

City of Hays
City Commission
Work Session Notes

Thursday, July 20, 2023 – 4:00 p.m.

Present: Shaun Musil, Sandy Jacobs, Reese Barrick, Alaina Cunningham, Collin Bielser, and Kim Rupp

Absent: Mason Ruder

July 6, 2023 Work Session Notes

There were no corrections or additions to the minutes of the work session held on July 6, 2023; the minutes stand approved as presented.

Common Consumption Area

Collin Bielser, Deputy City Manager, stated that this is a continuation of the discussion from the July 6, 2023 Work Session. A Common Consumption Area (CCA) is a defined indoor or outdoor area where the possession and consumption of alcoholic liquor and cereal malt beverages (CMB) are allowed pursuant to an approved State permit. It gives business owners the ability to designate a defined area, allowing patrons of restaurants and bars to move freely in the public right-of-way with consumption allowances. Kansas law allows municipalities the ability to establish CCAs. Recent changes in State law have renewed interest for the possibility of establishing a CCA.

Prior to July 2023, it was a requirement for roads within a CCA to be blocked, prohibiting vehicular traffic. This was the primary hinderance of past efforts to establish a CCA. However, recent legislation modified this requirement, and now at a minimum, only requires boundaries of a CCA to be conspicuously posted with signage designating the boundaries of the area.

To establish a CCA, the City must pass an ordinance creating the area and designating the boundaries. Any City-specific rules or guidelines, such as dates and time of operation, applicable to the area must be included in the

ordinance. Following ordinance approval, the City would need to seek approval of a CCA permit from the State. The cost for a permit is \$100 and is valid for up to one year.

Businesses licensed to sell alcoholic beverages must apply to the State to participate in an established CCA. Only businesses located within or immediately adjacent to the district are eligible to participate. Drinks must be purchased inside the place of business, and then they may be carried outside into the CCA. Drinks must be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the participating business.

At the July 6, 2023 Work Session, the Commission discussed a CCA boundary from 7th Street to 13th Street and from Fort Street to Oak Street. The Commission directed Staff to bring back recommended regulations and to keep them as simple as possible.

Staff Recommended Rules and Regulations:

- Year-round CCA
- 6:00 a.m. to 2:00 a.m.
- Plastic cups
- Ability for City Manager to establish other rules and regulations as necessary.

Mr. Bielser stated that staff estimates signage and posts for the proposed district could range from \$10,000 to \$15,000; however, this cost will be dependent on the size of the established area and state approval of boundary demarcation plans. Currently, City Code Sections 14-141 and 14-143 prohibit public drinking and possession on public property except in the City's public parks and where an outdoor dining permit has been issued. If the City Commission desires to implement a CCA, the City Attorney recommends modifying sections 14-141 and 14-143 to include a statement that specifies the consumption and possession of alcoholic liquor and cereal malt beverages are allowed within a CCA established by the City pursuant to State law.

Vice-Mayor Jacobs stated that she has heard from one constituent that was not in favor of the CCA but has heard a lot of positive comments from people

in the community that are looking forward to this, particularly during special events.

Commissioner Barrick stated that he has heard concerns from some downtown merchants that the burden would be on them to put signs up stating customers can't bring an open container in their store and worried about public perception. He added that it may be better for them if the CCA was approved for specific events rather than year-round. He also stated that if it is approved year-round, he believes it should include a few specific businesses that are being excluded that are a block away.

Commissioner Cunningham agreed that the boundary should be extended to include 9th Street and 10th Street to Ash Street. This new boundary would include the Golden Q, 9th Street Diner, and Sip N Spin.

Mayor Musil stated he believes most businesses that sell alcohol will not allow alcohol to be brought into their business that was purchased at another establishment for liability reasons.

Dustin Roths, owner of Diamond R Jewelry, Fox Theatre, and The Strand Event Center, all businesses within the initial CCA district that is being proposed, stated that he believes that the CCA should be allowed year-round and that the Commission may not realize the number of people that come downtown on a regular basis. This would allow the customer a lot more flexibility in moving between businesses. He felt the additional businesses previously discussed should be included in the CCA district as well. He thinks this will help build and grow a vibrant downtown. It shows that we understand the economic power of a district like this and what it would do for not only tax revenue, but also the ability to bring people into our downtown.

Mr. Bielser stated that the City would be liable for any violation outside of the business within the CCA. The ultimate consequence is that the permit could be pulled by the State. Kim Rupp, Director of Finance, stated that there are no exclusions for this activity from Midwest Public Risk, the City's insurance carrier.

It was the consensus of the Commission to direct staff to have two ordinances drafted that will allow them to consider both CCA district boundary

options. This item will be brought back for consideration at a future Commission meeting in August.

2024 Budget Review

The 2024 Budget was presented to the Commission at the July 6, 2023 Work Session. Collin Bielser, Deputy City Manager, stated that there was discussion regarding additional pickleball courts at that meeting. Currently, the City of Hays has three tennis courts and two pickleball courts. In the community, there are two permanent pickleball courts and nine temporary pickleball courts. A layout that would create two extra pickleball courts superimposed over one tennis court was suggested to Parks Director, Jeff Boyle. When the pickleball players have tournaments, they are taping the pickleball courts' boundaries on the City's tennis courts in this fashion and borrowing temporary netting from Hays Recreation Commission.

The estimated cost for one tennis court to be re-painted to provide two additional pickleball courts is approximately \$15,000. It would require players to provide temporary netting.

Mayor Musil stated that pickleball is the rage right now and requested information as to how much the tennis courts and pickleball courts are used. Discussion was held about holding pickleball tournaments here as well.

Vice-Mayor Jacobs stated that this is a quality-of-life issue and there is a whole sector of the community interested in pickleball.

Mr. Bielser stated in the Special Parks Fund of the 2024 Budget, funds are available to convert tennis courts to temporary pickleball courts. Mayor Musil suggested adding additional pickleball courts to the Capital Improvement Plan (CIP).

Mayor Musil stated that in 2021 he suggested participating in the Rural Opportunity Zone (ROZ), but there was not a lot of data at that time. He would like the City Commission to consider supporting this. The State program is a tool for communities to incentivize citizens to move to counties with populations of fewer than 40,000 residents. It includes financial incentives from the state for

people to move to rural counties. Mayor Musil suggested a \$15,000 commitment from the City that would fund 10 people.

Vice-Mayor Jacobs stated that it is disappointing that she has not seen this program work. She would like to see commercial businesses participate in it to attract employees.

Mr. Bielser noted that it would be a City commitment of \$15,000 per year for five years. He also stated those funds could be given to Grow Hays specifically for this program and allow them to manage it.

Michael Berges, Ellis County Commissioner, stated that the County Commission budgeted \$15,000 allocated to the Rural Opportunity Zone Program. Mr. Berges encouraged the City to participate also. This is an incentive for people that have moved away and would like to move back or those that are attracted to our community and would like to move here. Mr. Berges stated that the County plans to use this to attract employees.

Mr. Bielser stated the 2024 Budget will be reviewed and discussed at the August 3, 2023 Work Session. If necessary, the budget can be discussed at the August 17, 2023 Work Session as well.

Other Items for Discussion

Vice-Mayor Jacobs stated she has some concerns regarding the new roundabout at 27th and Canterbury Drive. As a citizen, she feels it is difficult to know the roundabout is there from a distance when you are on Canterbury Drive. Mr. Bielser stated they will continue to monitor the traffic flows and identify different ways to make this more visible. She stated that she has heard positive comments from the public and believes it moves traffic very well.

Mayor Musil stated that he had the opportunity to attend the R9 Water Transfer Hearing in Wichita, Kansas and stated that Toby Dougherty, City Manager, did a great job and is very educated on the subject. He added that this is huge for the community and historic for not only Hays and Russell, but for the State of Kansas.

The work session was adjourned at 5:05 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk