is being brought up by Commissioner Mellick and is for discussion only at this time.

Supporting Documentation

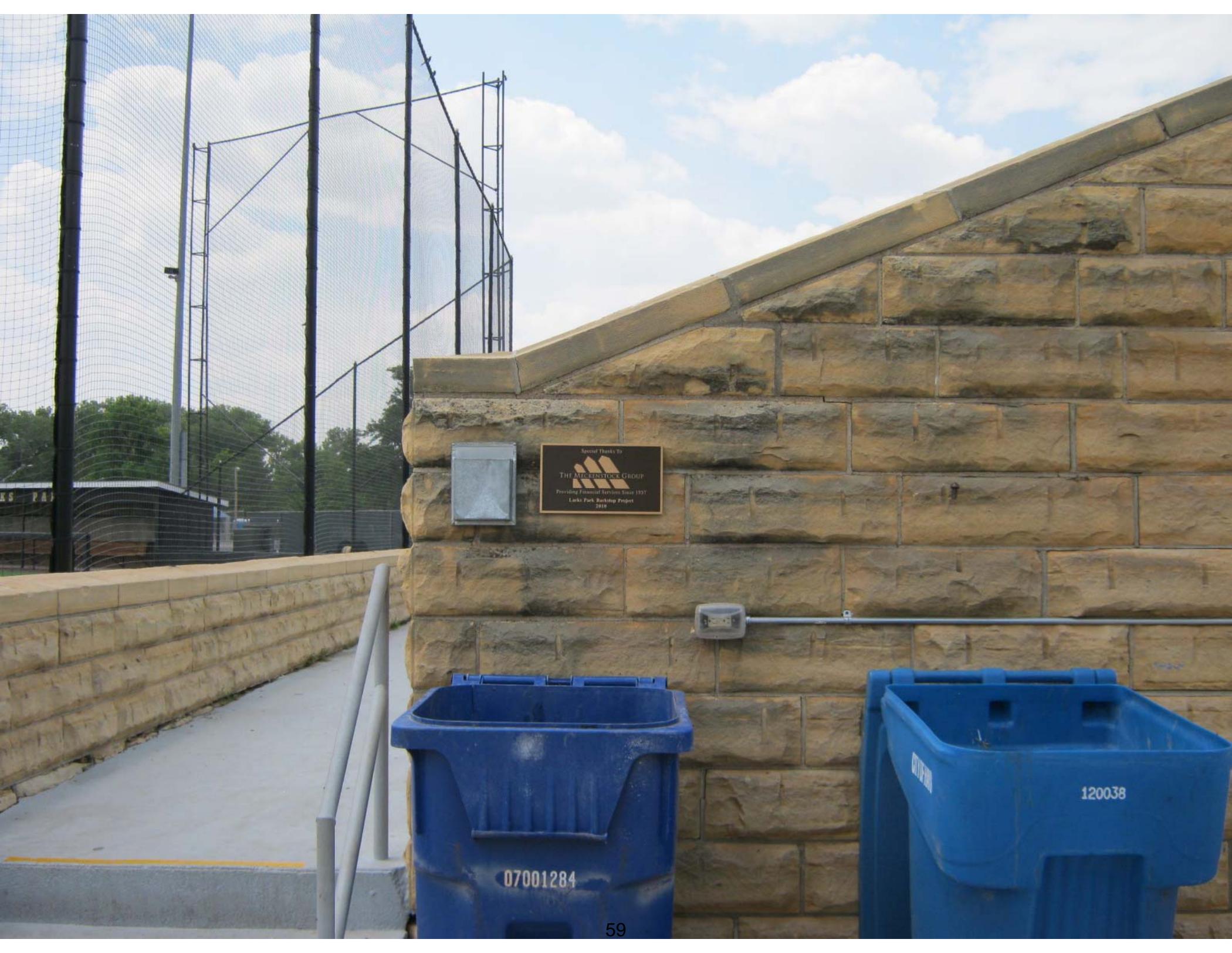
Pictures of Plaques

Special Thanks To



Providing Financial Services Since 1937

**Larks Park Backstop Project
2010**



Special Thanks To
THE MCKENESTOCK GROUP
Providing Financial Services Since 1957
Lacks Park Backstop Project
2018

