

Memo

To: City Commission
From: Toby Dougherty, City Manager
Date: March 14, 2025
Re: March 20, 2025, Work Session

Please find the attached agenda and supporting documentation for the March 20, 2025, Work Session.

Item 2 – DHDC Request to Build a Storage Building at UP Plaza

Please refer to the attached memorandum from Collin Bielser, Deputy City Manager, regarding the DHDC request to build a storage building at UP Plaza. DHDC is requesting to fund the construction of a storage building at UP Plaza. This will allow DHDC adequate storage to accommodate the various events put on in the downtown area. City staff is supportive of this request.

Item 3 – Resolution Setting Public Hearing for the Establishment of a Reinvestment Housing Incentive District (RHID) – Tallgrass 2nd Addition, Phase 4

Please refer to the memorandum from Jarrod Kuckelman, Assistant City Manager, regarding the establishment of an RHID for Tallgrass 2nd Addition, Phase 4. This is one of several steps in the joint venture between the City of Hays and Heart of America Development Corporation to create additional housing on the east side of Hays.

Item 4 – 2024 Building Code Update

Please refer to the attached memorandum from Curtis Deines, Planning and Development Superintendent, regarding the 2024 Building Code update. City staff is suggesting that the City Commission authorize updates to the International Building Code and the International Residential Code. The City last updated its building codes in 2017 adopting the 2015 version of these codes. Many contractors are already building to the new code, and City staff feels it is time to update. Jesse Rohr, Director of Public Works, and Curtis put together a very comprehensive process to enact this update. They convened a steering committee of local contractors to review the proposed changes and exemptions, and then they hosted a public meeting where all contractors were invited to hear about the changes and ask any questions.

Item 5 – Smoky Hill River Wellfield Status Update

As you know, the City of Hays is in the midst of a drought. The 90-day drought outlook shows that drought continuing or worsening. At the Work Session, I would like to update the Governing Body on the status of the Smoky Hill River Wellfield and the City's planned utilization of it assuming the drought conditions continue.

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CITY COMMISSION WORK SESSION

City Hall, 1507 Main Street, Hays, KS

Thursday, March 20, 2025 – 4:00 P.M.

AGENDA

1. **February 20, 2025 Work Session Notes (PAGE 1)**
Department Head Responsible: Kim Rupp, Director of Finance
2. **DHDC Request to Build a Storage Building at UP Plaza (PAGE 5)**
Person Responsible: Julie Rider, DHDC Executive Director
3. **Resolution Setting Public Hearing for the Establishment of a Reinvestment Housing Incentive District (Tallgrass 2nd Addition, Phase 4) (PAGE 9)**
Person Responsible: Jarrod Kuckelman, Assistant City Manager
4. **2024 Building Code Update (PAGE 33)**
Department Head Responsible: Jesse Rohr, Director of Public Works
5. **Smoky Hill River Wellfield Status Update**
Person Responsible: Toby Dougherty, City Manager
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, February 20, 2025 – 4:00 p.m.

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

Absent: Reese Barrick

February 20, 2025 Work Session Notes

There were no corrections or additions to the minutes of the work session held on February 20, 2025; the minutes stand approved as presented.

2025 Street Maintenance Program – Award of Bid

Jesse Rohr, Director of Public Works, stated each year staff evaluates the condition of City streets and develops a maintenance program that is brought forward for Commission consideration. At the November 21, 2024, City Commission Work Session, staff presented a proposed Street Maintenance Program for 2025. The plan presented to the City Commission at that time called for approximately \$1.1 million of contracted work to include seal coat, polypatch, curb and brick repair, major rehab (street and concrete alley), asphalt mill and overlay, and pavement markings, along with \$100,000 of in-house work and \$10,000 for the sidewalk rebate program. The sources of funding for the 2025 Street Maintenance Program are:

2025 Funding - Special Highway

- State Gas Tax Refund (KDOT)	\$ 561,290
- Connecting Link Maintenance (KDOT)	\$ 74,500
- Transfer from General Fund	\$ 200,000
- Federal Aid (Exchange Program)	\$ 260,000
- Cash Carryover	\$ 68,522
Total Available	\$1,164,312

Mr. Rohr stated that bids from six different contractors were received on February 4, 2025. The bid documents were structured so that contractors could bid on one or more of the nine various projects, and separate contracts could be awarded for each type of work. The projects awarded would be accomplished at various locations at various times throughout this year.

There were no bids for pavement markings; however, staff will return to the Commission in the near future as a new request for bids for pavement markings will be opened March 4, 2025.

Mr. Rohr stated approximately \$100,000 of the Special Highway budget will be used to augment the purchase of crack seal material, asphalt, concrete, and other materials for City crews to perform in-house street maintenance. This budgeted amount will allow City crews to complete the reconstruction of 4th St. between Main and Fort. Approximately one half of the street was reconstructed by the Service Division in 2024. Another \$10,000 will be utilized for the City of Hays sidewalk rebate program.

A summary of the work proposed is listed here:

Project	Contractor	Actual Bids
Seal Coat	Circle C	\$226,800.00
Polypatch	Stripe & Seal	\$40,600.00
Curb and Brick Repair	Morgan Bros.	\$58,500.00
Concrete Alleys	Morgan Bros.	\$74,050.00
Mill and Overlay	Bettis	\$259,232.70
19 th St. Concrete Paving	Morgan Bros.	\$124,652.78
Subtotal		\$783,835.48
Sidewalk Rebate		\$10,000.00
In-House		\$100,000.00
Subtotal		\$110,000.00
Total Cost of All Projects		\$893,835.48
SP HWY Funding Available		\$1,114,792.00
BALANCE of SP HWY Budgeted Projects Fund		\$220,956.52

The total amount of all proposed contracts as bid and other in-house projects being funded out of Special Highway is \$893,835.48, which leaves a

balance of \$220,956.52. Other projects, such as pavement markings, will be pulled from these remaining funds later in 2025. \$50,000 in contingency funds remains for any unforeseen expenses.

At the February 27, 2025 Commission meeting, Commissioners will be asked to authorize the City Manager to enter contracts for construction as follows:

- ☐ Circle C Paving and Construction LLC in the amount of **\$226,800** for Seal Coat;
- ☐ Stripe & Seal in the amount of **\$40,600** for Polypatch;
- ☐ Morgan Brothers in the amount of **\$58,500** for Curb and Brick repairs;
- ☐ Morgan Brothers in the amount of **\$74,050** for the Depot alley and the alley at 8th and Oak;
- ☐ Bettis Asphalt & Construction, Inc. in the amount of **\$259,232.70** for the E. 17th St. Mill and Overlay Project;
- ☐ Morgan Brothers in the amount of **\$124,652.78** for the 19th St. Concrete Paving Project;

all to be funded out of Special Highway – Budgeted Projects, including purchase of materials for in-house work for items including asphalt and concrete, as well as sidewalk rebates.

Joint Projects with Ellis County – 48th Street and Vineyard Road / 270th Avenue

Toby Dougherty, City Manager, stated that in August 2024 at the joint City/County Commission meeting two road improvement projects were discussed as possible cooperative ventures: 48th Street and Vineyard Road / 270th Avenue. The 48th Street project would involve a 4” mill, transverse crack repair as needed, and two – 2” overlays, which was quoted at \$415,000 by Bettis Asphalt and Construction, Inc., with the City share being \$200,000. When the project is complete, the County will restripe the pavement. The County would maintain ownership until January 1, 2028, after improvements are made to determine effectiveness, and after that the City would take over ownership.

Mr. Dougherty discussed the Vineyard Road / 270th Avenue project and stated that the County will reshape surface and ditches, and there will need to be two – 2” overlays. The City will take over maintenance of its right of way upon completion of the project. The quote for this project is \$857,000, with the City share being \$177,000.

There is adequate money existing in the Commission Capital Reserve to cover both projects: \$200,000 for 48th Street and \$177,000 for Vineyard Road / 270th Avenue.

At the February 27, 2025 Commission meeting, Commissioners will be asked to authorize the City Manager to expend \$377,000 from the Commission Capital Reserve for the City share of the 48th and Vineyard Road / 270th projects.

Other Items for Discussion

Commission Ruder stated that the Youth Leadership Board had its first presentation for Mental Health Awareness at Thomas More Prep Marian and will have more presentations later this year. They are taking this project seriously and doing a great job in the community.

Commissioners thanked Representative Barbara Wasinger for getting involved in the R-9 Ranch. Commissioner Jacobs also thanked Senator Billinger and Representative Rahjes for being involved.

The work session was adjourned at 4:35 p.m.

Submitted by: _____

Jami Breit –City Clerk



City Commission Work Session

Agenda Memo

From: Collin Bielser, Deputy City Manager

Work Session: March 20, 2025

Subject: DHDC Request to Build a Storage Building at UP Plaza

Person(s) Responsible: Julie Rider, DHDC Executive Director
Collin Bielser, Deputy City Manager

Summary

For a few years now, Downtown Hays Development Corporation (DHDC) has discussed the need to construct a storage building at Union Pacific (UP) Plaza to store the organization's items that are used for events held in the park and Pavillion throughout the year. Before any structure can be constructed in a city park at the behest of an outside organization, the City Commission must provide approval.

Background

In 2017, the Downtown Pavillion was constructed as a gathering place for the community. Many events, such as the annual Frostfest tree lighting, summer Farmer's Market, and more are held throughout the year at the Pavillion.

Discussion

DHDC desires to construct a 16' x 12' building at UP Plaza to store miscellaneous items needed for the community events they host throughout the year.

Union Pacific Plaza is recognized as a City Park and before any structure can be constructed at the behest of an outside organization, the City Commission must provide approval. Once constructed, the building will become property of the City of Hays.

DHDC will be self-funding the venture and offering an opportunity for the community to donate to the project. DHDC's goal is to have the building complete by early summer.

Legal Consideration

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

Financial Consideration

Construction of the building will be funded by DHDC.

Options

The City Commission has the following options:

- Approve DHDC's request to construct a building at UP Plaza.
- Deny DHDC's request to construct a building at UP Plaza.
- Provide Staff with other direction.

Recommendation

City staff are in support of the request.

Action Requested

Authorize DHDC to construct a 16' x 12' building in UP Plaza.

Supporting Documentation

Building Renderings



Drawings Provided By:
Commercial Builders, Inc.
 2717 Canal Blvd | Hays, KS 67601
 Telephone: (785) 628-1031
 Fax: (785) 628-6788

Downtown Hays Pavilion
Storage Building Project
 117 E. 10th
 Hays, KS 67601

DATE:
 • Sept. 16, 2023

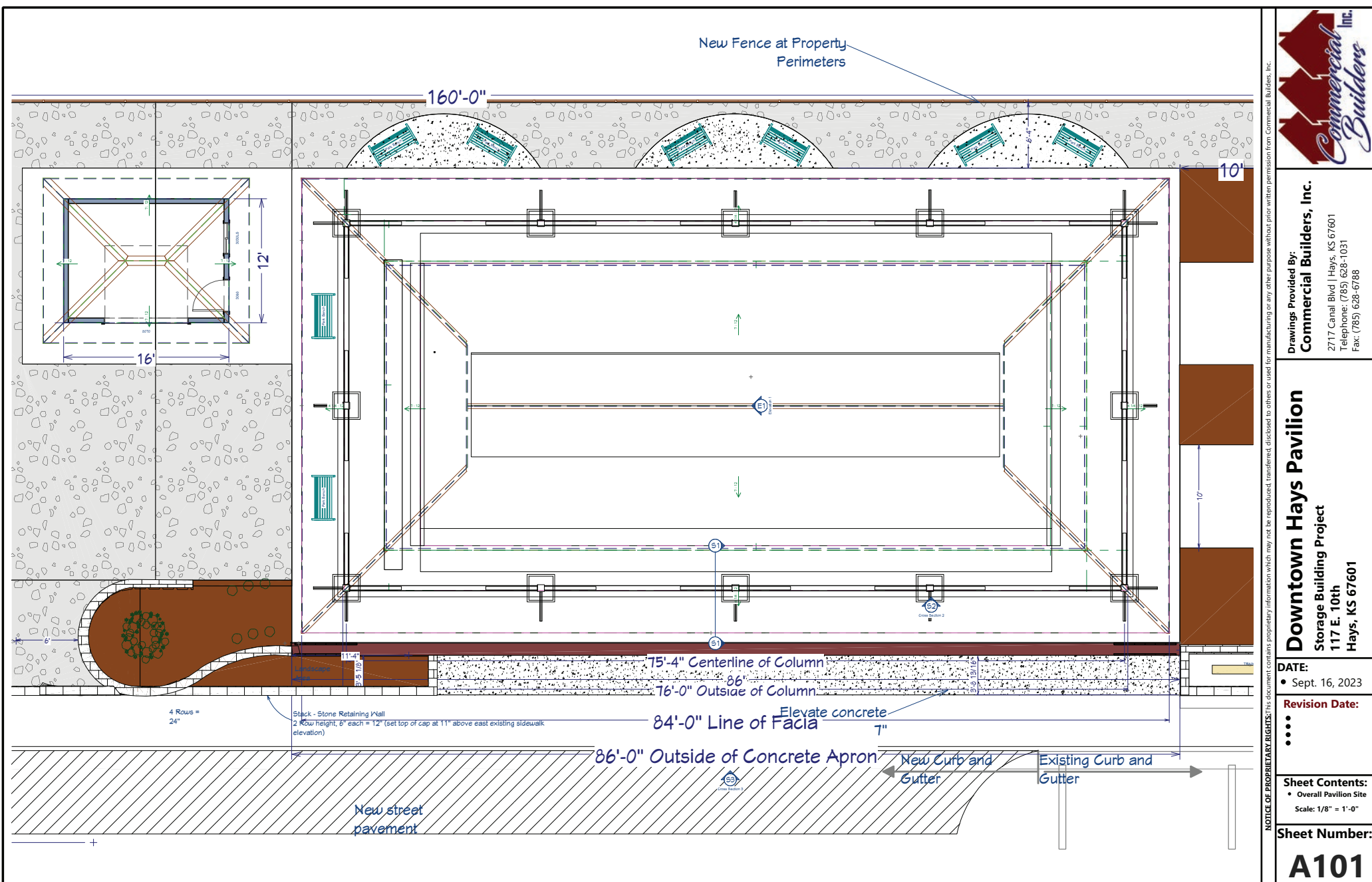
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City Commission Work Session

Agenda Memo

From: Jarrod Kuckelman, Assistant City Manager

Work Session: March 20, 2025

Subject: Resolution Setting a Public Hearing for the Establishment of a Reinvestment Housing Incentive District (Tallgrass 2nd Addition, Phase 4)

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

Summary

Heart of America Development Corporation (the “Developer”) submitted an Application for Economic Incentives and the required application fee relating to a residential project and related infrastructure for Phase 4 of the Tallgrass 2nd Addition project.

The Developer is requesting that a Reinvestment Housing Incentive District (RHID) be established on the property to be developed. Developer proposes that the City finance and construct the RHID eligible costs related to the project, and that the City utilize RHID revenues to offset the City’s costs, including debt service requirements on any bonds issued for the project. In addition, the Developer will provide a deposit equal to 30% of the projected infrastructure costs (the “Deposit”). The Deposit could be utilized by the City to pay for infrastructure costs or to pay debt service on general obligation temporary notes and bonds that are issued to pay for the project costs. Any RHID revenues generated in excess of City costs and debt service requirements would be used to reimburse Developer for RHID-eligible expenses on a pay-as-you-go basis. RHID collection will cease upon the earlier of 25 years or full payment or reimbursement of all RHID-eligible project costs.

A proposed Development Plan (attached) has been created to describe the housing development, and a Development Agreement is under negotiation and would be entered into upon creation of the RHID to govern the rights and responsibilities of the City and the Developer.

Adopting this Resolution to call a public hearing on the establishment of an RHID would be the next step in the statutory process for RHID financing (see attached calendar). The public hearing and subsequent consideration of an Ordinance establishing the RHID would be scheduled for May 8, 2025.

Background

The Developer seeks to develop Phase 4 of the Tallgrass 2nd Addition project located at the northeast corner of 22nd Street and Wheatland Avenue. Preliminary plans include approximately 101 single-family homes and infrastructure to support and serve the development (collectively, the “Project”). Developer reports that some lots may be converted to multi-family use.

The Commission previously adopted a Resolution making certain housing needs findings and determinations. Following adoption and publication, the Resolution was sent to the Kansas Secretary of Commerce for approval to move forward with the creation process and further Commission action. The Kansas Secretary of Commerce approved of the district’s creation through a letter dated December 5, 2024.

Discussion

The Developer seeks City financing of the majority of RHID-eligible costs related to the Project and Developer reimbursement of any remaining RHID-eligible costs from RHID revenues.

The Developer requests RHID financing on a pay-as-you-go basis for 25 years. Developer proposes that the City finance the majority of the RHID-eligible costs and construct the infrastructure related to the Project, and that the City utilize RHID revenues to offset the City’s costs, including debt service requirements on any bonds issued for the Project costs. RHID revenues will be derived from incremental property tax revenues collected on the Project site. In addition, the Developer will provide the Deposit which could be utilized by the City to pay for Project costs or to pay debt service on general obligation temporary notes and bonds that are issued to pay for Project costs. Any RHID revenues generated in excess of City costs and debt service requirements would be used to reimburse RHID-eligible expenses incurred by the Developer on a pay-as-you-go basis. RHID collection will cease upon the earlier of 25 years or full payment or reimbursement of all RHID-eligible project costs.

If the Commission approves the Resolution, a public hearing will be set for May 8, 2025. Following the public hearing, the Commission would consider an Ordinance establishing the RHID and adopting the Development Plan. If an RHID is established and the Development Plan adopted, the City and the Developer would enter into a Development Agreement to govern the rights and responsibilities of the parties.

Legal Consideration

Special legal counsel, Gilmore & Bell P.C. has reviewed all the documentation submitted. All aspects as set forth in the Term Sheet comply with Kansas law and the City’s Economic Development Policy.

Financial Consideration

If the RHID is created, the RHID fund would collect incremental property tax revenues for a maximum period of 25 years. The Developer estimates that the RHID would generate approximately \$6.867M in revenues during such term based upon current plans. However, Developer estimates RHID-eligible project costs of approximately \$6.0M, excluding interest on any borrowings. RHID collection will cease upon the earlier of 25 years or full reimbursement of all RHID-eligible project costs.

The Developer requests that the City finance the RHID eligible costs related to the Project. The Developer will advance other costs of the Project. Developer proposes that the City utilize RHID revenues as well as the Deposit to offset the City's Project costs, including debt service requirements on any bonds issued for the Project. Any RHID revenues generated in excess of City costs and debt service requirements would be used to reimburse RHID-eligible expenses incurred by the Developer on a pay-as-you-go basis. If the Development does not generate sufficient increment after six years, the City would have the option to take ownership of all undeveloped parcels at that time.

Options

The City Commission has the following options:

- Adopt the Resolution
- Decline to adopt the Resolution
- Provide other direction to City staff

Recommendation

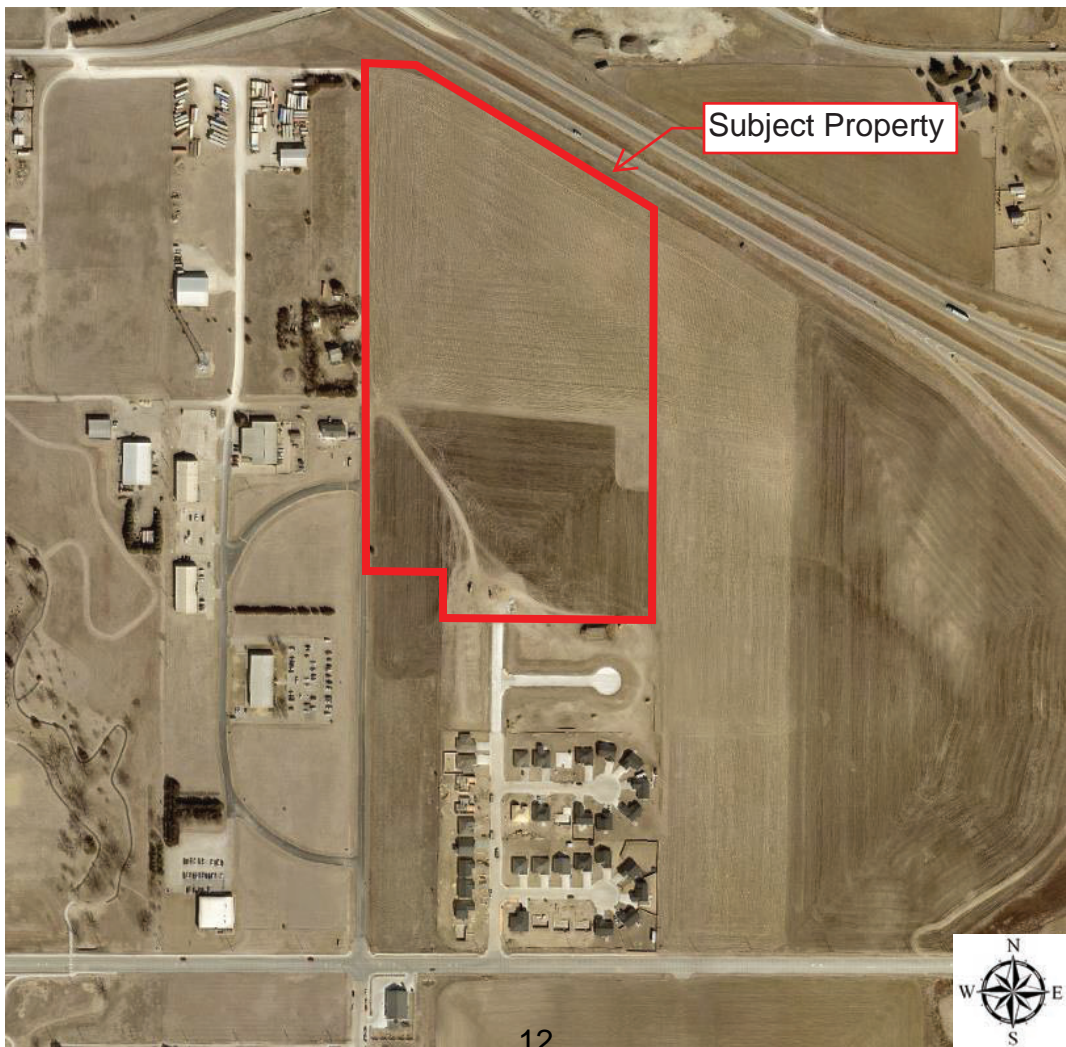
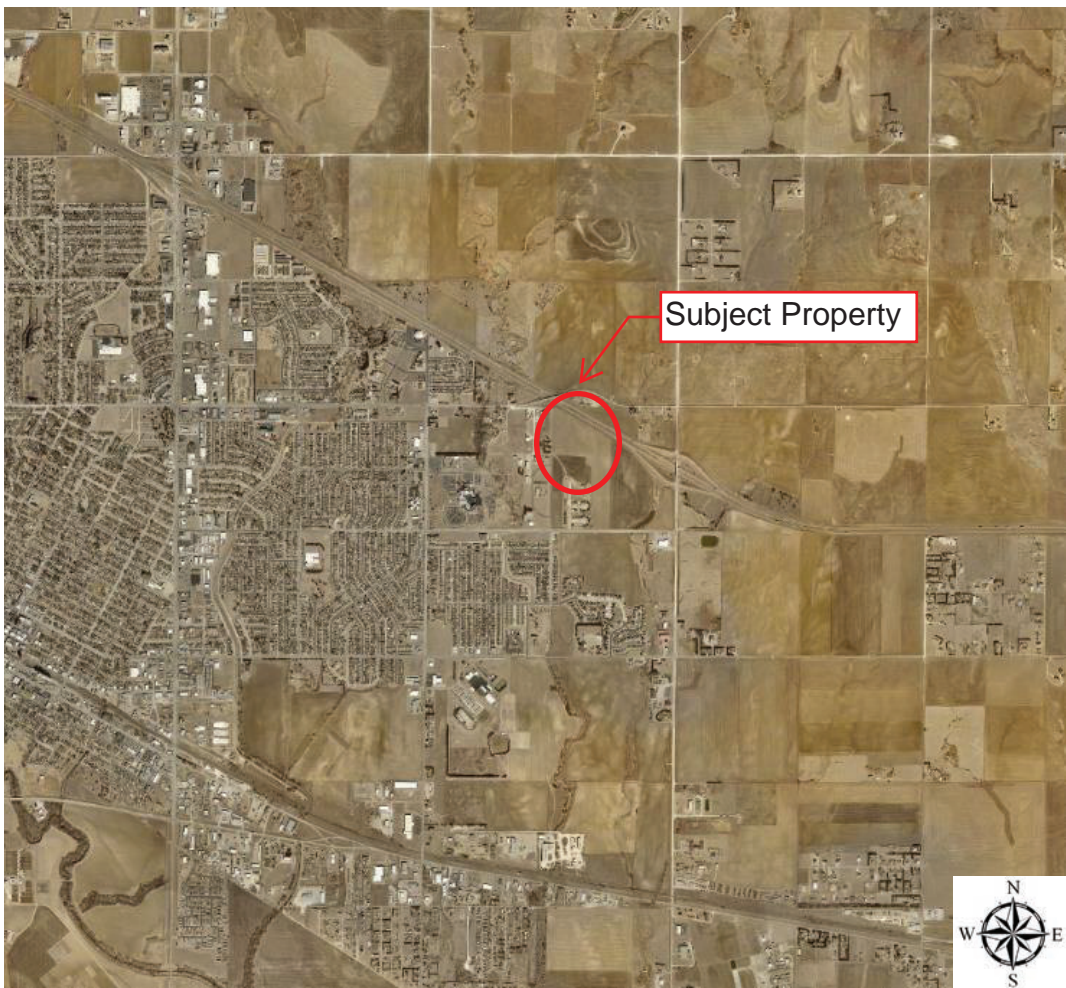
Advance the project by adopting the Resolution.

Action Requested

Adopt a Resolution setting a public hearing for the establishment of an RHID and adoption of a Development Plan.

Supporting Documentation

Visuals
Calendar
Development Plan
Resolution



CITY OF HAYS, KANSAS
Tallgrass 2nd Addition Phase 4 Project
RHID Schedule

November 21, 2024	Work Session: City Commission considers Resolution making findings as to proposed RHID
November 26, 2024	City Commission considers Resolution making findings as to proposed RHID
November 27, 2024	Resolution making findings published in official City news outlet
December 2, 2024	Letter to Secretary of Commerce containing certified copy of Resolution making findings and requesting Secretary to review and advise the City whether the Secretary agrees with the findings
December 5, 2024	Letter from Secretary of Commerce to the City advised of the Secretary's agreement
March 6, 2025	Development Plan finalized
March 20, 2025	Work Session: City Commission considers Resolution of intent to consider adoption of development plan and establishment of district and calling public hearing
March 27, 2025	City Commission considers Resolution of intent to consider adoption of development plan and establishment of district and calling public hearing
April 2, 2025	Certified copy of the Resolution of intent delivered to City Planning Commission, BOCC, and USD (receipt requested)
April 25, 2025	Resolution of intent and calling public hearing published in official City news outlet (<i>at least 1 week, no more than 2 weeks, before hearing</i>)
May 1, 2025	Work Session: City Commission considers Ordinance adopting the development plan and establishing the district
May 8, 2025	Public Hearing (<i>not less than 30, no more than 70 days following adoption of Resolution of Intent</i>) City Commission considers Ordinance adopting the development plan and establishing the district
May 9, 2025	Publish Ordinance in official City news outlet
June 9, 2025	BOCC and USD veto period expires (<i>30 days following public hearing</i>)
June 13, 2025	Copy of the Ordinance, legal description of the land within the District, and map indicating the boundaries of the District certified mailed to County Clerk/Treasurer/Assessor, BOCC, and USD (<i>by Jan. 1, 2026</i>)

**DEVELOPMENT PLAN
OF THE CITY OF HAYS, KANSAS
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT**

MARCH 2025

INTRODUCTION

On November 26, 2024 the City Commission (the “Governing Body”) of the City Hays, Kansas (the “City”) adopted Resolution 2024-034, which found and determined that:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.
4. The future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction of/or renovation of quality housing in the City.

Based on these findings and determinations, the Governing Body proposed the establishment of a Reinvestment Housing Incentive District within the City pursuant to K.S.A. 12-5241 *et seq.* (the “Act”).

Following the adoption of Resolution 2024-034, a certified copy was submitted to the Secretary of Commerce for approval of the establishment of the Reinvestment Housing Incentive District in the City as required by K.S.A. 12-5244(c). On December 5, 2024, the Secretary of Commerce provided written confirmation approving the establishment of the Reinvestment Housing Incentive District within the City.

DEVELOPMENT PLAN ADOPTION

K.S.A. 12-5245 states that once a city receives approval from the Secretary of Commerce for the development of a reinvestment housing incentive district, the governing body must adopt a plan for the development of housing and public facilities within the proposed district.

DEVELOPMENT PLAN

As a result of the shortage of quality housing, the City proposes this development plan (the “Development Plan”) to assist in the development of quality housing within the City.

(1) ***Legal Description and Map of the District.*** The legal description of the Tallgrass Phase 4 Reinvestment Housing Incentive District (the “District”) is attached as ***Exhibit A*** to this Development Plan. A map of the District is attached as ***Exhibit B*** to this Development Plan.

(2) ***Existing Assessed Valuation of the District.*** The assessed valuation of all real estate within the District for 2025 is:

Land	\$1,158
Improvements	<u>0</u>
Total	\$1,158

(3) ***Owners of Record.*** The name and address of the owner of record for the real estate within the District is:

Heart of America Development Corporation
2510 Canterbury Dr.
Hays, Kansas 67601

(4) ***Description of Housing and Public Facilities Projects.*** The housing and public facilities projects that are proposed to be constructed include the following:

Housing Facilities

The housing facilities are currently anticipated to consist of constructing up to 101 single family homes, with the potential for some lots to be converted to multi-family use.

Public Facilities

Public facilities and public improvements will include construction of infrastructure improvements located within the boundaries of the District, including but not limited to street, sidewalk, parking, water, sanitary sewer, storm sewer, gas, and electric improvements. Infrastructure improvements may be constructed prior to or concurrently with the housing facilities in the project.

(5) ***Developer's Information.*** The City of Hays will be responsible for a portion of the development of public facilities in the District. The names, addresses and specific interests in the real estate in the District of the other developers responsible for development of the housing and public facilities is:

Owner of Real Property:	Heart of America Development Corporation 2510 Canterbury Dr. Hays, Kansas 67601
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Developer:	Heart of America Development Corporation 2510 Canterbury Dr. Hays, Kansas 67601
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(6) ***Contractual Assurances.*** The Governing Body anticipates entering into a Development Agreement (the "Development Agreement"), with Heart of America Development Corporation, a Kansas not for profit corporation (the "Developer"). The Development Agreement, as supplemented and amended, is expected to include a description of projects to be constructed, financial obligations of the developer, and financial and administrative support from the City. The Development Agreement will include contractual assurances, if any, the Governing Body will receive from the Developer guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district.

(7) ***Comprehensive Analysis of Feasibility.*** A comprehensive analysis was conducted to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue, would be sufficient to pay for the public improvements to be undertaken in the District. A copy of the analysis is attached as ***Exhibit C*** to this Development Plan. The analysis estimates the property tax revenues that will be generated from the District, less existing property taxes, to determine the revenue stream available to support reimbursement to the City and the Developer for all or a portion of the costs of financing the public infrastructure. The estimates indicate that the revenue realized from the project, together with funds of the developer, will be adequate to pay the eligible costs.

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EXHIBIT A
DEVELOPMENT PLAN
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT

LEGAL DESCRIPTION OF THE DISTRICT

A tract of land in the Northeast Quarter of Section 35, Township 13 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas, as authored by Darrell E. Christen, PS 1367, on September 19, 2024, and more particularly described as follows:

Commencing at the Southwest Comer of the Northeast Quarter Section 35, Township 13 South, Range 18 West; Thence on a bearing of North 00 degrees 04 minutes 15 seconds East along the West line of the Northeast Quarter of said Section 35 a distance of 1132.64 feet to the Point of Beginning; Thence continuing North 00 degrees 04 minutes 15 seconds East along the West line of said Northeast Quarter a distance of 1421.89 feet to a point on the South Right-of-Way of Interstate 70; Thence North 89 degrees 41 minutes 07 seconds East along the said South Right-of-Way of Interstate 70 a distance of 206.90 feet; Thence continuing along the said South Right-of-Way of Interstate 70 a bearing of South 60 degrees 27 minutes 28 seconds East a distance of 762.34 feet; Thence South 00 degrees 14 minutes 22 seconds West a distance of 1197.26 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 506.17 feet; Thence North 00 degrees 04 minutes 15 seconds East a distance of 1.73 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 123.00 feet; Thence North 00 degrees 04 minutes 15 seconds East a distance of 146.27 feet; Thence on a non-tangent curve to the West, having a chord bearing of North 86 degrees 26 minutes 31 seconds West, a chord distance of 17.03 feet, a radius of 140.00 feet, and an arc length of 17.04 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 220.90 feet to the Point of Beginning.

Said Tract contains 27.697 acres more or less and is subject to any easements or rights-of-way of record.

Together with all public rights of way adjacent thereto

EXHIBIT B
DEVELOPMENT PLAN
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT

MAP OF THE DISTRICT

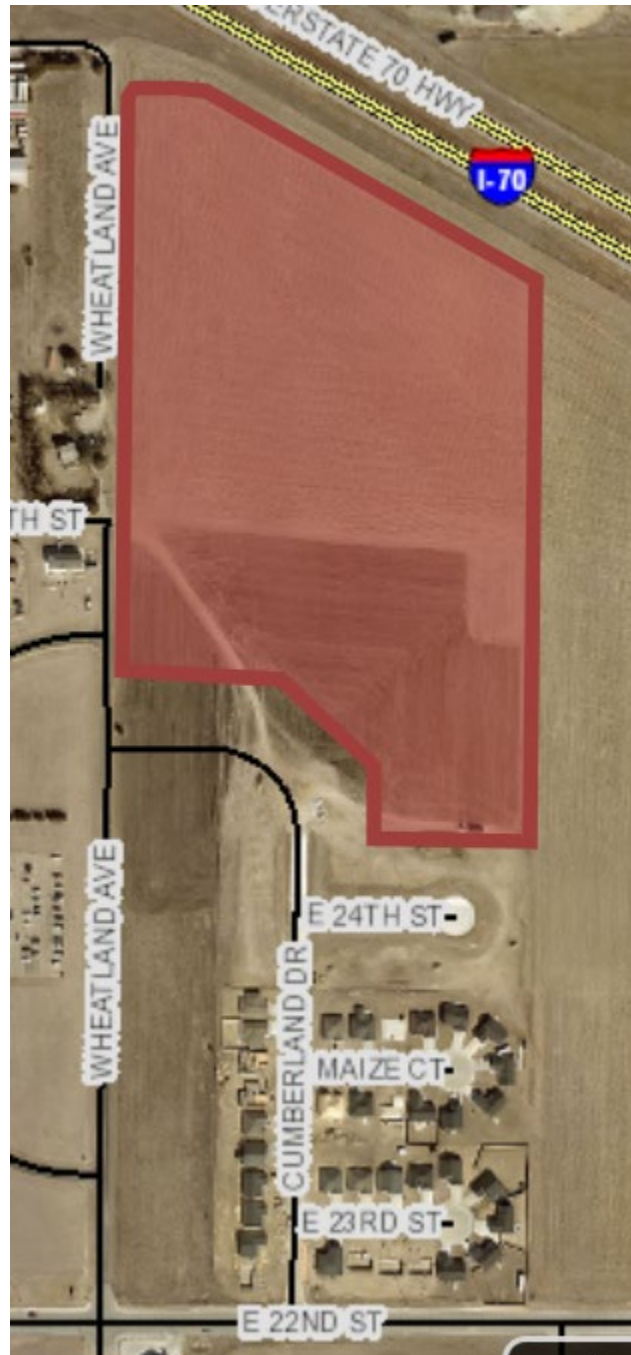


EXHIBIT C
DEVELOPMENT PLAN
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT
COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

City of Hays, Kansas
Tallgrass Second Addition Phase 4 RHID Project

Estimated Eligible Expenses	\$6,000,000
Estimated RHID Increment	\$6,867,430

Taxing Units:	2023/2024	Aggregate
	Mill Levy	Fiscal Impact 25 years
City	24.997	\$ 1,530,335
USD 489	52.966	2,018,203
State	1.500	-
Rec Commission	3.382	207,049
Cottonwood Ext Dist 17	0.666	40,773
County	35.995	2,203,641
Total	119.506	\$ 6,000,000

Total Current Assessed Valuation	\$1,158
Property Tax On Base Value	\$138

	Estimated Completed Appraised Value Per Unit	Property Class	Estimated Total Property Tax Per Unit	Less State 1.5 Mills	Less State levy for USD 20 Mills	Annual Eligible Tax Generated
Single Family Homes	\$300,000	11.50%	\$4,123	\$52	\$690	\$3,381

Assumptions:
101 single family homes, with 15 constructed each of 2026, 2027, 2028, 2029, 2030, 2031 and 11 in 2031
Constant AV
11.5% property class for assessed value
Constant mill levy based on 2024/25 levy
District created 1Q2025

Year	Tax Collection Years	Estimated Annual Total Increment	Estimated Cumulative Total Increment
1	2025/26	\$0	\$0
2	2026/27	\$0	\$0
3	2027/28	\$50,580	\$50,580
4	2028/29	\$101,298	\$151,878
5	2029/30	\$152,016	\$303,893
6	2030/31	\$202,734	\$506,627
7	2031/32	\$253,452	\$760,080
8	2032/33	\$304,170	\$1,064,250
9	2033/34	\$341,364	\$1,405,613
10	2034/35	\$341,364	\$1,746,977
11	2035/36	\$341,364	\$2,088,340
12	2036/37	\$341,364	\$2,429,704
13	2037/38	\$341,364	\$2,771,067
14	2038/39	\$341,364	\$3,112,431
15	2039/40	\$341,364	\$3,453,795
16	2040/41	\$341,364	\$3,795,158
17	2041/42	\$341,364	\$4,136,522
18	2042/43	\$341,364	\$4,477,885
19	2043/44	\$341,364	\$4,819,249
20	2044/45	\$341,364	\$5,160,612
21	2045/46	\$341,364	\$5,501,976
22	2046/47	\$341,364	\$5,843,339
23	2047/48	\$341,364	\$6,184,703
24	2048/49	\$341,364	\$6,526,066
25	2049/50	\$341,364	\$6,867,430

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON MARCH 27, 2025**

The City Commission (the “Governing Body”) met in regular session at the usual meeting place in the City at 4:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (TALLGRASS PHASE 4 REINVESTMENT HOUSING INCENTIVE DISTRICT)

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea: _____.

Nay: _____.

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2025-_____ and was signed by the Mayor and attested by the Clerk. The Clerk was directed to arrange for the publication of the Resolution one time in the official City news outlet not less than one week or more than two weeks preceding the date fixed for the public hearing.

* * * * *

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Hays, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (TALLGRASS PHASE 4 REINVESTMENT HOUSING INCENTIVE DISTRICT)

WHEREAS, the Kansas Reinvestment Housing Incentive District Act, K.S.A. 12-5241 *et seq.* (the “Act”) authorizes cities incorporated in accordance with the laws of the state of Kansas (the State) to designate reinvestment housing incentive districts within such city; and

WHEREAS, the governing body (the “Governing Body”) of the City of Hays (the “City”) has performed a Housing Needs Analysis dated June 2022 (the “Analysis”), a copy of which is on file in the office of the City Clerk; and

WHEREAS, Resolution No. 2024-034 adopted by the Governing Body made certain findings relating to the need for financial incentives for the construction of quality housing within the City, declared it advisable to establish a reinvestment housing incentive district pursuant to the Act and authorized the submission of such Resolution and the Analysis to the Kansas Department of Commerce in accordance with the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated December 5, 2024, authorized the City to proceed with the establishment of a reinvestment housing incentive district pursuant to the Act; and

WHEREAS, the City has caused to be prepared a plan (the “Plan”) for the development or redevelopment of housing and public facilities in the proposed Tallgrass Phase 4 Reinvestment Housing Incentive District (the “District”) in accordance with the provisions of the Act; and

WHEREAS, the Plan includes:

1. The legal description and map required by K.S.A. 12-5244(a);
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;

7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows that the public benefits derived from such District will exceed the costs and that the income therefrom, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in the District.

WHEREAS, the Governing Body proposes to continue proceedings necessary to create a Reinvestment Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE BE IT RESOLVED by the Governing Body of the City of Hays, Kansas as follows:

Section 1. Proposed Reinvestment Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a reinvestment housing incentive district. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares its intent to adopt the Plan in substantially the form presented to the Governing Body on this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, and the location thereof are described in *Exhibit D* attached hereto. A summary of the contractual assurances by the developer and the comprehensive feasibility analysis is contained in *Exhibit E* attached hereto.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on May 8, 2025 at City Hall, located at 1507 Main Street, Hays, Kansas 67601; the public hearing to commence at 4:00 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing, the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions;

1. A certified copy of this resolution shall be delivered to:
 - A. The Board of County Commissioners of Ellis County, Kansas;
 - B. The Board of Education of Unified School District No. 489, Ellis County, Kansas (Hays); and
 - C. The Planning Commission of the City of Hays, Kansas.
2. This Resolution, specifically including *Exhibits A* through *E* attached hereto, shall be published at least once in the official news outlet of the City not less than one week or more than two weeks preceding the date of the public hearing.

3. This Resolution, including *Exhibits A* through *E* attached hereto, shall be available for inspection at the office of the clerk of the City at normal business hours. Members of the public are invited to review the plan and attend the public hearing on the date announced in this Resolution.

Section 5. Further Action. The Mayor, City Manager, City Clerk and the officials and employees of the City, including the City Attorney and Gilmore & Bell, P.C., are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

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ADOPTED by the Governing Body of the City of Hays, Kansas on March 27, 2025.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2025-_____ adopted by the Governing Body of the City on March 27, 2025 as the same appear of record in my office.

DATED: March 27, 2025

City Clerk

EXHIBIT A

**LEGAL DESCRIPTION OF PROPOSED
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT**

A tract of land in the Northeast Quarter of Section 35, Township 13 South, Range 18 West of the Sixth Principal Meridian, Ellis County, Kansas, as authored by Darrell E. Christen, PS 1367, on September 19, 2024, and more particularly described as follows:

Commencing at the Southwest Comer of the Northeast Quarter Section 35, Township 13 South, Range 18 West; Thence on a bearing of North 00 degrees 04 minutes 15 seconds East along the West line of the Northeast Quarter of said Section 35 a distance of 1132.64 feet to the Point of Beginning; Thence continuing North 00 degrees 04 minutes 15 seconds East along the West line of said Northeast Quarter a distance of 1421.89 feet to a point on the South Right-of-Way of Interstate 70; Thence North 89 degrees 41 minutes 07 seconds East along the said South Right-of-Way of Interstate 70 a distance of 206.90 feet; Thence continuing along the said South Right-of-Way of Interstate 70 a bearing of South 60 degrees 27 minutes 28 seconds East a distance of 762.34 feet; Thence South 00 degrees 14 minutes 22 seconds West a distance of 1197.26 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 506.17 feet; Thence North 00 degrees 04 minutes 15 seconds East a distance of 1.73 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 123.00 feet; Thence North 00 degrees 04 minutes 15 seconds East a distance of 146.27 feet; Thence on a non-tangent curve to the West, having a chord bearing of North 86 degrees 26 minutes 31 seconds West, a chord distance of 17.03 feet, a radius of 140.00 feet, and an arc length of 17.04 feet; Thence North 89 degrees 55 minutes 45 seconds West a distance of 220.90 feet to the Point of Beginning.

Said Tract contains 27.697 acres more or less and is subject to any easements or rights-of-way of record.

Together with all public rights of way adjacent thereto

EXHIBIT B

**MAP OF PROPOSED
TALLGRASS PHASE 4
REINVESTMENT HOUSING INCENTIVE DISTRICT**



EXHIBIT C

NAMES AND ADDRESSES OF THE OWNERS OF RECORD OF ALL REAL ESTATE PARCELS WITHIN THE PROPOSED TALLGRASS PHASE 4 REINVESTMENT HOUSING INCENTIVE DISTRICT AND THE EXISTING ASSESSED VALUATION OF SAID REAL ESTATE PARCELS AND NAMES AND ADDRESSES OF THE DEVELOPERS

Owner of Real Property:	Heart of America Development Corporation 2510 Canterbury Dr. Hays, Kansas 67601
Developer:	Heart of America Development Corporation 2510 Canterbury Dr. Hays, Kansas 67601
Existing Assessed Valuation of the District:	Land - \$1,158 Improvements - \$0

EXHIBIT D

DESCRIPTION OF THE HOUSING AND PUBLIC FACILITIES PROJECT OR PROJECTS THAT ARE PROPOSED TO BE CONSTRUCTED OR IMPROVED IN THE PROPOSED TALLGRASS PHASE 4 REINVESTMENT HOUSING INCENTIVE DISTRICT

Housing Facilities

The housing facilities are currently anticipated to consist of constructing up to 101 single family homes, with the potential for some lots to be converted to multi-family use.

Public Facilities

Public facilities and public improvements will include construction of infrastructure improvements located within the boundaries of the District, including but not limited to street, sidewalk, parking, water, sanitary sewer, storm sewer, gas, and electric improvements. Infrastructure improvements may be constructed prior to or concurrently with the housing facilities in the project.

EXHIBIT E

SUMMARY OF THE CONTRACTUAL ASSURANCES BY THE DEVELOPER AND OF THE COMPREHENSIVE FEASIBILITY ANALYSIS

Contractual Assurances

The Governing Body of the City of Hays anticipates entering into a development agreement with Heart of America Development Corporation, the developer. This agreement, as supplemented and amended, will include a description of projects to be constructed, financial obligations of the developer, and financial and administrative support from the City. The agreement will include contractual assurances, if any, the City will receive from the developer guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district.

Feasibility Study

A comprehensive analysis was conducted to determine whether the public benefits derived from the District will exceed the costs and that the income from the District, together with other sources of revenue, would be sufficient to pay for the public improvements to be undertaken in the District. The analysis estimates the property tax revenues that will be generated from the District, less existing property taxes, to determine the revenue stream available to support reimbursement to the City and the Developer for all or a portion of the costs of financing the public infrastructure. The estimates indicate that the revenue realized from the project, together with funds of the developer, will be adequate to pay the eligible costs.



City Commission Work Session

Agenda Memo

From: Curtis W. Deines, Planning & Development
Superintendent

Work Session: March 20, 2025

Subject: 2024 Building Code Update

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

Summary

The City of Hays last adopted its building codes in 2017, to the 2015 version. Adopting the 2024 International Building Code (IBC) and International Residential Code (IRC) ensures that new and renovated structures meet modern safety, accessibility, and energy efficiency standards. City staff have worked to maintain previous amendments that would exempt enforcement of certain provisions of the updated code. Maintaining these previous amendments will minimize changes for contractors and retain the City's current practices, all while keeping up with industry's best practices.

Background

The City of Hays last updated its building codes in 2017 to the 2015 version. At the time, various code amendments were also approved to reduce certain regulations and standardize common building practices in the area. Some of the prominent amendments included exempting permit requirements for small buildings, less than 120 sq. ft., six-foot tall fences and certain decks. Additionally, fire sprinkler requirements for one- and two-family dwellings were removed by amendment.

Discussion

Newer codes incorporate the latest advancements in structural integrity, fire and life safety, accessibility and energy efficiency. Adopting the 2024 IBC and IRC ensures that new and renovated structures meet modern safety standards.

Here are a few items new to the building code that help keep up with the construction industry:

- **Sleeping Lofts** – This allows low ceiling lofts and alternative stairways or ladders so the loft can be accessed with standard stair requirements. This addition to the code reflects societal changes to housing types,

such as tiny homes, and makes allowances that will benefit such developments.

- Stairways in Existing Buildings – During remodels of homes with stairs that are not compliant with today’s codes, stairways will be allowed to remain the same or made to be as compliant as possible due to limited circumstances.
- Battery Storage Systems and EV chargers in residential homes.

Up to date building codes streamline permitting and create consistency for developers and builders. Many state and federal funding programs require compliance with the latest codes. Adopting the 2024 IBC and IRC will help the community maintain eligibility for certain grants and reduce liability risks when disasters strike. Additionally, insurance providers often base coverage and premium rates on code compliance, benefiting homeowners.

City Staff have worked with local contractors to adopt the updated codes, while also striving to maintain the amendments from the 2015 code adoption, to help minimize changes to current construction practices. Staff engaged local contractors, creating a contractor code committee, which met several times and conducted a public meeting open to all licensed contractors to review and go over code updates and revisions. Staff have reviewed the comments received and with the committee’s agreement, staff concurs with the amendments as presented.

While some code updates may have upfront costs, they often lead to long term savings through disaster resilience and reduced maintenance costs. Updated codes also align with best practices, reducing costly design modifications and project delays.

Legal Consideration

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

Financial Consideration

There is no immediate financial effect for the City by adopting the updated codes.

Options

The City Commission has the following options:

- Adopt the 2024 building codes with recommended amendments
- Do not adopt the 2024 building codes

Recommendation

Staff recommend adopting the 2024 building codes with the recommended amendments

Action Requested

Approve an ordinance adopting the 2024 International Building Code and International Residential code with amendments as legally described within the adopting ordinance.

Supporting Documentation

List of Proposed Amendments
Ordinance

The 2024 codes will be updated to include the following amendments, exempting the city out of certain provisions, to remain consistent with requirements that were established when the 2015 codes were implemented.

1. A building permit for sheds that are 120 feet or less will continue to not be required.
2. A building permit is not required for fences 6 ft and under, which follows current practice.
3. Concrete sidewalks and driveways require a permit only when in City Right of Way (ROW).
4. Automatic closing devices for doors between a private garage and the main dwelling unit will not be required.
5. Floors located directly over a crawl space not intended for storage or for the installation of fuel-fired or electric powered heating appliances do not need to be fire-resistance rated.
6. Automatic sprinkler systems will not be required in one and two-family dwellings. Furthermore, automatic sprinkler systems will not be required for additions or alterations to existing buildings that do not already have a sprinkler system.
7. Code requires smoke alarms to be placed in designated areas for new dwellings. When alterations, repairs, or additions are made to an existing home, the installation of smoke alarms is only required in the area being altered and not the entire dwelling.
8. Code requires carbon monoxide detectors to be placed in designated areas for new dwellings. When alterations, repairs, or additions are made to an existing home, the installation of carbon monoxide detectors is only required in the area being altered and not the entire dwelling.
9. Private garages will not need to have an automatic sprinkler system installed.
10. Decks with the floor less than 30 inches from the ground do not need a permit and will not have minimum code requirements for footing size.
11. Garage door headers will be allowed to extend over more than one opening, therefore continuing local building practices.
12. Removing all layers of roof material for residential properties when reroofing will continue to be required.
13. Chapter 11 energy standards will be amended out of the code. We continue the minimum insulation requirements as previously adopted.
14. The minimum number of separate bathrooms required for a small business has been increased from 15 to 25 or more people.
15. The minimum number of occupants before a drinking fountain is required has been increased from 15 to 25 people.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY
OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING
ARTICLE II, DIVISION 2, SECTION 11-42 REGARDING THE
INTERNATIONAL RESIDENTIAL CODE AND
INTERNATIONAL BUILDING CODE.**

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

Section 1. Chapter 11, Article II, Division 2, Section 11-42 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 11

BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. BUILDING REGULATIONS

DIVISION 2. CONSTRUCTION STANDARDS

Sec. 11-42. International Building Codes – Adopted by reference; amendments

- (a) There is adopted by the city, for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the city of Hays, Kansas, that certain standard building codes known as the International Building Code (except Chapter 11 Accessibility & Chapter 13 Energy Efficiency), International Residential Code (except Chapters 12 through 33), all 2024 Editions, of which copies have been and are now filed with the city, as provided by law, and the same are adopted by reference and incorporated as a part of this chapter as if set out at length in this chapter, and the provisions of such building code shall be controlling for the purpose of this chapter within the corporate limits of the city.
- (b) Amendments. 2024 International Residential Code (IRC)
 - (1) R105.2 Work exempt for a permit.
 - a. Section R105.2 (1), to read as follows: Other than *storm shelters*, one-story detached accessory structures, provided that the floor area does not exceed 120 square feet (18.58 m²).
 - b. Section R105.2 (2), to read as follows: "Fences not over 6 feet high."
 - c. Section R105.2 (5), to read as follows: "Sidewalks and driveways not in the public right of way."
 - (2) Section R302.5.1, to read as follows: Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between

the garage and dwelling unit shall be equipped with solid wood doors not less than 1³/₈ inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1³/₈ inches (35 mm) thick, or 20-minute fire-rated doors.

- (3) R302.13 Exception 2. Shall be Deleted. "Floor assemblies located directly over a *crawl space* not intended for storage or for the installation of fuel-fired or electric-powered heating *appliances*."
 - (4) Section R309.2 Fire Sprinklers, strike this section in its entirety.
 - (5) Section R310.2.2 *Alterations, repairs, and additions*, to read as follows: where one or more sleeping rooms are added or created in existing dwellings, the sleeping room and the area outside each sleeping area in the immediate vicinity of the bedrooms shall be equipped with smoke alarms located as required for new dwellings.
 - (6) Section R311.2.2 *Alterations, repairs, additions*, to read as follows: where one or more sleeping rooms are added or created in existing dwellings, a carbon monoxide alarm shall be installed outside of the sleeping area in the immediate vicinity of the sleeping room.
 - (7) Section R317.5 Automatic Fire Sprinkler Systems, strike this section in its entirety.
 - (8) Section R507.3 Exception 2.3, to read as follows: The walking surface is not more than 30 inches (508 mm) above grade at any point within 36 inches (914 mm) measured horizontally from the edge.
 - (9) Table 602.10.2 Note: Delete Note: Header shall not extend over more than one opening.
 - (10) Section R908.4 Exception: (3), to read as follows: "Where the existing roof has one or more applications of any type of roof covering."
 - (11) Chapter 11 Energy Efficiency, strike in its entirety, except to require the following minimum insulation R-values:
 - a. Ceiling R-Value - 38
 - b. Wood Frame Wall R-Value - 13
 - c. Mass Wall R-Value - 13
 - d. Floor R-Value - 30
 - e. Finished Basement Wall R-Value - 10
 - f. Crawl Space Wall R-Value - 10
- (c) Amendments. 2024 International Building Code (IBC)
- (1) Section 903.2.1.2 Group A-2, to read as follows:
 - 1. The fire area exceeds 5,000 sq ft.
 - 2. The fire area has an occupant load of 100 or more.Exception: The fire area occupant load may go to 299 occupants if a 3rd exit in accordance with Section 1007.1.2 and Section 1016.2 and an automatic fire alarm system that activates an occupant notification system in accordance with Section 907.2.1 that is approved by the building official.
 - 3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

- (2) Section 2902. Exception #2, to read as follows: Separate toilet facilities shall not be required in structures or tenant spaces with a total occupant load including both employees and customers of 25 or fewer.
- (3) Section 2902.6, to read as follows: Drinking fountains shall not be required for an occupant load of 25 or fewer.

Section 2. Chapter 11, Article II, Division 2, Section 11-42 of the City of Hays, Kansas Municipal Code, as last amended on August 9, 2019, is hereby repealed.

Section 3. The ordinance shall take effect and be in force upon publication on the City of Hays official website.

PASSED by the Commission on March 27, 2025.

Sandy Jacobs
Mayor

ATTEST:

Jami Breit
City Clerk

(SEAL)