

**CITY OF HAYS COMMISSION MEETING  
CITY HALL, 1507 MAIN STREET, HAYS, KS  
THURSDAY, OCTOBER 8, 2020 – 6:30 P.M.  
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES:** Consider approval of the minutes from the regular meeting held on September 24, 2020. (PAGE 1)
3. **CITIZEN COMMENTS:** (non-agenda items).
4. **CONSENT AGENDA:** (Items to be approved by the Commission in one motion, unless objections are raised).  
Mayoral Appointment for Approval: Hays Convention and Visitors Bureau Advisory Committee (PAGE 7)

**UNFINISHED BUSINESS**

(No business to review)

**NEW BUSINESS**

5. **2020 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES:** Approve Ordinance No. 3991 adopting the 2020 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays. (PAGE 9)
6. **2020 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES:** Approve Ordinance No. 3992 adopting the 2020 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays. (PAGE 25)
7. **R9 RANCH UPDATE:** The City Manager will update the City Commission on the status of the Hays/Russell R9 development project. (PAGE 29)
8. **COMMISSION INQUIRIES AND COMMENTS**
9. **EXECUTIVE SESSION (IF REQUIRED)**
10. **ADJOURNMENT**

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



MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON SEPTEMBER 24, 2020

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session on Thursday, September 24, 2020 at 6:30 p.m.

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

Absent: Shaun Musil

Vice-Mayor Jacobs declared a quorum was present and called the meeting to order.

**2. MINUTES:** There were no corrections or additions to the minutes of the regular meeting held on September 10, 2020; the minutes stand approved as presented.

**3. FINANCIAL STATEMENT:** Finance Director, Kim Rupp, reviewed the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended August 31, 2020.

Month-to-date general fund sales tax collections were at \$703,674, which was an increase of \$105,798 or 17.7% as compared to last year. Year-to-date collections are at \$5,058,418 up \$241,370 or 5%. The six month average is at 6.35% which is an increase of 7.94% when compared to a year ago.

The report of top ten quarter-to-date sales tax collections by classification was up \$136,927 or 6.76%.

The portfolio of certificates of deposit on August 31, 2020 totaled \$49,550,000 with a weighted average interest rate of .89% down 1.5% from a year ago. The total of US Treasuries at par value is \$4,477,000 with a weighted average yield to maturity of .59%. The total balance of the Money Market

account on August 31, 2020 was \$1,750,000 with a current yield of .05%. Total investments are down \$6,523,000 when compared to this time last year.

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

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

**4. CITIZEN COMMENTS:** Ellen Hands thanked the Commissioners for passing the mask ordinance and asked them to extend it as it is scheduled to end Monday, October 5, 2020. She stated that she knows it is not popular, but it is better than another shut down and the negative economic and emotional consequences that would bring. She added that all of the reputable public health guidance says wearing a mask reduces the spread of the virus.

Elizabeth Snyder, M.D., a primary care doctor at HaysMed Hospital, stated she recommends to her patients that they wear a mask and believes it will help reduce the virus spread at least somewhat. She also asked the Commissioners to extend the mask mandate ordinance indefinitely.

Lydia Hickel, a student at St. Mary's School in Ellis, Kansas, who is at high risk for Covid-19 because she has asthma, stated she wants to keep the mask mandate ordinance so she can continue to go to school, dance, and be with her friends. Lydia's mother, Cassie Hickel, pleaded with the Commissioners to extend the mask mandate, so that everyone can feel a little safer shopping, dining, and being in the City that they know and love.

**5. CONSENT AGENDA:** The following proposed appointment will be presented for approval at the October 8, 2020 City Commission meeting.

Hays Convention and Visitors Bureau Advisory Committee

Jeremy Gill (Hays Public Library) – term to expire December 1, 2021 (1st term)

Mason Ruder moved, Michael Berges seconded, to approve the consent agenda as presented.

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

## **NEW BUSINESS**

### **6. REZONING OF ELLIS COUNTY PROPERTY IN THE 1500 BLOCK OF 240<sup>TH</sup> AVENUE FROM AGRICULTURE “A-L” TO PUBLIC AND INSTITUTIONAL DISTRICT “P-I”:**

Jesse Rohr, Director of Public Works, stated an application has been submitted by Ellis County to request a change in zoning from “A-L” Agriculture to “P-I” Public and Institutional District for property within the 1500 Block of 240<sup>th</sup> Avenue. Ellis County is also the owner of the adjacent property to the south, which is the Ellis County Landfill, that is zoned “P-I”. The purpose of the Public and Institutional District is to provide for public-owned and operated uses (e.g., governmental and school buildings and facilities, utility stations, libraries, cemeteries, active and passive recreational parks, public safety complexes, post offices, etc.). These uses are often unique in nature and scale and thus, not appropriately placed within any other district. The property will continue to use rural water and private sewer utilities as needed. The Planning Commission approved the zoning request at their August 17, 2020 meeting by a vote of 6-0. Staff is in favor of this request due to the zoning of adjacent property and compatible uses in the area.

Commissioner Berges asked if there are any buildings on this property. Mr. Rohr said there are no buildings currently on this property.

Commissioner Ruder stated because he is an employee of Ellis County, he will abstain from voting.

Michael Berges moved, Ron Mellick seconded, to adopt Ordinance No. 3990 approving the change in zoning from Agriculture “A-L” to Public and Institutional District “P-I” for property along the 1500 Block of 240<sup>th</sup> Avenue as legally described within the ordinance.

Vote: Ayes: Sandy Jacobs  
Michael Berges  
Ron Mellick

Abstain: Mason Ruder

**7. AIRPORT FIBER CONNECTIVITY:** Chad Ruder, Director of Information Technology, stated the Airport Terminal building and Airport Fire Station both have computer connectivity well below the standard established for most other City buildings. While operational, the COVID-19 pandemic and the increased use of the Fire Station has proven that we need to address this deficiency. The best solution to provide our standard of network function, speed, and reliability to these two facilities is to connect the Airport to our network via high speed dedicated fiber optic cabling.

Staff solicited proposals for dedicated fiber optic connectivity from our established termination point at the Wastewater Treatment Plant to the Airport Fire Station along with a shorter connection from City Hall to the Law Enforcement Center to allow Ellis County resources to connect to the project. One bid was received from Nex-Tech in the amount of \$73,742. The recommended proposal from Nex-Tech meets all requirements to successfully provide fiber optic cabling services to the Airport. The proposal amount of \$73,742 will be financed via CARES Act funding.

Mason Ruder moved, Michael Berges seconded, to authorize the City Manager to enter into an agreement with Nex-Tech in the amount of \$73,742 for fiber optic cabling services to provide connectivity to the Hays Regional Airport and the Law Enforcement Center using CARES Act funding.

Commissioner Mellick stated he appreciates Mr. Ruder's forward thinking when putting in the Wastewater Treatment Plant connection to prepare for the connection to the Airport in the future.

Commissioner Ruder asked if there are any other connections needed. Mr. Ruder said only if we build something new. The only building that is not connected is the Solid Waste Facility and unless they drastically change the way they do things he is comfortable with the way it is.

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

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

**9. COMMISSION INQUIRIES AND COMMENTS:** Commissioner Mellick stated contractors have begun painting the Fort Hays State University logo on the water tower and that it is interesting watching the progress. He also noted that HaysMed will be holding their annual free drive-thru flu shot clinic on Sunday September 27<sup>th</sup>.

Commissioner Berges thanked Jeff Crispin, Water Resources Director, for the tour of the Wastewater treatment plant and the well houses near Schoenchen.

Vice-Mayor Jacobs added that the free flu shot clinic provided by HaysMed is a great service for our community.

The meeting was adjourned at 7:05 p.m.

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

Brenda Kitchen – City Clerk



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

**COMMISSION AGENDA ITEM NO. 4**

**MEETING DATE: 10-8-2020**

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**TOPIC:**

Mayoral Appointment for Approval

**ACTION REQUESTED:**

Approve the proposed appointment to the Hays Convention and Visitors Bureau Advisory Committee.

**NARRATIVE:**

The following appointment was recommended by Mayor Musil at the September 24, 2020 City Commission meeting and is now being presented for approval.

**Hays Convention and Visitors Bureau Advisory Committee**

Jeremy Gill (Hays Public Library) – term to expire 12-1-21 (1<sup>st</sup> term)

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

Mayor Musil

**ADMINISTRATION RECOMMENDATION:**

N/A

**COMMITTEE RECOMMENDATION(S):**

N/A

**ATTACHMENTS:**

Application

City of Hays  
Committee Application

Email Address	<a href="mailto:JGILL@HAYSLIBRARY.ORG">JGILL@HAYSLIBRARY.ORG</a>
Date	<i>Field not completed.</i>
Name	Jeremy M Gill
Address	1304 DONALD DR
City	HAYS
State	KS
Zip Code	67601
Daytime Phone	6206408493
Evening Phone	620-6408493
Place of Employment	Hays Public Library
How long have you been a Resident of Hays?	7 years
Name of Board(s) you are interested in serving on:	Hays CVB Advisory Council
How much time could you devote per month?	I can make it to each meeting and be there for the allotted time.
Are you related to anyone who is currently serving on a Board/Committee?	No
If Yes, Explain:	<i>Field not completed.</i>
Briefly describe why you are interested in serving on a Board/Committee for the City of Hays.	I want to have a positive impact the community of Hays since this is the place that I have received my degrees, found a full time job in my area of interest, as well as where we are choosing to raise our family. I want to build upon the successes of the community by keeping it a great place to live as well as a place to visit.
Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community.	Fort Hays Historic Site- Former part-time employee, and volunteered with pas events Former CVB greeter I have presented historical presentations at the Ellis County Historical Society, Hays Lions Club, and the Westerners Club I have assisted with the Rome archeological site Church activities

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5

MEETING DATE: 10-8-2020

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**TOPIC:**

2020 Uniform Public Offense Code for Kansas Cities

**ACTION REQUESTED:**

Approve Ordinance No. 3991 adopting the 2020 version of the Uniform Public Offense Code for Kansas Cities for use within the City of Hays.

**NARRATIVE:**

The League of Kansas Municipalities publishes a revised Uniform Public Offense Code (UPOC) on a yearly basis. The UPOC contains the most current legislative changes and updates. The majority of the UPOC remains the same from year to year, with only a few changes made. A handout has been prepared noting the additions and/or changes.

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

Don Scheibler, Chief of Police

**ADMINISTRATION RECOMMENDATION:**

Approve the ordinance adopting the 2020 Uniform Public Offense Code (UPOC) for use within the City of Hays.

**ATTACHMENTS:**

Commission work session memo  
Ordinance No. 3991 adopting the 2020 UPOC as prepared by City Attorney John Bird  
Handout noting the additions and/or changes in the 2020 UPOC

# Commission Work Session Agenda

## Memo

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

**Work Session:** October 1, 2020

**Subject:** 2020 Uniform Public Offense Code  
2020 Standard Traffic Ordinance

**Person(s) Responsible:** Don Scheibler, Chief of Police

### Summary

The City Commission is being asked to adopt by ordinance, the updated 2020 Uniform Public Offense Code for Kansas Cities (UPOC) and the updated 2020 Standard Traffic Ordinance for Kansas Cities (STO) for use within the City of Hays. The ordinances and any changes to the UPOC and the STO are presented to the Commission annually. It is the recommendation of city staff that the Commission approve the ordinances adopting the 2020 versions of the UPOC and STO.

### Background

The League of Kansas Municipalities (LKM) publishes a revised version of the Uniform Public Offense Code for Kansas Cities and the Standard Traffic Ordinance for Kansas Cities on a yearly basis. These publications are made available for purchase by municipalities. The municipalities may adopt these two sets of ordinances for their use. These ordinances contain the most current legislative changes and updates put into place annually by the Kansas Legislature.

### Discussion

Due to the shortened legislative session caused by the COVID-19 pandemic, there were limited changes to the 2020 Uniform Public Offense Code for Kansas Cities and there were no changes to the 2020 Standard Traffic Ordinance for Kansas Cities. A handout has been prepared by staff, listing the ordinances that have been changed with a brief outline of the changes.

Some of the changes and additions to the 2020 UPOC include the following:

#### New Law in the UPOC

**Sec. 10.29 Violation of a Public Health Order** – This is a new section that was added as a result of the COVID-19 pandemic. This section makes it a Class C misdemeanor to violate, refuse, or fail to comply with a written order from the County Health Officer, Board of Health, or Director of Health issued under their respective authorities. This section was added to mirror ordinances adopted in several cities during the COVID-19

pandemic as a mechanism for enforcement of county health orders through municipal court.

### **Changes to the UPOC**

**Sec. 5.7 Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor** – Changes to this section prohibits any person from selling tobacco products to a person under the age of 21, previously the age requirement was 18. On December 20, 2019, the President signed legislation amending the Federal Food, Drug, and Cosmetic Act. The act made it illegal for a retailer to sell any tobacco products to anyone under the age of 21. While Kansas has not raised the smoking age under state law, the League made the decision to change the purchasing age of cigarettes to 21 to match federal law.

### **UPOC Changes Relating to Firearms**

The following sections relating to firearms codes were amended or deleted from the UPOC to comply with Kansas State Law (K.S.A. 12-16,124) that prohibits a city from adopting any ordinance governing the requirement of fees, licenses or permits for, the commerce in or the sale, purchase, transfer, ownership, storage, carry, transporting or taxations of firearms or ammunition.

**Sec. 10.1 Criminal Use of a Weapon** – Subsections (a) 4-10, (d), (e), (f) were deleted from this section.

**Sec. 10.1.1 Criminal Carrying of a Weapon** – Subsection (a) (4) was deleted from this section.

**Sec. 10.2 Possession of a Firearm under the Influence** – This entire section was deleted.

**Sec. 10.3 Criminal Distribution of a Firearm to a Felon** - This entire section was deleted.

These acts are still violations of State law and violators can be charged in district court. These changes only prohibit the City from prosecuting these violations in municipal court. A handout has been prepared by staff noting these and other changes to the UPOC.

### **Changes to the STO**

Due to the shortened legislative session, there were no changes to the 2020 Standard Traffic Ordinance for Kansas Cities.

### **Legal Consideration**

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

### **Financial Consideration**

There are no financial considerations.

## **Options**

The City Commission has the following options:

- Approve the ordinances adopting the 2020 versions of the UPOC and STO.
- Not approve the ordinances adopting the 2020 revisions and continue to use the current (2019) versions of the UPOC and STO.

## **Recommendation**

It is the recommendation of city staff that the Commission approve the ordinances adopting the 2020 versions of the Uniformed Public Offense Code and Standard Traffic Ordinances.

## **Action Requested**

Approve the ordinances adopting the 2020 versions of the Uniformed Public Offense Code and Standard Traffic Ordinance for use in the City of Hays.

## **Supporting Documentation**

List of additions or changes made in the 2020 UPOC and STO

Draft ordinances adopting the 2020 UPOC and STO for use in the City of Hays

**ORDINANCE NO. 3991**

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS, INCORPORATING BY REFERENCE "THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2020, AND REPEALING ORDINANCE NO. 3967 OF THE CODE OF ORDINANCES OF THE CITY OF HAYS, KANSAS, AS PASSED ON AUGUST 22, 2019.

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

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Hays, Kansas, that certain code known as "The Uniform Public Offense Code," Edition of 2020, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3991," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. REPEAL. Ordinance No. 3967, adopted August 22, 2019, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect upon its publication on the City of Hays Website, the official city news outlet publication for the City of Hays.

PASSED by the Commission the 8<sup>th</sup> day of October, 2020.

APPROVED AND SIGNED by the Mayor this 8<sup>th</sup> day of October, 2020.

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SHAUN MUSIL  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

(SEAL)

**OVERVIEW OF CHANGES TO THE 2020 UNIFORM  
PUBLIC OFFENSE CODE FOR KANSAS CITIES**

**Brief outline of changes made to ordinance**

**Words Added**

~~**Words Deleted**~~

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Sec 1.1      **Definitions.**

**(page 11) Added definition of Explosives.**

**Explosives.** Any chemical compound, mixture or device, of which the primary purpose is to function by explosion, and includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. (K.S.A. 21-6312(e))

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**5.7.      Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.**

**(pages 49-50) Changed the age from 18 years of age to 21 years of age throughout the section.**

**5.7.      Selling, Giving or Furnishing Cigarettes or Tobacco Products to a Minor.**

(a) It shall be unlawful for any person to:

- (1) Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under ~~18~~ 21 years of age; or
- (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under ~~18~~ 21 years of age.

(b) It shall be a defense to a prosecution under this section if:

- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under ~~18~~ 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under ~~18~~ 21 years of age exhibited to the defendant a driver's license, Kansas non

driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

- (4) For purposes of this section the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under ~~18~~ 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(c) It shall be a defense to a prosecution under this subsection if:

- (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was ~~18~~ 21 or more years of age.

(d) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(e) Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200. (K.S.A. 79-3302, 79-3321:79-3322)

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#### 6.24. Commercial Fossil Hunting.

(pages 78-79) Corrected the section number from 6.2 to 6.24.

#### 6.24. Commercial Fossil Hunting.

(a) It is unlawful for any commercial fossil hunter to:

- (1) Go upon the land of another in search of fossils unless the commercial fossil hunter has obtained the written authorization of the landowner to go upon such land for such purpose and when requesting such written authorization has identified oneself to the landowner as a commercial fossil hunter who intends to explore the land and sell any fossils of value found

- on the land. The written authorization shall state that the landowner has been informed of such intended activities by the commercial fossil hunter; or
- (2) Remove a fossil from the land of another upon which the fossil is located unless the landowner is first provided with a description of the fossil and the landowner authorizes in writing the removal of the fossil.
- (b)
    - (1) Violation of subsection (a)(1) is a Class B nonperson Violation.
    - (2) Violation of subsection (a)(2) is a Class A nonperson Misdemeanor.
  - (c) As used in this section:
    - (1) **Commercial fossil hunter** means an individual who goes upon the land of another in search of fossils with the intent to sell fossils of value found upon such land;
    - (2) **Fossil** means any impression or trace of an animal or plant of a past geological age preserved in the earth's crust;
    - (3) **Landowner** means the record owner of the fee in real estate or the tenant of such owner who occupies such real estate, if so authorized by the owner; and
    - (4) **Land of another** means all real estate other than that owned or leased by any governmental entity or the commercial fossil hunter.
  - (d) This section is supplemental to and not in lieu of any other ordinance of this city or law of this state relating to entering or remaining upon the land of another and relating to the removal of items of value from the property of another.
  - (e) It shall not be a defense that the person did not know or have reason to know that such person was on the landowner's property. (K.S.A. 21-5811)
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#### 10.1. Criminal Use of Weapons.

**(pages 106-107) Deleted subsections (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9) and (a)(10). Updated language in subsection (b). Deleted subsection (d) and all subsections. Deleted subsection (e). Deleted subsection (f) and all subsections.**

#### 10.1. Criminal Use of Weapons.

- (a) Criminal use of weapons is knowingly:

- (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, or metal knuckles;
- (2) Possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, throwing star, stiletto or any other dangerous or deadly weapon or instrument of like character;
- (3) Setting a spring gun;
- ~~(4) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;~~
- ~~(5) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;~~
- ~~(6) Selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;~~
- ~~(7) Possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance;~~
- ~~(8) Possessing any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;~~
- ~~(9) Refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;~~
- ~~(10) Possessing a firearm with a barrel less than 12 inches long by any person less than 18 years of age.~~

~~(b) Criminal use of weapons as defined in:~~

- ~~(1) Subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(9) is a Class A violation;~~
- ~~(2) Subsection (a)(7) or (a)(8) is a Class B violation;~~

~~(3) Subsection (a)(10) is a Class A violation on a first offense.~~  
(b) is a Class A violation;

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

- (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
- (3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
- (4) The manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons. (K.S.A. 21-6301)

~~(d) Subsection (a)(8) shall not apply to:~~

- ~~(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;~~
- ~~(2) Possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;~~
- ~~(3) Possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;~~
- ~~(4) Possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or~~
- ~~(5) Possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law.~~

~~(e) Subsection (a)(6) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 75-7e26, and amendments thereto.~~

~~(f) Subsection (a)(10) shall not apply if such person, less than 18 years of age, was:~~

- ~~(1) In attendance at a hunter's safety course or a firearms safety course;~~
  - ~~(2) Engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;~~
  - ~~(3) Engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such performance;~~
  - ~~(4) Hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;~~
  - ~~(5) Traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (f)(1) through (f)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;~~
  - ~~(6) On real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or~~
  - ~~(7) At such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 21-5222, 21-5223 or 21-5225, and amendments thereto. (K.S.A. 21-6301)~~
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## 10.2. Possession of a Firearm Under the Influence.

(page 108) Deleted the entire section.

### ~~—10.2.— Possession of a Firearm Under the Influence.~~

- ~~(a) Possession of a firearm under the influence is knowingly possessing or carrying a loaded firearm on or about such person, or within such person's immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm.~~
- ~~(b) Possession of a firearm under the influence is a class A nonperson violation.~~
- ~~(c) This section shall not apply to:~~

- ~~— (1) A person who possesses or carries a firearm while in such person's own dwelling or place of business or on land owned or possessed by such person; or~~
- ~~— (2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.~~
  
- ~~(d) If probable cause exists for a law enforcement officer to believe a person is in possession of a firearm under the influence of alcohol or drugs, or both, such law enforcement officer shall request such person submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The selection of the test or tests shall be made by the officer.~~
  
- ~~(e) (1) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:~~
  - ~~— (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;~~
  - ~~— (B) a registered nurse or a licensed practical nurse;~~
  - ~~— (C) any qualified medical technician, including, but not limited to, an emergency medical technician=intermediate, mobile intensive care technician, an emergency medical technician-intermediate/defibrillator, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or~~
  - ~~— (D) a phlebotomist.~~
- ~~— (2) A law enforcement officer may direct a medical professional described in this subsection to draw a sample of blood from a person if the person has given consent or upon meeting the requirements of subsection (d).~~
- ~~— (3) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or~~

~~treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met or directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person to sign any additional consent or waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.~~

- ~~———— (4) Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document provided by law enforcement.~~
- ~~———— (5) If a sample is to be taken under authority of a search warrant, and the person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.~~
- ~~———— (6) A law enforcement officer may request a urine sample upon meeting the requirements of subsection (d).~~
- ~~———— (7) If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by:
  - ~~———— (A) A person licensed to practice medicine and surgery, licensed as a physician's assistant, or a person acting under the direction of any such licensed person;~~
  - ~~———— (B) a registered nurse or a licensed practical nurse; or~~
  - ~~———— (C) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same~~~~

~~authorization and procedure as used for the collection of blood in paragraphs (2) and (3) shall apply to the collection of a urine sample.~~

~~(8) The person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test who is acting in accordance with this section shall not be liable in any civil and criminal proceeding involving the action.~~

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

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

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

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

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

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

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

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

- ~~(i) The provisions of subsection (h) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.~~
  - ~~(j) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.~~
- ~~(K.S.A. 21-6332)~~
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### 10.3. Criminal Distribution of Firearms to a Felon.

**(page 108) Deleted the entire section.**

#### ~~10.3. Criminal Distribution of Firearms to a Felon.~~

- ~~(a) Criminal distribution of firearms to a felon is knowingly:
  - ~~(1) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in the subsection (b), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was not found to have been in possession of a firearm at the time of the commission of the felony;~~
  - ~~(2) Selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of felony to which this subsection applies, but was not found to have been in possession of a firearm at the time of the commission of the felony, or has been released from imprisonment for such a felony, and has not had the conviction of such felony expunged or been pardoned for such felony; or~~
  - ~~(3) Selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the felony.~~~~
- ~~(b) Subsection (a)(2) shall apply to a felony under K.S.A. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) or (b) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of 21-5807, and amendments thereto, K.S.A. 21-5705 or 21-5706, and amendments thereto, or K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410,~~

~~21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427,  
21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b  
or 65-4160 through 65-4165, prior to their repeal, or a crime under a  
law of another jurisdiction which is substantially the same as such  
felony.~~

~~(c) It is not a defense that the distributor did not know or have reason to know:~~

~~— (1) The precise felony the recipient committed;~~

~~— (2) That the recipient was in possession of a firearm at the time of the commission of the recipient's prior felony; or~~

~~— (3) That the convictions for such felony have not been expunged or pardoned.~~

~~(d) Criminal distribution of firearms to a felon is a Class A violation.  
(K.S.A. 21-6303)~~

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#### 10.29. Violation of a Public Health Order.

**(page 126) Added as a new section.**

#### 10.29. Violation of a Public Health Order.

(a) It shall be unlawful for any person to violate, refuse, or fail to comply with, a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.

(b) A violation of this section is a Class C violation.

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 10-8-2020

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**TOPIC:**

2020 Standard Traffic Ordinance for Kansas Cities

**ACTION REQUESTED:**

Approve Ordinance No. 3992 adopting the 2020 version of the Standard Traffic Ordinance for Kansas Cities for use within the City of Hays.

**NARRATIVE:**

The League of Kansas Municipalities publishes a revised Standard Traffic Ordinance (STO) on a yearly basis. The STO contains the most current legislative changes and updates. The majority of the STO remains the same from year to year, with only a few changes made. There were no changes in 2020.

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

Don Scheibler, Chief of Police

**ADMINISTRATION RECOMMENDATION:**

Approve the ordinance adopting the 2020 Standard Traffic Ordinance (STO) for use within the City of Hays.

**ATTACHMENTS:**

Ordinance No. 3992 adopting the 2020 STO as prepared by City Attorney John Bird Handout noting the additions and/or changes in the 2020 STO

## **ORDINANCE NO. 3992**

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS, INCORPORATING BY REFERENCE "THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2020, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 3968 OF THE CODE OF ORDINANCES OF THE CITY OF HAYS, KANSAS, AS PASSED ON AUGUST 22, 2019.

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Hays, Kansas, that certain standard traffic ordinance known as the *Standard Traffic Ordinance* for Kansas Cities, Edition of 2020, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts of portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted By Ordinance No. 3992", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such *Standard Traffic Ordinance* similarly marked, as may be deemed expedient.

Section 2. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

(a) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

(b) All traffic violations which are included within this ordinance and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

Section 3. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than -0- nor more than \$2,500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed \$2,500.00.

Section 4. REPEAL. Ordinance No. 3968, as passed on August 22, 2019, is hereby repealed.

Section 5. EFFECTIVE DATE. This ordinance shall take effect upon its publication on the City of Hays Website, the official city news outlet publication for the City of Hays.

PASSED by the Commission the 8<sup>th</sup> day of October, 2020.

APPROVED AND SIGNED by the Mayor this 8<sup>th</sup> day of October, 2020.

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SHAUN MUSIL  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk

**OVERVIEW OF CHANGES TO THE 2020 STANDARD  
TRAFFIC ORDINANCE FOR KANSAS CITIES**

**Brief outline of changes made to ordinance**

**Words Added**

**~~Words Deleted~~**

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Due to the shortened legislative session, there were no changes to the 2020 Standard Traffic Ordinance for Kansas Cities.

# CITY OF HAYS

## AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 10-8-2020

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**TOPIC:**

R9 Ranch Update

**ACTION REQUESTED:**

The City Manager will update the City Commission on the status of the Hays/Russell R9 development project.

**NARRATIVE:**

N/A

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

Toby Dougherty, City Manager

**ADMINISTRATION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

None