

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
ABILENE PUBLIC LIBRARY - 209 NW FOURTH STREET
February 3, 2015 - 7:00 pm

1. **PUBLIC COMMENTS.** Persons who wish to address the City Commission may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court are not permitted. Speakers are limited to three minutes. Any presentation is for informational purposes only. No action will be taken.
2. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
 - a. An Ordinance rezoning certain property, generally described as 1407 N. Buckeye Avenue, from "R-1, Single-Family Residential District" to "B-3, Highway Business District" and amending the Zoning Map of the City of Abilene, Kansas.
 - b. An Ordinance approving a Conditional Use Permit for the expansion of a gasoline fueling station located at 1401 N. Buckeye Avenue in the City of Abilene, Kansas.
 - c. An Ordinance vacating a section of the Public Right-of-Way of S. Elm Street within the City of Abilene, Kansas. *(NOTE: This item will include a public hearing during the regular meeting.)*
 - d. An Ordinance establishing Chapter 6, Article 8 of the City Code of the City of Abilene, Kansas, establishing a Land Bank.
3. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
 - a. Meeting Minutes: January 26, 2015 regular meeting
 - b. An Ordinance authorizing the execution of a Lease Purchase Agreement by the City of Abilene, Kansas, for the acquisition of a motor grader.
 - c. A Resolution amending a Professional Services Agreement with Mark Guilfoyle, P.A. concerning the City Attorney of the City of Abilene, Kansas.
 - d. A Resolution approving a Professional Services Agreement with Pottberg, Gassman, and Hoffman, Chartered, for financial auditing and related services for the year ended December 31, 2014.
4. **ITEMS FOR PRESENTATION AND DISCUSSION**
 - a. NE Drainage Project
 - b. Highlands Development Property Maintenance
 - c. City Manager's Report
5. **REPORTS**
 - a. Sales Tax Report
6. **ANNOUNCEMENTS** *(Meetings at Abilene Public Library unless otherwise provided)*
 - a. City Commission meeting, February 9 at 4:00 pm
 - b. Planning Commission, February 10 at 4:30 pm
 - c. Sister City, February 10 at 7 pm (Convention & Visitor's Bureau)
 - d. Recreation Commission, February 16 at 5:30 pm (Community Center)
 - e. Economic Development Council, February 17 at 4:00 pm
 - f. Commission Study Session, February 17 at 7:00
 - g. Heritage Commission, February 19 at 4:00 pm

Memorandum

Date: January 20, 2015

To: Mayor and City Commission; David Dillner

From: Tim Hamilton – Community Development Director

Regarding: PC 14-5 Ordinance – Rezoning of 1407 N. Buckeye, and PC 14-9 Ordinance – Conditional Use Permit 1401 N. Buckeye Avenue.

On October 14th, a public hearing was held by the Planning Commission to consider an application submitted by Jeff and Monica Hertz for the rezoning of 1407 N. Buckeye from “R-1, Single Family Residential District” to “B-3, Highway Business District” (“C-3, General Commercial” under the new regulations) at the request of Dillon Stores, Inc. The Planning Commission in a 6 to 1 vote determined that a change in zoning would not constitute an encroachment of an inappropriate use. The Commission recommended approval of the request for rezoning based on the following considerations as outlined in Section 26-108 (24-404 under the previous regulations):

- Character of the neighborhood;
- The zoning and uses of properties nearby;
- The extent to which removal of the present zoning will have a detrimental effect on nearby property.

The Planning Commission also considered precedence established from similar cases. A protest petition was submitted of which 20 percent of the notified residents within two-hundred feet of the subject parcel signed. An approval of the rezoning request will require a three-fourths vote as opposed to a simple majority.

At the November 4th Study Session, the City Commission directed staff to have the Applicant submit a site plan to be reviewed through a Conditional Use Permit, which was required prior to adoption of the new Zoning Regulations on November 10th. On January 13th, 2015, the Planning Commission considered a request for a Conditional Use Permit, and voted unanimously to approve the submitted site plan. A protest petition was filed regarding this request, and will also require a three-fourths vote.

The Commission will be making two motions: the first to consider the rezoning of 1407 N. Buckeye from “R-1, Single Family Residential District” to “B-3, Highway Business District” . The Second Motion will be for consideration of the Conditional Use Permit with attached site plan. Staff has

attached a copy of Section 26-108 outlining the factors to be considered in a rezoning. The factors to consider a Conditional Use Permit are attached to the staff report for PC 14-9.

OPTIONS:

1. Approve an Ordinance rezoning 1407 N. Buckeye Avenue and approve the Conditional Use Permit based on Planning Commission recommendation;

2. Deny the rezoning of 1407 N. Buckeye Avenue if it is determined that the request would constitute encroachment of an inappropriate use, or any item as outlined in Section 26-108 (If this option is chosen, then the Conditional Use Permit will automatically be denied since the attached plan is based on acquisition of 1407 N. Buckeye);

3. Approve the Rezoning, and deny the Conditional Use Permit. This should only be considered if the Commission feels there would not be a violation of the Comprehensive Plan to extend the boundaries of the "C-3" District to 1407 N. Buckeye Avenue. Furthermore, the Commission must consider all possible permitted and Conditional Uses for the "C-3, General Commercial District" which may be allowed on this lot, if so zoned.

26-108. Factors to be Considered in a Rezoning. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines:

- a. Whether the change in classification would be consistent with the intent and purpose of these regulations.
- b. The character and condition of the surrounding neighborhood and its effect on the proposed change: This entails a description of the neighborhood as to existing land uses, intensity of development, age and general condition of structures.
- c. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.
- d. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification: The zoning surrounding the property at issue, along with the actual uses on those properties, is to be considered.
- e. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity: Consideration is to be given as to whether each of the permitted uses under the proposed rezoning would be compatible with existing uses. The focus is upon issues which can be addressed via zoning, such as structure height, yards and setbacks, and minimum lot sizes.
- f. The suitability of the applicant's property for the uses to which it has been restricted: How the property at issue is presently zoned, and the uses permitted under that zoning is to be considered, as well as whether those uses are appropriate given the zoning of the surrounding neighborhood. Also to be considered is whether the presently allowed uses are the only uses appropriate for the subject property.
- g. The length of time the subject property has remained vacant or undeveloped as zoned: Consideration is to be given as to whether the subject property is vacant

because its present zoning is unsuitable, or whether it is vacant for reasons unrelated to zoning, e.g., a surplus of similarly-zoned property, problems with financing, lack of infrastructure or other development problems.

- h. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
- i. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development.
- j. The recommendations of professional staff and advisors: Staff recommendations should be based upon the factors set out in this section, the adopted comprehensive plan, other adopted plans and reports, and the evidence in the record.
- k. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan: The question here is whether the requested rezoning is consistent with the recommendations of the adopted comprehensive plan. If it is not, is the incompatibility because the plan is outdated or have conditions changed in the area or neighborhood of the subject property?
- l. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification: This factor acknowledges that the basis for zoning is protection of public health, safety and welfare. Any rezoning request involves balancing the property owner's interests with the interests of the public.
- m. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

STAFF REPORT

PC 14-5 Rezoning of 1407 N. Buckeye Avenue from "R-1" Single Family Residential District to "B-3" Highway Business District.

GENERAL INFORMATION

Date:	October 9, 2014
Owner:	Jeff and Monica Hertz
Applicant:	Kwik Shop
Requested Action:	Amend zoning from Single Family Residential to Highway Business District.
Purpose:	To allow expansion of an existing business.
Location address:	1407 N. Buckeye Street
Comprehensive Plan:	Comprehensive Plan shows this property as Low Density Residential Potential.
Sites Existing Zoning:	Single Family Residential district "R-1"
Surrounding Zoning:	North <i>R-1 Single Family Residential District (Residential Use)</i> South <i>B-3 Highway Business District (Residential structure)</i> East <i>R-1 Single Family Residential District (Residential use)</i> West <i>B-3 Highway Business District (Commercial use)</i>
Land Area:	Contains less than 1 acre
Notice Date:	This project was published and noticed by mail as required by code.

COMMENTS & FINDINGS

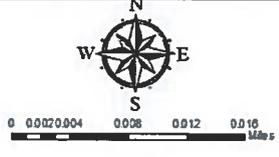
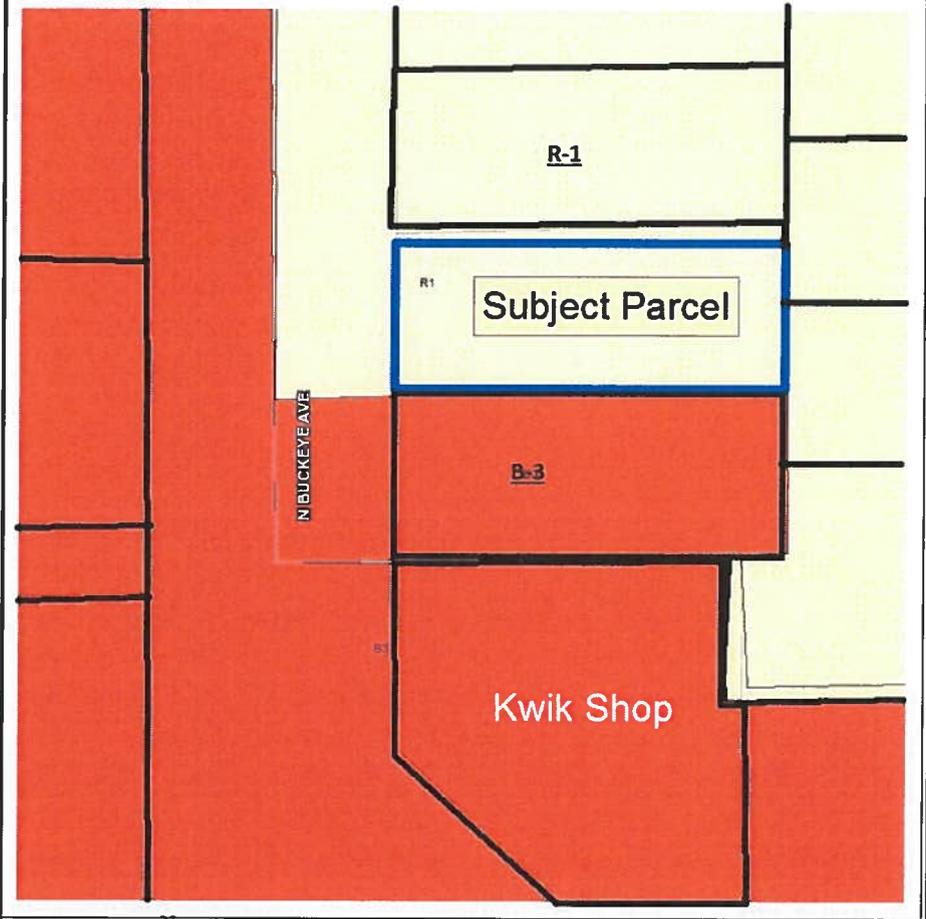
1. This property is currently under contract for purchase by the existing commercial property owned by Kwik Shop located at the Northeast corner of 14th Street and Buckeye.
2. Kwik Shop would like to expand and reconfigure their current arrangement to improve access to the property.
3. This property currently abuts a General Commercial District to the South and West.
4. Currently the Comprehensive Plan shows this lot as Low Density Residential Potential.
5. Chapter IX, Section "C" of the Comprehensive Plan states "Future land use plan amendments are anticipated as growth occurs and market conditions change."
6. Adequate buffering, including but not limited to an 8 foot privacy fence, and/or landscape screening between the subject property and the residential property to the North will be required on a submitted site plan through a Conditional Use Permit.
7. The applicant is proposing a reconfiguration of their lot, which may involve additional ingress and egress.
8. Because of item 7 above, the applicant will need to submit a replat of the northeast corner of the intersection of 14th Street and Buckeye to include those parcels which are currently under contract.
9. The Planning Commission recommended approval of a similar request in 2011 for the property occupied by Sonic drive in, in which they considered the most intense use for that district that could be placed on that parcel.

City Commission Options

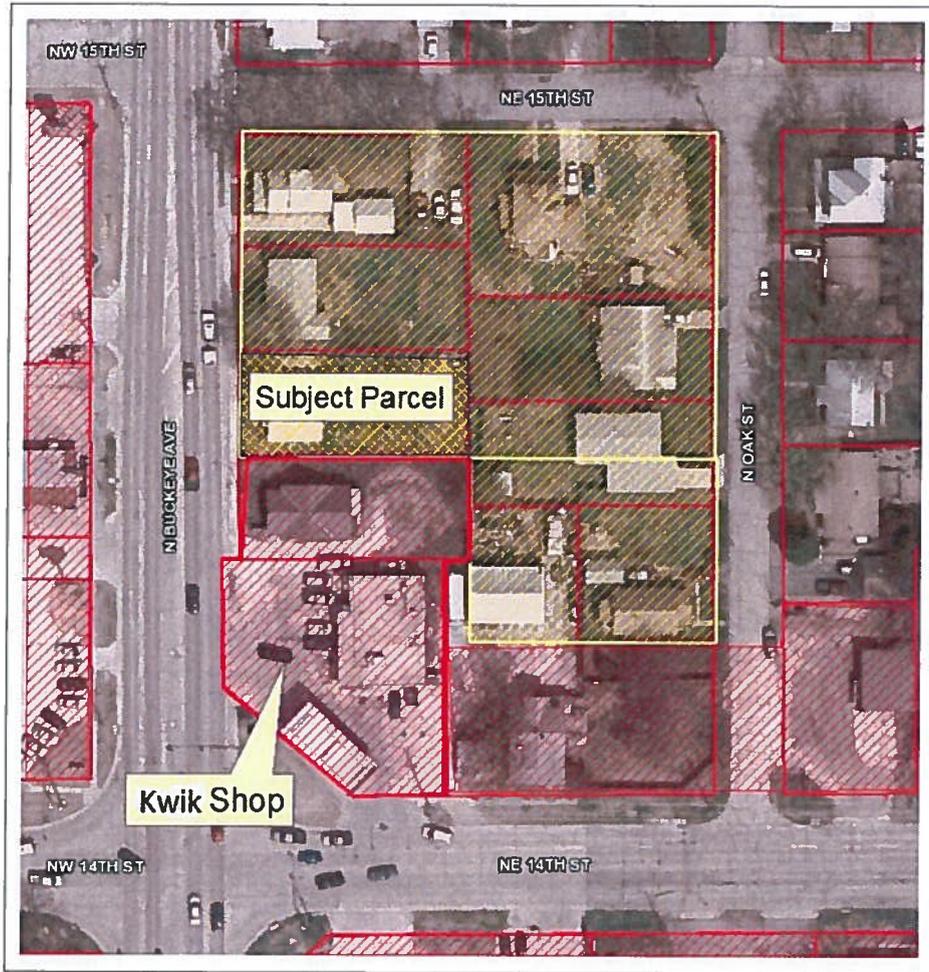
1. Approve the rezoning request;
2. Deny the request – The Commission may recommend denial if it is determined that the request constitutes an encroachment of an inappropriate use, or any items as described in Section 24-404;
3. Send the case back to the Planning Commission. In such instance, the Commission must explain specific items they want the Planning Commission to consider based on the items outlined in 24-404.

Staff Report:

PC 14-5



Staff Report:



Staff Report:

CITY OF ABILENE
PLANNING COMMISSION
MEETING MINUTES

November 12, 2014
Study Session at 4:00 p.m.
Meeting at 4:30 p.m.
Abilene Public Library
209 NW 4th Street

Members Present: Larry Coulson, Bruce Dale, Steven Olson, Travis Sawyer and Michelle Stephens.

Members Absent: Gene Bielefeld and Kyle Campbell (Chair)

Staff Present: David Dillner, Tim Hamilton and Jennie Hiatt

Others Present: Commissioner Ray (see attached list)

Call to Order.

Seeing that a quorum was present Vice-Chair Coulson called the meeting to order.

Approval of Agenda.

Dale made a motion to approve the agenda as presented. The motion was seconded by Olson. The motion passed unanimously. (5-0)

Approval of Meeting Minutes – October 14, 2014.

Sawyer made a motion to approve the minutes as written. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

Business.

1. **Public Hearing, PC 14-6**, a request by Jeff Hertz to consider a rezoning from Single-Family Residential (R-1) to Two-Family Residential (R-2) for the property addressed as 109 NE. 12th Street, Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

Coulson asked if there were any questions from the commissioners for staff and there were none. He then asked the applicant if they had any comments.

Monica Hertz said that they just wanted to add a second bedroom and square it off on the back corner. She added that you won't even be able to see it from the street.

Coulson asked if there would be enough parking available.

Hertz stated yes that there is a long driveway and that they had just added a two vehicle carport.

Olson asked if the other side of the duplex already has a second bedroom.

Hertz stated yes that the basement has been converted into a bedroom, but that this side of the unit does not have a basement.

Olson asked if Heritage Commission approval would be needed since it is in close proximity of the Seelye Mansion.

Hamilton replied that it is within 500 feet environs, but there is no need for review because the State no longer requires those regulations.

Coulson opened and then closed the public hearing as there were no public comments.

Sawyer made a motion to recommend approval to the City Commission. The motion was seconded by Olson. The motion passed unanimously. (5-0)

2. **Public Hearing, PC 14-7**, a request by Jeffrey & Yolanda Morton to consider a rezoning from General Residential (R-3) to Light Industrial (I-1) for the property addressed as 205 S. Madison Street, Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

Coulson asked if there were any questions from the commissioners for staff.

Coulson then asked Hamilton to define accessory use.

Hamilton replied that it can only be used for storage and that no sales can take place.

Coulson then asked the applicant if they had any comments.

Jeffrey Morton stated that the County already defines us as Light Industrial. We would like to just add heat and cannot currently use propane and it would also be cheaper to use propane.

versus having a gas line put in. He also added that they will not be using the building for retail sales.

The question was asked if they planned on expanding.

J. Morton replied that they anticipate that at some point in the future they might but not right now.

There was discussion.

Coulson opened the public hearing.

Lynda Alstrom, 1511 SW 2nd, stated that she expects to have houses built sometime in the future and doesn't want them storing military surplus and ammunition. None of us in the neighborhood want this zoning to change and we are definitely against this.

Joan Sims, 1515 SW 2nd, questioned the need for the property to be rezoned.

Hamilton stated that it is currently non-conforming as you can't have a building exclusively for storage in an R-3.

Sims stated that she was concerned about traffic as SW 2nd Street is narrow as well as there isn't a lot of room for expansion.

J. Morton replied that the use is not going to change and we will not be doing any retail sales and there will not be any public as we will not be selling out of the building, it is simply for storage. We travel to gun shows all over Kansas and Nebraska.

It was asked what kind of military supplies.

J. Morton stated that they do not have any ammunition or guns as they are constantly crossing state lines and that requires a special license.

Coulson asked about plans to enlarge the building.

J. Morton stated not at this time.

L. Alstrom stated there is already a lot of traffic up and down Madison and John's Avenue, plus when I go to sell my property who will want to buy near an industrial zoning. We have a brand new house to the East and she would be here, but she had to work. She then gave a brief history regarding the property.

J. Morton stated that Dickinson County already has it as Light Industrial.

Hamilton stated that the County's classification is based on the existing use.

Sims asked why do you need heat and what's stored in the building.

Yolanda Morton stated that would like to have heat because when they buy from the military I need to be able to sort and organize everything.

Stephens asked Morton if this was her only business and how you make your living.

Y. Morton stated yes to both questions.

There was discussion.

Dale made a motion to table pending further information. The motion was seconded by Olson. The motion failed (2-3) with Coulson, Sawyer & Stephens being the descending votes.

There was further discussion.

Stephens made a motion to recommend approval. The motion was seconded by Sawyer. The motion passed (3-2) with Dale & Olson as the descending votes.

3. **PC 14-8**, a request by Amber Culver and Heidi Kafka to vacate an 85' wide portion of South Walnut Street extending 140' from Southwest 4th Street to the City limit line in Abilene, KS.

Coulson verified that the applicant was present.

Hamilton presented the staff report.

There was a question about utilities.

Amber Culver replied that they have been told that there aren't any there.

There was discussion.

Culver stated that they have always that they owned the property as they own on both sides and found out they didn't when they came in to get a building permit for a porch. She stated that part of the carport, that was built prior to their ownership, is on the property along with their garden.

There was continued discussion.

Sawyer made a motion to recommend approval to the City Commission with the condition to locate any remaining utilities. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

4. Status Update on City Commission changes to the 2014 Zoning Code.

Hamilton reviewed the staff report regarding the changes that had been made to the 2014 Zoning Code. He stated that the City Commission has already approved the Zoning Code, with the exception of Section 17 & Section 27, which were removed by the City Commission.

Comments.

There was discussion.

The next meeting is scheduled for December 9, 2014.

Adjournment.

Stephens made a motion to adjourn the meeting. The motion was seconded by Sawyer. The motion passed unanimously. (5-0) The meeting was adjourned.

Minutes Submitted,



Tim Hamilton
Community Development Director

Minutes Approved,



Kyle Campbell, Chair
Larry Coulson, Vice-Chair

received
Jan 10/17/14



ZONING PROTEST PETITION ABILENE, KANSAS

Section I.

The undersigned, owners of twenty (20%) percent or more of the property proposed to be rezoned, or by the owners of twenty (20%) percent or more of the total area required to be notified, excepting public streets and ways, protest the proposed change of zoning for property described in Zoning Application PC14-5 zone change from R-1 to B-3 at 1407 N. Buckeye

Section II.

Deanna Gale

Protestor(s)

Signatures(s)

Allen Gale

1417 N Oak

Property Owned

1417 N. Oak, Abilene

Jimmie Buess

1408 N. Oak Abilene

Tanner Dawson

1404 N oak Abilene

Scott Lang

111 N.E. 15th Abilene

Sharon Rutz

1409 N Buckeye

Patricia E Phillips

1411 N Buckeye

109 NE 14th Abilene

Ruth Frost

1405 N Oak

Jim Foster

1405 N OAK

Casey L. Callahan

108 N.E. 15th, Abilene

Janette Wohlman

1419 N. Oak St. Abilene

Kent Mollan

1419 N. Oak St Abilene

Jennifer Edmondson

1406 N. Oak St
Abilene KS 67410

Jennifer Edmondson

1406 W. Oak St.
Abilene, KS 67410

City of Abilene City Commissioners,

On October 14, 2014, the City of Abilene Planning Commission considered a rezoning request by Kwik Shop of a Single-Family Residential property (R-1) to a Highway Business (B-3) property. The motion was approved despite area residents disapproval and concerns.

As a resident in the immediate area of the rezoning parcel, my wife and I are greatly concerned about our health, safety and protection of our property. The rezoning gives Kwik Shop the green light to expand within 70 feet of our back door. The expansion as purposed by the Kwik Shop representative would include installing more gas pumps along with underground fuel storage tanks, and additional parking. All of these suggested expansion items pose potential problems that can be detrimental to area residents and properties.

The Planning Commission's decision for rezoning the property to commercial use impacts the neighborhood and the residents. Decisions for rezoning are to follow the City of Abilene Zoning and Subdivision Ordinance. Section 24-404 of the zoning ordinance contains 9 factors that should be considered in rezoning matters. The Commission was reminded of the factors at the hearing, however the factors of the zoning ordinance were not considered in the final decision. The ordinance clearly states, "the Planning Commission shall consider the appropriate issues contained in a staff report, including but not limited to the following factors:"

1. Character of the neighborhood.
2. The zoning and uses of properties nearby including any changed conditions.
3. The suitability of the subject property to its present and proposed use.
4. The extent to which removal of the present zoning will detrimentally affect nearby property.
5. The length of time the subject property has remained vacant as well as nearby vacant land.
6. The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.
7. The recommendations of permanent or professional staff.
8. Change in district classification being consistent with the purposes of these regulations and the proposed district.
9. Adequacy of off streets and utilities.

The only factor considered by the Planning Commission was if rezoning the property is consistent with other rezoning of similar commercial properties in the immediate area for future growth and development. The commission discussed how the fast food business Sonic recently went through a similar situation which rezoning was approved. The issue we have is Kwik Shop was being compared with a totally different type of business. Sonic did not erect gas pumps and put potentially hazardous fuel storage tanks underground and Sonic is not open 24/7. The commission conceded to approve the rezoning because it is more advantageous and consistent for the property to be used as a commercial lot for future growth and development despite the concerns of the residents and the other factors of Section 24-404 of the Zoning and Subdivision Ordinance.

Careful analysis of the factors of Section 24-404 of the zoning ordinance is required when decisions of this magnitude for rezoning occur. The Planning Commission completely failed to do this. Factors 1, 4 and 6 of the ordinance were not considered in the final decision. Rezoning of the property to B3 clearly violates factor 1; Character of the Neighborhood. The neighborhood includes 8 single family residences and 2 commercial lots, one of which is an inactive business in a single family home and poses no threat to the character of the neighborhood, and the other being Kwik Shop. The expansion would change a large section of the block between 14th street and 15th street. This is a residential neighborhood. Expansion will destroy 2 existing single family homes for the sake of gas pumps and parking lots.

Factor number 4 of the zoning ordinance was also neglected. Factor 4 states, "the extent to which removal of the present zoning will detrimentally affect nearby property." It would be difficult for the

Commission to disprove this would be a detriment to nearby property. Destruction of nearby homes and replacing them with gas pumps, underground storage tanks, and buildings that are well lit at night will only be a detriment to nearby properties. Where it exists right now, Kwik Shop is already intrusive. Making the Kwik Shop closer in proximity will only increase the discomfort the area residents feel. It will be nothing but a detriment to our property to increase the intrusive lights, noises, and fumes of fuel. In addition to intrusion, Kwik Shop is a 24 hour business, it never shuts down. Kwik Shop has shown no evidence of maintaining a good neighbor relationship to the area residence. Currently there is no structure or fence buffering out the undesirable view, trash, lights, or noises that occurs all hours of the day and night. On the website, <http://ceds.org/convenience.html>, the Community & Environmental Defense Services outlines the characteristics of a good convenience store: an optimum convenience store-gas station location would have the following characteristics:

- At least 300 feet from the nearest home; or Buffered so the store cannot be seen or heard from the nearest home;
- For ultra-high volume gas stations, a minimum if 300 feet away;
- Not within view of historic resources;
- Away from highly sensitive ground or surface water resources;
- Accessible by foot and bike as well as cars;
- Located in a downtown or neighborhood commercial area;
- Well lit, but not to the point of causing light trespass into nearby homes;
- In an area with many passersby and few escape routes for criminals; and
- In an area where the market can accommodate a new store without putting existing ones out of business.

Currently Kwik Shop has little to none of these characteristics. The Kwik Shop location is already within the recommended 300 feet of the nearest home and are wanting to expand to within just a few feet of nearby homes. The trash dumpsters are exposed in the parking lot, bright lights invade nearby homes, landscaping and the upkeep is minimal at best. Kwik Shop landscape beautification mainly consists of grass and weeds growing through the cracks of the concrete. All of these things are a detriment to our neighborhood.

Now lets talk about property value and potential health risks that relate to factor 6 of the zoning ordinance. Factor 6 states, "The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner." Clarification may be needed here for proper interpretation of factor 6. Relative gain to health, safety and welfare pertains to this situation greatly. The question to ask, how will the expansion of Kwik Shop have a relative gain to the health, safety and welfare of the nearby property? I struggle to find any. The potential health hazards are immense. Gas pumps and underground storage tanks are an incredible risk to the neighborhood. "Underground gasoline storage tanks are a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank" (www.epa.gov); National Institutes of Health, (www.nih.gov). Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include, ground-level ozone caused in part by gasoline fumes, and groundwater hazards from petroleum products leaking into the ground. The National Library of Medicine expresses, "repeated exposure to gasoline in liquid or vapor form have detrimental affects on the body" (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15). The chemical Benzene found in gasoline is well documented to be incredibly harmful. According to the Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>), exposure to benzene has long term health effects:

- The major effect of benzene from long-term exposure is on the blood. (Long-term exposure means exposure of a year or more.) Benzene causes harmful effects on the bone marrow and can cause a

decrease in red blood cells, leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection.

- Some women who breathed high levels of benzene for many months had irregular menstrual periods and a decrease in the size of their ovaries. It is not known whether benzene exposure affects the developing fetus in pregnant women or fertility in men.
- Animal studies have shown low birth weights, delayed bone formation, and bone marrow damage when pregnant animals breathed benzene.
- The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs.

In an article for the Porch Press from Atlanta, Georgia, the author cited a study by researchers on the effects of air contamination. The article states, "In December 2010, Spanish researchers at the University of Murcia released a study on the effects of air contamination from gas stations. This study found increased levels of airborne chemicals within 150 feet of gas stations due to the evaporation of gasoline during the filling process. The greater the number of pumps at the gas station, the larger the area of contamination was found to be, extending up to 300 feet from the station." (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>). Make it clear, expansion of Kwik Shop into our back yard is a potential health hazard. A risk that is much greater than the gain of potential grow and development of business.

Safety of the neighborhood is another concern. With an active business that never shuts down, comes a great responsibility to maintain a safe environment. Expansion of that business only increases the need for safe measures to ensure the local residents a sense of comfort. With the aid of our local Abilene police department, I researched how often police have been called to the Kwik Shop location to handle societal issues. From January 2013 to the present day, the Abilene police department have been called to the Kwik Shop location 140 times. Of the 140 times, only 32 were vehicle accident related. All other times were the result of criminal activity from disorderly conduct, disputes, getting gas without paying, and so forth. This is a major concern. This type of business activity jeopardizes our personal safety. Expanding Kwik Shop into our backyards brings that criminal activity closer to our back doors, something no one ever wants.

Protection of property value is also a concern. We purchased our home 13 years ago, in that time my wife and I have invested over \$25,000 dollars in upgrading and maintaining the character of our property. The Kwik Shop invasion of our property can only be assumed it will have some type of effect on our property value. I recently interviewed several local realtors from, Etherington, Haug, and Reynolds. It is their professional opinion and all mutually agree our property value may or may not decrease, but with Kwik Shop that close in proximity to our home it will most certainly affect the market of potential buyers if we choose to sale. It will take more time to find buyers who are willing to pay what our home is valued at or we may be forced to lower our asking price, essentially lowering the property value. Had we known that Kwik Show was planning encroachment of this magnitude we would have made other choices about our property. We simply would have not invested the money in our property and we would have sold so we wouldn't be living next to a convenience store.

Rezoning of the single family residence to a B-3 will give Kwik Shop the green light to expand within feet of the homes in the nearby area. Eight residences will be detrimentally affected by this decision. Our health, safety and protection of our investments are at risk. I encourage the City Commissioners to come visit us, stand in our back yards, see what we see. Experience how close the Kwik Shop invasion will be, and answer the question, would you want this in your backyard?

Thank you for taking the time to review the rezoning issue and consideration of our concerns,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

- Abilene Police Department
- Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>)
- Community & Environmental Defense Services <http://ceds.org/convenience.html>
- Environmental Protection Agency www.epa.gov
- Etherington, Haug, & Reynolds Realtors
- National Institutes of Health www.nih.gov.)
- National Library of Medicine (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15.)
- The Porch Press (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>)

ORDINANCE NO. ____

AN ORDINANCE REZONING CERTAIN PROPERTY, GENERALLY DESCRIBED AS 1407 N. BUCKEYE AVENUE, FROM “R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT” TO “B-3, HIGHWAY COMMERCIAL DISTRICT” AND AMENDING THE ZONING MAP OF THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider rezoning certain property more commonly described as 1407 N. Buckeye Avenue, and as provided in **Exhibit A** as attached hereto, from “R-1, Single-Family Residential District” to B-3, Highway Business District”;

WHEREAS, the Planning Commission conducted a public hearing on October 14, 2014, and comments were received from the public both in support of an in opposition to the proposed rezoning; and

WHEREAS, the Planning Commission recommended the Governing Body approve the rezoning of the above referenced property.

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

SECTION ONE. Property Rezoned. That property legally described as follows is hereby rezoned from “R-1, Single-Family Residential District” to B-3, Highway Business District”:

All of Lots Three (3) and Four (4) in Block A, Geauque and Brenneman’s Subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., in the City of Abilene, Dickinson County, Kansas; Except that part condemned by the City of Abilene in Dickinson County District Court Case No. 15158; Subject to easements, reservations, restrictions and zonings of record, more commonly known as 1407 N. Buckeye Avenue, Abilene, Kansas.

SECTION TWO. Zoning Map; Amended. That the Zoning Map of the City of Abilene, Kansas, as adopted by Ordinance No. 2796, and amendments thereto, is hereby amended to be consistent with the amendments described herein.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

[REMAINDER OF PAGE LEFT BLANK]

PASSED AND ADOPTED this 9th day of February, 2014.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

General Rezoning Map

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 9, 2015



CITY OF ABILENE, KANSAS

DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2355 · Fax: (785) 263-2552 · www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- Administrative Appeal, Annexation, Certificate of Appropriateness, Comprehensive Plan Amendment, Conditional Use Permit, Development Code Amendment, Final Plat, Home Occupation Permit, Landmark Designation, Lot Split, Non-Conforming Use Certificate, Preliminary Plat, Planned Development, Replat, Rezoning/Zoning Map Amendment, Site Plan, Vacation (Plat, Street, Easement), Variance

FOR OFFICIAL USE ONLY

Appn Number: 14-5, Date Received: 9/5/14, Received By: [Signature]

SEP 09 2014 CITY OF ABILENE stamp

BRIEF DESCRIPTION OF APPLICATION PURPOSE: Parking / possible fuel expansion of existing business

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

NAME: Clay Brasher, Director of Real Estate, PO Box 1927, TELEPHONE: 6206698504, BUSINESS NAME: Kwik Shop, Inc., clay.brasher@kwikshop.com, FAX: 6206941820, CITY: Hutchinson, 734 E. 4th Ave., STATE: KS, ZIP: 67501-19

620 960-4692

PROPERTY OWNER (If Different from Applicant/Agent):

NAME: Jeff L. and Monica J. Hertz, TELEPHONE: 479-0805, BUSINESS NAME: hertzonahill@gmail.com, FAX: [Blank], CITY: Abilene, 2228 Fair Rd., STATE: KS, ZIP: 67410

ENGINEER/ARCHITECT/SURVEYOR:

NAME: Jason Loader, TELEPHONE: 7857625040, BUSINESS NAME: Kaw Valley Engineering, FAX: [Blank], CITY: Junction City, STATE: KS, ZIP: 66441, E-mail: loaderj@kveng.com

Print Form button

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

1407 North Buckeye Ave., Abilene, KS

PROPERTY TAX IDENTIFICATION NUMBER: 112-09-0-40-12-004.00-0

Existing Zoning Res Proposed Zoning B-3 Existing Land Use Proposed Land Use

GROSS SIZE OF PLAT/LOT:

Residential: 8400 Commercial Industrial Other Total:

NUMBER OF LOTS:

Residential: 1 Commercial Industrial Other Total:

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures Maximum Height of Buildings or Structures Total Building Area Total Impervious Area

EXISTING PUBLIC FACILITIES:

Water Service: Public Private Other (Describe) Wastewater Service: Public Private Other (Describe) Roadway Access: Public Private Other (Describe)

FLOODPLAIN INFORMATION:

Floodway Floodway Fringe FIRM Map-Panel Number Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

Yes No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION*

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Clay Bunker Applicant Signature

9/15/14 Date

JD Krutz Applicant Signature

9/10/14 Date

Fee: \$100.00

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

STAFF REPORT

PC 14-9 Consideration of a Conditional Use Permit, 1401 N. Buckeye Avenue (K-15 Highway) at the request of Dillon Real Estate Company, Inc. for the expansion of a convenience store with fuel pumps.

GENERAL INFORMATION

Date:	January 7, 2015
Owner:	Dillon Real Estate Co., Inc.
Applicant:	Kwik Shop
Requested Action:	Approval of a Conditional Use Permit.
Purpose:	To allow expansion of fuel pumps and additional parking on the North portion of the property.
Location address:	1401 N. Buckeye Ave. (K-15)
Comprehensive Plan:	Comprehensive Plan Shows this address as Commercial Potential, with an adjoining lot currently under contract for sale which is designated Low-Density Residential Potential.
Sites Existing Zoning:	"B-3, Highway Business District" (New designation, "C-3, General Commercial")
Surrounding Zoning and Land Use:	North <i>R-1 Single Family Residential District occupied by one detached single family structure.</i>
	South <i>B-3 Highway Business (C-3, General Commercial) occupied by Sonic Drive-in restaurant.</i>
	East <i>B-3 Highway Business (C-3, General Commercial) and R-1, Single Family Residential District. Occupied by two single family structures (One legally non-conforming, the other conforming) and one commercial structure.</i>
	West <i>B-3 Highway Business District (C-3, General Commercial) occupied by various Commercial structures.</i>
Land Area:	Contains approximately 1 acre.
Notice Date:	This project was published and noticed by mail as required by code.

COMMENTS & FINDINGS

1. The Applicant is proposing a relocation of the fuel pump and canopy from their current location on the property to an adjoining lot currently under contract pending a zoning approval by the City Commission.
2. At the October 14th meeting, the Planning Commission recommended with a vote of approval, the rezoning of 1407 North Buckeye Avenue from Single Family Residential to Highway Business District.
3. Staff was directed by both the Planning Commission and City Commission to have a site plan submitted for further consideration of this proposal.
4. Because the recently adopted zoning regulations had yet to be in force at the time of this request, the site plan is being reviewed through a Conditional Use Permit.
5. The original plan provided for 2 ingress/egress curb cuts along Buckeye Avenue (K-15), however the Kansas Department of Transportation is authorizing only one such entrance.
6. The location of the curb cut along Buckeye Avenue will be determined by a traffic study required by KDOT (Please see attached options).
7. The Development Review Committee has reviewed the proposed site plan, and comments have been received with appropriate changes made to it.
8. The applicant has purchased the lot immediately north of the applicant's lot located at 1401 North Buckeye Avenue, which is currently zoned for a Commercial use with a non-conforming residence located on it.
9. In the event the City Commission denies the rezoning case, the only feasible use for this additional land would be for parking or a small accessory structure, or other permitted primary structure enlargement allowed under the current regulations.

Staff Report:

RECOMMENDATION

Staff is recommending approval of the proposed plan on the condition that the eight foot privacy fence and landscape buffer to the north and east, as proposed in the attached plan, be installed. The fence and landscaping is also recommended in the event the City Commission denies the rezoning case for 1407 N. Buckeye. All lighting must be shielded to prevent infiltration of light onto adjacent residential lots. Staff is basing its recommendation on the following criteria as outlined in Section 26-110 of the Zoning Regulations:

a. Consistency with intent and purpose of the zoning regulations – In general, this proposal is consistent with the intent and purpose as outlined in Article 1 of the regulations. Upon review by the Police Department, it is determined the plan will not necessarily reduce traffic accidents at the intersection of 14th Street and Buckeye Avenue.

b. Compatibility of proposed use with surrounding uses – This property has had the existing use established for at least two decades preceding the current owner. Prior to 1980, this was the location of an APCO station which dated from the early to mid 60's. The residential housing stock adjacent to this use dates from the 1920's to the 1970's.

c. Public infrastructure – Based on comments from the Development Review Committee, the proposal will not pose a burden on Public water or sewer. Based on consultation with the Developer's Engineer and the Public Works Director, it has been determined that there will be no adverse impact to storm sewers. The Applicant has agreed to direct storm water in a similar manner as that incorporated by the Sonic property on the southeast corner of the intersection of Buckeye Avenue and 14th Street.

d. Necessity of the proposal due to changes in the affected area – The intersection has seen increased commercial development over the past three years, including development of an infill lot west of the subject property, additional commercial office space on 15th Street, and the Sonic remodel on the southeast corner. In addition, KDOT re-configured the right-of-way along Buckeye (K-15) at the 14th Street intersection several years ago in anticipation of increased traffic. Such changes may warrant an existing business to accommodate their property accordingly for public safety and accessibility reasons.

e. Length of time the property has remained vacant – Not applicable.

f. Compatibility of the subject property for the proposed use – The property has contained the existing use, or similar intense commercial use for over fifty years (at least since the early 60's). The surrounding residential development has built up over time from the 1920's to the 1970's. The City has recognized the existence of commercial uses immediately adjacent to residential uses at least since the 1969 Comprehensive Plan.

g. Consideration of Staff recommendation – Staff is basing its recommendation on the current findings as presented.

h. Whether the Comprehensive Plan is furthered and supported by this proposal – Although the lot at 1407 North Buckeye is currently designated as "Low-Density Residential Potential" on the Future Land Use Map, the proposed extension of this existing commercial use onto the adjoining property to the north may not be inconsistent with the spirit and intent of the Comprehensive Plan. Chapter 9, Section C, states: "Future Land Use Plan amendments are anticipated as growth occurs and market conditions change". Since the intersection of Buckeye Avenue and 14th Street is a major intersection and presently contains both commercial and residential use, it is reasonable to conclude that market conditions may support either of these uses.

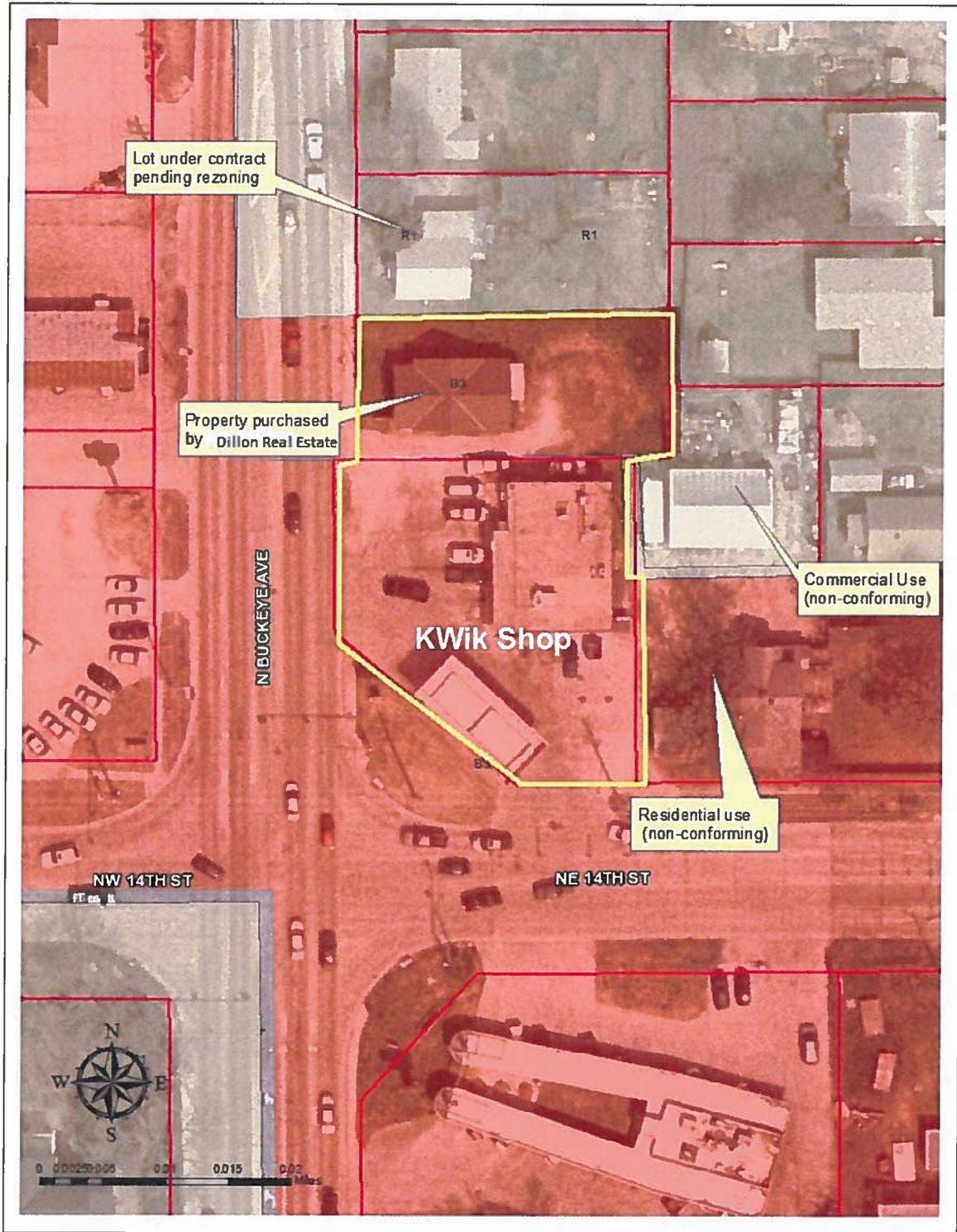
i. Adverse impacts on adjacent properties if all conditions placed upon the request are met – The purpose for imposing conditions on a proposal is to ensure that adjacent, conflicting uses are not detrimentally affected. “Goal A” under Key Issue 11 of the Comprehensive Plan strives to “ minimize the negative impacts of adjacent incompatible land uses through required site improvements”. Policy #1 under this section addresses “screening, fencing and/or vegetative buffering standards” which may be incorporated into proposals where a more intense commercial use is adjacent to a more sensitive residential use. Staff is of the opinion that the proposed fencing and landscaping requirements, in combination with shielded lighting, will minimize any negative impact on adjacent residential properties.

J. Solid Waste disposal facilities – Not Applicable.

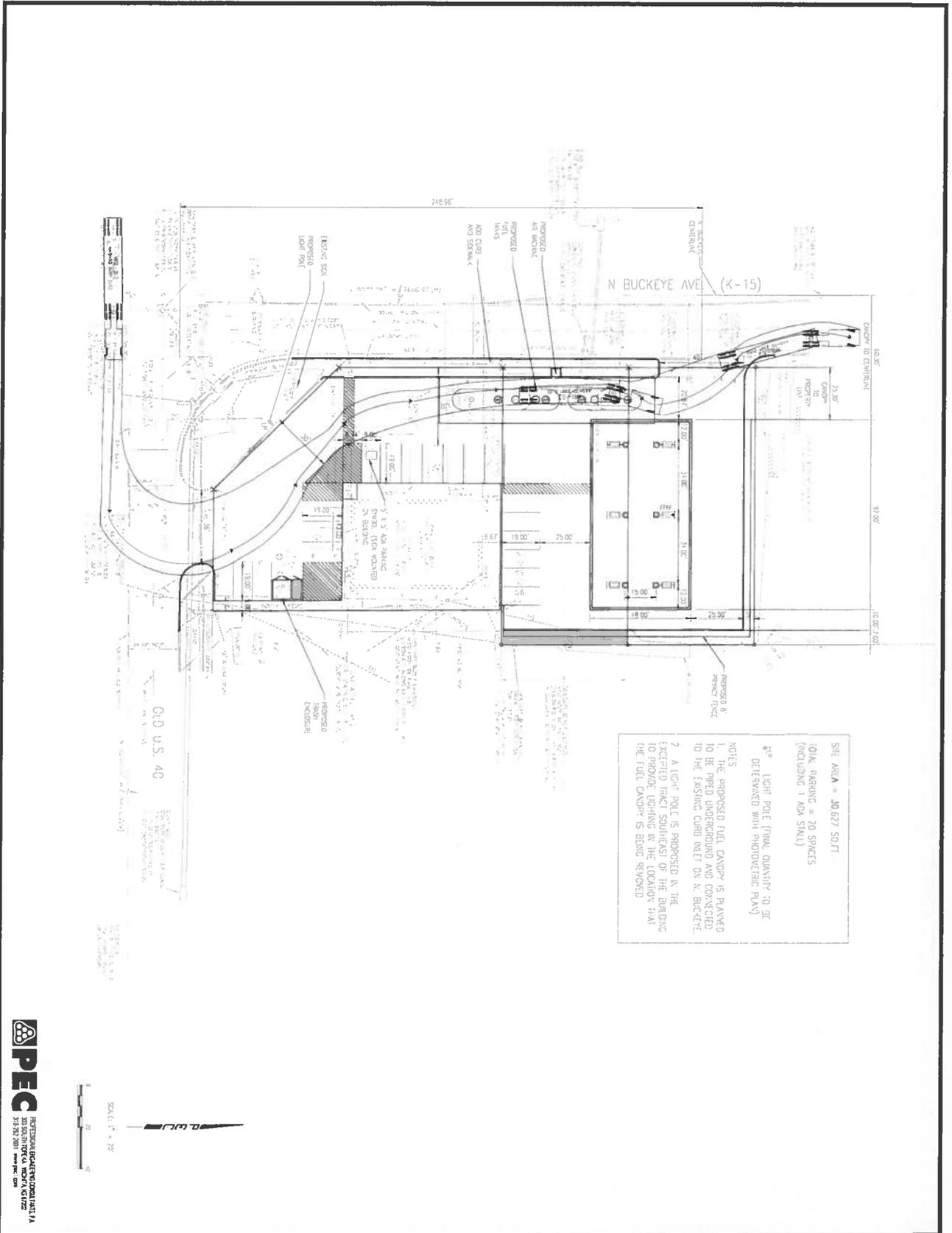
K. Other items for consideration – In evaluating individual Conditional Use Permit applications, the Planning Commission may also consider the occurrence of similar land use patterns throughout the City. The subject area and its land use pattern, while not ideal, is by no means unique. There are a number of corner lots within Abilene containing convenience store/fuel dispensing uses (or other commercial uses) located adjacent to, or within proximity of residential land and zones.

PLANNING COMMISSION OPTIONS:

1. Recommend approval of the Conditional Use Permit with above referenced conditions, or additional conditions as deemed necessary;
2. Recommend denial of the request.



Staff Report:



PEC
 PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
 200 SOUTH BRICK AVE
 ABILENE, TEXAS 79601
 325.343.1111

SCALE: 1" = 20'

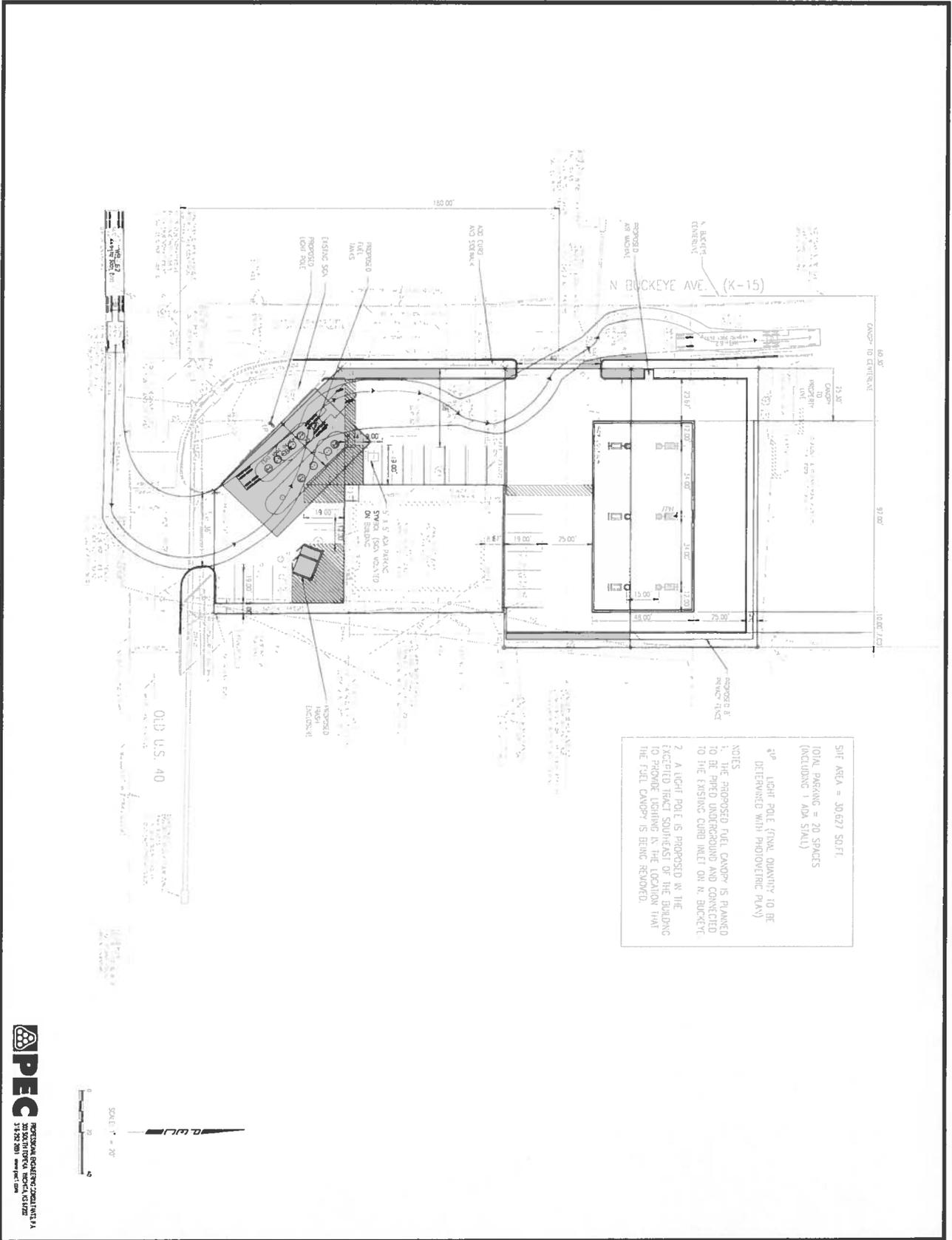
Job No.	1143-745
Date	12-02-2014
Drawn	CAL
Checked	DL
Sheet	1 of 1

SITE PLAN
CONCEPT - F

NO.	DATE	REVISION

KWIK SHOP #745
1401 NORTH BUCKEYE
ABILENE, KANSAS





SITE AREA = 30,627 SQ.FT.
 TOTAL PARKING = 20 SPACES
 (INCLUDING 1 ADA SPACE)

NOTE: LIGHT POLE (FINAL QUANTITY TO BE DETERMINED WITH PHOTOGRAPHIC PLAN)

NOTES:
 1. THE PROPOSED FUEL CANOPY IS PLANNED TO BE PAVED UNDERGROUND AND CONNECTED TO THE EXISTING CURB INLET ON N. BUCKEYE
 2. A LIGHT POLE IS PROPOSED IN THE EXCEPTED TRACT SOUTHEAST OF THE BUILDING TO PROVIDE LIGHTING IN THE LOCATION THAT THE FUEL CANOPY IS BEING REMOVED.



SCALE: 1" = 20'

Job No.	11434-745
Date	17-03-2014
Drawn	CAC
Checked	OC
Scale	1" = 1'

SITE PLAN
 CONCEPT - G

NO.	DATE	DESCRIPTION

KWIK SHOP #745
1401 NORTH BUCKEYE
ABILENE, KANSAS



City of Abilene Planning Commissioners,

On January 13, the planning commission will be reviewing and making a recommendation for a Conditional Use Permit submitted by Kwik Shop Inc. If approved, the permit will allow the construction of a rather large gas pumping station next to residentially zoned properties.

As a resident and home owner in the immediate area of the proposed construction site, my wife and I are greatly concerned about our health, safety and protection of our property. The Conditional Use Permit gives Kwik Shop the green light to expand within 70 feet of our back door. The Kwik Shop expansion according to the site plan would include installing more gas pumps along with underground fuel storage tanks, and additional parking. All of these suggested expansion items pose potential problems that can be detrimental to area residents and properties.

Careful analysis of Section 26-110 Factors to be Considered in Permit Applications is required when decisions of this magnitude occur. The Planning Commission is obligated to consider the established factors of Section 26-110 as guidelines. Factors b, c, f, h, and i of Section 26-110 clearly suggest the submitted Conditional Use Permit by Kwik Shop is NOT cohesive with the guidelines.

- **Factor b.** "Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood." The other land uses in the surrounding neighborhood are all single family homes. The building of a gas canopy with 6 gas pumps and underground fuel storage tanks next properties with homes and families is not compatible.
- **Factor c.** "Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided." Again building gas pumps in a residentially zoned area places an undue burden on the residents. This can potentially affect our property values in a negative way, not to mention the potential health risks and safety hazards this will cause.
- **Factor f.** "Whether the applicant's property is suitable for the proposed conditional use." Currently the property in question is zoned for residential use. The proposed conditional use and site plan will require a rezoning and destruction of two buildings one being a single family home. This parcel of land is not suitable for a gas station. The neighborhood includes 8 single family residences and 2 commercial lots, one of which is an inactive business in a single family home and poses no threat to the character of the neighborhood, and the other being Kwik Shop. The expansion would change a large section of the block between 14th street and 15th street. This is a residential neighborhood. Expansion will destroy 2 existing single family homes for the sake of gas pumps and parking lots.
- **Factor h.** "Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan." Out of curiosity, does the City's Comprehensive Plan include the destruction of single family homes, endangering the safety and health of the city's residents, changing the neighborhood infrastructure, and devaluing properties for the sake of more gas pumps? The City's Comprehensive Plan has a mission statement that mentions boasting a quality of life reminiscent of "HOMETOWN, USA". Living next to gas pumps does not sound like Hometown USA.
- **Factor i.** "Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected." I would like Kwik Shop and the Planning Commission to disprove this, tell me how the property in the area affected will not be adversely affected. Again, building a canopy that has 6 gas pumps next to residential homes will only have an adverse affect.

In addition to the factor guidelines, I have personal concerns about the Kwik Shop expansion. Destruction of nearby homes and replacing them with gas pumps, underground storage tanks, and buildings that are well lit at night will only be a detriment to nearby properties. Where it exists right now, Kwik Shop is already intrusive. Making the Kwik Shop closer in proximity will only increase the discomfort the area residents feel. It will be nothing but a detriment to our property to increase the intrusive lights, noises, and fumes of fuel. In addition to intrusion, Kwik Shop is a 24 hour business, it never shuts down. Kwik Shop has shown no evidence of maintaining a good neighbor relationship to

the area residence. Currently there is no structure or fence buffering out the undesirable view, trash, lights, or noises that occurs all hours of the day and night. The site plan does include a privacy fence, however a privacy fence will not keep out the noise, the toxic fuel fumes or the intrusive lights at night. On the website, <http://ceds.org/convenience.html>, the Community & Environmental Defense Services outlines the characteristics of a good convenience store: an optimum convenience store-gas station location would have the following characteristics:

- At least 300 feet from the nearest home; or Buffered so the store cannot be seen or heard from the nearest home;
- For ultra-high volume gas stations, a minimum if 300 feet away;
- Not within view of historic resources;
- Away from highly sensitive ground or surface water resources;
- Accessible by foot and bike as well as cars;
- Located in a downtown or neighborhood commercial area;
- Well lit, but not to the point of causing light trespass into nearby homes;
- In an area with many passersby and few escape routes for criminals; and
- In an area where the market can accommodate a new store without putting existing ones out of business.

Kwik Shop has little to none of these characteristics. The Kwik Shop location is already within the recommended 300 feet of the nearest home and are wanting to expand to within just a few feet of nearby homes. The trash dumpsters are exposed in the parking lot, bright lights invade nearby homes, landscaping and the upkeep is minimal at best. Kwik Shop landscape beautification mainly consists of grass and weeds growing through the cracks of the concrete. All of these things are a detriment to our neighborhood.

Now lets talk about property value and potential health risks. The question to ask, how will the expansion of Kwik Shop have a relative gain to the health, safety and welfare of the nearby property? I struggle to find any. The potential health hazards are immense. Russ Wilkins, Director of Emergency Communications for Dickinson County confirmed that Abilene emergency personnel have been called upon by Kwik Shop to clean up 8 gas spills within the last 2 years. Most of the reported gas spill amounts are unknown. The largest reported amount of spilled gas at the Kwik Shop location was 3-4 gallons. I have no idea if this is a lot or an insignificant amount. All I know is gas is being spilled and the potential of contamination is occurring. Gas pumps and underground storage tanks are an incredible risk to the neighborhood. Gas leaking from fuel pumps and storage tanks are problematic, "Underground gasoline storage tanks are a problem. The U.S. Environmental Protection Agency (EPA) estimates that there are some 660,000 of them from coast-to-coast. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank" (www.epa.gov); National Institutes of Health, (www.nih.gov). Despite all the modern health and safety guidelines they must follow, gas stations can still pose significant hazards to neighbors, especially children. Some of the perils include, ground-level ozone caused in part by gasoline fumes, and groundwater hazards from petroleum products leaking into the ground. The National Library of Medicine expresses, "repeated exposure to gasoline in liquid or vapor form have detrimental affects on the body" (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15). The chemical Benzene found in gasoline is well documented to be incredibly harmful. According to the Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>), exposure to benzene has long term health effects:

- The major effect of benzene from long-term exposure is on the blood. (Long-term exposure means exposure of a year or more.) Benzene causes harmful effects on the bone marrow and can cause a decrease in red blood cells, leading to anemia. It can also cause excessive bleeding and can affect the immune system, increasing the chance for infection.
- Some women who breathed high levels of benzene for many months had irregular menstrual periods and a decrease in the size of their ovaries. It is not known whether benzene exposure affects the developing fetus in pregnant women or fertility in men.

- Animal studies have shown low birth weights, delayed bone formation, and bone marrow damage when pregnant animals breathed benzene.
- The Department of Health and Human Services (DHHS) has determined that benzene causes cancer in humans. Long-term exposure to high levels of benzene in the air can cause leukemia, cancer of the blood-forming organs.

In an article for the Porch Press from Atlanta, Georgia, the author cited a study by researchers on the effects of air contamination. The article states, "In December 2010, Spanish researchers at the University of Murcia released a study on the effects of air contamination from gas stations. This study found increased levels of airborne chemicals within 150 feet of gas stations due to the evaporation of gasoline during the filling process. The greater the number of pumps at the gas station, the larger the area of contamination was found to be, extending up to 300 feet from the station." (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>). Make it clear, expansion of Kwik Shop into our back yard is a potential health hazard. A risk that is much greater than the gain of potential grow and development of business.

Safety of the neighborhood is another concern. With an active business that never shuts down, comes a great responsibility to maintain a safe environment. Expansion of that business only increases the need for safety measures to ensure the local residents a sense of comfort. With the aid of our local Abilene police department, I researched how often police have been called to the Kwik Shop location to handle societal issues. From January 2013 to the present day, the Abilene police department have been called to the Kwik Shop location 140 times. Of the 140 times, only 32 were vehicle accident related. All other times were the result of criminal activity from disorderly conduct, disputes, getting gas without paying, and so forth. This is a major concern. This type of business activity jeopardizes our personal safety. Expanding Kwik Shop into our backyards brings that criminal activity closer to our back doors, something no one ever wants.

Protection of property value is also a concern. We purchased our home 13 years ago. In that time, my wife and I have invested over \$25,000 dollars in upgrading and maintaining the character of our property. The Kwik Shop invasion of our property can only be assumed it will have some type of effect on our property value. I recently interviewed several local realtors from, Etherington, Haug, and Reynolds. It is their professional opinion and all mutually agree our property value may or may not decrease, but with Kwik Shop that close in proximity to our home it will most certainly affect the market of potential buyers if we choose to sale. It will take more time to find buyers who are willing to pay what our home is valued at or we may be forced to lower our asking price, essentially lowering the property value. Had we known that Kwik Show was planning encroachment of this magnitude we would have made other choices about our property. We simply would have not invested the money in our property and we would have sold so we wouldn't be living next to a convenience store.

Approval of the Conditional Use Permit will give Kwik Shop the green light to expand within feet of the homes in the neighborhood. Eight residences will be detrimentally affected by this decision. Our health, safety and protection of our investments are at risk. I encourage the Commissioners to come visit us, stand in our back yards, see what we see. Experience how close the Kwik Shop invasion will be, and answer the question, would you want this in your backyard?

Thank you for your time and consideration of our concerns,
Casey Callis
108 NE 15th Street
Abilene, KS 67410

- Abilene Police Department
- Centers for Disease Control and Prevention (<http://www.bt.cdc.gov/agent/benzene/basics/facts.asp>)
- Community & Environmental Defense Services <http://ceds.org/convenience.html>
- Environmental Protection Agency www.epa.gov
- Etherington, Haug, & Reynolds Realtors
- National Institutes of Health www.nih.gov.)
- National Library of Medicine (<http://www.nlm.nih.gov/>), (http://toxtown.nlm.nih.gov/text_version/chemicals.php?id=15.)
- The Porch Press (<http://theporchpress.com/2011/03/the-gas-station-%E2%80%93-an-inconvenient-neighbor/>)
- Russ Wilkins. Director of Emergency Communication for Dickinson County

Planning Commissioners,

The Jan. 13 2015 Conditional Use Permit decision is completely disheartening and has me question why I even live in Abilene. It is painfully apparent big business money is more important than the safety and health of the citizens.

Prior to the meeting, Mr. Hamilton reminded the commission of the new regulation guidelines and emphasized the decisions for approval should be based on fact, not speculation. The factor guidelines of Section 26-110 of the regulations clearly states what facts should be considered in a recommendation for approval. When given the chance to validate the decision, the commission overlooked the guidelines and formulated a decision on speculation, the speculation being approval for the permit based on the idea a prosperous business should be given the opportunity to grow and remain prosperous. No where in section 26-110 of the regulations does it address business prosperity. The commissions' approval does not follow the guidelines in any form. The commission simply failed to do what they asked to do. If you have guidelines and you don't follow them, what good are the guidelines?

Facts that were ignored and overlooked.

- Fact: Important graphic information was conveniently left out of Hamiltons' picture presentation. The one area map did not depict the neighborhood accurately. The neighborhood is mostly residentially zoned.
- Fact: Exposure to Benzene found in gasoline in liquid or vapor form is detrimental to health, cancer causing and linked to Leukemia.
- Fact: 7 single family residences will be within 100 feet of gas pumps and gas storage tanks.
- Fact: 8 gas spills that required emergency clean-up have been reported at Kwik Shop in the last two years.
- Fact: Criminal activity happens frequently at Kwik Shop. Over a 107 disturbances have occurred in the last 2 years.
- Fact: An 8 foot fence will not buffer out noises that happen 24 hours a day 365 days a year.
- Fact: An 8 foot fence will not buffer out toxic gas fumes .
- Fact: The proposed site plan is a bad design with a gas pump structure behind the building that is not visibly accessible from within the building.
- Fact: The gas canopy with 6 gas pumps is not compatible to other land uses in the neighborhood.
- Fact: Building a gas pump station in close proximity to residential homes will place an undue burden on the existing public infrastructure.
- Fact: The property is not suitable for the proposed conditional use.
- Fact: The conditional use will adversely affect the property in the area affected.
- Fact: None of the commissioners would have approved this if this was happening in their neighborhood next to their homes.

Deeply Disappointed in the Integrity of the Planning Commission,
Casey Callis



January 8, 2015

Abilene Planning Commission
PO Box 519
Abilene, KS 67410

CC: Abilene City Commission

Abilene Planning Commission:

The Abilene Area Chamber of Commerce believes in the power of Commerce to enable good things to happen in our Community. When Commerce grows, opportunity grows and our Community has another chance to grow.

Thus we speak on behalf of growth as it pertains to the planned expansion of the Kwik Shop store at Buckeye and 14th street. As we understand the request, it is legal, ethical and within the bounds of proper activities in that area. It increases the square footage of that business opportunity and that is a good thing. We see adding opportunity to purchase goods and services at that site enhanced by this request and also the ability for customers to enter and exit the business with greater ease.

Many community members have spoken out that with the current layout of the business, they are worried about safety because of congestion during busy times. Kwik Shop's proposed expansion of their business would seem to help alleviate this congestion and make traffic safer on such a busy intersection.

We also note that this business owner is choosing to invest capital dollars in Abilene, raising their property value and we see that as positive.

In summary, the Abilene Area of Commerce is in favor of additional Legal Commerce in the Abilene Area and would lend our vote of support to this particular effort. We would be happy to speak, and or answer questions in Public forum if you so desire.

Best Regards,

A handwritten signature in black ink, appearing to read "Torey Berndt", with a long horizontal flourish extending to the right.

Torey Berndt, Executive Director

A handwritten signature in black ink, appearing to read "Dennis Weese", written in a cursive style.

Dennis Weese, 2014 Chairman
Board of Directors

Abilene Area Chamber of Commerce
500 N. Buckeye, Abilene, KS 67410
Phone: (785) 263-1770 Fax: (785) 263-1536
chamber@abileneks.net www.abileneks.net

ACKNOWLEDGMENT

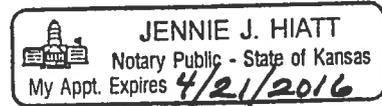
STATE OF KANSAS, COUNTY OF DICKINSON SS:

BE IT REMEMBERED, On this 26th day of January, 201~~5~~⁶, before me, the undersigned, a notary public in and for the County and State aforesaid, came Casey Callis such person(s) being personally know to me to be the same person(s) who executed the within instrument of writing and duly acknowledged the execution of the same.

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

Jennie J. Hiatt
(Notary Public)

My commission expires:



CITY OF ABILENE
PLANNING COMMISSION
MEETING MINUTES

January 13, 2015
Study Session at 4:00 p.m.
Meeting at 4:30 p.m.
Abilene Public Library
209 NW 4th Street

Members Present: Kyle Campbell (Chair), Larry Coulson, Bruce Dale, Travis Sawyer and Michelle Stephens

Members Absent: Gene Bielefeld and Steven Olson

Staff Present: David Dillner, Tim Hamilton and Jennie Hiatt

Others Present: Commissioner Ray (see attached list)

Call to Order.

Seeing that a quorum was present Chair Campbell called the meeting to order.

Approval of Agenda.

Campbell stated that item number two (2) under business was being removed from the agenda and would be under a non-action portion on February's agenda for a work session. Coulson made a motion to approve the agenda with the amended changes. The motion was seconded by Sawyer. The motion passed unanimously. (5-0)

Approval of Meeting Minutes – November 12, 2014.

Coulson made a motion to approve the minutes as written. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

Business.

1. **Public Hearing, PC 14-9**, a request for a Conditional Use Permit by Kwik Shop Inc. for the property addressed as 1401 N. Buckeye Avenue, Abilene, KS.

Campbell verified that the applicant was present. He then gave an update on the status of the rezoning of Kwik Shop and the City Commission's request to review a Conditional Use Permit

prior to their approval of the Rezoning. He stated that today's public hearing will be conducted as if the Rezoning has been approved.

Hamilton presented the staff report.

Campbell asked if there were any questions from the commissioners for staff.

Coulson asked about a fence and buffer where the property abuts the residential areas.

Hamilton replied that there will be an 8 foot fence plus vegetation.

Dale asked a question regarding the landscaping buffer.

Clay Brasher stated that the fencing would be 8 foot along the north and east sides and that the trees and shrubs will go in front of the fence. The lighting will be recessed and LED so there will be less glare. The LED lights are not as bright and don't spread out as much. He added that they weren't adding a bunch of extra poles, but would keep the lighting within the canopy. The driveway entrance has also been moved back so it won't be as close.

Isaac Krumme added additional information regarding the site plan and that they are working with KDOT to make a safer egress. There will be six (6) fuel dispensers within the new canopy along with an enclosed area for trash receptacle, which will be moved. On the south side the landscaping buffer will come out 5 feet and along the east side it will be 7 foot. There will be upright evergreens that will more than likely eventually exceed the height of the fence. The shrubs will be put in fairly tight in order to help create a noise buffer as well as aesthetics. He discussed the circulation purpose for traffic and that improving access is very important and they are working with KDOT on the issue. He referenced a recent similar project in Salina as a comparison.

Campbell then asked the commissioners if they had any questions for the applicants.

Coulson asked if there would be any changes to the store itself.

Brasher stated that nothing exterior was planned at this time, but that they would be doing an interior remodel.

Coulson asked a question for screening clarification.

Krumme stated that the buffer would be 5 feet on the north and 7 feet on the east.

Campbell opened the public hearing.

Jennifer Callis, 108 NE 15th, pointed to where her house is located in proximity to Kwik Shop and stated that 5 feet means nothing to us for a buffer. This is too close to our house. We enjoy our backyard and the gas tanks this close concerns me. It is close to a grade school and the kids walk through the neighborhood. There is also a daycare three house down.

Jennifer Edmondson, 1406 N. Oak, stated that she is a property owner and pays taxes. She showed the commissioners pictures that she brought with her as she said there weren't any pictures taken by staff of the view from her house. Kwik Shop will be there no matter what. My husband is an electrician the lights will still be bright at my house and seen. The noise is constant 24/7. When Sonic came in it's not a 24/7 business so it's not as hard on those residents. The crime will bring more of a presence into my yard and my life. My property value will go down. When I bought my house I knew Kwik Shop was there, but it was on the corner. I don't want gas tanks coming that close to my house. She commented on keeping the 14th Street entrance and that it's the most dangerous entrance currently.

Casey Callis, 108 NE 15th, commented that the pictures don't show how many residential homes are in the block. He stated that he is totally against the expansion and it should be denied as it is not appropriate and not considerate to the neighbors. The 8 foot fence won't take out the 24/7 noise, smells, crime etc. He then commented on the proposed gas canopy and stated that it will not be able to be seen from inside the store as there are no windows. He questioned who was going to be monitoring what happens. He then stated I will have better visibility of the new gas canopy from my house. He then reviewed the four page letter that he submitted to Tim Hamilton via email on January 7, 2015. (This letter was included in the Planning Commissioner's packet for this meeting.) He then stated that you should really consider Factor i as we are the property being affected. Property values will greatly decrease. Another reason to deny this is due to the health risks. Kwik Shop is tripling their size and moving closer to homes. It will be 100 feet off of our back door. He discussed the potential health problems from Benzene and the factors related to blood diseases. He stated that they won't be able to open their windows or doors in the summer because of the fumes. I also have safety concerns. The police department had 140 service calls in the last 2 years and only 32 of those were traffic related and the rest were due to criminal activity. This is inviting criminal activity to our backyards. What safety measures is Kwik Shop going to provide. I feel like it is a bad idea.

Torey Berndt, Executive Director, Abilene Area Chamber of Commerce, stated that Kwik Shop has the Chamber Board's full support as stated in a letter dated January 8, 2015 that the Planning Commission was given during Study Session prior to the meeting.

Deanna Gale, 1417 N. Oak, stated that she had a lot of the same concerns that have previously been mentioned and the expansion won't make it any safer.

Campbell closed the public hearing.

There was discussion.

Coulson stated that business improvement is important and he applauds a successful business owner for wanting to be more successful and expand. He feels the site plan is fine and that Kwik Shop has given a good faith effort in the changes they have made. The screening and fence will help.

J. Edmondson, stated that business is great. She recommended that they move to the Alco location where there will already be current gas pumps.

Campbell stated

There was discussion amongst the commissioners.

The question was asked if the buffering meets statute requirements.

Hamilton replied yes.

Campbell stated that he would entertain a motion.

Coulson made a motion to recommend approval of the Conditional Use Permit to the City Commission with the referenced conditions. The motion was seconded by Sawyer. The motion passed unanimously. (5-0)

Coulson said a thank you to the public for coming to the meeting to speak.

Comments.

There was a brief discussion.

The next meeting is scheduled for February 10, 2015.

Adjournment.

The meeting was adjourned by consensus.

Minutes Submitted,

Minutes Approved,

Tim Hamilton
Community Development Director

Kyle Campbell, Chair
Larry Coulson, Vice-Chair

ORDINANCE NO. ____

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE EXPANSION OF A GASOLINE FUELING STATION LOCATED AT 1407 N. BUCKEYE AVENUE IN THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider a Conditional Use Permit to allow additional parking and four additional gasoline pumps at 1407 N. Buckeye Avenue in Abilene, Kansas, as provided in **Exhibit A** as attached hereto;

WHEREAS, the Planning Commission conducted a public hearing on January 23, 2015, and comments were received from the public both in support of an in opposition to the proposed rezoning; and

WHEREAS, the Planning Commission recommended the Governing Body approve a Conditional Use Permit allowing additional parking and four additional gasoline pumps on the referenced property.

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

SECTION ONE. Conditional Use Permit. That a Conditional Use Permit is hereby granted to Dillon Stores, Inc. for the placement of four additional gasoline pumps and additional parking as generally provided in the Conditional Use Permit application, as attached hereto as **Exhibit A** on property legally described as follows:

All of Lots Three (3) and Four (4) in Block A, Geauque and Brenneman's Subdivision of a part of the Southwest Quarter of the Southeast Quarter of Section Nine (9), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., in the City of Abilene, Dickinson County, Kansas; Except that part condemned by the City of Abilene in Dickinson County District Court Case No. 15158; Subject to easements, reservations, restrictions and zonings of record, more commonly known as 1407 N. Buckeye Avenue, Abilene, Kansas.

SECTION TWO. Permit Conditions, Approval. Per Section 26-110, the Planning Commission may impose, and City Commission may approve, reasonable conditions on approval of a Conditional Use Permit. Additional conditions for this permit are approved as follows: the applicant will install an eight foot privacy fence and landscape screening on all property lines adjacent to residential zones.

SECTION THREE. Implementation. The City Manager, or designee, is hereby authorized to issue a Conditional Use Permit once all conditions have been reasonably met.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND ADOPTED this 9th day of February, 2014.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

Conditional Use Permit Application

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 9, 2015

CITY OF ABILENE, KANSAS
DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway · Abilene, Kansas 67410 · Tel: (785) 263-2550 · Fax: (785) 263-2552 · www.abilenecityhall.com

INSTRUCTIONS: This Application and all required fees and information must be submitted in accordance with the Code of the City of Abilene and the City of Abilene Zoning and Subdivision Regulations. All information requested in this application must be provided and answered completely.

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- | | |
|---|--|
| <input type="checkbox"/> ADMINISTRATIVE APPEAL | <input type="checkbox"/> LOT SPLIT |
| <input type="checkbox"/> ANNEXATION | <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE |
| <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS | <input type="checkbox"/> PRELIMINARY PLAT |
| <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT | <input type="checkbox"/> PLANNED DEVELOPMENT |
| <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT | <input checked="" type="checkbox"/> REPLAT - (NOT REQUIRED) |
| <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT | <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT |
| <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> SITE PLAN |
| <input type="checkbox"/> HOME OCCUPATION PERMIT | <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) |
| <input type="checkbox"/> LANDMARK DESIGNATION | <input type="checkbox"/> VARIANCE |
| <input type="checkbox"/> LOT SPLIT | |

FOR OFFICIAL USE ONLY

Appn Number: **PC 14-9**
 Date Received: **11/12/14**
 Received By: *[Signature]*

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Fuel expansion and additional parking.

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: _____ Tel: () _____
 Business Name: _____ Fax: () _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 E-mail: _____

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Dillon Real Estate Co., Inc Tel: (620) 669-8504
 Business Name: Kwik Shop Fax: (620) 694-1820
 Address: 734 East 4th Ave
 City: Hutchinson State: KS Zip Code: 67501
 E-mail: clay.brasher@kwikshop.com

ENGINEER/ARCHITECT/SURVEYOR:

Name: ISAAC KRUMME Tel: (316) 262-2691
 Business Name: (PEC) Professional Engineering Consultants Fax: () _____
 Address: 303 South Tapoka
 City: Wichita State: KS Zip Code: 67202
 E-mail: isaac.krumme@pec1.com

PROPERTY INFORMATION

PROPERTY ADDRESS OR GENERAL LOCATION (IN RELATION TO NEAREST STREETS):

1401 + 1405 + 1407 North Buckeye Abilene, KS

PROPERTY TAX IDENTIFICATION NUMBER:

ZONING: Existing: Residential (1407 location) Proposed: B3

LAND USE: Existing: Proposed:

GROSS SIZE OF PLAT/LOT:

Residential: Commercial: 30,627 Industrial: Other: Total: 30,627

NUMBER OF LOTS:

Residential: 1 Commercial: 2 Industrial: Other: Total: 3

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 2 Total Building Area: 2735
Maximum Height of Buildings or Structures: Total Impervious Area:

EXISTING PUBLIC FACILITIES:

Public Private Other (Describe)
Water Service: [checked] [] []
Wastewater Service: [checked] [] []
Roadway Access: [checked] [] []

FLOODPLAIN INFORMATION:

Floodway: [] Yes [checked] No FIRM Map-Panel Number:
Floodway Fringe: [] Yes [checked] No Zone:

ARE ANY OTHER PERMITS OR DEVELOPMENT APPROVALS REQUIRED, APPLIED FOR OR RECEIVED FOR THE APPLICATION PROPERTY BY THE CITY OR ANY OTHER JURISDICTION OR AGENCY?

[] Yes [checked] No If Yes, Describe Briefly and Attach a Copy of Each Permit, Approval or Application

APPLICANT/PROPERTY OWNER CERTIFICATION*

I/we acknowledge receipt of the instruction sheet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. I/we further certify that the foregoing information is true and correct to the best of our knowledge. I/we acknowledge that the City of Abilene Planning Commission, Board of Zoning Appeals or City Commission shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

[Signature] Applicant Signature

10/10/14 Date

[Signature] Property Owner Signature

10/10/14 Date

* This Application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this Application.

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Copy of Deed | <input type="checkbox"/> Easements and Covenants | <input type="checkbox"/> Location Map |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Infrastructure Plans | <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Grading and Stormwater Plans |
| <input type="checkbox"/> Elevation Survey | <input type="checkbox"/> Traffic Impact Study | <input type="checkbox"/> Construction Plans |
| <input type="checkbox"/> Performance Agreement | <input type="checkbox"/> Proof of Notification | <input type="checkbox"/> Utility Plans |
| <input type="checkbox"/> Text Amendment Language | <input type="checkbox"/> Property Owner List | <input type="checkbox"/> Comprehensive Plan Amendment Justification |
| <input type="checkbox"/> Annexation Boundary Map | <input type="checkbox"/> Operating Characteristics Report | <input type="checkbox"/> Administrative Appeal Justification |
| <input type="checkbox"/> Variance Justification | <input type="checkbox"/> Other _____ | |

Additional document requirements provided to applicant on _____. The applicant is advised that the application is not accepted for public review until such time as the above identified documents are submitted and a Determination of Complete Application is certified.

_____ Name	_____ Title
 Signature	11/13/14 Date

**** Number of copies for submission determined by Zoning Administrator. The Zoning Administrator may request additional information as deemed necessary to properly evaluate the permit application.**

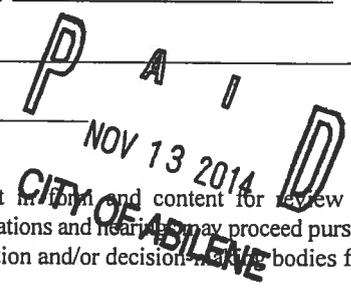
APPLICATION REVIEW

DECISION-MAKING BODY: Staff Planning Commission Board of Zoning Appeals City Commission
 Heritage Commission Other (specify): _____

DATE OF INITIAL HEARING(S): _____

FEE AMOUNT: \$100.00

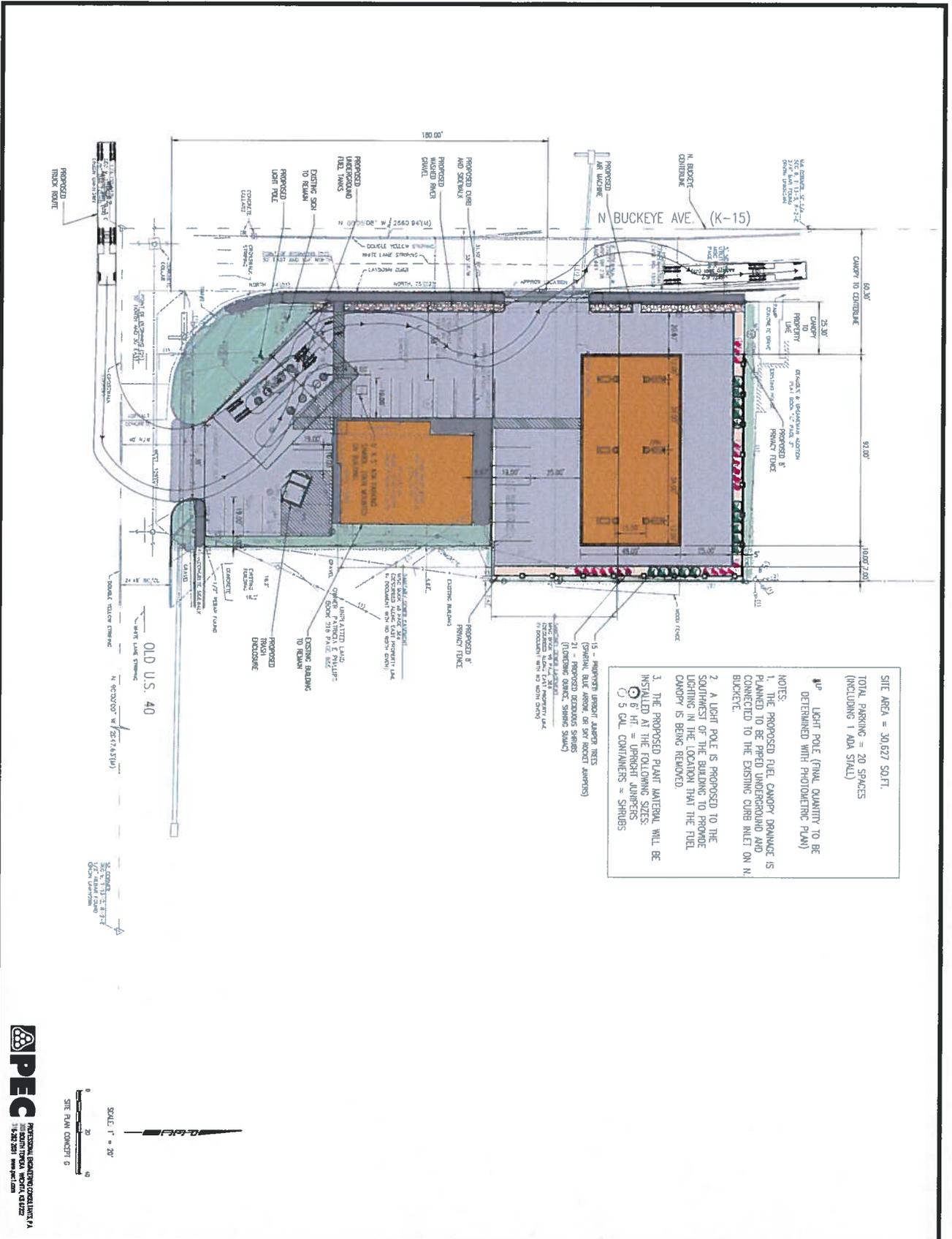
DATE FEE PAID: 11/13/14



DETERMINATION OF COMPLETE APPLICATION:

I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This certification does not preclude the review, recommendation and/or decision-making bodies from requesting additional information as deemed necessary to serve the public interest.

 Name	11/13/14 Title
_____ Signature	_____ Date



SITE AREA = 30,627 SQ. FT.
 TOTAL PARKING = 20 SPACES
 (INCLUDING 1 ADA STALL)

NOTE: LIGHT POLE (FINAL QUANTITY TO BE DETERMINED WITH PHOTO-METRIC PLAN)

NOTES:

1. THE PROPOSED PAVEMENT CANOPY DRAINAGE IS PLANNED TO BE PAVED UNDERGROUND AND CONNECTED TO THE EXISTING CURB INLET ON N. BUCKEYE.
2. A LIGHT POLE IS PROPOSED TO THE SOUTHWEST OF THE BUILDING TO PROVIDE LIGHTING IN THE LOCATION THAT THE FULL CANOPY IS BEING REMOVED.
3. THE PROPOSED PLANT MATERIAL WILL BE INSTALLED AT THE FOLLOWING SIZES:
 ○ 6' HT. = UPRIGHT JUMPERES
 ○ 5 CAL. CONTAINERS = SHRUBS



SCALE: 1" = 20'
 SITE PLAN CONCEPT C

Job No.	11424-745
Date	12-22-2014
Drawn	CAC
Checked	sec
Sheet	1 of 1

SITE PLAN

DATE	DESCRIPTION
12/22/14	CONCEPTUAL USE SITE PLAN

KWIK SHOP #745
1401 NORTH BUCKEYE
ABILENE, KANSAS



CONDITIONAL
USE SITE PLAN
NOT FOR
CONSTRUCTION

Memorandum

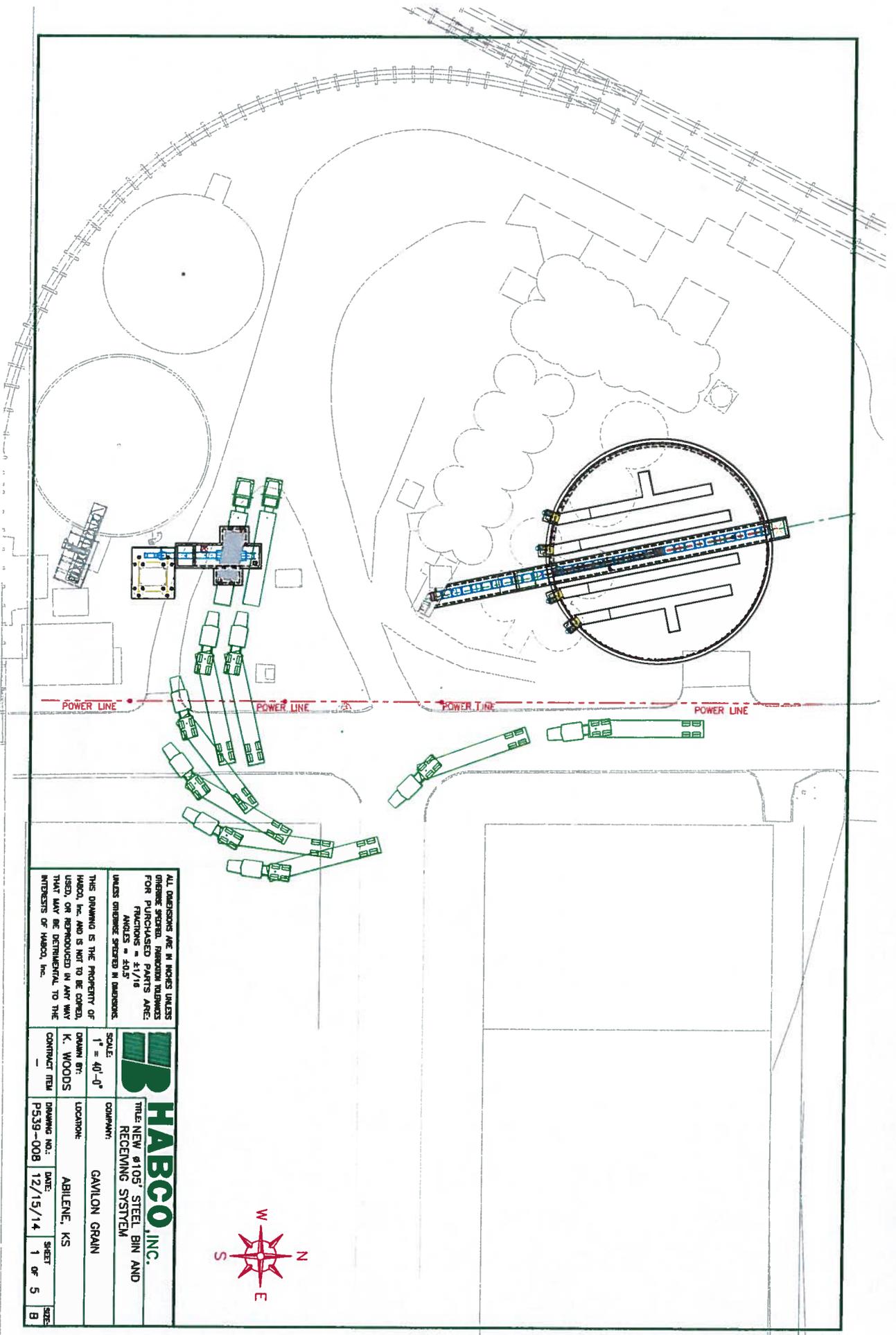
Date: January 26, 2015

To: Mayor and City Commission; David Dillner

From: Tim Hamilton – Community Development Director

Regarding: South Elm Street Right-of-Way vacation at the request of Gavilon Grain

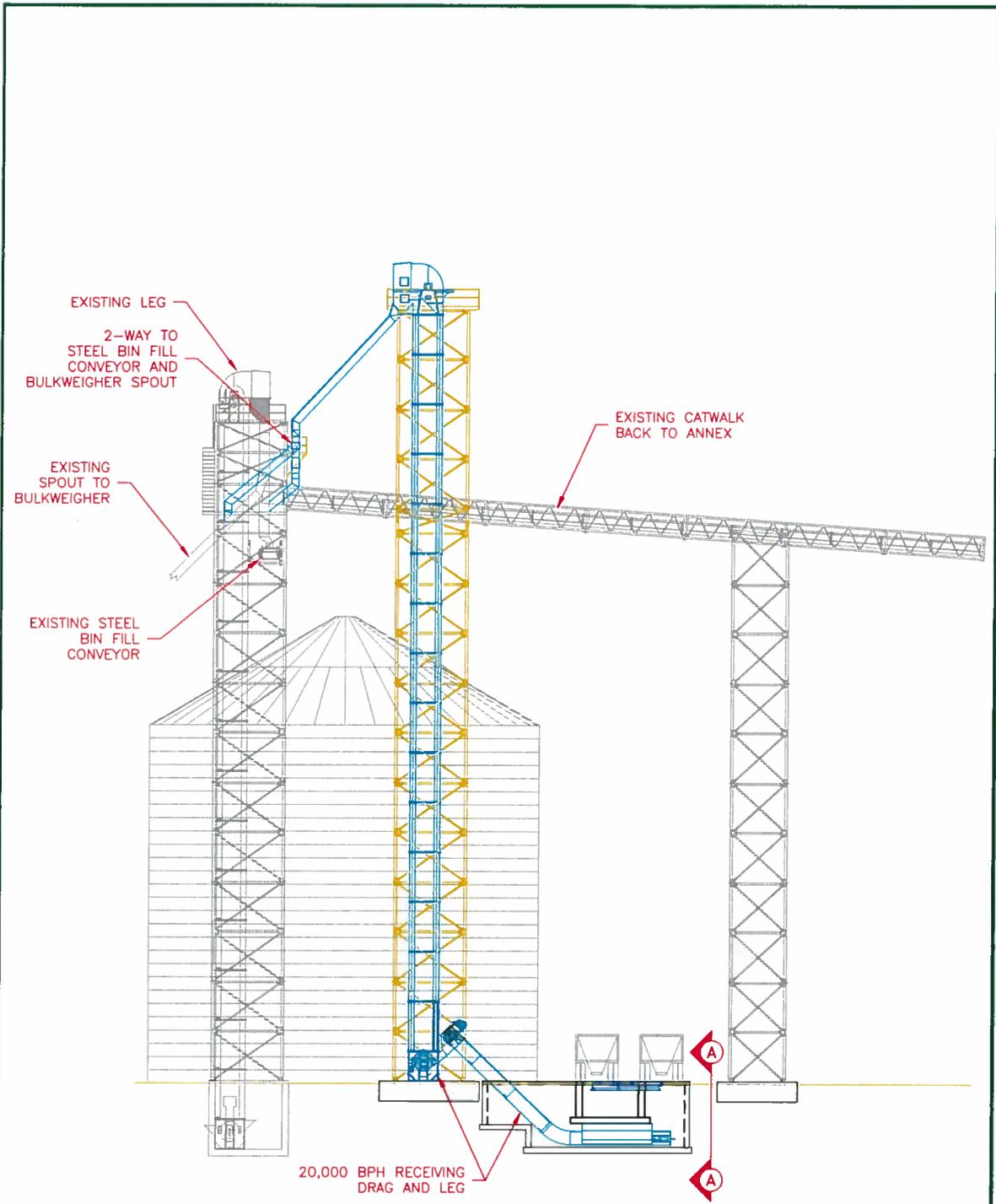
This is a request from Gavilon Grain to consider a vacation of a portion of South Elm Street. The subject Right-of-Way of South Elm is located between parcels owned by Gavilon Grain. The request is in conjunction with an expansion project which includes construction of a new grain storage silo, and receiving pit. The new receiving pit will be located further south than the current facility, which will require a wider turning radius for trucks leaving the facility. Staff is proposing, and the applicant has agreed to retain the width of the existing street for a utility easement if the Right-of-Way is vacated. Staff is recommending approval.



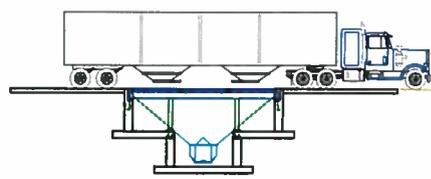
ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. DIMENSIONS UNLESS OTHERWISE SPECIFIED FOR PURCHASED PARTS ARE FRACTIONS = 31/16 ANGLES = 50LS UNLESS OTHERWISE SPECIFIED IN DIMENSIONS.

THIS DRAWING IS THE PROPERTY OF HABCO, INC. AND IS NOT TO BE COPIED, USED, OR REPRODUCED IN ANY WAY THAT MAY BE DETRIMENTAL TO THE INTERESTS OF HABCO, INC.

 HABCO, INC.		TITLE: NEW Ø105' STEEL BIN AND RECEIVING SYSTEM	
		COMPANY: GAVILON GRAN	
SCALE: 1" = 40'-0"	DRAWN BY: K. WOODS	LOCATION: ABILENE, KS	DATE: 12/15/14
CONTRACT ITEM:	DRAWING NO.: P539-008	SHEET: 1 OF 5	SIZE: 8



EAST ELEVATION VIEW LOOKING WEST
LOOKING WEST



SECTION A-A

ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. FABRICATION TOLERANCES FOR PURCHASED PARTS ARE:
FRACTIONS = ±1/16
ANGLES = ±0.5°
UNLESS OTHERWISE SPECIFIED IN DIMENSIONS.

 HABCO, INC. TITLE: NEW #105' STEEL BIN AND RECEIVING SYSTEM	COMPANY:		GAVILON GRAIN
	DRAWN BY:		K. WOODS
SCALE: 1" = 20'-0"	LOCATION:		ABILENE, KANSAS
CONTRACT ITEM	DRAWING NO.:	DATE:	SHEET:
	P539-008	12-15-14	2 OF 5
			SIZE: 8

THIS DRAWING IS THE PROPERTY OF HABCO, Inc. AND IS NOT TO BE COPIED, USED, OR REPRODUCED IN ANY WAY THAT MAY BE DETRIMENTAL TO THE INTERESTS OF HABCO, Inc.

ORDINANCE NO. _____

AN ORDINANCE VACATING A SECTION OF THE PUBLIC RIGHT-OF-WAY OF S. ELM STREET WITHIN THE CITY OF ABILENE, KANSAS

WHEREAS, the City has initiated proceedings to vacate a section of public right-of-way of S. Elm Street, but retain said section as a utility easement as described herein and in an Order Vacating Public Right-of-Way, attached hereto as **Exhibit A**;

WHEREAS, the Governing Body conducted a public hearing on February 9, 2015, and reviewed the petition and other papers filed herein, finds that due and legal notice has been given by publication as required by law, that no private rights will be injured or endangered by the requested vacation, that the public will suffer no loss or inconvenience hereby, and that in justice to the petitioner, the request ought to be granted pursuant to K.S.A. 12-504 et seq.

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

SECTION ONE. Vacation; Public Right-of-Way. That the public right-of-way legally described as follows is hereby vacated:

THAT PORTION OF SOUTH ELM STREET LYING BETWEEN BLOCKS 5, 6, 7, AND 8, ORIGINAL TOWN OF ABILENE, DICKINSON COUNTY, KANSAS, BE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 9, BLOCK 8; THENCE WEST 80 FEET TO THE NORTHEAST CORNER OF LOT 16, BLOCK 7; THENCE NORTH 15 FEET TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 7; THENCE NORTH ON THE EAST LINE OF SAID LOT 1, 140 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 80 FEET TO THE SOUTHEAST CORNER OF BLOCK 6 (PLATTED AS JONES); THENCE NORTH ON THE EAST LINE OF SAID BLOCK 6, 295 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 6; THENCE EAST 80 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK 5; THENCE SOUTH ON THE WEST LINE OF SAID LOT 8, 140 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 15 FEET TO THE NORTHWEST CORNER OF LOT 9, BLOCK 5; THENCE SOUTH ON THE WEST LINE OF SAID LOT 9, 140 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 80 FEET TO THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 8; THENCE SOUTH ON THE WEST LINE OF SAID LOT 8, 140 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 15 FEET TO THE SAID NORTHWEST CORNER OF LOT 9, BLOCK 8 AND THE POINT OF BEGINNING.

SECTION TWO. Order Vacating Public Right-of-Way. That the Mayor and City Clerk are hereby authorized to execute an Order Vacating Public Right-of-Way, and that a certified copy of such Order shall be filed with the Dickinson County Register of Deeds for appropriate action pursuant to K.S.A. 12-505.

SECTION THREE. Preservation of Utility Easement. That there be reserved to the City and the owners of lesser property rights for public utilities an easement for public facilities in said legally defined area for present uses, if any.

SECTION FOUR. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Order Vacating Public Right-of-Way

City of Abilene, Kansas

February 9, 2015



Land Bank Proposal

City of Abilene, Kansas

- A mechanism for a city to provide for the effective reutilization of property on where there are delinquent taxes and/or special assessments.
- An independent agency of a city with the primary purpose to acquire, hold, manage, and convey surplus city property through abandonment, tax foreclosure, or otherwise underutilized or distressed in order to convert such properties to productive use.

Why a Land Bank?

- An effective tool for property management.
- A way to maintain or temporarily use land for a public use.
- Provides the ability for a city to study, analyze, and evaluate potential, present, and future uses for the effective utilization of such property.

Why a Land Bank?

- Provides a way to plan for and use best efforts to consummate the sale of or other disposition of such property at such times and upon such terms and conditions deemed appropriate.
- The plan may allow for the re-use, rehabilitation, or redevelopment or properties within the community.

Why a Land Bank?

- Proceeds from the sale of land may be used for the operations of the Land Bank and/or reimburse the city for delinquent special assessments.
- Establishes and maintains records and accounts for all transactions, expenditures, and revenues concerning each individual parcel of property acquired.

Why a Land Bank?

- Takes the property out of the tax sale process for the County, which can be very costly and time consuming.
- Land Bank property is exempt from all ad valorem property taxes until it is sold or otherwise conveyed.
- A Land Bank may sell land without competitive bid.

Why a Land Bank?

- Takes the property out of the tax sale process for the County, which can be very costly and time consuming.
- Land Bank property is exempt from all ad valorem property taxes until it is sold or otherwise conveyed.

Why a Land Bank?

- Delinquent and current installations of special assessments on Land Bank property are **deferred** and **may be abated** (some or all) by action of the Land Bank governing body.
- Properties may be **re-platted** (consolidated or subdivided), held for future public purposes, transferred to the City for a public purpose, re-zoned, or made available for sale by any method deemed appropriate.

Other Considerations

- Does not defer payment of bonds for delinquent or current special assessments.
- All Land Bank meetings and transactions are still subject to KOMA and KORA, budget and cash basis laws.
- May need money for start-up costs and ongoing operations.

Other Considerations

- The Land Bank may incur costs for the maintenance of properties within the Land Bank.
- Special assessments may not be re-amortized.
- The Land Bank may need qualified personnel (in-house or contracted) to market and manage the property.

Acquisition of Land

- The Land Bank may acquire land using any of the following methods:
 - Purchase;
 - Transfer from County following a tax foreclosure; or
 - Gift or donation.
- May be commercial, residential, or vacant properties.

Land Bank Procedure

- Adopt an ordinance authorized by K.S.A. 12-5901 *et seq.*
 - Establishes who is the Land Bank, which may be the City Commission or a separate board appointed by the City Commission.
 - Establishes the purpose of the Land Bank Board.
 - Establishes powers and duties of Land Bank Board and organizational requirements.

Land Bank Procedure

- Land Bank governing body adopts organizational by-laws and policy directives:
 - Mission Statement;
 - Goals; and
 - Policies.

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING CHAPTER 6, ARTICLE 8 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, ESTABLISHING A LAND BANK FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City of Abilene recognizes that the steady economic decline of areas of the community have the potential of creating vacant and abandoned properties that would stress healthier areas of the community;

WHEREAS, land banking provides the City with a viable tool to address abandoned and tax-delinquent properties; and

WHEREAS, the City desires to establish a Land Bank as a proactive measure to return such properties to productive use.

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

SECTION ONE. That Chapter 6, Article 8 of the City Code of the City of Abilene, Kansas, be established as follows:

6-801 AUTHORITY AND GOVERNANCE. The Governing Body of the City hereby establishes the City of Abilene Land Bank (hereinafter "Land Bank" or "Bank"). The Land Bank shall be governed by a Board of Trustees ("Board") who shall be comprised of the Governing Body. The Governing Body may advance operating funds to the Bank to pay expenses of the Bank. The Bank may be dissolved by ordinance of the Governing Body. In such case, all property of the Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

6-802 GOVERNING LAW. The Bank shall be subject to the provisions of the Kansas cash basis law, K.S.A. 10-1101 et seq., and amendments thereto. The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the state. The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included and become part of the annual report of the Board. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto. All monies of the Bank which are not immediately required for the purposes of the Bank shall be invested in the manner provided by K.S.A. 12-1675, and amendments thereto.

The Bank shall make an annual report to the Governing Body on or before January 31st of each year, showing the receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory also shall be published in the official City newspaper on or before January 31st of each year. The Bank shall be subject to the provisions of K.S.A. 9-1401 et seq., and amendments thereto.

6-803 **OFFICERS AND MEETINGS.** The Mayor of the Governing Body shall serve as chairperson and the Vice Mayor shall serve as vice-chairperson. The City's Finance Director shall serve as treasurer. The treasurer shall be bonded in such amounts as the Governing Body may require. The Board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the provisions of K.S.A. 75-4317 et seq., and amendments thereto. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present. The members of the Board shall be subject to the provisions of the laws of the state of Kansas which relate to conflicts of interest, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

6-804 **BOARD INDEMNIFICATION.** Subject to the provisions of K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the Board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the Bank in any such proceeding.

6-805 **POWERS OF THE BOARD.** The Board may:

- a. Sue and be sued;
- b. Enter into contracts;
- c. Authorize the City Manager to appoint and remove staff and provide compensation thereof;
- d. Acquire, by purchase, gift or donation, and convey any real property, including easements and reversionary interests, and personal property subject to the provisions of this Article;
- e. Rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank;
- f. Exercise any other power which may be delegated to the Land Bank by the Governing Body; and
- g. Exercise any other incidental power which is necessary to carry out the purposes of the Land Bank and this Article.

6-806 TRANSFER OF PROPERTY TO THE LAND BANK. Except as otherwise provided in this Article, any property located within the corporate limits of the City and acquired by the City, Dickinson County, or other taxing subdivision within Dickinson County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this subsection. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirement and shall be exempt from any provision of law requiring a public sale.

The fee simple title to any real estate which is sold to Dickinson County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

Property subject to a foreclosure sale may only be acquired by the Board if:

- a. Such property is located within a designated Neighborhood Revitalization District, or following a finding, adopted by resolution, by the Governing Body that such acquisition serves the public interest; or
- b. But for acquisition of the property by the Board (at the sole discretion of the Board), the property would not otherwise be put to productive use.

6-807 LAND BANK PROPERTY ADMINISTRATION. The Board shall assume possession and control of any property acquired by it under this Article and shall hold and administer such property. In the administration of property, the Board shall:

- a. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate.
- b. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times.
- c. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective re-utilization of such property.
- d. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate.
- e. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues relating to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired.
- f. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.

6-808 **LAND BANK PROPERTY DISPOSITION.** The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization. The sale of any real property by the Board under the provisions of this Article on which there are delinquent special assessments to finance public improvements levied by the Governing Body shall be conditioned upon the approval of the Governing Body. The Board, for purposes of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

6-809 **TAXES AND ASSESSMENTS.** Until sold or otherwise disposed of by the Bank and except for special assessments levied by the Governing Body to finance public improvements, any property acquired by the Bank shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state.

Except for special assessments levied by the Governing Body to finance public improvements, when the Board acquires property pursuant to this Article, the County Treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.

Property held by the Bank shall remain liable for special assessments levied by a municipality to finance public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Bank.

The Governing Body may abate part or all of the special assessments it has levied, and the Bank and Governing Body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.

6-810 **USE OF PROCEEDS FROM SALE OF LAND BANK PROPERTY.** Except as provided in this Section, any moneys derived from the sale of property by the Bank shall be retained by the Bank for the purposes and operations thereof. The Board may use all or any part of the proceeds from the sale described in this Section to reimburse the City's Bond and Interest Fund for delinquent special assessments due on such property.

6-811 **NEIGHBORHOOD ADVISORY COMMITTEES.** The Board may establish separate neighborhood or City at-large advisory committees consisting of persons living or owning property within the City or within specific neighborhoods. In the case of neighborhood advisory committees, the Board shall determine the boundaries of each neighborhood. In the absence of a resolution by the Board providing otherwise, each advisory committee shall consist of not less than five nor more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the Bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

SECTION TWO. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

ORDINANCE NO. ____

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT BY THE CITY OF ABILENE, KANSAS, FOR THE ACQUISITION OF A MOTOR GRADER

WHEREAS, the Governing Body of the City of Abilene, Kansas (the "City"), according to K.S.A. 12-101 *et seq.* and K.S.A. 10-1116, has found it necessary to enter into a Lease Purchase Agreement to pay a portion of the costs of acquiring a Motor Grader for the City (the "Equipment"), as more fully described in the Lease Purchase Agreement authorized by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, AS FOLLOWS:

SECTION ONE: Authorization of Lease Purchase Agreement. The Lease Purchase Agreement between the City and Foley Equipment Company, and providing for the financing of a portion of the cost of certain Equipment, in substantially the form presented to the Governing Body on this date, is authorized and approved with such additions, revisions, or corrections as may be approved by the Mayor and City Clerk. Their approval of any such changes shall be evidenced by their execution of the Lease Purchase Agreement.

SECTION TWO: Execution of the Lease Purchase Agreement. The Mayor and the City Clerk are authorized and directed to execute the Lease Purchase Agreement on behalf of the City and to execute any ancillary certificates or documents necessary to accomplish the purposes of this Ordinance and the Lease Purchase Agreement.

SECTION THREE: Rental Payments. The Rental Payments required by the Lease Purchase Agreement shall be made from funds budgeted and appropriated for that purpose during the City's current budget year and other funds lawfully available to the City for such purpose, in accordance with the Lease Purchase Agreement, and as provided by law, and shall not be paid from any other moneys or sources (except to the extent paid from moneys attributable to proceeds from insurance policies, condemnation awards or awards resulting from defaults under certain circumstances).

SECTION FOUR: Non-Arbitrage Covenant. The City hereby covenants that so long as any of the Rental Payments remain outstanding and unpaid under the Lease Purchase Agreement, it would not make or permit use made of the proceeds from the Lease Purchase Agreement which, if such use had been reasonably expected on the date of execution and delivery, would have caused the Rental Payments to constitute "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the applicable rules and regulations of the United States Treasury Department for so long as any Rental Payments under the Lease Purchase Agreement remain outstanding and unpaid. The City hereby further covenants to take all such action in its power as may be required from time to time in order to assure the continued exclusion from gross income for the purpose of Federal income taxation of the interest component on the Rental Payments, and to comply with all provisions of the Code, as the same be amended, and any applicable rules and regulations of the United States Treasury Department under the Code.

SECTION FIVE: Designation as Qualified Tax-Exempt Obligations. The Governing Body of the City designates the Lease as a “qualified tax-exempt obligation” as defined in Section 265(b)(3) of the Code.

SECTION SIX: Effective Date. This Ordinance shall be in full force and take effect from and after its adoption and approval and its publication one time in the City’s official newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

RESOLUTION NO. 020915-2

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH MARK GUILFOYLE, P.A. CONCERNING THE CITY ATTORNEY OF THE CITY OF ABILENE, KANSAS

WHEREAS, the City of Abilene desires to enter into a Professional Services Agreement with Mark Guilfoyle, P.A. to continue to serve as City Attorney of the City of Abilene, Kansas.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

SECTION ONE. Professional Services Agreement. That a Professional Services Agreement with Mark Guilfoyle, P.A. is hereby adopted as attached hereto as **Exhibit A**.

SECTION TWO. Implementation. The Mayor is hereby authorized to execute the aforementioned Agreement, and the City Manager shall be authorized to enforce the provisions as provided therein and in applicable resolutions, ordinances, and laws.

SECTION THREE. Effective Date. That the effects of this Resolution shall be in full force after its approval by the City Commission.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Professional Services Agreement

Mark Guilfoyle, P.A.

and

City of Abilene, Kansas

February 9, 2015

CITY ATTORNEY SERVICES CONTRACT

This contract for City Attorney Services by and between the City of Abilene, Kansas, a Kansas municipal corporation, "City", and Mark A. Guilfoyle, an attorney licensed under the laws of the State of Kansas, "City Attorney" is as follows:

RECITALS

A. The City is in need of a City Attorney to provide legal services and counsel in civil matters concerning the city.

B. Mark A. Guilfoyle, desires to serve as City Attorney for the City of Abilene, Kansas, and to provide legal services and counsel to the city.

NOW, THEREFORE, in accordance with the mutual promises and the agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree to the following terms and conditions;

1. City Attorney. Mark A. Guilfoyle is hereby appointed to serve as City Attorney of the City of Abilene, Kansas, under the direction of the City Manager of the City of Abilene, Kansas. The City Attorney position is an appointed position and as such, City Attorney shall not acquire any ownership interest in the position nor shall he be entitled to proceed with an appeal under the personnel policies of the city should he be terminated.

2. Independent Contractor. The City Attorney shall be considered an independent contractor, and as such the City shall not be responsible for paying any withholding taxes, workman's compensation insurance or other benefits provided employees of the City, except as set forth below. No employee of City Attorney shall be deemed to be an employee of City.

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3. Term. The term of this agreement shall begin on March 1, 2015, and shall continue through the last day of February, 2016. This agreement will automatically continue for another one year term unless otherwise terminated by

either party. The parties agree to review the agreement annually, but no later than January 1 to determine if the contractual amount should be adjusted.

4. Contract Amount. The City agrees to pay City Attorney the sum of _____ to be paid in monthly equal increments of _____ for legal services related to City civil legal needs and counsel. City shall provide payment to the City Attorney for services rendered by the 15th of the month following the provision of said legal services.

5. Supplies and E&O Insurance. The City Attorney shall provide office, office equipment and supplies as well as office staff to perform the duties specified in this Agreement. City Attorney shall also maintain a policy of E&O Insurance (Malpractice Insurance) covering insurable monetary loss due to negligence or malfeasance on the part of City Attorney.

6. Duties. A. City Attorney shall attend all City Commission meetings, study sessions and any other meetings which City Manager deems necessary to conduct the work of the City in an efficient manner. If City Attorney is unable to attend a meeting, he shall have another attorney, pre-approved by the City Manager, appear to serve on his behalf, at the sole expense of City Attorney. If City Attorney is not available to attend a meeting, City Attorney or his assistant shall notify City Manager by phone, email or text prior to the meeting. City Attorney agrees that any absences shall not exceed eight missed meetings without legal coverage.

B. City Attorney shall prepare all legal documents necessary for the conduct of the City's business, including but not limited to: ordinances, resolutions, contracts, legal opinions and

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research needed by the City. If documents are provided by staff or another source outside of City staff, City Attorney shall review the documents and provide a legal opinion as to the sufficiency of the documents. City Attorney shall provide City staff with legal opinions and counsel in a timely manner. City Attorney shall provide such documents and counsel within ten days of a request by staff, provided that if the ten day time limit cannot be met, a completion date shall be provided to staff.

C. City Attorney shall carbon copy City Manager on all documents or advice provided to staff if such items were directly requested of City Attorney by City staff.

7. Health Insurance. City agrees that it will carry single coverage for Mark A. Guilfoyle on its insurance plan. City agrees to pay 25% of the cost of the medical insurance and Mark A. Guilfoyle shall pay 75% of the cost of the medical insurance. The portion of the cost attributable to Mark A. Guilfoyle shall be withheld by City from the monthly amount to be paid to Mark A. Guilfoyle for his services under this agreement. City also agrees to withhold and pay to Memorial Hospital or its affiliates, the monthly amount necessary for a membership to the fitness center.

8. KPERS. The City Attorney shall not be eligible for KPERS benefits and the City shall not withhold or pay for KPERS benefits for City Attorney from and after March 1, 2015.

9. Public Funds. The City Attorney shall not obligate the City for any monies or purchases, provided that City may agree to reimburse City Attorney for forms and software to produce court forms with prior approval by City Manager.

10. Continuing Education. City Attorney shall attend at least one City Attorney meeting

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at which continuing education is provided by the League of Municipalities each year. City agrees to pay for such continuing education. The cost of gas and food to attend such meeting shall be the responsibility of City Attorney.

11. Assistance to City Prosecutor. City Attorney agrees to provide City Prosecutor coverage at City Court when City Prosecutor is unable to attend and in the event of a conflict of interest. City Attorney also agrees to give City Prosecutor counsel on the operations of the City as they affect the City Prosecutor position. City Attorney has agreed to provide the City Prosecutor with a place in his office for the City Prosecutor to meet with police and victims at no cost to City.

12. Entire Agreement. This agreement contains the entire agreement

between the parties. It supersedes any previous agreements, written or unwritten, between the parties. This agreement is governed under the laws of the State of Kansas. The agreement shall not be modified unless agreed to by both parties in writing.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective duly authorized officers or representatives in duplicate, each of which shall be deemed an original but constituted one and the same agreement, effective as of March 1, 2015.

ADOPTED BY THE CITY COMMISSION OF THE CITY OF ABILENE, KANSAS, ON THE ____ DAY OF _____, 2015.

KANSAS

CITY OF ABILENE,

BY:

BRENDA FINN BOWERS,

MAYOR

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ATTEST:

PENNY SOUKUP, CITY CLERK, CMC

CITY ATTORNEY
BY:

MARK A. GUILFOYLE

RESOLUTION NO. 020915-3

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH POTTBERG, GASSMAN, AND HOFFMAN, CHARTERED, FOR FINANCIAL AUDITING AND RELATED SERVICES FOR THE YEAR ENDED DECEMBER 31, 2014

WHEREAS, the City of Abilene desires to accept an Engagement Letter prepared by Pottberg, Gassman, and Hoffman, Chartered, for the purposes of providing an auditing of the City's Financial Statements for year ended December 31, 2014; and

WHEREAS, the City also desires to accept an Engagement Letter prepared by Pottberg, Gassman, and Hoffman, Chartered, for the purposes of providing other audit-related services as provided therein.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

SECTION ONE. Engagement Letters. That the Engagement Letters prepared by Pottberg, Gassman, and Hoffman, Chartered are hereby adopted as attached hereto as **Exhibit A**.

SECTION TWO. Implementation. The Mayor is hereby authorized to execute the aforementioned Engagement Letters, and the City Manager shall be authorized to enforce the provisions as provided therein and in applicable resolutions, ordinances, and laws.

SECTION THREE. Effective Date. That the effects of this Resolution shall be in full force after its approval by the City Commission.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 9th day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Engagement Letters

Pottberg, Gassman, and Hoffman, Chartered

and

City of Abilene, Kansas

(Financial Auditing Services, Year Ended December 31, 2014)

February 9, 2015



816 N Washington
Junction City, KS 66441
(785) 238-5166
Fax (785) 238-6830

529 Humboldt, Suite 1
Manhattan, KS 66502
(785) 537-9700
Fax (785) 537-3734

505 NW 3rd, Suite 1
Abilene, KS 67410
(785) 263-2171
Fax (785) 263-3340

www.pgh-cpa.com

January 19, 2015

Mayor and City Commission
City of Abilene, KS
Abilene, Kansas 67410

We are pleased to confirm our understanding of the services we are to provide the City of Abilene, Kansas for the year ended December 31, 2014. We will audit the summary statement of receipts, expenditures, and unencumbered cash of the City of Abilene, Kansas and its related municipal entity, the Public Building Commission, as of and for the year ended December 31, 2014. We understand that the financial statement will be presented on the regulatory basis of accounting to show compliance with the cash basis and budget laws of the state of Kansas.

We have also been engaged to report on supplementary information that accompanies the City's financial statement. We will subject the supplementary information to the auditing procedures applied in our audit of the financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement or to the financial statement itself, and other additional procedures in accordance with auditing procedures generally accepted in the United States of America and will provide an opinion on it in relation to the financial statement as a whole.

Audit Objective

The objective of our audit is the expression of an opinion as to whether your financial statement is fairly presented, in all material respects, in conformity with the regulatory basis of accounting described above. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the *Kansas Municipal Audit and Accounting Guide* and will include tests of the accounting records and other procedures we consider necessary to enable us to express such an opinion. If our opinion on the financial statement is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the financial statement and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee our assistance with the preparation of your financial statement, supplementary information and related notes, assistance with budget preparation and any other nonattest services we provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation in the financial statement of the cash receipts and

MEMBERS:

American Institute of
Certified Public Accountants

Kansas Society of Certified
Public Accountants



cash expenditures of the City of Abilene, Kansas in conformity with the regulatory basis of accounting. You are responsible for including all informative disclosures that are appropriate for the regulatory basis of accounting. Those disclosures will include (1) a description of the regulatory basis of accounting, including a summary of significant accounting policies, and how the regulatory basis of accounting differs from GAAP; (2) informative disclosures similar to those required by GAAP; and (3) additional disclosures beyond those specifically required that may be necessary for the financial statement to achieve fair presentation.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statement, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statement to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statement taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statement. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws and regulations.

You are responsible for the preparation of the regulatory-required supplementary information as prescribed by the *Kansas Municipal Audit and Accounting Guide*. You agree to include our report on the regulatory-required supplementary information in any document that contains and indicates that we have reported on the regulatory-required supplementary information. You also agree to include the audited financial statement with any presentation of the regulatory-required supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the regulatory-required supplementary information in accordance with the regulatory basis of accounting; (2) that you believe the regulatory-required supplementary information, including its form and content, is fairly presented in accordance with the regulatory basis of accounting; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the regulatory-required supplementary information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically by the State of Kansas Municipal Services Division and those submitted to grantor agencies or bond council, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

With regard to using the auditors' report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement; therefore, our audit will involve judgment about the number of transactions to be

examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statement is free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statement. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and direct confirmation of receipts and certain assets by correspondence with selected agencies and financial institutions. We also may request written representations from your attorney as part of the engagement. At the conclusion of our audit, we will also require certain written representations from you about the financial statement and related matters.

Audit Procedures – Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statement and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statement is free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Audit Administration, Fees, and Other

The workpapers for this engagement will be retained for a minimum of five years after the date the auditors' report. We understand that your employees will prepare any confirmations we request and will locate any invoices selected by us for testing. We expect to begin our preliminary field work in June, and complete the audit by July 24, 2015.

Randy Gassman is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. Our fees for these services will be \$15,500. The above fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the City of Abilene, Kansas, and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very Truly Yours,

Pottberg, Gassman & Hoffman, Chartered

Pottberg, Gassman & Hoffman, Chartered

RESPONSE:

This letter correctly sets forth the understanding of the City of Abilene, Kansas.

Official Signature: _____

Title: _____



PGH Certified Public Accountants

Pottberg, Gassman & Hoffman, Chartered

816 N Washington
Junction City, KS 66441
(785) 238-5166
Fax (785) 238-6830

529 Humboldt, Suite 1
Manhattan, KS 66502
(785) 537-9700
Fax (785) 537-3734

505 NW 3rd, Suite 1
Abilene, KS 67410
(785) 263-2171
Fax (785) 263-3340

www.pgh-cpa.com

January 19, 2015

Mayor and City Commissioners
City of Abilene
Abilene, KS 67410

We are pleased to confirm our understanding of the services we are to provide the City of Abilene, Kansas (City) for the year ended December 31, 2014.

Objectives of the Engagement and Services to be Performed

We will provide assistance in preparation of your year-end financial statements. We will provide consulting services, proposing adjusting journal entries to ensure transactions are recorded as required on the regulatory basis of accounting. We will not perform management functions or make management decisions on behalf of the City. We will provide advice and recommendations to assist your City Manager in performing his functions and making decisions.

City of Abilene, Kansas Responsibilities

The City agrees to perform the following functions in connection with our Firm's provision of consulting services. You will make all management decisions and perform all management functions. You will assign a staff member, who has suitable skills, knowledge, and experience to oversee our financial statement preparation services and evaluate the adequacy and results of the services and accept responsibility for them. The City will accept responsibility for the results of the consulting services and establish and maintain internal controls over the adjusting journal entry selection process.

Our Firm's Responsibilities and Limitations for the Engagement

Pottberg, Gassman & Hoffman, Chartered will perform this service in accordance with applicable professional standards, including Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

This engagement is limited to the consulting services outlined above. Our Firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or performing management functions. Our fee for these services will be billed at our standard hourly rates not to exceed \$4,500..

We appreciate the opportunity to be of service to the City, and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

MEMBERS:
American Institute of
Certified Public Accountants

Kansas Society of Certified
Public Accountants



Very Truly Yours,

Pottberg, Gassman & Hoffman, Chartered

POTTBERG, GASSMAN & HOFFMAN, CHARTERED

RESPONSE:

This letter correctly sets forth the understanding of the City of Abilene, Kansas.

Officer Signature: _____

Title: _____

Date: _____



STATE OF KANSAS
Ron Estes
TREASURER

900 SW Jackson St. Suite 201
Topeka, Kansas 66612-1235

TELEPHONE
(785) 296-4151

KARLA EFURD
419 N BROADWAY
P O BOX 519
ABILENE, KS 67410

January 27, 2015

Dear Ms Efurd

This is notice of a distribution from the State Treasurer for Abilene, City Of. Our system sends email notices as soon as a distribution has been completed. You may have the emails sent to as many contacts as you like. Please call Lucinda at 785.296.4151 to add or modify email addresses for your notifications.

You will receive an EFT to settle 01/30/2015. The details are as follows:

Detail Description	County	Amount
Jan 2015 Sales Tax		
City Tax File	Dickinson	100,137.33
City Share From County Tax	Dickinson	40,972.17
Total for Jan 2015 Sales Tax:		\$141,109.50
Jan 2015 Compensating Use Tax		
City Tax File	Dickinson	33,762.04
City Share From County Tax	Dickinson	11,063.73
Total for Jan 2015 Compensating Use Tax:		\$44,825.77
Grand Total Amount:		\$185,935.27

Additional information can be found at <http://kansasstatetreasurer.com/prodweb/dist> or contact Lucinda Anstaett at 785.296.4151 or lucinda@treasurer.state.ks.us.

Sincerely,

Lucinda Anstaett
Director Of Cash Management

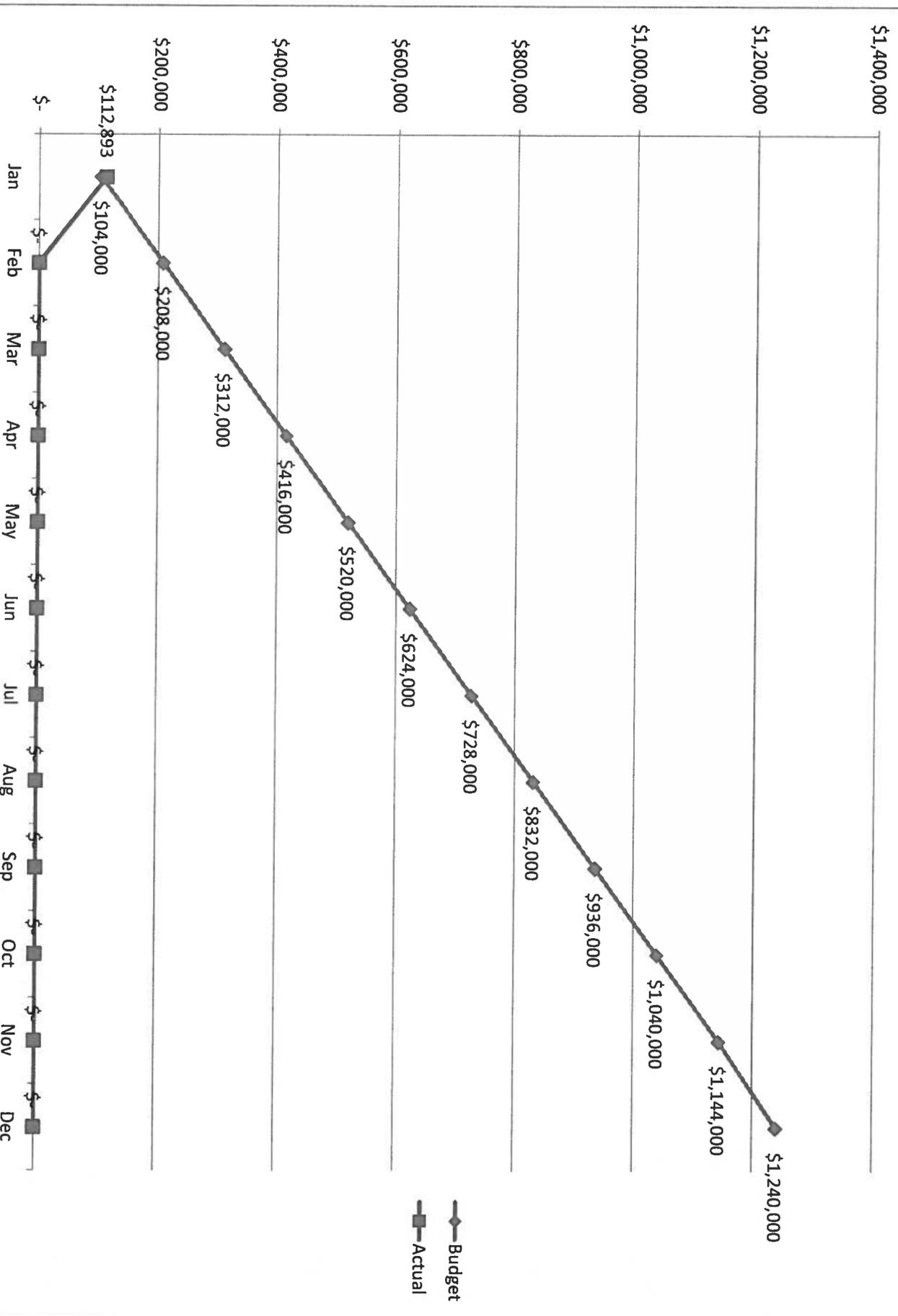
SALES TAX WORKSHEET 2015									
		SALES (CITY)	SALES (CITY SHARE OF COUNTY)	COMPENSATION (CITY)	COMPENSATION USE TAX (CITY)	COMPENSATION USE TAX (CITY SHARE OF COUNTY)	TOTAL		
TOTAL		\$ 100,137.33	\$ 40,972.17	\$	33,762.04	\$ 11,063.73	\$ 185,935.27		
GENERAL FUND (58.82% OF CITY SALES AND CITY CU TAX) 001 430070		45.45% \$ 45,512.42	\$ 40,972.17	\$	15,344.85	\$ 11,063.73	\$ 112,893.16		
GENERAL FUND STREET (22.73% OF CITY SALES AND CITY CU TAX) 037 430070		22.73% \$ 22,761.22		\$	7,674.11		\$ 30,435.33		
LIBRARY/POOL PROJECT (41.18% OF CITY SALES AND CITY CU TAX) 036 430070		31.82% \$ 31,863.70		\$	10,743.08		\$ 42,606.78		
		\$ 100,137.33	\$ 40,972.17	\$	33,762.04	\$ 11,063.73	\$ 185,935.27		

**CITY OF ABILENE
SALES TAX COLLECTIONS
CITY OF ABILENE
SALES TAX COLLECTIONS
2015**

				County - 1.25 (Jan., 1996)		County - 1.00 (July, 1997)		
2015		2015	2015	2014	2014	2014	2014	%
DATE	MONTH	CITY	COUNTY	CITY	COUNTY	MONTHLY	YEAR	OF PRIOR
REC'D	COLLECT					TOTAL	TOTALS	YEAR
1/30	November	\$60,857.27	\$52,035.89	\$51,684.52	\$47,639.40	\$99,323.92	\$105,134.83	107.379%
2/26	December	\$0.00	\$0.00	\$53,283.65	\$48,720.44	\$102,004.09	\$207,138.92	0.000%
3/24	January	\$0.00	\$0.00	\$59,524.47	\$51,015.86	\$110,540.33	\$317,679.25	0.000%
4/28	February	\$0.00	\$0.00	\$54,351.92	\$47,904.45	\$102,256.37	\$419,935.62	0.000%
5/27	March	\$0.00	\$0.00	\$53,371.27	\$52,367.31	\$105,738.58	\$525,674.20	0.000%
6/26	April	\$0.00	\$0.00	\$53,769.06	\$54,794.96	\$108,564.02	\$634,238.22	0.000%
7/23	May	\$0.00	\$0.00	\$56,140.74	\$55,231.94	\$111,372.68	\$745,610.90	0.000%
8/28	June	\$0.00	\$0.00	\$54,035.27	\$50,713.77	\$104,749.04	\$850,359.94	0.000%
9/24	July	\$0.00	\$0.00	\$50,654.03	\$49,940.16	\$100,594.19	\$950,954.13	0.000%
10/27	August	\$0.00	\$0.00	\$61,431.35	\$51,664.61	\$113,095.96	\$1,064,050.09	0.000%
11/28	September	\$0.00	\$0.00	\$51,710.92	\$48,386.89	\$100,097.81	\$1,164,147.90	0.000%
12/24	October	\$0.00	\$0.00	\$51,174.81	\$45,198.74	\$96,373.55	\$1,260,521.45	0.000%
	TOTALS	\$60,857.27	\$52,035.89	\$651,132.01	\$603,578.53	\$1,254,710.54		
	ANNUAL BUDGET					\$1,200,000.00		
	PERCENTAGE OF BUDGET RECEIVED					9.104%		
	PERCENTAGE OF BUDGET YEAR					8.333%		

NOTE: Sales tax collections and distributions lag behind by 2 months. Businesses have until the 25th of the following month to send in the sales tax report and money. The Kansas Department of Revenue has until the following month to distribute the money.

2015 SALES TAX COLLECTIONS VS. BUDGET



**CITY OF ABILENE
SALES TAX COLLECTIONS
POOL & LIBRARY PROJECTS
2015**

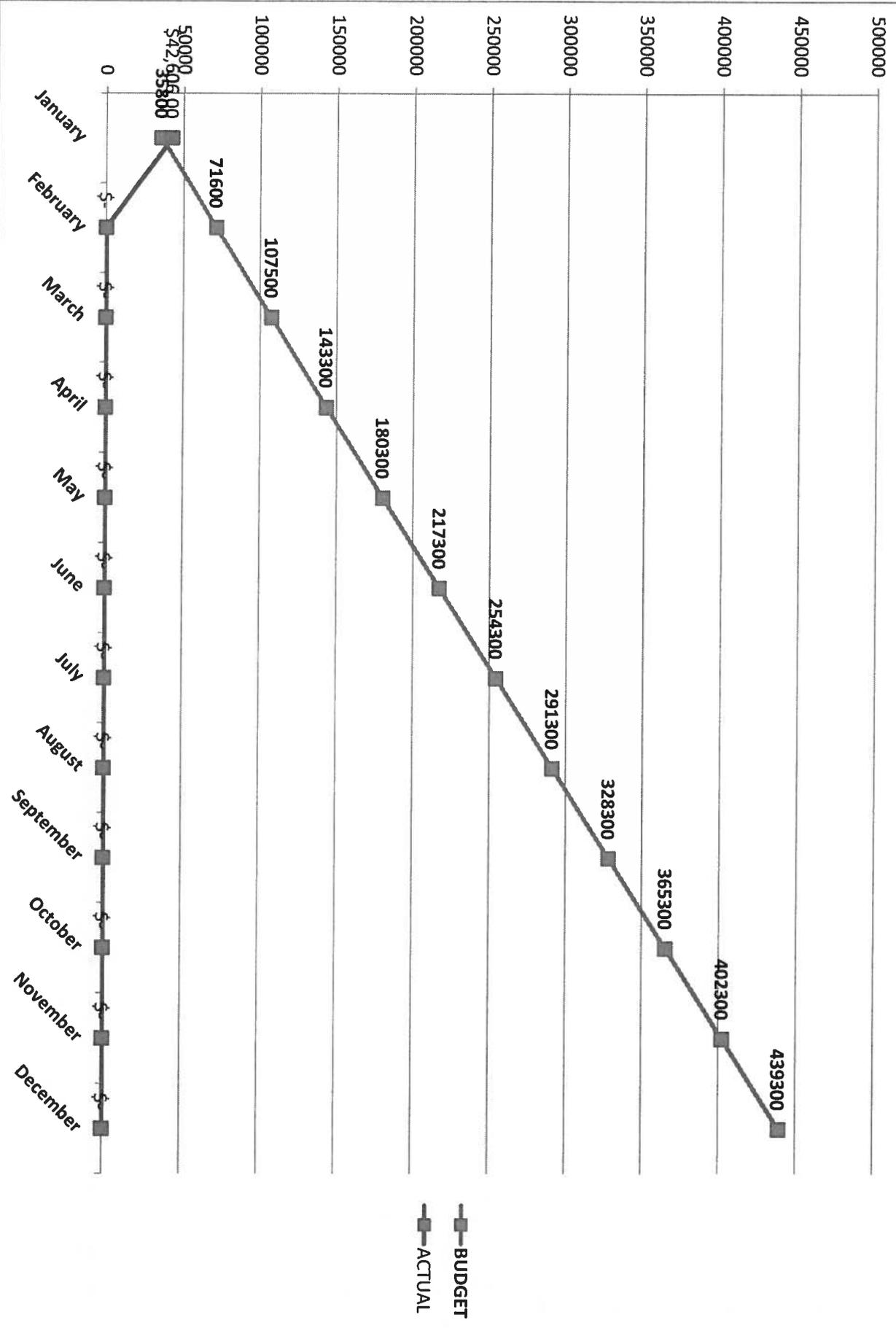
.35% SALES TAX (PASSED NOV 2007) COLLECTIONS STARTED APRIL 1, 2008 (Sunsets in 2018)

2015 DATE RECD	MONTH COLLECTED	2015 AMOUNT COLLECTED	2015 YEAR TOTALS	2014 DATE RECD	2014 AMOUNT COLLECTED	2014 YEAR TOTALS	% OF PRIOR YEAR
1/30	November	\$ 42,606.78	\$ 42,606.78	1/31	\$ 36,184.85	\$ 36,184.85	117.75%
2/26	December	\$ -	\$ -	2/25	\$ 37,304.41	\$ 73,489.26	0.00%
3/24	January	\$ -	\$ -	3/25	\$ 41,673.68	\$ 115,162.94	0.00%
4/28	February	\$ -	\$ -	4/26	\$ 38,052.33	\$ 153,215.27	0.00%
5/27	March	\$ -	\$ -	5/30	\$ 37,365.76	\$ 190,581.03	0.00%
6/26	April	\$ -	\$ -	6/25	\$ 37,644.26	\$ 228,225.29	0.00%
7/23	May	\$ -	\$ -	7/29	\$ 39,304.70	\$ 267,529.99	0.00%
8/28	June	\$ -	\$ -	8/29	\$ 37,830.63	\$ 305,360.62	0.00%
9/24	July	\$ -	\$ -	9/26	\$ 35,463.39	\$ 340,824.01	0.00%
10/27	August	\$ -	\$ -	10/30	\$ 43,008.70	\$ 383,832.71	0.00%
11/28	September	\$ -	\$ -	11/25	\$ 36,203.33	\$ 420,036.04	0.00%
12/24	October	\$ -	\$ -	12/30	\$ 38,518.35	\$ 458,554.39	0.00%
	TOTALS	\$ 42,606.78			458,554.39		

ANNUAL BUDGET \$ 454,325.00
PERCENTAGE OF BUDGET RECEIVED 9.38%
PERCENTAGE OF BUDGET YEAR 8.33%

NOTE: Sales tax collections and distributions lag behind by 2 months. Businesses have until the 25th of the following month to send in the sales tax report and money. The Kansas Department of Revenue has until the following month to distribute the money.

2015 SALES TAX LIBRARY/POOL PROJECT ACTURAL vs. BUDGET



**CITY OF ABILENE
SALES TAX COLLECTIONS SPECIAL STREET PROGRAM**

2015

April 2013 .25-Street (Sunsets in 2023)

2015	DATE	MONTH	2015	CURRENT	2014	2014	%
RECD	COLLECT	CITY	TOTALS	YEAR	CITY	TOTALS	OF PRIOR
							YEAR
1/30	November	\$30,435.33	\$30,435.33	\$25,847.94	\$25,847.94	117.748%	
2/26	December	\$0.00	\$0.00	\$26,647.68	\$52,495.62	57.977%	
3/24	January	\$0.00	\$0.00	\$29,768.78	\$82,264.40	0.000%	
4/28	February	\$0.00	\$0.00	\$27,181.94	\$109,446.34	0.000%	
5/27	March	\$0.00	\$0.00	\$26,691.51	\$136,137.85	0.000%	
6/26	April	\$0.00	\$0.00	\$26,890.45	\$163,028.30	0.000%	
7/23	May	\$0.00	\$0.00	\$28,076.55	\$191,104.85	0.000%	
8/28	June	\$0.00	\$0.00	\$27,023.58	\$218,128.43	0.000%	
9/24	July	\$0.00	\$0.00	\$25,332.59	\$243,461.02	0.000%	
10/27	August	\$0.00	\$0.00	\$30,722.43	\$274,183.45	0.000%	
11/28	September	\$0.00	\$0.00	\$25,861.15	\$300,044.60	0.000%	
	October			\$27,514.83	\$327,559.43	0.000%	
	TOTALS	\$30,435.33		\$327,559.43			
	ANNUAL BUDGET		\$ 300,000				
	PERCENTAGE OF BUDGET RECEIVED		10.15%				
	PERCENTAGE OF BUDGET YEAR		8.33%				

NOTE: Sales tax collections and distributions lag behind by 2 months. Businesses have until the 25th of the following month to send in the sales tax report and money. The Kansas Department of Revenue has until the following month to distribute the money.