



Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: June 16, 2025
Re: June 19, 2025 Work Session

Please find the attached agenda and supporting documentation for the June 19, 2025 Work Session.

Item 2 – CDBG Grant for Property at 1012 Main Street (One Twenty Seven Investments LLC) – Interlocal Agreement, Resolution Certifying Legal Authority, and Resolution Declaring a Building Blighted

Please refer to the attached memorandum from Jarrod Kuckelman, Assistant City Manager, regarding the CDBG grant for 1012 Main Street. This is similar to the previous CDBG grant for the rehab of 1108 Main Street in downtown Hays. The applicant plans to use the proceeds from the grant to help rehabilitate the second floor of the building, creating additional short-term housing.

Item 3 – AD3 LLC Rezoning – Request to Rezone 2707 Canal Boulevard from Commercial General District (C-2) to Residential Multi-Family District (R-M)

Please refer to the attached memorandum from Curtis Deines, Planning and Development Superintendent, regarding the rezoning request for a piece of property on Canal immediately east of the Hall Street Dillons.

Item 4 – General Nuisance Abatement for 206 East 14th Street

This item is self-explanatory.

Item 5 – UDC Changes – Accessory Structures

Please refer to the attached memorandum from Curtis Deines regarding the accessory structure changes to the UDC. Staff is suggesting three changes to the UDC. The first two have to do with small structures, and the third is regarding accessory buildings in relation to primary dwellings in areas zoned Agriculture District.

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CITY COMMISSION WORK SESSION

City Hall, 1507 Main Street, Hays, KS

Thursday, June 19, 2025 – 4:00 P.M.

AGENDA

1. **June 5, 2025 Work Session Notes (PAGE 1)**
Department Head Responsible: Kim Rupp, Director of Finance
2. **CDBG Grant for Property at 1012 Main Street (One Twenty Seven Investments LLC) – Interlocal Agreement, Resolution Certifying Legal Authority, and Resolution Declaring a Building Blighted (PAGE 7)**
Person Responsible: Jarrod Kuckelman, Assistant City Manager
3. **AD3 LLC Rezoning – Request to Rezone 2707 Canal Boulevard from Commercial General District (C-2) to Residential Multi-Family District (R-M) (PAGE 33)**
Department Head Responsible: Jesse Rohr, Director of Public Works
4. **General Nuisance Abatement for 206 East 14th Street (PAGE 47)**
Department Head Responsible: Jesse Rohr, Director of Public Works
5. **UDC Changes – Accessory Structures (PAGE 65)**
Department Head Responsible: Jesse Rohr, Director of Public Works
6. **Other Items for Discussion**
7. **Executive Session (if required)**
8. **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

Thursday, June 5, 2025 – 4:00 p.m.

Present: Sandy Jacobs, Mason Ruder, Alaina Cunningham, Reese Barrick, Shaun Musil, Toby Dougherty, Collin Bielser, and Don F. Hoffman

May 15, 2025 Work Session Notes

There were no corrections or additions to the minutes of the work session held on May 15, 2025; the minutes stand approved as presented.

2026 Budget Presentations – Outside Agencies

The following agencies presented requests for Outside Agency funding in the 2026 Budget:

- Grow Hays - Doug Williams, Grow Hays Executive Director: \$180,000
- Fort Hays State University (FHSU) - Dr. Joey Linn, FHSU Vice President for Student Affairs / Dr. Dennis King, FHSU Associate Vice President for Student Affairs/Enrollment Management: \$100,000
- DHDC - Andrew Taylor, DHDC Board President / Bryan VonFeldt, Board Treasurer: \$54,000
- CARE Council - Brett Gerber, CARE Council Chair / Erica Berges, United Way Executive Director: \$180,000
- Developmental Services of Northwest Kansas, Inc. (DSNWK) - Jerry Michaud, DSNWK President and CEO / Wade Kruse, Transportation Manager for DSNWK and ACCESS Public Transportation: \$107,673

Each organization thanked the City of Hays for their support and reviewed their past and future projects and programs. This is the first year that DSNWK has asked for funding because of the budget cuts that they are seeing at the State level. The Outside Agency funding requests will be considered during the budget process.

Fireworks Poll Update

James Bell, Public Relations Manager, gave an update on the Fireworks Poll. The City of Hays used JotForm to conduct a survey on fireworks within city limits, which had 2,385 respondents. The majority of the respondents wanted no change to the current policy; however, they also supported a larger public display.

Police Department Guaranteed Maximum Price and Design-Build Agreement for Phase 2 Services

Collin Bielser, Deputy City Manager, stated that at the November 14, 2024 Commission Meeting, the City Commission approved a contract with Paul-Wertenberger Construction, Inc. (PWC) for Design-Build Phase I services for the renovation of the existing Astra Bank building located at 1100 Fort Street. For the past few months, City Staff have been working with PWC's design-build team to develop preliminary plans and proposal for a Guaranteed Maximum Price (GMP) for the renovation of the existing Astra Bank building into the city's new Police Station and Municipal Courtroom. PWC has presented a GMP of \$5,991,250. The next step in the Design-Build process is to approve the GMP and an agreement for Phase II services, which will entail final design and construction services. The project is expected to be complete 12 months after the existing Astra Bank is vacated.

At the June 12, 2025 Commission Meeting, Commissioners will be asked to accept the Guaranteed Maximum Price and authorize the City Manager to enter into an Agreement with PWC, Inc. to perform Phase II Design-Build services for the new Police Station/Municipal Court Facility, to be paid from General Obligation Bonds to be issued in an amount not to exceed \$8,000,000 to pay for acquisition of 1100 Fort Street, construction costs, and FF&E needs.

Property/Liability Coverage Renewal – 2025/2026

Kim Rupp, Director of Finance, stated that the City's Property/Liability Coverage is up for renewal on July 1, 2025. Insurance Planning Inc. (IPI) provides

oversight for the City as the Insurance Broker. Taylor Pfannenstiel, Commercial Lines Executive for IPI, had conversations with other insurance carriers and concluded that Midwest Public Risk (MPR) offered the lowest cost option for the renewal of the City's package. The outcome translates into a 30% increase or \$136,723 more than the prior period.

At the June 12, 2025 Commission Meeting, Commissioners will be asked to authorize the City Manager to renew the 2025/2026 Property/Liability Coverage package in the amount of \$590,944 to be funded from the Intergovernmental Insurance and Surety line item.

Cemetery Ordinance Revisions

Jeff Boyle, Director of Parks, stated that the City of Hays owns Fort Hays Memorial Gardens Cemetery and Mount Allen Cemetery. The city has not implemented fee increases for the two city-owned cemeteries in over 20 years.

City Staff reviewed cemetery fees from other communities and determined that the City of Hays fees are well below average, with exception of the columbarium niches. While completing a review of the fees, staff also took the opportunity to review all the language within the cemetery ordinances and are recommending some minor changes throughout the document as well. Most of the recommended changes are either for clarification purposes or to help convey legal needs on the city's behalf. The following fee increases are being recommended:

	<u>Current</u>	<u>Proposed</u>
Space Fees – Full Space	\$250	\$500
Space Fees – Infant	\$50	\$250
Disinterment – Full Space	\$500	\$1,500
Disinterment – Cremation	\$100	\$500
Disinterment – Infant	\$100	\$500
Disinterment – Columbarium	\$100	\$300
Grave Opening – Full/Weekday	\$250	\$500
Grave Opening – Full/Weekend	\$300	\$800
Grave Opening – Cremation/Weekday	\$50	\$250

Grave Opening – Cremation/Weekend	\$100	\$450
Columbarium Opening – Weekday	\$50	\$250
Columbarium Opening – Weekend	\$100	\$450
Monument Setting – Single	\$10	\$40
Monument Setting – Double	\$25	\$40

At the June 12, 2025 Commission Meeting, Commissioners will be asked to approve the proposed amendments to certain sections of Articles I, II, and III in Chapter 17 of the City Code of Ordinances governing City cemeteries as presented.

Welcome Center Sign – Award of Bid

Melissa Dixon, Convention and Visitors Bureau Director, stated that the 2025 Budget includes \$45,000 to replace the LED video board and static panels on the Welcome Center marquee sign on Vine Street. An update to the sign panels with new City branding will allow it to match the citywide wayfinding sign update that was installed in 2024. A new higher resolution LED video messaging system will allow CVB staff to communicate information to travelers on Vine Street, which, according to KDOT, averages over 18,000 vehicles per day. A request for bids was issued for a double-sided LED message system and six static sign panels, along with installation, software training, and warranty.

The low bid was provided by Commercial Sign of Hays for a double-sided 10mm LED message system and six static panels for \$44,773.00. This price includes installation, software training, and a 5-year warranty on parts. This cost is under the \$45,000 budget for 2025. City Staff has years of experience with this local vendor, including the recent Citywide wayfinding sign update.

At the June 12, 2025 Commission Meeting, Commissioners will be asked to authorize the purchase of a double-sided 10mm LED message center and static sign panels at a cost of \$44,773.00 and fund the project from CVB Reserves.

Other Items for Discussion

Commissioner Musil showed appreciation to Jamie Salter, Airport Manager, for applying for a grant, which the City received to pay for half of the City's costs for the crosswind runway project at the Airport.

Commissioner Barrick stated that the Commissioners are always trying to be transparent and proactive in keeping the community informed and ahead of the game.

Commissioners thanked everyone who signed up to run for City Commission, and encouraged them to get involved early, be educated in what is going on, and attend meetings.

Mayor Jacobs thanked all the businesses, who were represented at the meeting with volunteers, for allowing their employees the time to serve on the nonprofit boards.

The work session was adjourned at 6:22 p.m.

Submitted by: _____

Jami Breit –City Clerk



City Commission Work Session

Agenda Memo

From: Jarrod Kuckelman, Assistant City Manager

Work Session: June 19, 2025

Subject: CDBG Grant for Property at 1012 Main Street (One Twenty Seven Investments LLC) – Interlocal Agreement, Resolution Certifying Legal Authority, and Resolution Declaring a Building Blighted

Person(s) Responsible: Jarrod Kuckelman, Assistant City Manager

Summary

The City of Hays is in receipt of an application from Tim Speno (Developer) to apply for a Community Development Block Grant (CDBG) through the Kansas Department of Commerce. The Developer owns the building at 1012 Main Street in downtown Hays and is seeking grant money through CDBG's Commercial Rehabilitation program to assist with the redevelopment project. The Developer is seeking \$300,000 in CDBG funds through the Commercial Rehabilitation program. Though the program funds projects owned and operated by private developers, cities and counties are still required to be the official applicants for the CDBG funds. Several components of the grant application require City Commission approval, including an Interlocal Agreement between the City and the Developer, two (2) different resolutions, and the holding of a public hearing prior to submission of the application.

Background

The CDBG program is funded by the federal government through the Department of Housing and Urban Development (HUD), which in turn distributes the funds to cities, counties, and states. While many cities and counties automatically qualify for CDBG funds by having a large enough population, smaller communities receive funds by applying through the state government. In Kansas, the CDBG program is administered by the Kansas Department of Commerce, which establishes many of the specific CDBG categories and guidelines, as well as making decisions on whether to award grants or not. This means that CDBG funds have many both federal and state requirements attached to them.

Discussion

The Developer is seeking \$300,000 in CDBG funds through the Commercial Rehabilitation program. This program is designed to assist private property owners in the rehabilitation of blighted structures and prevent the spread of blighted conditions.

The project at the site of 1012 Main Street involves redeveloping the existing building to allow for Airbnb-rentable units on the second floor. The building, originally constructed in 1917 as the Hays Building and Loan Association, and now owned by One Twenty Seven Investments LLC, is currently the site of Eclectic Threads Quilt Studio and has been home to various retail and service businesses over the years. The renovation of the building's second floor will involve exterior masonry, interior plumbing, HVAC, and roof improvements to create 3 rentable units. The quilt studio will continue to be located on the ground floor during and after the project.

Many important documents and steps are required to be a part of the final CDBG application, and the City Commission must play an important role in a few of these. Two (2) different resolutions will have to be passed by the Commission to be included in the application. The first is a resolution certifying that the City has the legal authority to apply for the CDBG, and the second is a resolution declaring the building to be blighted. The Commission would also authorize an Interlocal Agreement between the City and the Developer, which would clarify and establish some of the responsibilities of the Developer to comply with the CDBG guidelines. Finally, the Commission would be required to hold a public hearing prior to submission of the application in order to allow residents to weigh in and voice any potential concerns.

If the project is successful in receiving a CDBG grant, the City would be the initial recipient of all grant funds. The Developer would be responsible for submitting eligible invoices to the City, and City staff would then disburse the grant funds. Since Tim Speno will execute the Interlocal Agreement on behalf of One Twenty Seven Investments as Developer and owner of the property, City staff will also obtain his approval of a Personal Guaranty to protect the City's financial interest as the project Applicant in the event Developer defaults on any of its Interlocal Agreement obligations. A matching fund of 25 percent is required as part of the CDBG program, and this would be the responsibility of the Developer. No City funds would be disbursed for the project, and the City would only be distributing grant funds as part of the project.

Legal Consideration

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

Financial Consideration

If the CDBG grant is approved, the funds will be provided to the City by the Kansas Department of Commerce. No City costs are anticipated, and the developer will agree to indemnify the City for any costs or expenses related to the CDBG grant program.

Options

The City Commission has the following options:

- Hold the public hearing, approve the Interlocal Agreement, and approve the two (2) resolutions.
- Do not approve the Interlocal Agreement or resolutions.
- Provide other direction to City staff.

Recommendation

Staff recommends holding the public hearing, approving the Interlocal Agreement, and approving the resolutions and form of Personal Guaranty to be executed by Tim Speno.

Action Requested

Hold a public hearing, approve the Interlocal Agreement, approve the form of Personal Guaranty to be executed by Tim Speno, approve the Resolution Certifying Legal Authority, and Approve the Resolution Declaring a Building Blighted.

Supporting Documentation

Visuals

Interlocal Agreement

Personal Guaranty

Resolution Certifying Legal Authority

Resolution Declaring a Building Blighted

Statement of Assurances and Certifications

Residential Anti-displacement and Relocation Assistance Plan

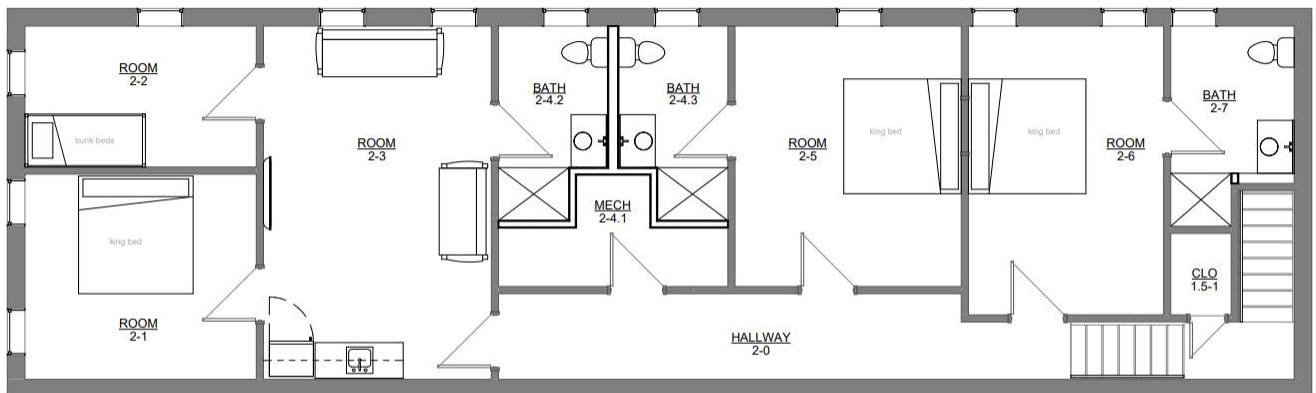
Environmental Review Record

Contract for CDBG Administration Services

VISUALS







ARCHITECTURAL FLOOR PLAN - LEVEL 02



INTERLOCAL AGREEMENT

This Agreement is made and entered into on this 26th day of June, 2025, by and between the City of Hays, Kansas (“Applicant”), and ONE TWENTY SEVEN INVESTMENTS, LLC, a Kansas domestic limited liability company (“Sub-applicant”). Applicant and Sub-applicant also are collectively hereinafter referred to as “the Parties.”

WHEREAS, Applicant is applying for a Small Cities Community Development Block Grant (“CDBG”) from the State of Kansas, and it is Applicant’s desire to relinquish certain responsibilities as allowed by the CDBG program and by Kansas law; and

WHEREAS, Sub-applicant will benefit from the grant proceeds and finds it is in the best interests of both parties to assume these responsibilities.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. If funded, Sub-applicant will assume all grant responsibilities listed on the subsequent Grant Agreement issued by the Kansas Department of Commerce.
2. In addition to the above, Applicant will retain all financial responsibilities of the CDBG program, with the understanding that all invoices (financial indebtedness) must be paid through Applicant’s established method.
3. Responsibilities not listed in the Grant Agreement, but which Sub-applicant agrees to carry out on behalf of Applicant are as follows:
 - a. Sub-applicant will be solely responsible for all operation and maintenance expenses associated with the building rehabilitated as a result of the CDBG.
 - b. Sub-applicant will provide the matching funds of \$104,315 detailed in the CDBG application submitted to the Kansas Department of Commerce.
 - c. Kansas Department of Commerce requires the Grantee (Applicant) to follow CDBG procedures throughout the program. Accordingly, Sub-applicant (sub-grantee) also will follow all required procedures of the CDBG.
4. Applicant acknowledges liability to the Kansas Department of Commerce for the CDBG. Sub-applicant accordingly assumes full responsibility to ensure that all CDBG requirements are met, and agrees to indemnify and hold Applicant harmless from all claims and damages arising out of or related to Sub-applicant’s failure to comply with all required CDBG procedures.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date stated above.

CITY OF HAYS, KANSAS (“Applicant”)

Sandy Jacobs, Mayor

ATTEST:

Jami Breit, City Clerk

ONE TWENTY SEVEN INVESTMENTS,
LLC, a Kansas domestic
limited liability company (“Sub-applicant”)

By: Timothy Speno, _____
(Title)

PERSONAL GUARANTY

TIM SPENO, born _____, an individual residing at _____, Hays, Ellis County, Kansas (“Guarantor”), hereby irrevocably and unconditionally guarantees to the CITY OF HAYS, KANSAS, with offices at 1507 Main Street, Hays, Kansas (the “City”), and its successors and assigns, the prompt payment of all amounts due unto the City upon default of the Interlocal Agreement dated June 26, 2025, entered into by and between the City and ONE TWENTY SEVEN INVESTMENTS LLC, a Kansas domestic limited liability company (“Assignee”), by which Assignee was granted funds in the original amount of THREE HUNDRED THOUSAND AND 00/100 DOLLARS (\$300,000.00). Guarantor also guarantees the following:

1. The full and prompt performance of all obligations of the Grantee and/or Sub-applicant to the City under the aforementioned Interlocal Agreement; and
2. The City’s fees and expenses of collection, including but not limited to court costs and reasonable attorney fees, in enforcing its rights and remedies under the aforementioned Interlocal Agreement or this Guaranty.

This Guaranty is unconditional, continuing and absolute, and shall remain in full force and effect until the full satisfaction of Guarantor’s obligations under the aforesaid Interlocal Agreement. Guarantor hereby waives notice of any default by Assignee, and the City may proceed directly against Guarantor in the event of a default by Assignee under the aforementioned Interlocal Agreement without being required to proceed first against Assignee. This Guaranty will be governed by the laws of the State of Kansas, and may not be modified or released except by a written instrument signed by both the City and Guarantor.

GUARANTOR STIPULATES TO VENUE ONLY IN THE DISTRICT COURT OF ELLIS COUNTY, KANSAS. GUARANTOR WAIVES ALL RIGHTS TO TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THIS GUARANTY OR UNDER ANY AGREEMENT, ACTION, DIRECTLY OR INDIRECTLY RELATED TO OR CONNECTED WITH THE INDEBTEDNESS OR THIS GUARANTY, OR ANY CONDUCT RELATING TO THE ADMINISTRATION OR ENFORCEMENT OF THE INDEBTEDNESS OR ARISING FROM THE RELATIONSHIP OF GUARANTOR AND THE CITY. GUARANTOR ACKNOWLEDGES THIS WAIVER MAY DEPRIVE HIM OF AN IMPORTANT RIGHT, AND SUCH WAIVER HAS BEEN KNOWINGLY AND VOLUNTARILY MADE BY GUARANTOR.

This Guaranty will be binding on Guarantor and Guarantor’s heirs, executors, administrators, successors and assigns, and will at all times inure to the benefit of the City and its heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, Guarantor has caused this instrument to be executed on the ____ day of ____, 2025.

TIM SPENO

ACKNOWLEDGMENT

STATE OF KANSAS,
COUNTY OF ELLIS, ss:

BE IT REMEMBERED, that on this _____ day of _____, 2025, before me, the undersigned, a notary public in and for the county and state aforesaid, came _____, who is personally known to me to be the same person who executed the within and foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

(Seal)

Notary Public

THE CITY OF HAYS, KANSAS

RESOLUTION NO. ____

Resolution Certifying Legal Authority
TO APPLY FOR THE 2025 KANSAS
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FROM THE KANSAS DEPARTMENT OF COMMERCE
AND AUTHORIZING THE MAYOR
TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City of Hays, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City of Hays, Kansas, intends to submit an application for assistance from the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City of Hays, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR of Hays, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby dedicates \$104,315.00 in cash funds toward this project and \$0 in in-kind material and/or labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY OF Hays, KANSAS, this 26TH day of JUNE, 2025.

APPROVED _____
SANDY JACOBS, MAYOR

ATTEST _____
JAMI BREIT, CITY CLERK
(SEAL)

THE CITY OF HAYS, KANSAS

CITY OF HAYS, KANSAS

RESOLUTION NO. ____

A RESOLUTION DECLARING A BUILDING BLIGHTED WITH
RESPECT TO THE KANSAS SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, Congress recognized the prevention and elimination of slum and blight as a national objective under the Housing and Community Development Act of 1974; and

WHEREAS, The State of Kansas in its Urban Renewal Law of 1955 declared that the prevention and elimination of slums and blight is a matter of state policy and concern; and

WHEREAS, The City of Hays wishes to stabilize and improve the economic viability of the downtown commercial district by encouraging private property owners to make improvements on existing blighted buildings; and

WHEREAS, The Kansas Department of Commerce has grant funds available through the CDBG Program to assist property owners in addressing deficiencies on blighted buildings in cooperation with the municipality; and

WHEREAS, One Twenty Seven Investments LLC, the owner of the building located at 1012 Main in the City of Hays wishes to participate in the program.

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City of Hays, Kansas hereby declares that the above mentioned building is a blighted structure under the Kansas Urban Renewal Law and that it has the following conditions of blight, decay or environmental contamination: mechanical code deficiencies, structural deficiencies, deteriorated exterior masonry, doors, windows, and roofing systems, and, FURTHERMORE these conditions are detrimental to public health and safety.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS THIS 26TH DAY OF JUNE, 2025.

ATTEST:

SANDY JACOBS
Mayor

JAMI BREIT
City Clerk

(Seal)

STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

- (1) It possesses legal authority to make a grant submission and to execute a community development and housing program.
- (2) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
- (3) Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
- (4) It has developed its final statement (application) of projected use of funds so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the final statement (application) of projected use of funds may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
- (5) Its chief executive officer or other officer of the grantee approved by Commerce:
 - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
 - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
- (6) The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):

- (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
- (b) Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
- (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
- (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 135;
- (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
- (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
- (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
- (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
- (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
- (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
- (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
- (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;

- (n) The regulations, policies, guidelines and requirements of 2 CFR Part 200 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
- (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
- (9) It will comply with the provisions of 24-CFR-200.
- (10) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
- (11) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
- (12) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.
- (13) It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.

- (14) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

The applicant hereby certifies that it will comply with the above stated assurances.

Sandy Jacobs

Signature, Chief Elected Official

Mayor

Title

Name (typed or printed)

June 26, 2025

Date

To Whom It May Concern:

As Chief Elected Official of the City/County of Hays, KS, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

Mayor/County Commission

ATTEST:

City/County Clerk

(Minimum required by all applicants for funding – must be submitted with application)

**Residential Anti-displacement and Relocation Assistance Plan
under Section 104(d) of the
Housing and Community Development Act of 1974, as Amended**

The jurisdiction will replace all occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to a use other than as low- moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.488.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the [jurisdiction] will make public and submit to the Kansas Department of Commerce the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as Section 104(d) replacement dwelling units;
5. The source of funding and a time schedule for the provision of Section 104(d) replacement dwelling units; and
6. The basis for concluding that each Section 104 (d) replacement dwelling unit will remain a low- and moderate-income dwelling unit for at least ten years from the date of initial occupancy.

The jurisdiction will provide relocation assistance, as described in Section 570.488 to each low- and moderate-income household displaced by the demolition of housing or by the conversion of a low- and moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the act, the jurisdiction will take the following steps to minimize the displacement of persons from their homes:

Based on initial review of project, the following occupied dwellings (by address) will be demolished with grant funds (should contain proposed demolitions):

No occupied dwellings will be demolished.

As chief official of the jurisdiction, I hereby certify that the above plan was officially adopted by the jurisdiction of Hays, KS on the 26th day of June, 2025.

Date: _____

Signature – Chief Elected Official: _____

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing
and Urban Development

OMB Number: 2501-0017
Expiration Date: 1/31/2026

Public Reporting Burden Statement: This collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of the requested information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to: U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, 451 7th St SW, Room 8210, Washington, DC 20410-5000. Do not send completed HUD-2880 forms to this address. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. This agency is authorized to collect this information under Section 102 of the Department of Housing and Urban Development Reform Act of 1989. The information you provide will enable HUD to carry out its responsibilities under this Act and ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. This information is required to obtain the benefit sought in the grant program. Failure to provide any required information may delay the processing of your application and may result in sanctions and penalties including of the administrative and civil money penalties specified under 24 CFR §4.38. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. §552). The information contained on the form is not retrieved by a personal identifier, therefore it does not meet the threshold for a Privacy Act Statement.

Applicant/Recipient Information		* UEI Number: R7J5Y91Z18C1	* Report Type: INITIAL
1. Applicant/Recipient Name, Address, and Phone (include area code)			
* Applicant Name: City of Hays, KS			
* Street 1: 1507 Main Street			
Street 2:			
City: Hays		State Abbreviation: KS	* Zip Code: 67601
County: Ellis			
* Country: USA: UNITED STATES			
* Phone: 785-628-7320			
2. Employer ID Number (do not include individual social security numbers):			
3. HUD Program Name: CDBG for Small Cities			
4. Amount of HUD Assistance Requested/Received: \$ 300,000.00			
5. State the name and location (street address, City and State) of the project or activity			
Project Name: 1012 Main Street CDBG Commerical Rehab			
* Street 1: 1012 Main Street			
Street 2:			
City: Hays		State Abbreviation: KS	* Zip Code: 67601
County: Ellis			
* Country: USA: UNITED STATES			

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity?
These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. For further information see 24 CFR Sec. §4.3.

Yes No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1-Sep. 30)? For further information, see 24 CFR §4.9.

Yes No

If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested/Expected Sources and Use of Funds. Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name	Department/State/Local Agency Name
* Government Agency Name:	* Government Agency Name:
Government Agency Address:	Government Agency Address:
* Street 1:	* Street 1:
Street 2:	Street 2:
City: _____ State Abbreviation: _____	* Zip Code: _____
City: _____ State Abbreviation: _____	* Zip Code: _____
County: _____	County: _____
Country: _____	Country: _____
* Type of Assistance:	* Type of Assistance:
* Amount Requested/Provided: \$ _____	* Amount Requested/Provided: \$ _____
* Expected Uses of the Funds:	* Expected Uses of the Funds:

Note: For Part 1, use additional pages if necessary. Add Attachment:

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for assistance or in the planning, development, or implementation of the project or activity.

* Alphabetical list of all persons with a reportable financial interest in the project or activity (for individuals, give the last name first)	* Unique Entity ID	* Type of Participation in Project/Activity	* Financial Interest in Project/Activity (\$ and %)		
Western Consultants LLC	NGAGZN924K5	Grant Adminsitration	\$ 22,000.00	5.4	%
HTK Architects	NQLVFLW3SN47	Design and const. inspection	\$ 42,000.00	10.4	%

2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

* Alphabetical list of all persons with a reportable financial interest in the project or activity (for individuals, give the last name first)	* City of Residence	* Type of Participation in Project/Activity	* Financial Interest in Project/Activity (\$ and %)		
			\$		%
			\$		%
			\$		%

Note: For Part 2, use additional pages if necessary. Add Attachment:

Certification:

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct.

Warning: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).

* Signature:

* Date: (mm/dd/yyyy):

Kansas Department of Commerce
Community Development Block Grant (CDBG) Program
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354

DETERMINATION OF LEVEL OF REVIEW

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: City of Hays 25-CR-_____

Project Location: 1012 Main Street, Hays, KS 67601

Project Description:

The project consists of the rehabilitation of a commercial building located at 1012 Main Street, Hays, KS 67601. The proposed project will consist of demolition, masonry repair, structural modifications, roofing, exterior doors, exterior windows, fire barriers, fire suppression system, electrical improvements, plumbing improvements, HVAC improvements, signage, and other miscellaneous appurtenances related to construction. The estimated project cost is \$404,315.00, with the grant request for \$300,000.00 of the project cost. If awarded, CDBG funding will cover construction costs only. Local matching funds in the amount of \$104,315.00 in the form of cash funds provided by the building owner will cover construction, architectural design/inspection, and grant administration. Construction of the project is expected between September 2025 and August 2026.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- Exempt from NEPA review requirements per 24 CFR 58.34(a)(1)_____
- Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(1)_____
- Categorical Exclusion SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(1)_____
- An Environmental Assessment (EA) is required to be performed.
- An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Mayor Sandy Jacobs

Chief Elected Official (print name/title)

Chief Elected Official's Signature

Date

CONTRACT FOR ADMINISTRATION SERVICES
FOR THE CITY OF HAYS, KANSAS
CDBG COMMERCIAL REHAB PROJECT
1012 MAIN STREET

THIS CONTRACT made this 26th day of June 2025, between WESTERN CONSULTANTS, PO Box 187, Lawrence, Kansas 66044 (THE CONSULTANT), and the CITY OF HAYS, KANSAS (THE CITY), **contingent upon grant award.**

WHEREAS, THE CITY is engaged in a CDBG Community Improvement project, and,

WHEREAS completion of this project requires the services of a qualified Administrator.

NOW, THEREFORE, THE CITY engages the services of THE CONSULTANT upon the following terms and conditions:

1. TERMINATION OF CONTRACT

A. FOR CAUSE

If, through any cause, either party shall fail to fulfill, in a timely and proper manner, their obligations under this Contract, or if either party shall violate any of the covenants, agreements, or stipulations of this Contract, the other party shall thereupon have the right to terminate this Contract by giving written notice to the breaching party of such termination and specifying the effective date thereof. This notice shall not be less than fifteen (15) days prior to the effective date.

B. FOR CONVENIENCE

The CITY may terminate this Contract, in whole or in part, at any time by written notice to THE CONSULTANT.

In event of termination, all finished or unfinished documents, studies and reports prepared by THE CONSULTANT, under this Contract, shall remain the property of THE CONSULTANT until THE CONSULTANT receives just and equitable compensation for any work satisfactorily completed hereunder, in accordance with this Contract, whereupon said documents, studies and reports shall become the property of THE CITY.

2. CHANGES

THE CITY may from time to time, request changes in the scope of services of THE CONSULTANT to be performed hereunder. Such changes, including any increase or decrease in the amount of THE CONSULTANTS' compensation, which are mutually agreed upon by both parties shall be incorporated in written amendments to this Contract.

3. PERSONNEL

- A. THE CONSULTANT represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such personnel shall not be the employees of or have any contractual relationship with THE CITY.
- B. All of the services required hereunder will be performed by THE CONSULTANT or under its supervision and all personnel shall be fully qualified to perform such services.
- C. None of the work or services covered by this Contract shall be subcontracted without the prior approval of THE CITY. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.
- D. Suspension and Debarment
 1. THE CONSULTANT certifies that neither it nor any of its principals (as defined in 2 C.F.R. § 180.995) is presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency. THE CONSULTANT further certifies that it will not knowingly award a subcontract to any person or entity that is debarred, suspended, proposed for debarment, or declared ineligible for the award of Federal contracts.
 2. Pursuant to the requirements of 2 C.F.R. Part 180, Subpart C, THE CONSULTANT agrees to check the Excluded Parties List System (EPLS) at www.sam.gov before entering into any subcontract to ensure that no subcontractor is debarred, suspended, or ineligible.
 3. If, during the term of this contract, THE CONSULTANT or any of its principals becomes debarred, suspended, or declared ineligible, THE CONSULTANT agrees to immediately notify the contracting officer and take appropriate action, including possible termination of this contract.
 4. Failure to comply with these provisions may result in the termination of the contract and any other legal remedies available to the Federal Government.

4. SERVICES OF THE CONSULTANT

Services outlined in this Contract are those necessary to effectively administer the project. The following summary of services is not intended to limit the scope of service but is intended to illustrate the work and services to be provided by THE CONSULTANT.

These services will include, but are not limited to the following:

- Preparation of reports and paperwork to be submitted to State agencies involved in the project.
- Perform necessary accounting procedures related to this project, until project is completed.
- Assist the City and contractors with adherence to Affirmative Action rules and regulations.
- Prepare documentation for procurement procedures.
- Review payment requests and check these against invoices.
- Process payment requests promptly.
- Prepare the Environmental Assessment Report.
- Prepare documentation relating to Release of Funds from State agencies involved.
- Prepare “No Significant Impact” certificate.
- Work closely with City staff throughout entire project.
- Attend Meetings that are project related.
- Report schedule changes to Governing Body.
- Assist City in project related public hearings required throughout the entire project.
- Work closely with all State agencies and furnish additional information they may request.
- Attend monitoring visits set up by State agencies.
- Perform additional duties as may be required.
- Assist City in securing qualified audit firm.
- Apply for any necessary time extensions.
- Provide proper close-out requested by State agencies involved in project.
- Assist the City in developing a financial management system which will meet State and local standards.
- Operate within Federal and State guidelines, specifically:

All Civil Rights Laws, Executive Orders and Regulations
as listed in the attached Appendix A.

- Comply with all applicable laws, ordinances, and codes for the State and Local governments.
- Will not discriminate against any employee or applicant for employment because of race, sex, creed, color, or national origin. THE CONSULTANT will take Affirmative Action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, creed, sex, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

THE CONSULTANT agrees to post, in conspicuous places, available to employees and applicants for employment, notices to be provided by the CITY, setting forth the provisions of this non-discrimination clause.

5. AUDIT

THE CITY will be responsible for having the records relating to this project audited by a Certified Public Accountant at the completion of this project. The expense for this audit will be a responsibility of the CITY.

6. INTEREST OF THE CITY'S GOVERNING BODY

No member of the Governing Body of the CITY, and no other officer, employee or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial interest, direct or indirect, in this Contract, and THE CONSULTANT shall take appropriate steps to ensure compliance.

7. INTEREST OF THE CONSULTANT AND EMPLOYEES

THE CONSULTANT covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest of its service hereunder. THE CONSULTANT further covenants that in the performance of this Contract no person having any such interest shall be employed.

8. FEES

THE CITY agrees to pay THE CONSULTANT a fee for the services outlined.

The fee, for these services, will be as follows:

Services will be billed at \$130.00 per hour not to exceed \$22,000.00 for the administration. If the project has an additional time extension past the projected 24-month completion date, and the \$22,000.00 has been expended for administration hours worked, all additional work hours will be billed at the current accepted rate of \$130.00.

In no way can the contract be changed without a written amendment approved by the CITY.

IN WITNESS WHEREOF, the parties have signed this Contract the day and year first mentioned above.

ATTEST:

Jami Breit - City Clerk

(SEAL)

Sandy Jacobs - Mayor


Brett Waggoner – Western Consultants

APPENDIX A

SUMMARY OF CIVIL RIGHTS LAWS, EXECUTIVE ORDERS, AND REGULATIONS FOR PROFESSIONAL SERVICE CONTRACTS

CDBG grantees must ensure all project activities will be administered in compliance with all civil rights laws and regulations. The following are summaries of those parts of the civil rights laws and regulations applicable to CDBG activities for professional service contracts.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex (including gender, gender identity, sexual orientation, and sexual harassment), familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits federal contractors and subcontractors from discriminating against individuals with disabilities in employment, requiring them to take affirmative action to recruit, hire, promote, and retain qualified people with disabilities across all levels of employment; essentially, it mandates that companies doing business with the federal government must actively work to employ individuals with disabilities and provide equal employment opportunities for them.

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual shall, by reason of his or her handicap, be solely excluded from participation (including employment), denied program benefits, or be subjected to discrimination under any program or activity receiving federal assistance funds.

Americans with Disabilities Act (ADA) (P.L. 101-336; 42 U.S.C. 12101) ADA provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications. The ADA extends Section 504's mandate of non-discrimination based on disability to most of the private sector and to state and local government agencies not covered by section 504.

Architectural Barriers Act (ABA) of 1968, as amended, stipulates that all buildings which are (1) financed with Federal funds, and (2) intended for use by the public or which may result in employment or residence therein of physically handicapped persons, be designed and constructed in accordance with standards prescribed by the ABA to ensure that such buildings are fully accessible to and usable by handicapped individuals.

Section 109, Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under Title I of the Housing and Community Development Act of 1974.

Kansas Act Against Discrimination. It is a policy of the State of Kansas that requires all employers, labor organizations, employment agencies, realtors, financial institutions, or other persons covered by this Act to assure equal opportunities and encourage every citizen regardless of race, religion, color, sex, age, physical disability, national origin, or ancestry, to secure and hold – without discrimination, segregation, or separation – employment in any field of work or labor for which they are properly qualified, the opportunity for full and equal public accommodations, and to assure full and equal opportunities in housing.

Age Discrimination Act of 1975. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of or subjected to discrimination under, any program or activity receiving federal financial assistance.

Section 109, Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with community development funds made available pursuant to Title I of the Housing and Community Development Act of 1974.

Executive Order 11246, as amended, provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in excess of \$10,000. The following civil rights requirements also apply to CDBG grantee performance: grantees shall comply with Executive Order 11246, as amended by Executive Order 12086, and the regulations issued pursuant thereto (41 CFR Chapter 60) which provide that no person shall be discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin in all phases of employment during the performance of federal or federally-assisted construction contracts. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on federal or federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or retirement advertising, layoff or termination, rates of pay or other forms of compensation and selection or training and apprenticeship. (**Executive Order 11375** amended Executive Order 11246 by adding sex as a protected category from discrimination in employment.)

E-Verify - CFR 52.222-54 requires federal contracts committing government contractors (subcontractors) to use the USCIS E-Verify system to verify that all the contractors' employees, (existing and new), directly performing work under federal contracts, are authorized to work in the United States.

Build America, Buy America (BABA) Act, 41 USC 8301 (2 CFR 184) Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. This agreement is for services related to a project that is subject to the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended. Absent an approved waiver and following the guidance of phased implementation, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States.

This agreement is for professional services related to a project that is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 177-58. While professional services are not subject to BABA, the Provider understands that they are responsible for ensuring that, absent a waiver by the Department of Housing and Urban Development, Provider shall not approve for use in this project, any iron, steel manufactured products, or construction materials unless such materials have been produced in the United States. Provider shall obtain all necessary compliance certificates for work that is within provider's scope of work. Failure to do so shall be a default under this agreement. Guidance on complying with BABA is outlined by Office of Management and Budget's Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.



City Commission Work Session

Agenda Memo

From: Curtis W. Deines, Planning & Development Superintendent

Work Session: June 19, 2025

Subject: AD3 LLC Rezoning – Rezoning Request from Commercial General District (C-2) to Residential Multi-Family District (R-M) for 2707 Canal Blvd.

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

An application has been submitted to request a change in zoning from Commercial General District (C-2) to Residential Multi-Family District (R-M) for .607 acres of land located directly east of little Dillons on Canal Blvd. The owner of 2707 Canal Blvd, AD3 LLC, is looking to build a housing development. Staff, as well as the Hays Area Planning Commission (by a vote of 7-0), recommends approval of the rezoning from Commercial General District (C-2) to Residential Multi-Family District (R-M) as it has remained vacant zoned Commercial General (C-2), and no development has occurred.

Background

An application has been submitted to request a change in zoning from Commercial General District (C-2) to Residential Multi-Family District (R-M) for .607 acres of land located directly east of little Dillons on Canal Blvd. The owner of the property, AD3 LLC, is considering building a housing development on the property. This area is currently undeveloped land, and the request allows for logical and orderly infill development.

This property has never been developed, and there are several utility easements that have made this lot challenging to develop. The property is located on Canal Blvd across from Good Samaritan Center and various apartment developments.

Discussion

The Comprehensive Plan identifies this area as MU (Mixed Use). R-M is completely compatible with MU developments, with a rating of 5 out of 5 from the compatibility matrix chart. The applicant is choosing to rezone only a portion of the properties to R-

M and leave the three remaining lots commercial to preserve flexibility for future development. Retaining some commercial zoning ensures a balanced land use mix which keeps the area consistent with the intent of the Comprehensive Plan.

The housing units proposed are designed for short- or long-term rentals that are fully furnished for traveling nurses or similar business professionals.

Both water and sewer are readily available along Canal Blvd. and will need to be extended to the proposed development.

Legal Consideration

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

Financial Consideration

There are no known financial benefits or detriments to the City of Hays at this time as a result of this rezoning.

Options

The City Commission has the following options:

- Approve the rezoning request from Commercial General District (C-2) to Residential Multi-Family District (R-M) as recommended by the Hays Area Planning Commission.
- Send the request back to the Hays Area Planning Commission for further consideration with specific basis for further review.
- Deny the rezoning request from Commercial General District (C-2) to Residential Multi-Family District (R-M) (Requires a 2/3 majority to overturn the P.C. recommendation).

Recommendation

Staff, as well as the Hays Area Planning Commission (by a vote of 7-0), recommends approval of the rezoning from Commercial General District (C-2) to Residential Multi-Family District (R-M) due to the length of time the property has remained vacant zoned Commercial General (C-2), and no development has occurred.

Action Requested

Adopt an ordinance approving the rezoning request from Commercial General District (C-2) to Residential Multi-Family District (R-M) for 2707 Canal Blvd, as legally described within the adopting ordinance.

Supporting Documentation

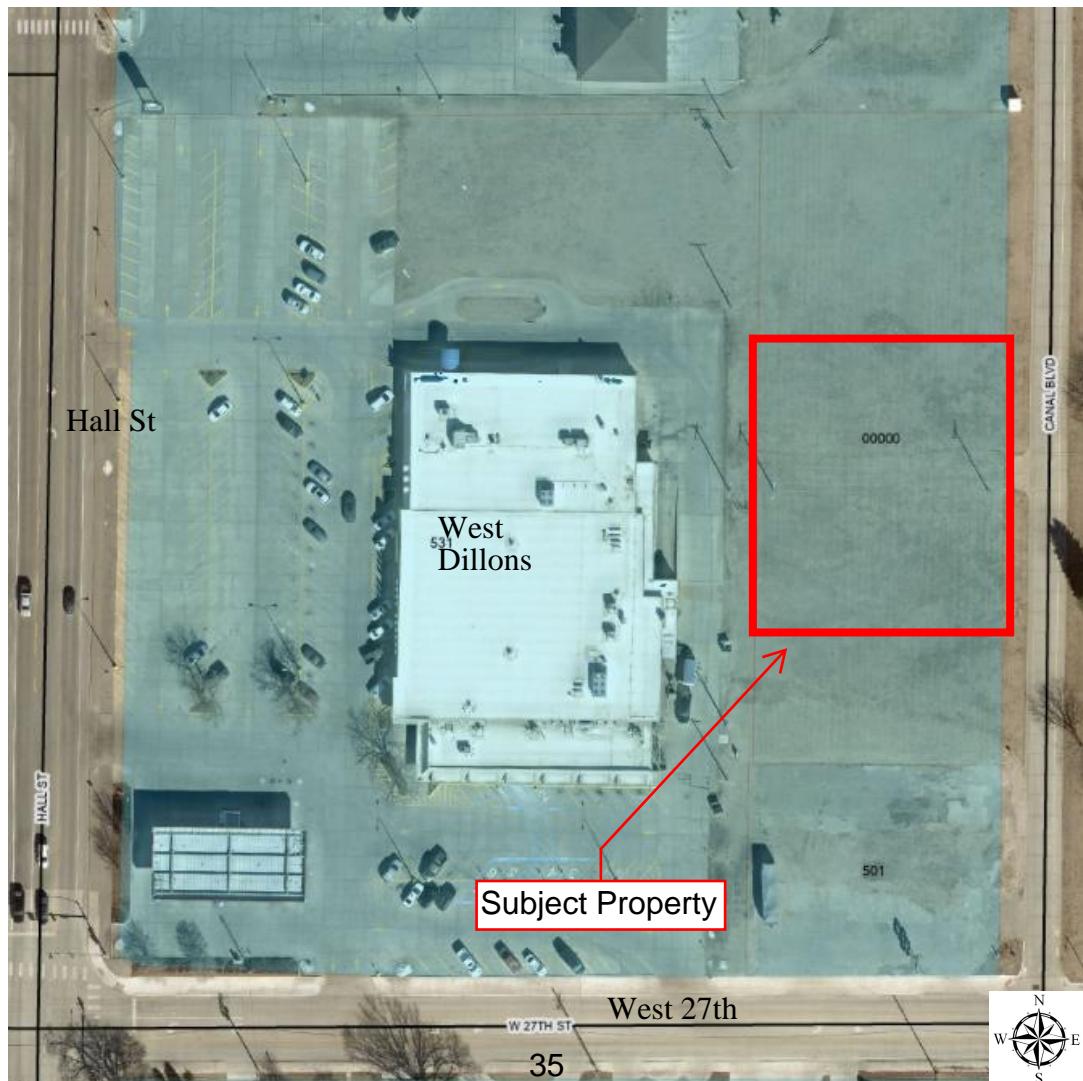
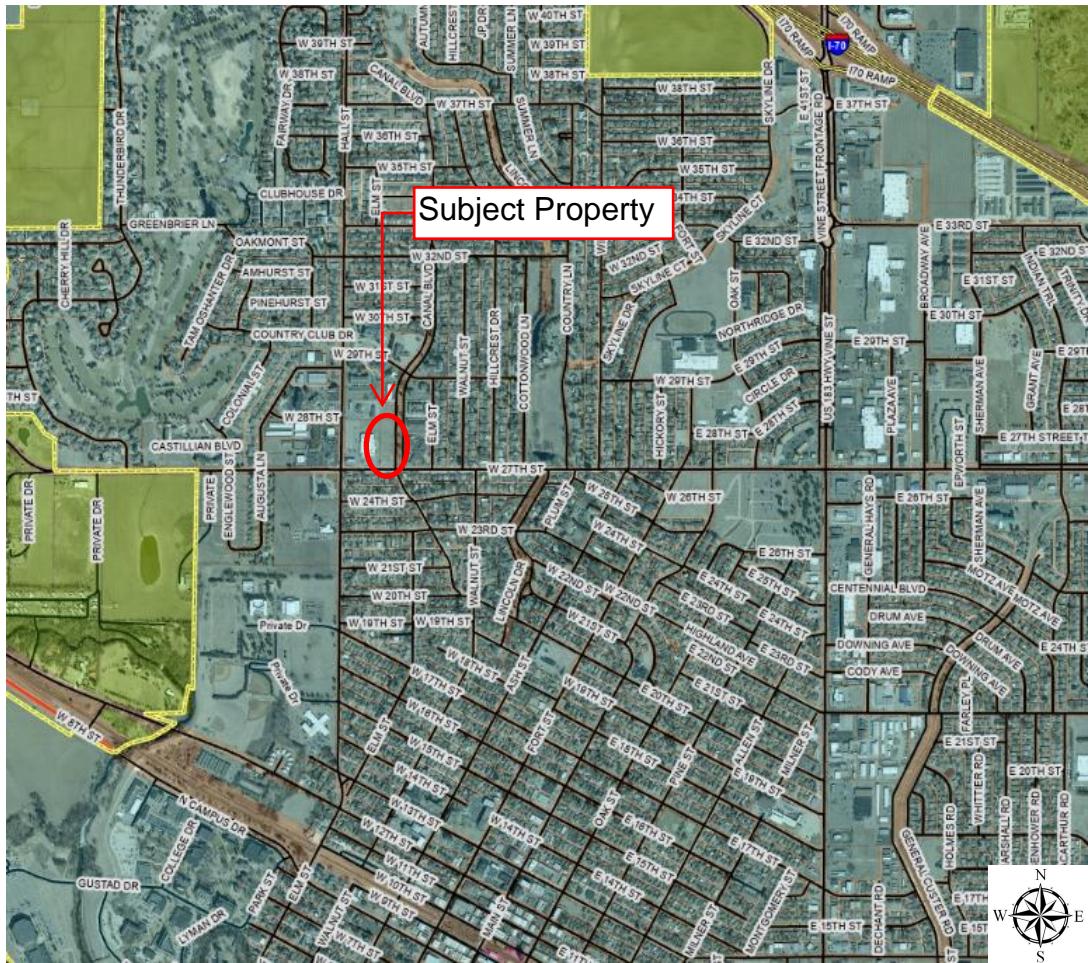
Visuals

Zoning District Uses

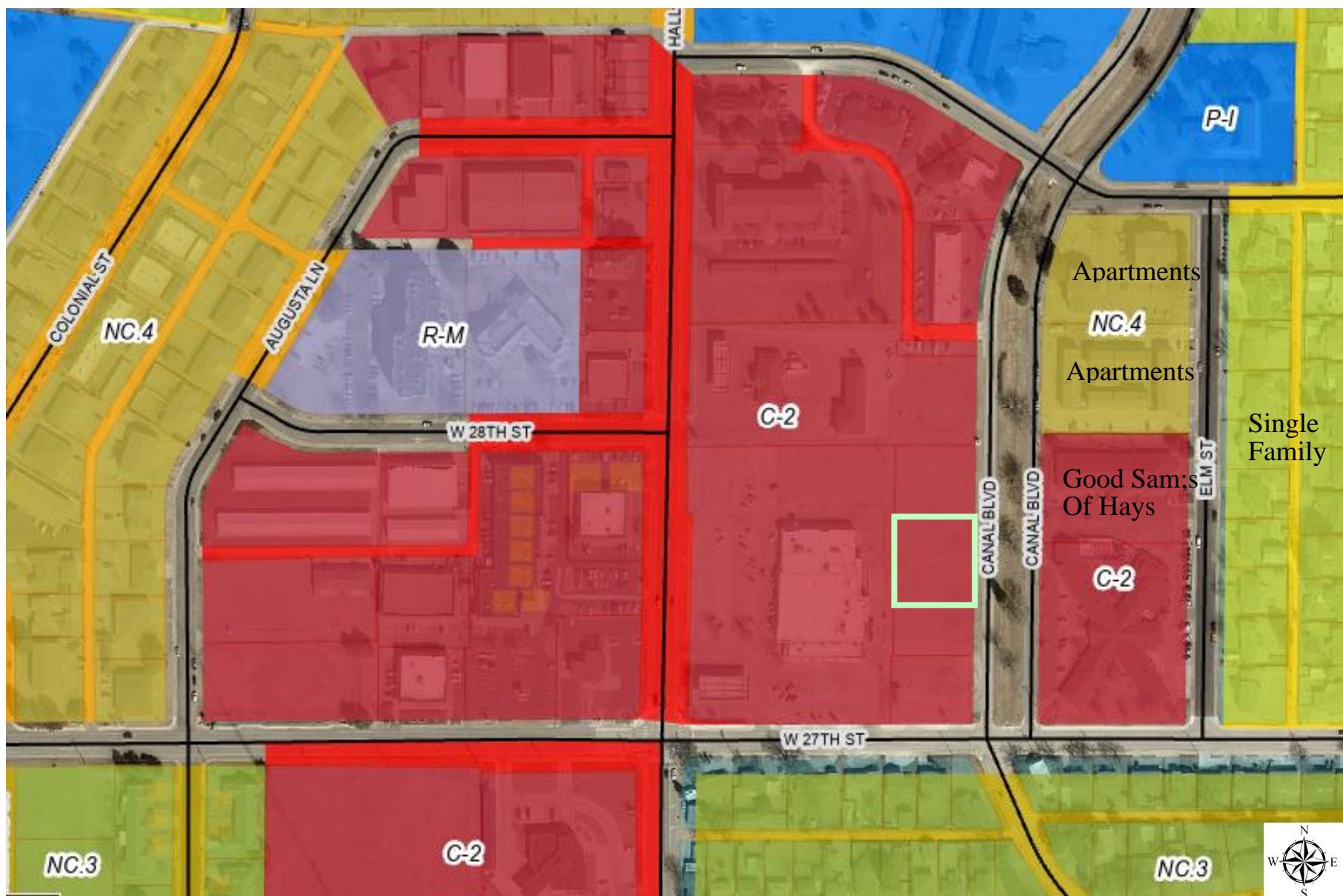
Planning Commission Findings of Fact

Planning Commission Minutes (Excerpt)

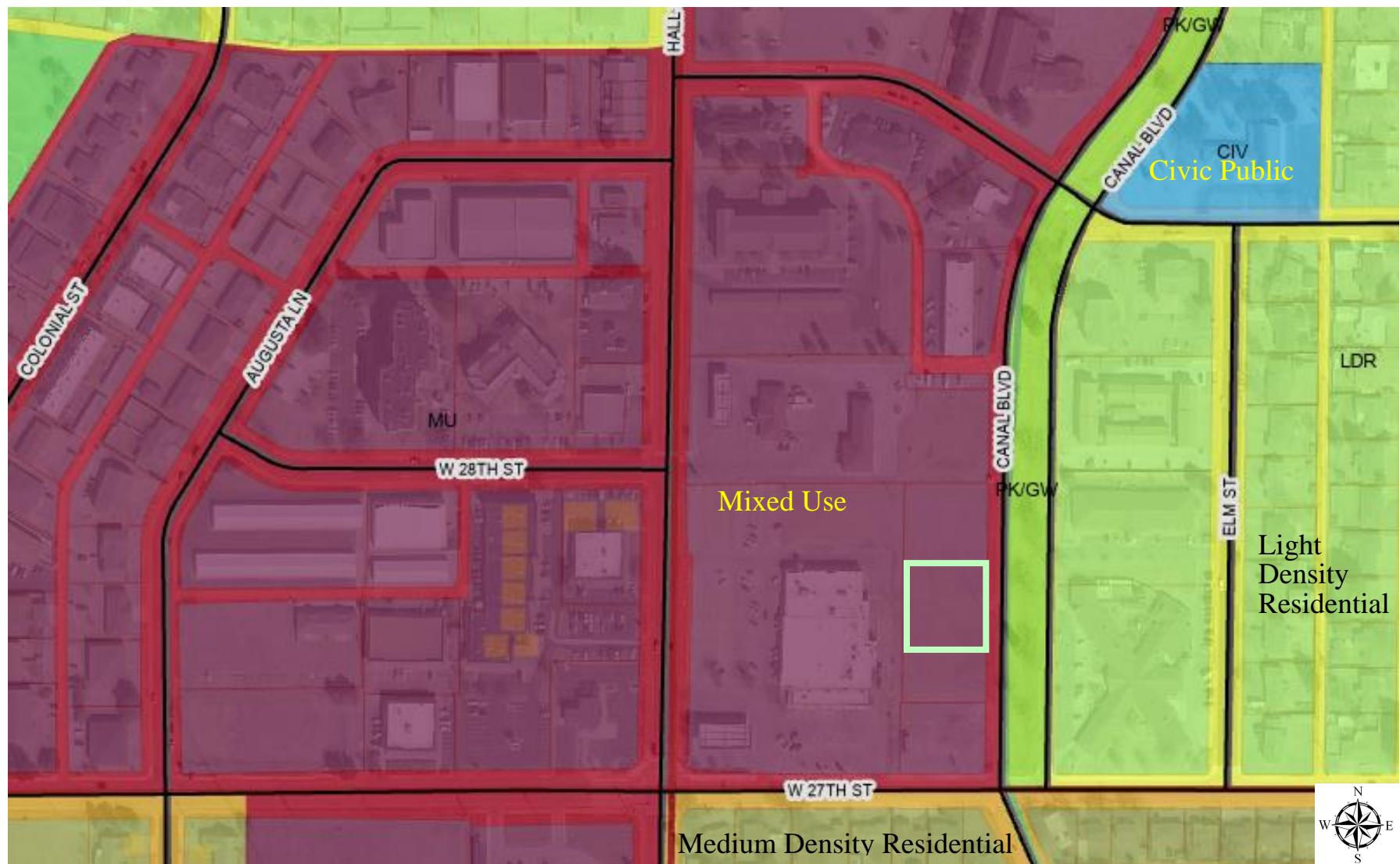
Ordinance



Zoning Map

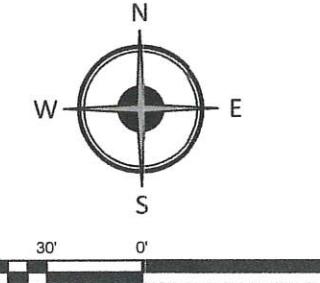
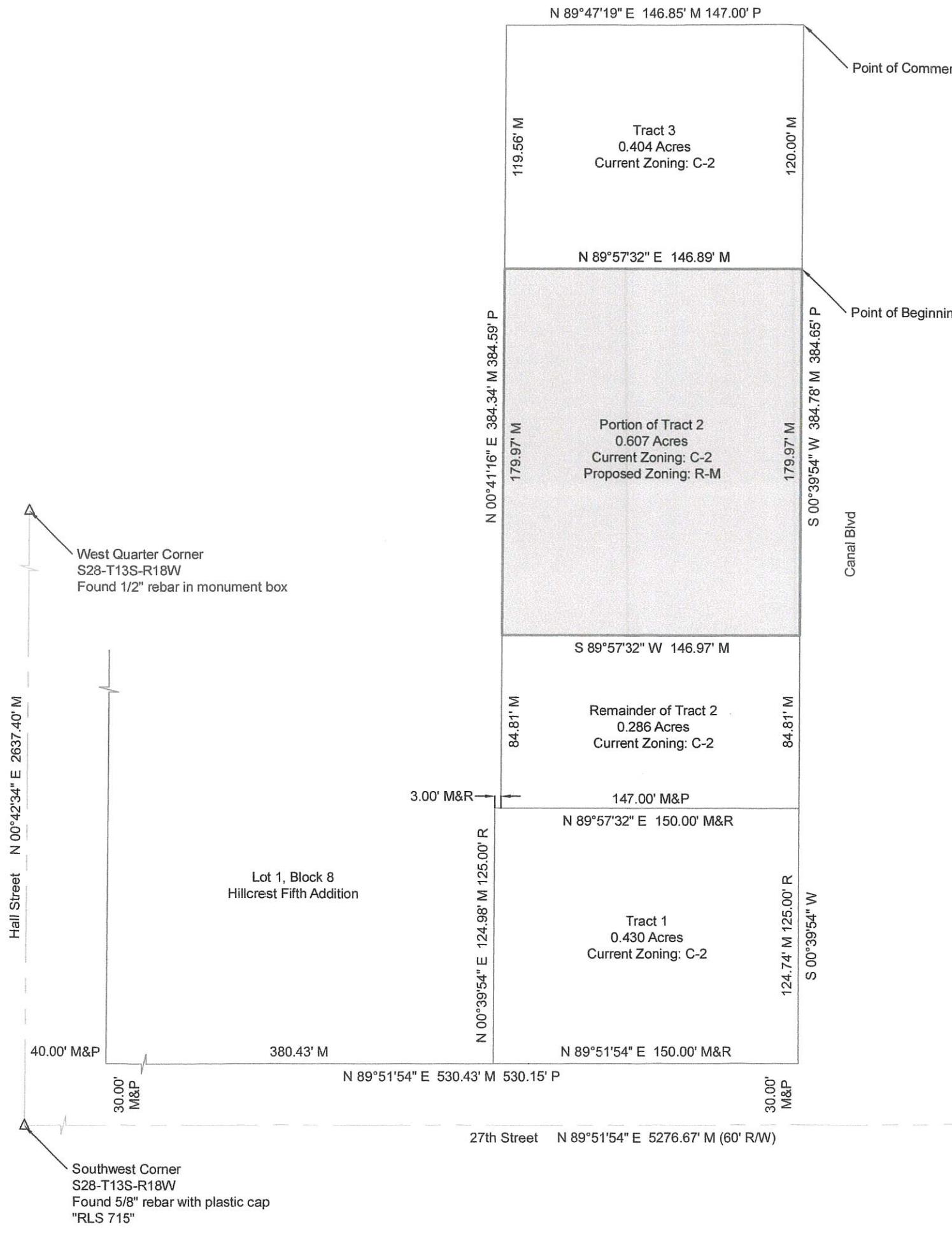


Comprehensive Plan



Rezoning Exhibit

in Lot 1, Block 8, Hillcrest Fifth Addition to the City of Hays, Ellis County, Kansas



- LEGEND:
- △ Section Corner
 - M Measured
 - R Record
 - P Platted

LEGAL DESCRIPTION: Proposed Zoning: R-M

A tract of land in Lot 7, Second Replat of a portion of Block 8, Hillcrest Fifth Addition to the City of Hays, Ellis County, Kansas, described as follows by Kurt Tschanz, PS 1737, on March 18, 2025:

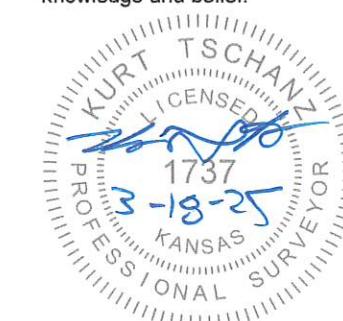
Commencing at the Northeast corner of Lot 7; Thence South 00 degrees 39 minutes 54 seconds West, along the East line of Lot 7, 120.00 feet to the Point of Beginning; Thence Continuing South 00 degrees 39 minutes 54 seconds West, along the East line of Lot 7, 179.97 feet; Thence South 89 degrees 57 minutes 32 seconds West, along the South line of the Tract A Utility Easement described in Book 160, Page 88, and parallel with the South line of Lot 7, 146.97 feet to the West line of Lot 7; Thence North 00 degrees 41 minutes 16 seconds East, along the West line of Lot 7, 179.97 feet; Thence North 89 degrees 57 minutes 32 seconds East, 146.89 feet to the Point of Beginning. Said tract contains 0.607 Acres.

SURVEY NOTE:

- See Boundary Survey dated March 18th, 2025

SURVEYOR'S CERTIFICATE:

I, Kurt Tschanz, Professional Surveyor #1737 in the State of Kansas, certify that the survey shown on this plat was made by me or under my direct supervision on March 18th, 2025. This plat is true and correct to the best of my knowledge and belief.



Kurt Tschanz, PS 1737

Aaron Dreher 3301 US Hwy 183 Alt Hays, KS 67601	DRIGGS DESIGN GROUP, PA Surveying Engineering Planning 1017 Downing Avenue, Hays, Kansas 67601 www.driggsdesign.com (785) 621-4280	Project No: 2025-025 Date: 03-18-2025 Scale: 1" = 60' Sheet No: 1 of 1 Drawn By: DTS
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City of Hays UDC Regulations for Residential Multi-Family District R-M

R-M Zoning allows the following:

Uses by Right:

- o Apartment
- o Group Day Care Center
- o Public Utilities
- o Schools, Private & Public
- o Single Family Detached
- o Standard Residential Neighborhood
- o Transportation Stop (Bus & Taxi)

Limited use:

- o Assisted Living Facility
- o Child-Care Facility,
 Family Day Care Home
- o Child-Care Facility,
 Group Day Care Home
- o Child-Care Facility,
 Youth Residential
- o Duplex
- o Golf Course
- o Home Occupations
- o Library
- o Manufactured Home
- o Modular Home
- o Nursing or Convalescent Home
- o Place of Public Assembly- (Event Facilities,
 Meeting Halls, Private Clubs,
 Lodges, Place of Worship)
- o Power Generation, Small-scale
 (Renewable; Noncombustible)
- o Recreation and Fitness, Outdoor
- o Townhouse
- o Triplex
- o Wireless Telecommunication Facilities
 (Stealth & Attached)

Uses by Exception:

- o Cemetery or Mausoleum
- o Government and Public Institutions
- o Funeral Home/ Mortuary/Funeral
 Chapel/Crematory
- o Substations (Electrical and Telephone)

PLANNING COMMISSION FINDINGS OF FACT

1. **CASE NO:** 2025-02Z **FILING FEE PAID:** \$200.00
 2. **DATE FILED:** 3/24/2025
 3. **DATE ADVERTISED FOR HEARING:** 4/22/2025 through 5/9/2025
 4. **PUBLIC HEARING DATE:** 5/19/2025
 5. **APPLICANT'S NAME:** AD3 LLC
 6. **LOCATION OF PROPERTY:** A tract of land in Lot 7, Second Replat of a portion of Block 8, Hillcrest fifth Addition to the City of Hays, Ellis Co, KS at 2707 Canal Blvd
 7. **DESCRIPTION OF PROPERTY:** Vacant and Undeveloped
 8. **PRESENT USE OF PROPERTY:** Vacant and Undeveloped
 9. **PRESENT ZONING:** "C-2" Commercial General
REQUESTED ZONING: "R-M" Residential Multi-Family
-

1. **CHARACTER OF THE NEIGHBORHOOD:**

DIRECTION

NORTH: Commercial

SOUTH: Residential

EAST: Multi-Family/Assisted Living

WEST: Commercial

2. **THE ZONING OF SURROUNDING PROPERTY:**

DIRECTION

NORTH: C-2 – Commercial General

SOUTH: NC.3 – Neighborhood Conservation

EAST: C-2 – Commercial General

WEST: C-2 – Commercial General

3. **CONSIDERATION OF THE RECOMMENDATIONS OF PERMANENT PROFESSIONAL STAFF:**

Staff recommends approval of the rezoning from C-2 Commercial General to R-M Residential Multi-Family as it is compatible with the adjacent zoning districts and the length of time the property has remained vacant with no development occurring.

A. DEDICATION OR RESERVATION NEEDED FOR:

1. DRAINAGE: NO
2. STREETS: NO
3. UTILITY EASEMENTS:
 - a. ELECTRICITY: NO
 - b. GAS: NO
 - c. SEWERS: NO
 - d. WATER: NO
4. WALKING/MULTI-PURPOSE PATH EASEMENT: NO
5. SHOULD PLATTING BE REQUIRED: NO

B. TRAFFIC CONDITIONS:

1. CLASSIFICATION OF STREET ON WHICH PROPERTY FRONTS: RESIDENTIAL
2. RIGHT-OF-WAY WIDTH: 60'
3. SIGHT DISTANCE: N/A
4. TURNING MOVEMENTS: N/A
5. COMMENTS ON TRAFFIC: LOCAL/RESIDENTIAL

4. **THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED:** Although the property is currently zoned for commercial use and was part of a larger development when the Dillons store was built, no more development has occurred. Rezoning the property to Residential Multifamily reflects the demand and supports a more feasible use for the property.
5. **THE EXTENT TO WHICH REMOVAL OF THE RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY:** The removal of the current restrictions should in no way detrimentally affect nearby property. Rezoning the property to residential will allow development as guided by the Comprehensive Plan and Future Land Use Map.
6. **THE LENGTH OF TIME THE SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED:** This property has been zoned commercial for many decades and remained vacant. Changing the zoning will allow needed housing development to occur.
7. **THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE NEIGHBORING PROPERTY, AS COMPARED TO THE HARSHSHIP IMPOSED ON THE INDIVIDUAL LANDOWNER:**
The proposed rezoning from Commercial General to Residential Multi-Family use represents a reasonable transition that aligns with existing development patterns and planned growth in the area. Public health, safety, and welfare are supported by providing additional housing opportunities, ensuring orderly development, and utilizing existing and planned infrastructure.
8. **THE CONFORMANCE OF THE REQUESTED CHANGE TO THE ADOPTED OR RECOGNIZED MASTER PLAN BEING UTILIZED BY THE CITY:**
The requested zoning aligns with the City of Hays Comprehensive Plan which designates this area for Mixed Use. R-M is completely compatible with MU developments with a rating of 5 out of 5 on the compatibility matrix chart found within the Comprehensive Plan. The change supports orderly development and infrastructure expansion ensuring compatibility with surrounding neighborhoods.

MINUTES EXCERPT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
May 19, 2025
4:00 P.M.

1. PUBLIC HEARING ITEMS:

A. Public Hearing for the Rezoning Request from (C-2) Commercial General District to (R-M) Residential Multi-Family District for 2707 Canal Blvd

Curtis Deines provided a PowerPoint presentation for a request to change the zoning from Commercial General District (C-2) to Residential Multi-Family (R-M) for .607 acres of land located directly east of Little Dillons on Canal Blvd. The owner of 2707 Canal Blvd, AD3 LLC, is looking to build a housing development. This property is part of the original parcel that was developed for Dillons and has remained vacant since that time. There are several utility easements that have made this lot challenging to develop. The property is located across from Good Samaritan Center and other apartments.

Mr. Deines provided a map showing the current zoning and what is proposed. The area overall has more density of housing types and uses. Previous regulations allowed apartments in a C-2 by special use permit. This is one reason you see Good Sams and Wyndam Place within the C-2 district. The Comprehensive Plan identifies this area as Mixed Use. R-M is completely compatible with Mixed Use developments with a rating of 5 out of 5 from the compatibility matrix chart. Having this area identified as Mixed Use does help us not consider this spot zoning. It may look like spot zoning by district, but looking at the area overall, and the request being a multi-family, the change fits the character of the neighborhood. Both water and sewer are readily available along Canal Blvd and will need to be extended to the proposed development.

Mr. Deines provided a list of Uses by Right and Limited Uses for R-M Zoning. He then provided the Uses by Exception, which requires Hays Area Board of Zoning Appeals approval. He provided the options to be considered by the Planning Commission and gave the staff's recommendation for changing the zoning as it is compatible with the adjacent zoning districts and the length of time the property has remained vacant.

Matthew Wheeler opened the Public Hearing and asked for any citizen comments. There were none. He then closed the Public Hearing.

Motion: Jim Schreiber moved to approve Staff Findings of Fact; Brian Garrett seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Bernie Gribben, Mike Vitztum, Brian Garrett, Dustin Schlaefli, and Joseph Boeckner

Motion: Brian Garrett moved to change the zoning from (C-2) Commercial General District to (R-M) Residential Multi-Family District as the property has not developed as a C-2; Jim Schreiber seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Bernie Gribben, Mike Vitztum, Brian Garrett, Dustin Schlaefli, and Joseph Boeckner

ORDINANCE NO._____

AN ORDINANCE REZONING A TRACT OF LAND IN LOT 7, SECOND REPLAT OF A PORTION OF BLOCK 8, HILLCREST FIFTH ADDITION TO THE CITY OF HAYS, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS BY KURT TSCHANZ, PS 1737, ON MARCH 18, 2025:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 120.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 179.97 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS WEST, ALONG THE SOUTH LINE OF THE TRACT A UTILITY EASEMENT DESCRIBED IN BOOK 160, PAGE 88, AND PARALLEL WITH THE SOUTH LINE OF LOT 7, 146.97 FEET TO THE WEST LINE OF LOT 7; THENCE NORTH 00 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE WEST LINE OF LOT 7, 179.97 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 32 SECONDS EAST, 146.89 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.607 ACRES.

FROM "C-2" (COMMERCIAL GENERAL) TO "R-M" (RESIDENTIAL MULTI-FAMILY)

Whereas, the Hays Area Planning Commission, after due and legal notice published on City of Hays website, its official publication, on April 22, 2025, and after a public hearing held in conformity with such notice on May 19, 2025, did, on the last-mentioned date, recommend to the Governing Body of the City of Hays, Kansas, the rezoning of the following described real estate:

A TRACT OF LAND IN LOT 7, SECOND REPLAT OF A PORTION OF BLOCK 8, HILLCREST FIFTH ADDITION TO THE CITY OF HAYS, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS BY KURT TSCHANZ, PS 1737, ON MARCH 18, 2025:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 120.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 179.97 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS WEST,

ALONG THE SOUTH LINE OF THE TRACT A UTILITY EASEMENT DESCRIBED IN BOOK 160, PAGE 88, AND PARALLEL WITH THE SOUTH LINE OF LOT 7, 146.97 FEET TO THE WEST LINE OF LOT 7; THENCE NORTH 00 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE WEST LINE OF LOT 7, 179.97 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 32 SECONDS EAST, 146.89 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.607 ACRES.

FROM "C-2" (COMMERCIAL GENERAL) TO "R-M" (RESIDENTIAL MULTI-FAMILY)

WHEREAS, upon due consideration, it appears that the best interests of the City of Hays, Kansas, will be served by approving said rezoning recommendation of the Hays Area Planning Commission.

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

Section 1. That the following-described real estate, to-wit:

A TRACT OF LAND IN LOT 7, SECOND REPLAT OF A PORTION OF BLOCK 8, HILLCREST FIFTH ADDITION TO THE CITY OF HAYS, ELLIS COUNTY, KANSAS, DESCRIBED AS FOLLOWS BY KURT TSCHANZ, PS 1737, ON MARCH 18, 2025:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 120.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 39 MINUTES 54 SECONDS WEST, ALONG THE EAST LINE OF LOT 7, 179.97 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 32 SECONDS WEST, ALONG THE SOUTH LINE OF THE TRACT A UTILITY EASEMENT DESCRIBED IN BOOK 160, PAGE 88, AND PARALLEL WITH THE SOUTH LINE OF LOT 7, 146.97 FEET TO THE WEST LINE OF LOT 7; THENCE NORTH 00 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE WEST LINE OF LOT 7, 179.97 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 32 SECONDS EAST, 146.89 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 0.607 ACRES.

BE REZONED FROM "C-2" (COMMERCIAL GENERAL) TO "R-M" (RESIDENTIAL MULTI-FAMILY).

Section 2. The aforesaid Ordinance shall take effect and be in force from and after passage and publication on the City of Hays Website, the official city news outlet for legal publication notifications for the City of Hays, Kansas.

PASSED by the Governing Body on the _____ day of _____, 2025.

SANDY JACOBS
Mayor

ATTEST:

JAMI BREIT
City Clerk

(SEAL)



City Commission Work Session

Agenda Memo

From: Curtis W. Deines, Planning & Development Superintendent

Work Session: June 19, 2025

Subject: General Nuisance Abatement for 206 East 14th Street

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

The Planning & Development Division is requesting a Resolution to abate the nuisance violations located on the property at 206 E 14th St. Up to this point, all proper notification has been given to the owner of the property. To date, little to no progress has been made by the owner to clean up the lot. If all the nuisance items are removed by the City, all costs of abatement will be charged to the owner of the property. Staff recommends approving the Resolution allowing the nuisance items located at 206 E 14th St. to be abated by the City.

Background

The subject property is owned by Mr. William Call. The first notification letter was sent to Mr. Call on May 2, 2025. A certified letter was sent on May 15, 2025, and was confirmed as delivered on May 19, 2025, by USPS. To date, little to no progress has been made by the owner to clean up the lot. Since 2014, there have been 25 code cases for the property, ranging from general nuisance items, alley obstructions, inoperable vehicles & overgrown grass & weeds.

There was also an overgrown grass and weeds letter sent to Mr. Call at the same time as the general nuisance letter, and it was also not taken care of. Staff has already contacted our authorized agent to abate the grass and weeds on this property.

Discussion

The Planning & Development Division is requesting a Resolution to abate the nuisance violations located on the property at 206 E 14th St. The property located at 206 E 14th St. is in violation of City Ordinance Chapter 26, Article IV. Items located throughout the property have been deemed a nuisance. Letters have been sent per City of Hays Ordinance requirements.

The certified letter was sent on May 15, 2025, and confirmed as delivered on May 19, 2025, by USPS. Staff is now moving forward for abatement of the nuisance items since the owners of the property have not followed through accordingly and brought the property into compliance with City ordinance.

Legal Consideration

The City is required to follow procedures established by the Ordinances cited in the discussion. Assuming the procedures were followed, the City of Hays can continue with the process to remove nuisance items from the property.

Financial Consideration

Any costs associated with the City removing the nuisance items will be billed to the property owner. If not paid, an assessment will be placed on the tax rolls.

Options

The City Commission has the following options:

- Approve the Resolution allowing for the nuisance items to be abated
- Do not approve the Resolution
- Provide Staff other direction

Recommendation

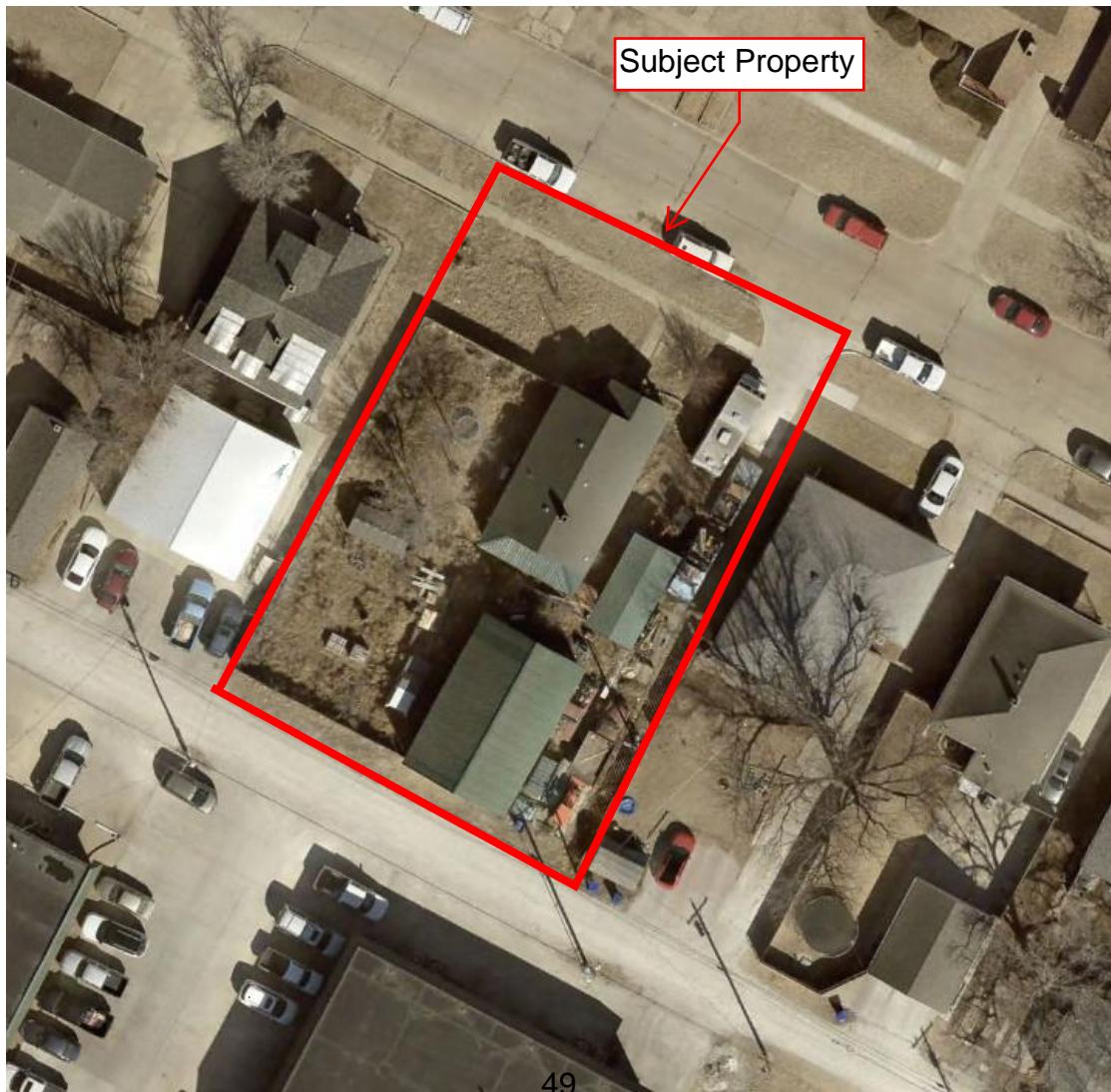
Staff recommends approving the Resolution allowing nuisance items at 206 E 14th St. to be abated from the property.

Action Requested

Approve a Resolution to abate the nuisance items located on the property at 206 E 14th St. ten (10) days after the approval date.

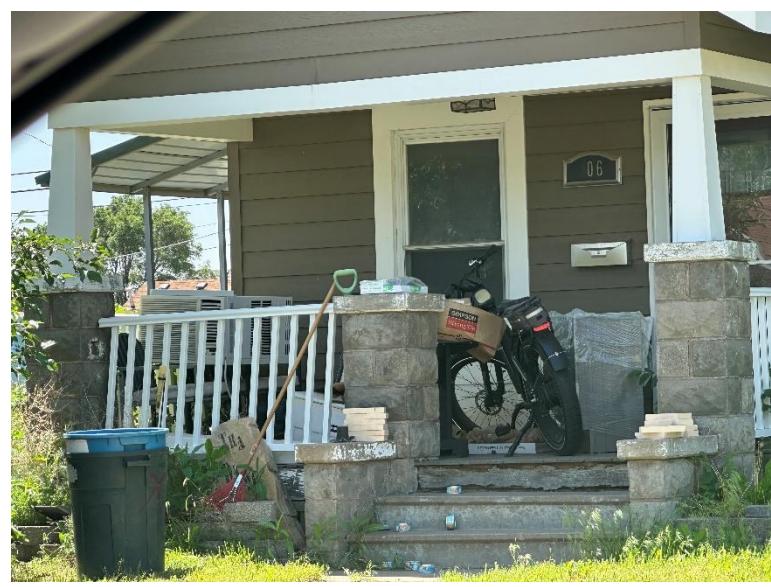
Supporting Documentation

Visuals
Case Letters
Resolution





5-15-2025



5-2-2025





Case #: 20250023

Case Date: 05/02/25

Case Type:

Telephone:

Owner Name: William Call

Owner Address: 206 E 14th

Violation Address: 206 E 14th

Violation: General Nuisance

Complaint Received From: City Staff

Violation Due Date: 05/07/2025

Certified Received Date: 05/19/2025

Certified Due Date: 05/29/2025

Date Case Closed:

Complainant Name:

Complainant Telephone/Address:

Ordinance Number: Sec. 26-153 (General Nuisance)

Status: Certified Sent

Assigned To: Kate Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
026-138-33-0-40-31- 005.00-0	206 E 14TH ST	LEBOLD ALLEN , BLOCK 65 , Lot 8 & 10 , SECTION 33 TOWNSHIP 13 RANGE 18	CALL, WILLIAM J		NC.3 - Neighborhood Conservation

Activities

Date	Activity Type	Description	Employee	Status
05/02/2025	1st Notification Letter	Please remove and properly dispose of accumulated tree branches in the dump bed truck and the large logs in the alley right of way. They can be disposed of free of charge at the Ellis County Landfill.		In Process
05/15/2025	Certified Letter	Upon the receipt of this certified letter you will have 10 days to remove and properly dispose of all tree waste and other debris pictured below. Tree waste can be dumped at the Ellis County Landfill free of charge.	Kate Armstrong	In Process

Notes

Date	Note	Created By:
2025-05-19	Certified Tracking # 9489009000276525775511	Kate Armstrong
2025-05-19	Certified letter delivered 5/19/2025	Kate Armstrong

Uploaded Files

Date	File Name
------	-----------

05/15/2025



05/15/2025



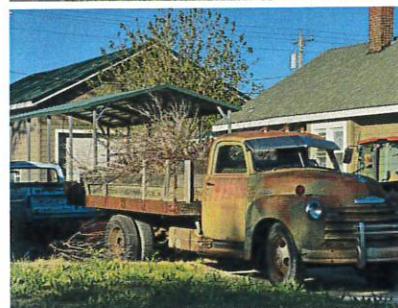
05/15/2025



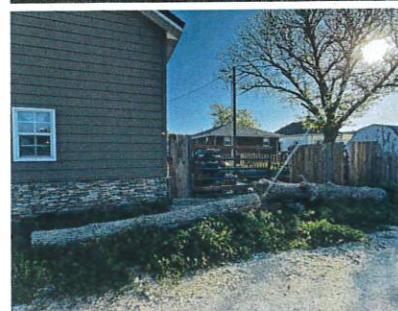
05/15/2025



05/02/2025



05/02/2025



05/02/2025





DIRECTOR
JESSE ROHR, CPM

SERVICE DIVISION
DONALD STEJSKAL, SUPERINTENDENT

SOLID WASTE DIVISION
MARVIN HONAS, SUPERINTENDENT

PLANNING & DEVELOPMENT
CURTIS DEINES, SUPERINTENDENT

STORMWATER DIVISION
JOE BILLINGER, SUPERINTENDENT

05/15/2025

William Call
206 E 14th
HAYS, KS 67601-3535

Certified Letter to the Owner

RE: 206 E 14th
Hays, KS 67601

VIA CERTIFIED MAIL:

Dear William Call:

The violation located at 206 E 14th, Hays, Kansas still exists (photos attached). We wrote a letter to you on 05/02/2025 requesting that you abate the situation.

You have ten (10) days from the date of receipt of this letter to abate the violation. Failure to abate the violation within ten (10) days will result in the City or its authorized agent to file an abatement process for General Nuisance on your property. The costs will be assessed to the owner or agent in charge of the property. Opportunity will be given to the owner to pay the assessment, and if not paid, it will be added to the property tax as a special assessment. Please note that you have ten (10) days from the receipt of this notice to file a written appeal, requesting a hearing before the governing body.

We ask again that you please resolve this situation immediately. If you have questions or need further explanation, feel free to contact me at (785) 628-7310.

Sincerely,

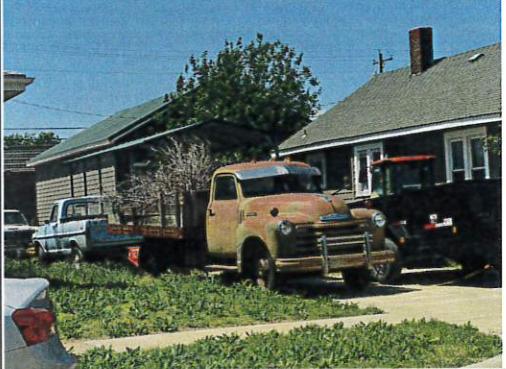
Kate Armstrong
Building Inspector/Code Enforcement Officer

Enclosed: Pictures

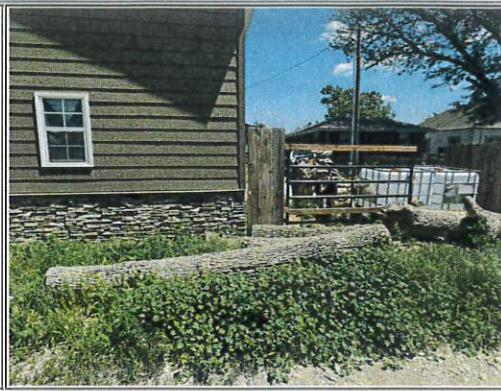
Cc: City Prosecutor
File

Case Number:	20250023
Date:	05/15/2025
Owner:	William Call
Violation Address:	206 E 14th
Violation:	General Nuisance

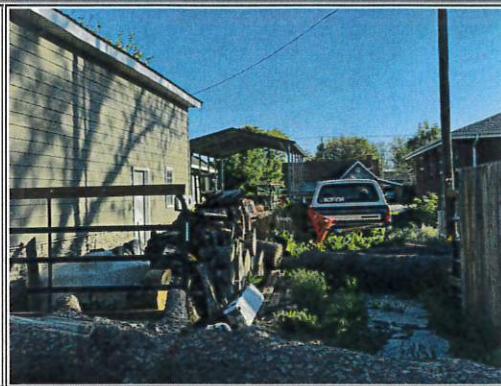
Corrective Action	Please remove and properly dispose of accumulated tree branches in the dump bed truck and the large logs in the alley right of way. They can be disposed of free of charge at the Ellis County Landfill.
Corrective Action	Upon the receipt of this certified letter you will have 10 days to remove and properly dispose of all tree waste and other debris pictured below. Tree waste can be dumped at the Ellis County Landfill free of charge.

05/15/2025	
05/15/2025	
05/15/2025	

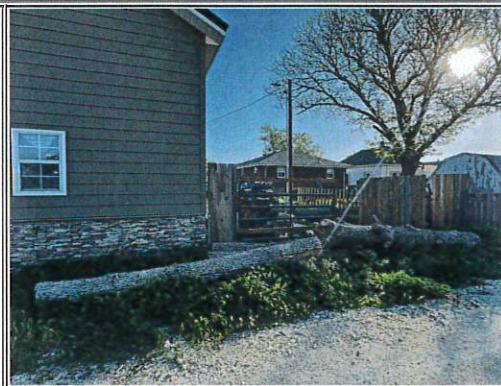
05/15/2025



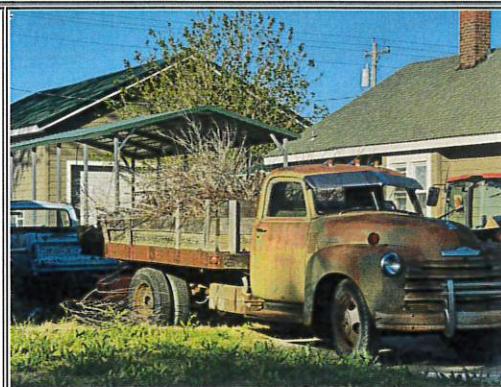
05/02/2025



05/02/2025



05/02/2025





DIRECTOR
JESSE ROHR, CPM

SERVICE DIVISION
DONALD STEJSKAL, SUPERINTENDENT

SOLID WASTE DIVISION
MARVIN HONAS, SUPERINTENDENT

PLANNING & DEVELOPMENT
CURTIS DEINES, SUPERINTENDENT

STORMWATER DIVISION
JOE BILLINGER, SUPERINTENDENT

05/02/2025

William Call
206 E 14th
HAYS, KS 67601-3535

First Notification to the Owner

RE: 206 E 14th

Dear William Call:

It has come to our attention that a city code violation(s) exist at **206 E 14th**, Hays, Kansas. Photo(s) are attached. The violation consists of **General Nuisance**. Ellis County records indicate that you are the owner of the property. The item(s) listed are in violation of City Ordinance, **Sec. 26-153 (General Nuisance)**.

We request that you please correct the problem within the next 5 days. We sincerely appreciate your cooperation. Inspectors will revisit the site after **05/07/2025**, and it is our hope that corrective action will have been taken. If not, we will need to take further steps to resolve this issue.

If you have questions, please contact me at the Public Works Department Planning & Development Division at (785) 628-7310. Thanks for working with us to keep Hays a safe, attractive and wholesome place to live.

Sincerely,

Kate Armstrong
Building Inspector/Code Enforcement Officer

Enclosed: Pictures

Cc: File
Resident (if applicable)

Case Number: 20250023

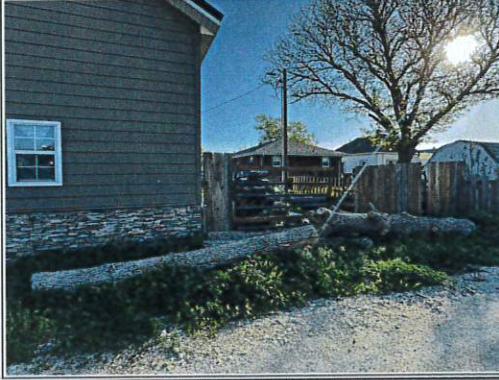
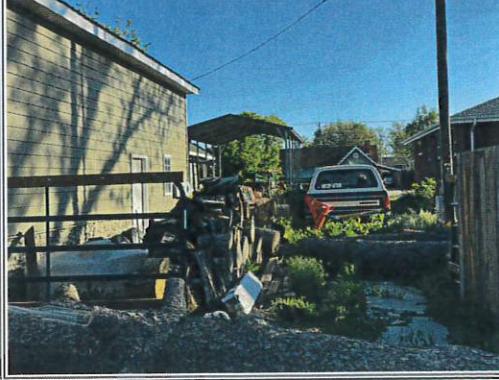
Date: 05/02/2025

Owner: William Call

Violation Address: 206 E 14th

Violation: General Nuisance

Activity Date	Type	Description
05/02/2025	1st Notification Letter	Please remove and properly dispose of accumulated tree branches in the dump bed truck and the large logs in the alley right of way. They can be disposed of free of charge at the Ellis County Landfill.

05/02/2025	
05/02/2025	
05/02/2025	

Tracking Number:

Remove X

9489009000276525775511

Copy  Add to Informed Delivery

Latest Update

Your item was delivered to an individual at the address at 8:54 am on May 17, 2025 in HAYS, KS 67601.

Get More Out of USPS Tracking:

 USPS Tracking Plus®

Delivered

Delivered, Left with Individual

HAYS, KS 67601

May 17, 2025, 8:54 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean?](#)

Certified Letter delivered notification

RESOLUTION NO. 2025-

**A RESOLUTION AUTHORIZING THE CITY OF HAYS OR ITS
DESIGNATED AGENT TO ABATE THE NUISANCES LOCATED ON THE
PROPERTY AT 206 E 14TH STREET, HAYS, KANSAS**

WHEREAS, the City of Hays did enact Ordinance Chapter 26, Article IV declaring certain matters as general nuisances a violation of City Ordinance and providing for the removal or abatement of general nuisance items and further providing for the assessment of costs and penalties; and

WHEREAS, on May 2, 2025, and May 15, 2025, inspections of the property were conducted by the City of Hays, and said inspections determined that debris & discarded items on the property at 206 E 14th Street were in violation of City Ordinance Chapter 26, Article IV; and

WHEREAS, on May 2, 2025, a 1st notification letter was sent to the owner of the property at 206 E 14th Street, requesting that the owner abate the nuisances by removal of debris & discarded items within 5 days; and

WHEREAS, on May 15, 2025, a certified letter was sent to the owner of the property at 206 E 14th Street giving said owner ten days, upon receipt, in which to abate the nuisances by removal of debris & discarded items; and

WHEREAS, on May 19, 2025, the owner of the property at 206 E 14th Street accepted delivery of the May 15, 2025, certified letter; and

WHEREAS, recent and subsequent inspections of the property revealed the nuisance violations were not abated from the property at 206 E 14th Street; and

WHEREAS, the Governing Body of the City of Hays desires that the nuisance violations on the property at 206 E 14th Street be abated by the City or its authorized agent.

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

Section 1. That the existence of the nuisance violations located at 206 E 14th Street are hereby found to be in violation of Ordinance Chapter 26, Article IV.

Section 2. That the owner of the property located at 206 E 14th Street was given proper notice to abate the nuisance violations located at 206 E 14th Street and have failed to abate said nuisance violations.

Section 3. That the City of Hays or its designated agent is hereby authorized to abate the conditions causing the nuisance violations at 206 E 14th Street at the end of ten days from the date of passage of this Resolution.

Section 4. That the cost incurred by the City in abating the conditions causing the nuisance violations at 206 E 14th Street shall be charged against the lot located at 206 E 14th Street as provided in Ordinance Chapter 26, Article IV.

PASSED by the City Commission this 26th day of June 2025.

Sandy Jacobs, Mayor

ATTEST:

Jami Breit City Clerk



City Commission Work Session Agenda Memo

From: Curtis W. Deines, Planning & Development Superintendent

Work Session: June 19, 2025

Subject: UDC Changes – Accessory Structures

Person(s) Responsible: Jesse Rohr, Director of Public Works

Summary

Several modifications to accessory structure regulations within the Unified Development Code are being submitted for consideration. Eliminating the setback requirement for these low-impact structures could enhance land use and align permitting with enforcement practices. Additionally, the current regulation limits size and the number of accessory structures, which complicates enforcement. Furthermore, size restrictions in the A-L zoning district are seen as overly restrictive and misaligned with future development goals. Staff, as well as the Hays Area Planning Commission (by a vote of 7-0), recommends approving the UDC changes as presented.

Background

Change 1: Currently, small sheds measuring 120 square feet or less do not need a building permit, but they must still comply with the 5 ft side and 5 ft rear yard setback requirements. Prior to the 2016 update of the Unified Development Code (UDC), these structures could be placed as close as 3 ft from the side yard property line. However, the 2016 revision set a uniform 5-foot setback for all accessory and storage structures. This change has led to issues where many property owners, unaware or unconcerned due to the lack of a permit requirement, place sheds in violation of the setback rules. Additionally, variances have sometimes been granted to allow reduced setbacks for structures that don't need permits.

Change 2: Eliminating the maximum of 2 accessory structures on a lot would make enforcement easier as current regulations are difficult to uphold due to the fact that many small structures are exempt from permit requirements. Accessory structures include gazebos, carports, garages, garden sheds, etc.

Change 3: In the A-L (Agricultural) district, non-agricultural accessory structures are limited to a maximum size of 50% of the footprint of the main dwelling. This regulation

is excessively restrictive and does not support future development plans in the A-L district.

Discussion

1. Enforcement Challenges

The current regulation for structures under 120 square feet is difficult to enforce since no building permit is required. Property owners often overlook or ignore setback requirements, leading to non-compliant structures that are either unnoticed or discovered after installation. This inconsistency in enforcement can result in conflicts between the city regulations and property owners.

2. Low Impact of Small Structures

Small structures such as garden sheds, playhouses, or storage sheds generally have minimal impact on privacy, fire safety, or neighborhood aesthetics, making setback requirements less critical. Regulations currently limit the number of accessory structures to two per lot. Staff recommends removing this limitation, particularly as recent changes to the development code allow for buildings to occupy more lot space, enabling property owners to better utilize their property for multiple small structures serving different functions.

3. Efficient Land Use

Eliminating setback requirements for small structures in residential areas allows homeowners to optimize yard space while maintaining neighborhood character. This approach mirrors 2023 UDC changes that reduced setbacks for primary structures, providing property owners greater flexibility in how they use their property.

4. Consistency with Permitting

Requiring setbacks for small structures while not requiring permits creates a regulatory inconsistency. Aligning setback requirements with the permit exemption for these structures will simplify regulations, reduce homeowner confusion, and ease the burden on City Staff by minimizing enforcement challenges.

Legal Consideration

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

Financial Consideration

There are no known financial benefits or detriments to the City of Hays at this time as a result of these UDC changes.

Options

The City Commission has the following options:

- Approve the UDC changes as submitted.
- Send the request back to the Planning Commission for further consideration
- Do not approve the UDC changes.

Recommendation

Staff, as well as the Hays Area Planning Commission (by a vote of 7-0), recommends approving the UDC changes as submitted.

Action Requested

Adopt an ordinance approving the UDC Changes as presented within the adopting ordinance.

Supporting Documentation

Visuals

Planning Commission Minutes (Excerpt)

Regulations (redlined)

The structures in Red are 120 sq ft or smaller
The structures in green are more than 120 sq ft.



The visuals show how common it is to have 2 accessory structures on a lot



The visuals show how easy it is to place a 120 sq ft structure on the lot near the property lines and close to other structure.



MINUTES EXCERPT
HAYS AREA PLANNING COMMISSION
CITY HALL COMMISSION CHAMBERS
May 19, 2025
4:00 P.M.

1. PUBLIC HEARING ITEMS:

A. Unified Development Code (UDC) Regulation Public Hearing and Discussion regarding setbacks for small sheds.

Curtis Deines provided a PowerPoint presentation on Unified Development Code Regulations regarding setbacks for small sheds that were discussed late last year. As part of the process of changing regulations, we must have the public hearing and so the information is the same as previously discussed, with this formal meeting needed to move discussion to the City Commission.

Current regulations for small sheds under 120 square feet do not require a building permit but must meet side and rear yard setbacks, which were changed in 2016 to a uniform 5-foot distance. This has led to enforcement challenges, as many property owners are unaware of or disregard the setback, resulting in non-compliant structures. Eliminating the setback requirement for these low-impact structures could enhance land use and align permitting with enforcement practices. Additionally, the current regulation limits size and the number of accessory structures, which complicates enforcement. Furthermore, size restrictions in the A-L district are seen as overly restrictive and misaligned with future development goals.

The current regulation for structures under 120 square feet is difficult to enforce since no building permit is required. Property owners often overlook or ignore setback requirements, leading to non-compliance structures that are either unnoticed or discovered after installation. This inconsistency in enforcement can result in conflicts between the city and property owners. Small structures like garden sheds, playhouses, or storage sheds generally have minimal impact on privacy, fire safety, or neighborhood aesthetics, making setback requirements less critical. Regulations currently limit the number of accessory structures to two per lot. Staff recommends removing this limitation, particularly as recent changes to the development code allow for buildings to occupy more lot space, enabling property owners to better utilize their property for multiple small structures serving different functions.

Eliminating setback requirements for small structures in residential areas allows homeowners to optimize yard space while maintaining neighborhood character. This approach mirrors 2023 changes that reduced setbacks for primary structures, providing property owners greater flexibility in how they use their property.

Requirement setbacks for small structures will simplify regulations, reduce homeowner confusion, and ease the burden on city staff by minimizing enforcement challenges. In the Agriculture (A-L) district, non-agricultural structures are limited to a maximum size of 50% of the footprint of the main dwelling. This regulation is excessively restrictive and does not support future development plans in the A-L district.

Brian Garrett asked if the city was recommending that the board eliminate the number of structures. Mr. Deines stated that we are recommending removing the number of accessory structures. Currently there is a maximum number of two and there is no distinction between sizes, so if you have a large garage, a small shed, but then you want to have something that requires a gazebo, you wouldn't be able to. Mr. Garrett asked if he could have four and Mr. Deines stated that he could if there were some separation and they met setbacks. Mr. Garrett asked if 120 sq ft sheds right now must meet the 5 foot setback requirements and Mr. Deines stated that they do. Jesse Rohr stated that the biggest issue is enforcement because you do not have to have a permit. Joseph Boeckner stated that the issue now is that people could only put two on their property. Kate Armstrong stated that there was an instance where she went to a property who had two small structures and he wanted to build a detached garage, but he couldn't do that because he had two sheds already. Mr. Garrett stated that he thinks we should limit it to three or four. Mr. Boeckner stated that he thinks the lot size would do that for them anyways. Mr. Vitztum asked if anything larger than 120 sq. ft. still needed to meet the setbacks. Mr. Deines stated that they do. Dustin Schlaefli asked for verification of the current regulation language.

Matthew Wheeler asked if there were any further comments or discussion. There were none.

Motion:

Jim Schreiber made a motion to approve the recommended changes to small sheds and accessory structures and recommend approval of the adopting ordinance to the City Commission; Dustin Schlaefli seconded.

Vote: AYES

Matthew Wheeler, Jim Schreiber, Bernie Gribben, Mike Vitztum, Brian Garrett, Dustin Schlaefli, and Joseph Boeckner

CHAPTER 10 BUILDINGS AND STRUCTURES

ARTICLE 10.2 SUPPLEMENTAL STANDARDS

Division 10.2.100 Supplemental Standards for All Uses

Sec. 10.2.101 Accessory Buildings and Structures

- A. **Generally.** The construction and use of accessory building or structures, except accessory dwelling units (see Section 10.2.102, *Accessory Dwelling Units*), are subject to the requirements of this Section.
- B. **All Uses.**
1. *Timing of Construction.* No accessory building or structure shall be constructed unless the principal building is constructed and connected to utilities or under construction simultaneously with the accessory building or structure.
 2. *Easements.* Accessory buildings and structures shall not be located within easements unless written permission is granted from the owner/operator of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures.
 3. *Building Permit.*
 - a. Accessory buildings and structures shall make application for a building permit.
 - b. Accessory buildings and structures are subject to all applicable building codes of the City, as amended from time to time. The more restrictive provisions of this Section or the applicable building codes shall apply.
 4. *Survey.* A copy of a plat of survey showing all existing buildings and structures on the lot or parcel of land where the accessory building or structure is proposed to be located may be required with the building permit application.
- C. **Residential Uses.**
1. *Maximum Number.* No more than two accessory buildings or structures shall be constructed on a lot in the R-S, R-G, and N-C districts.
 2. *Footprint.* In the Agriculture (A-L) District, an accessory building or structure is permitted to support agricultural uses. Non agricultural buildings and structures shall cover no more than 50 percent of the footprint of the principal dwelling.
 3. *Height.*
 - a. Maximum height measured from the finished floor to the peak of the roof shall not exceed 18 ft. or height of the principle dwelling, whichever is greater.

Remove
Regulation

4. *Setbacks.*
- a. Front:
 - i. Generally: Behind principal building.
 - ii. Garages: Behind the front building line.
 - iii. Carports, car covers, or porte-cocheres: Behind the front building line.
 - b. Street Side: Equal to the required street side yard setback for the zoning district.
 - c. Interior Side: Five feet from the side property line.
 - d. Rear:
 - i. Generally: Five feet from the rear property line.
 - ii. Alley Access: The sum width of the alley and the setback shall be not less than 25 feet.
 - e. Separation from Other Structures: Not closer than five feet to any other structure.
5. *Small Storage Buildings.* Only two small storage buildings are allowed per lot with a maximum gross area of 120 square feet:
- a. Height: Shall not exceed 12 feet in height at the highest point;
 - b. Side Yard: Shall not be constructed or placed closer than five feet from the side lot line.
 - c. Rear Yard:
 - i. Generally: Five feet from the rear lot line.
 - ii. Alley: May be placed on the rear line if there is an abutting alley.
6. *Exceptions.*
- a. Roofs. The roof overhang or roof projection shall not be closer than two feet to any other structure on the lot.
 - b. Open Porches. Open porches shall be allowed to be constructed within the required front yard setback under the following conditions:
 - i. The width of the porch does not exceed 25 percent of the width of the principal structure it is attached to.
 - ii. The porch shall extend no further than five feet from into the front yard setback.
 - iii. The porch shall remain open, excluding required railing (36 inches maximum height).
 - iv. The porch roof covering shall only be supported by columns or posts.