

City of Hays
City Commission
Work Session Notes

Thursday, April 21, 2022 – 6:30 p.m.

Present: Mason Ruder, Michael Berges, Shaun Musil, Sandy Jacobs, Reese Barrick, Toby Dougherty, Kim Rupp, and John T. Bird

April 7, 2022 Work Session Notes

There were no corrections or additions to the minutes of the work session held on April 7, 2022; the minutes stand approved as presented.

Streatery Policy Discussion

Collin Bielser, Assistant City Manager, stated a streatery is an open space constructed in the parking lane to be used as an extension of, and connected visually to, a nearby restaurant or bar for use by the establishment's patrons. Streateries became prevalent during the COVID-19 pandemic to accommodate social distancing requirements.

In Kansas, the Cities of Lawrence and Manhattan have adopted these types of special accommodations. The City of Lawrence implemented streateries as a temporary program but have found them to be very popular. They are currently working with an architectural firm to develop a long-term, permanent plan. The City of Manhattan implemented it as a temporary program as well, but due to its success, structures are now a permanent, year-round amenity. All platforms in Manhattan are identical and were designed and built with City funds.

Mr. Bielser reviewed policy considerations including alcohol consumption, location, footprint, use of space, season, structural and safety requirements, and insurance requirements.

Currently, City ordinance does not allow alcohol except in City parks. In order to go beyond a business's licensed premise onto public or private property, the business would need to apply for a temporary extension of premise through

the State. The City would need to approve a new ordinance allowing consumption of alcohol on public property.

If streateries are allowed, staff recommends that whatever is allowed to be served in the adjacent business be allowed in the streatory. This does not require added enforcement responsibility by the City. If alcohol is allowed, the businesses would have to comply with State Alcohol Beverage Control (ABC) regulations. ABC requirements include:

- The area must be marked by a three-dimensional obstacle. The three-dimensional obstacle does not need to be continuous.
- Gaps cannot be more than five feet in distance.
- Where a gap exists, a clear line of demarcation must be indicated on the ground.

Justin Whyte, (ABC) Enforcement Agent, explained how state liquor laws apply to streateries and answered questions regarding structural and barricade requirements. He stated a customer would not be allowed to walk between streateries with an alcoholic beverage. Commissioner Ruder asked who would enforce that. Mr. Whyte explained that if an enforcement agent is in town, they would enforce it, but it is up to the establishment to police themselves. He clarified that it is not the customer who will get in trouble if this happens, it is the licensee.

Commissioner Jacobs stated she loves outdoor dining and suggested a trial program.

Commissioner Musil, who owns the downtown Paisley Pear Wine Bar, Bistro, and Market, wondered if the investment costs would be worth it to the restaurant and bars. If an ordinance eventually passes, he said he is unsure whether he would create a streatory for his business.

Commissioner Musil stated he had asked the City Attorney if he could join in the discussion regarding streateries since his business has the potential to benefit from this type of program. After consultation, it was determined he could participate in the discussion from a high-level perspective. However, if the City

would decide to finance the program, like Manhattan, he can't have anything to do with the discussion or policy formation.

Following discussion, the Commissioners agreed to the following initial guidelines for a Streatery Policy:

- Alcohol Consumption: Alcohol would be allowed - the business must comply with State ABC regulations.
- Location: Allow anywhere in the City where off-street parking is not available or provided by the business, and the business does not already have access to private property to accommodate outdoor dining.
- Footprint: Allow one parking space per approved business with no buffer zone.
- Use of Space: Limit the use to restaurants and bars.
- Season: April 1st through October 31st.
- Structural and Safety Requirements: It can be located directly on the pavement or a platform as long as ADA requirements are met. Unacceptable construction materials include wood pallets, snow fence or picket fencing.

Mr. Bielser added that staff is also recommending businesses be required to show proof of insurance. Staff recommends the City Attorney draft proper language and coverage limits to protect the City against any claims that may arise from using public parking stalls as streateries.

A draft policy to allow a one-year streatery pilot program will be brought back to the Commission for further discussion at a future date.

2022 Waterline Improvements – Award of Bid

Jeff Crispin, Director of Water Resources, stated the 2022 Capital Improvement Plan includes projects to upgrade waterlines in various locations around the City. The project includes replacing three 4" water mains in residential areas that have had multiple breaks and quality issues in the past.

Bids were received from three contractors with the low bid coming from J Corp of Hays in the amount of \$673,440.35. A portion of the waterline improvements will need to occur in conjunction with the redevelopment at 2405 Vine Street, the new Scooters location. Rather than J Corp doing this small portion, the contractor redeveloping the site will perform the upgrade and the cost of \$57,090.00 will be reimbursed to Family Blends, LLC.

At the April 28, 2022 Commission meeting, Commissioners will be asked to authorize the City Manager to enter a contract with J Corp in the amount of \$673,440.35 and reimburse Family Blends, LLC in the amount of \$57,090.00, for a total of \$730,530.35 for the construction of the 2022 Waterline Improvements, to be funded from Water Capital.

Resolution making Certain Housing Needs Findings and Determinations as to a Proposed RHID – 4th and Fort Street

Kim Rupp, Director of Finance, stated Turn-Key Properties, LLC., has applied for a Rural Housing Incentive District (RHID). The Developer seeks to construct four structures containing an aggregate total of 36 apartment units to be located at 4th and Fort Street, directly west of the former Washington Elementary School. It is proposed to be a four-unit development with a mix of one and two bedroom apartments along with garages.

Mr. Rupp stated the first step in this process is adopting a Resolution making certain housing needs findings and determinations. Following adoption and publication, the resolution will then be sent to the Kansas Secretary of Commerce for approval to move forward with the RHID creation process and further Commission action.

Total cost of the project is estimated to be \$3,436,000. That includes acquisition cost, construction work as well as soft costs such as architect, loan interest, consultants, developer fees, travel, and appliances. Based on current project cost estimates, the Developer estimates that approximately \$414,550 of the total project costs are RHID-eligible expenses under State law and the City's Economic Development Policy. Those costs eligible for reimbursement would be

reimbursed on a pay-as-you-go basis. Based on current plans to develop the project, it is estimated that the RHID would generate approximately \$622,512 in incremental property tax revenues over the 25-year term of the RHID.

Commissioner Jacobs thanked Turn-Key Properties, LLC for continuing to invest in our community.

At the April 28, 2022 Commission meeting, Commissioners will be asked to adopt a resolution making certain housing needs findings and determinations, to move the creation of this RHID forward.

Other Items for Discussion

Commissioner Barrick stated he recently saw a racoon being tortured and killed in Hays, posted on Snapchat. He would like the Commission to consider revising the City Code of Ordinances regarding animals. The ordinance currently addresses squirrels and songbirds being killed, but he would like the ordinance to include other animals as well.

Commissioner Musil talked about the abuse of equipment at the ARC Park. He stated it is a beautiful park and he would like to discuss ideas of what can be done to prevent this type of thing from happening. Toby Dougherty, City Manager, stated he talked to the Parks Director and asked him to look into bigger signage and having the Parks Department employees monitor it if they are working in the area. He stated the Police Department is patrolling the area as well. There was also discussion about additional lighting in the area.

John T. Bird, City Attorney, stated that Hays lost one of its best citizens this week, Glenn Staab. Mr. Staab was a past Hays City Commissioner and was an active member of the community.

The work session was adjourned at 8:08 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk