

ABILENE CITY COMMISSION - REGULAR MEETING AGENDA
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
February 23, 2015 - 4:00 pm

1. **Call to Order**
2. **Roll Call:** ___ Bowers ___ Casteel ___ Payne ___ Weishaar ___ Ray
3. **Pledge of Allegiance**

Consent Agenda (*Consent Agenda items will be acted upon by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

4. Agenda Approval for the February 23, 2015 City Commission Meeting
5. Meeting Minutes: February 9, 2015 Regular Meeting
6. Resolution amending the Employee Benefits Plan for the City of Abilene, Kansas

Public Comments and Communications

7. **Public Comments.** Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of 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.
8. **Declaration.** At this time City Commissioners may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

Proclamations and Recognition

9. **None**

Public Hearings

10. **None**

Old Business

11. **Consideration of 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.**
12. **Consideration of 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.**

New Business

13. **Consideration of a Resolution approving a Letter Support concerning the designation of the Chisholm and Great Western Trails as National Historic Trails by the National Parks Service.**
14. **Consideration of a Resolution amending the Airport Capital Improvement Program for the City of Abilene, Kansas.**
15. **Consideration of a Resolution opposing the Kansas State Legislature's consideration of making Municipal Elections partisan and moving to the fall of even numbered years.**
16. **Consideration of a Resolution amending an Agreement dated March 8, 2010 for Airport Technical Engineering Services with Jerry Miller Electronics.**

Reports

17. City Manager Reports:

- a. Expenditures Report

Adjournment

18. Consideration of a motion to adjourn the February 23, 2015 City Commission meeting.

Future Meeting Reminders: *(All meeting at Abilene Public Library unless otherwise noted)*

- Convention & Visitor's Bureau, February 24 at 2:00 pm, (Civic Center)
- Library Board, March 2 at 4:00 pm
- Kid's Council, March 2 at 6:00 pm (Frontier Estates)
- Commission Study Session, March 3 at 7 pm
- City Commission Meeting, March 9 at 4:00 pm
- Planning Commission, March 10 at 4:30 pm
- Sister City Committee, March 10 at 7 pm (Civic Center)

Abilene City Commission Minutes
Abilene Public Library
February 9, 2015 @ 4:00 p.m.
Abilene, Kansas

1. Call to Order

2. Roll Call – City Commission Present: Vice-Mayor Casteel, Commissioners Ray, Weishaar and Payne.
Absent: Mayor Bowers.

Staff Present: City Manager Dillner, Human Resources Director/City Clerk Soukup, City Attorney Guilfoyle, Community Development Director Hamilton, Police Chief Heimer, Parks and Recreation Director Foltz and Public Works Director Schrader.

Others Present: Beth Weibert, Scott Sorrows, Richard VanNess, Lisa Seiser, Rod Markley, Timothy Shafer, Jeff Hertz, Sherry Hooper, Hank Royer, Clay Brasher, Jennifer Callis, Torey Berndt and Casey Callis.

3. Pledge of Allegiance – Vice-Mayor Casteel led the Pledge of Allegiance.

Consent Agenda

4. Agenda Approval for the February 9, 2015 City Commission Meeting

5. Meeting Minutes: January 26, 2015, Regular Meeting

6. Resolution amending a Professional Services Agreement with Mark Guilfoyle, P.A.

7. Resolution approving Auditing Services to be provided by Pottberg, Gassman and Hoffman, Chartered.

Item 19 on the agenda moved to the consent agenda. Authorizing the City Manager to solicit Professional Engineering Services for the NE Drainage Project.

Motion by Commissioner Weishaar, seconded by Commissioner Ray to approve the Consent Agenda with the addition of item #19 on the agenda moved to the consent agenda as presented. Motion carried unanimously 4-0.

Public Comments and Communications

8. Public Comments. Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of 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 (3) minutes. Any presentation is for informational purposes only. No action will be taken.

Vice-Mayor Casteel asked for any comments or communications from the public that are not on the agenda.

There were no public comments or communications.

9. Declaration. At this time City Commissioners may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

There were no declarations.

Proclamations and Recognition

10. Recognition of Joycelyn Lucas-Randle for her service as City Prosecutor.

City Manager Dillner presented Joycelyn a service award for her years of service as prosecutor with the City of Abilene.

Public Hearings

11. A Public Hearing for the purposes of hearing objections from the public concerning the vacation of a sixty-foot wide section of public right-of-way, generally described as S. Elm Street from W. 1st Street South at the request of Gavilon.

City Manager Dillner explained the request for a vacation by Gavilon. They would like to change the flow of traffic through their facility and feel by doing the vacation they would be able to accomplish this. They do own the property on both the West and the East side of S. Elm Street from 1st Street to Elm. They are here to answer any questions.

Vice Mayor Casteel opened the Public Hearing at 4:06 p.m.

Hank Royer said that initially this hearing is not appropriate to be held at this time. There are statutory requirements that have to be followed in order to hold a hearing especially one that involves real estate. The notice in the paper appeared on January 20th and when I called today at 1:38 p.m. no petition for vacation had been filed. So you have scheduled something that wasn't requested properly. After my call there was apparently a copy of an application from Gavilon Grain LLC dated today at 2:23 p.m. requesting a vacation of the street. Section 12-504 requires the owners of both sides of the street to apply and it requires that the notice in the newspaper shall state that a petition has been filed in office of the City Clerk praying for such vacation. The language in the notice did not say a petition has been filed because it had not been. More problematic is the document I obtained from the Dickinson County Register of Deeds this morning. Gavilon grain does not own any of that land it was transferred on February 1st to a new entity known as Flint Hills Grain, LLC so when they filed the petition today they do not own the land. You cannot have a hearing today without having the right applicant apply for it. As of today Gavilon Grain does not own any land in Abilene, Kansas. You do not have the authority to have this hearing today because the owners are not here and the petition was not filed timely. I suggest the proceedings should end at this point. I would ask Mark Guilfoyle to rule on this.

City Attorney Guilfoyle said he would suggest that since we didn't know the property had been transferred to someone else we were going by what was there at the time and the information that was provided. Technically Hank is correct on that so I would just stop the Public Hearing and start over again and move forward from there.

Vice Mayor closed the Public Hearing at 4:12 p.m.

Hank Royer also informed us that there has been construction going on down there for quite some time and there was not a building permit issued until today and it was in Gavilons name and they don't own the land.

Old Business

12. There was no old business.

New Business

13. 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.

Community Development Director Hamilton said that a Public Hearing was held October 14th by the Planning Commission to consider an application submitted by Jeff and Monica Hertz for rezoning. The Planning Commission determined on a 6 – 1 vote that a change in zoning would not constitute an encroachment of an inappropriate use. The approval of the rezoning request is based on the following considerations. Character of the neighborhood, the zoning and uses of properties nearby and the extent to which removal of the present zoning will have a detrimental effect on nearby property. There was a protest petition submitted signed by 20% of the notified residents within 200 feet of the subject parcel. An approval of this request will require a ¾ vote as opposed to a simple majority. The Planning Commission considered a request for a Conditional Use Permit on January 13, 2015 and voted unanimously to approve the submitted site plan. A protest petition was filed regarding this request and will also require a ¾ vote. The commission would be making 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 the attached site plan. He read the options for the Commission to consider and the factors to be considered were included with the information provided to the Commission.

City Attorney Guilfoyle said that both this item and the next item on the agenda are tied together and the conditional use permit will take a super majority to pass that. Mayor Bowers is ill today, she wants to be available to vote on this matter. I am suggesting that you table items 13 & 14 of the agenda and to take them up again on the next scheduled regular meeting.

Motion by Commissioner Weishaar Ray, seconded by Commissioner Ray to table both items 13 & 14 of this agenda. Motion carried unanimously 4-0.

14. 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.

This item was tabled.

15. An Ordinance vacating a section of the Public Right-of-Way of S. Elm Street within the City of Abilene, Kansas.

Motion by Commissioner Weishaar, seconded by Commissioner Ray to table item 15 to a time to be determined in the future. Motion carried unanimously 4-0.

16. An Ordinance establishing Chapter 6, Article 8 of the City Code of the City of Abilene, Kansas, establishing a Land Bank.

City Manager Dillner said that this would establish a new chapter in the City Code for a land bank for vacant or delinquent properties. We can acquire land or accept donations and hold it in the land bank and then determine how to convey and under what circumstances and prices to convey it. As long as the land bank holds the land it

exempt from property taxes. He explained this law was passed recently to allow land banks and we have looked into it due to the Highlands Addition.

Motion by Commissioner Weishaar, seconded by Commissioner Ray to adopt Ordinance 3265, **An Ordinance establishing Chapter 6, Article 8 of the City Code of the City of Abilene, Kansas, establishing a Land Bank.** Motion carried unanimously 4-0.

17. An Ordinance temporarily suspending specific provisions of Section 7-901 of the City Code of the City of Abilene, Kansas, concerning Conservation and Emergency Tier Water Rates.

City Manager Dillner said that this in response to a technical issue that we have been experiencing over the last couple of months. We are in the process of converting our meter reader radio read from one system to another system. The plan had been to do that over a 10 year period. However the current system has had some issues with respect to reading the actual radio reads as a result of that the last couple of month we have had to manually read those meters. The delay in reading has caused some of our water customers to be billed for excessive charge for water that they would not have been billed otherwise. This Ordinance will suspend the emergency tier water rates until we can get a permanent solution to fix these issues. We had a total of excessive charges in November and December of 20,148.00. We would propose to grant credits to those water customers.

Motion by Commissioner Ray, seconded by Commissioner Payne to adopt Ordinance 3266, **An Ordinance temporarily suspending specific provisions of Section 7-901 of the City Code of the City of Abilene, Kansas, concerning Conservation and Emergency Tier Water Rates.** Motion carried unanimously 4-0.

18. An Ordinance authorizing the execution of a Lease Purchase Agreement by the City of Abilene, Kansas, for the acquisition of a motor grader.

City Manager Dillner said that this will authorize the lease purchase for a gently used motor grader for 170,000.00 and trade in the existing motor grader for 10,000.00 so the lease purchase would be for 160,000.00. It would be approximately 25,000.00 a year for seven years and then after that we would own it.

Motion by Commissioner Ray, seconded by Commissioner Weishaar to adopt Ordinance 3267, **An Ordinance authorizing the execution of a Lease Purchase Agreement by the City of Abilene, Kansas, for the acquisition of a motor grader.** Motion carried unanimously 4-0.

19. A Resolution authorizing the City Manager to solicit Professional Engineering Services for the NE Drainage Project.

This item was moved to the Consent Agenda.

20. A Resolution authorizing the Abilene Fire Department to conduct a controlled burn on private property commonly known as the Highlands for property maintenance purposes.

City Manager Dillner said this resolution will authorize the Public Works Department to do some preliminary prep work and authorize the Abilene Fire Department to conduct a controlled burn at the Highlands. The property owner has agreed to pay the City for time and costs of about \$6000.00.

Motion by Commissioner Payne, seconded by Commissioner Ray to approve Resolution 020915-4, **authorizing the Abilene Fire Department to conduct a controlled burn on private property commonly known as the Highlands for property maintenance purposes.** Motion carried unanimously 4-0.

Reports

21. City Manager Reports

a. Expenditure Report

City Manager Dillner announced that there will be a joint City/County Meeting on March 11 @ noon.

The Airport Board has made some change to their CIP plan to include an apron expansion and six bay T-Hangers.

Adjournment

22. Consideration of a motion to adjourn the February 9, 2015 City Commission meeting.

Motion by Commissioner Weishaar, seconded by Commissioner Ray to adjourn at 4:36 p.m. Motion carried unanimously 4-0.

(Seal)

Angela Casteel, Vice-Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

RESOLUTION NO. 022315-1

A RESOLUTION AMENDING THE EMPLOYEE BENEFITS PLAN FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City Commission has adopted an Employee Benefits Plan providing for health insurance for employees of the City of Abilene;

WHEREAS, the City Commission recognizes the value of adopting an Employee Benefits Plan that provides for the well-being of employees and also promotes the recruitment and retention of employees;

WHEREAS, the Employee Health Insurance Committee has reviewed the Employee Benefits Plan and recommended amendments thereto for the City Commission's review and consideration.

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

SECTION ONE. Employee Benefits Plan; Amended. That the Employee Benefits Plan, as prepared by Freedom Claims 101, shall be hereby amended as provided in **Exhibit A**.

SECTION TWO. Implementation. The City Manager is hereby authorized to implement changes to the Employee Benefits Plan as provided in the approved Employee Benefits Plan document and this Resolution as provided in applicable resolutions, ordinances, and laws.

SECTION THREE. Repeal. Adoption of this Resolution supersedes and repeals all previous Employee Benefits Plans adopted by the City of Abilene, Kansas.

SECTION FOUR. Effective Date. That the effects of this Resolution shall be in full force and effect as of March 1, 2015.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Employee Benefits Plan

for the

City of Abilene, Kansas

February 23, 2015

Health Benefits Plan for the Employees

City of Abilene

Effective Date: March 1, 2015		FreedomChoice	
Base Plan Financial Program "Umbrella Plan" Insurance Carrier PPO Provider Network PPO Network Website		Freedom Claims Management, Inc. Medical Expense Reimbursement Plan Current Carrier Current Carrier Current Carrier	
		PPO Network	Non-Network
Base Plan	Amounts Paid By The Member...		
PLAN YEAR Employee Deductible <i>Deductible Restarts every March 1st</i>	Single Family Limitation	\$1,000 \$2,000	\$2,000 \$4,000
Employee Cost Share Percentages AFTER Deductible Base Plan Out-of-Pocket Maximum AFTER Deductible <i>Before 1st \$5,000 Limit Reached</i>	Single Family Limitation	30% \$1,000 \$2,000	40% \$3,200 \$6,400
Copays Paid by Member "Per Visit" <i>"Services performed " are subject to Deductible. Deductible applies after Emergency Room Copayment made</i>	Primary Care MD Specialist Physician Urgent Care Facility Emergency Room Inpatient Admission Copay Chiropractic	\$20 \$40 \$40 \$150 \$250 \$20	Deductible Deductible Deductible Deductible Deductible
Prescription Drug Card Benefit <i>Prescription Drug Services, administration & Mail Order under the Base Plan are provided by Serve You & their network of pharmacies</i>	Mandatory Generic Generic Drugs Preferred Brand Non-Preferred Brand Specialty	Retail Copays \$3/\$15 \$30 \$55	3 Months Supply \$6.00/\$30.00 \$75.00 \$165.00
Routine Preventive Care Outpatient Lab / Radiology Expenses Physician Office Visit Lab / Radiology	Per Person Per Person Per Person	Paid by Current Carrier 100% to \$200 at Facility Paid by Current Carrier	Deductible Deductible Deductible
Vision Exam Benefit		Exam Only	Deductible
		(Employee may purchase Vision "Materials" Upgrade - On a Voluntary Basis)	

Base Plan: Member pays their share of the costs. Your Employer pays the balance of these costs until the Insurance Carrier "Umbrella" Threshold is reached (e.g. \$5,000). Base Plan claims are processed by Freedom Claims Management, Inc. your Health Plan Administrator, after first being submitted to Current Carrier, the insurance company, for claim discounting and review.

Please direct ALL questions to → Freedom Claims Management, Inc. at 1-866-792-9151

Umbrella Plan	Applies to Claims Exceeding this Threshold →	\$5,000	\$10,000
Additional Copays Will Apply After Threshold Reached...		...Other Copays Continue	
Employee Cost Share Percentages after "Umbrella" Level Reached...		0%	30%
"Umbrella" Level Out-of-Pocket Maximum (including deductible, Copayments, and Coinsurance)	Single Family Limitation	\$6,000 2x	\$12,000 2x
Lifetime Maximum		Unlimited	

Umbrella Plan: When claim amounts reach the INSURANCE CARRIER THRESHOLD (e.g. \$5,000), the amounts exceeding the THRESHOLD are paid DIRECTLY by the carrier to the provider or member, with exceptions.

Please refer to the final Schedule of Benefits in the Summary Plan Description for FreedomChoice and the certificate of coverage from your Current Carrier for actual details on cost share amounts and all other eligible or ineligible expenses which supersede this handout. This is not a legal document.

ID CARDS: You will have two ID Cards. Present both of them to your providers and pharmacy. Current Carrier Plan will review the claim first and apply the PPO discount. Freedom Claims Management, Inc. will coordinate your reimbursement as secondary payor.

Maximum benefits are available when services are received from Current Carrier providers. Your financial responsibility is based on the provider network you select. Use of Non-Network providers increases your financial responsibility. Pre-Certification is required with Current Carrier to maximize benefit reimbursement.

Effective Date: March 1, 2015	
Dental Plan	
PLAN YEAR Maximum Benefits (Combined for Type 1,2 & 3)	\$1,500
Benefit Percentages:	
Type 1 - Preventive Services	100%
Type 2 - Basic and Restorative	50%
Type 3 - Major Services	50%
CONTRACT YEAR Deductibles:	
Type 1 - Preventive Services	None
Type 2 - Basic and Restorative	\$25 \$50 Family
Type 3 - Major Services	\$25 \$50 Family

This is a brief overview of benefits. See your plan booklet for a complete listing of coverages and limitations.

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.

City of Abilene City Commissioners,

It was disappointing the public did not have an opportunity to address the Conditional Use Permit and Site Plan with the City Commission at the Feb. 3 study session. The Commission got to hear brief comments from the Dillons representative and advocate of the plan Mr. Hamilton, but the residents that this greatly affects had no voice in the matter.

On January 13, the planning commission reviewed and approved a Conditional Use Permit submitted by Kwik Shop Inc. The permit will allow the construction of a rather large gas pump 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 allows Kwik Shop to construct gas pumps within 70 feet of our back door. The Kwik Shop expansion according to the site plan includes tripling the gas pump facilities. The suggested expansion item poses 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 for decisions of this magnitude. Regulation 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. Building a gas canopy with 6 gas pumps next to properties with homes and families is not compatible. This greatly jeopardizes our health and safety. Exposure to dangerous chemicals in gas either in liquid form or toxic fumes has detrimental effects on health. 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 how that compares to other similar gas stations or if this is a lot or an insignificant amount. All I know is gas is being spilled and the potential of contamination is occurring. Tripling the gas pump facilities and placing it next to our homes greatly increases the risk of exposure to toxic chemicals that are directly linked to blood diseases including leukemia. It is obvious this conditional use is NOT compatible with our neighborhood.
- **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." Kwik Shop

and the City Commission need to give great attention to this factor. Explain to us home owners in the area affected how this will NOT have an adverse affect on our properties. Building 6 gas pumps next to residential homes will only have an adverse affect.

Approval of the Conditional Use Permit will allow Kwik Shop to expand their gas pump service within a few 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.

If in the event the rezoning permit and the conditional use permit are approved, please consider these conditions and options.

CONDITIONS

1. The 8 foot privacy fence is not adequate. A 10-12 foot fence will create a better barrier to the Kwik Shop encroachment. The homes around Kwik Shop set higher in slop, we literally look down on the Kwik Shop facilities. My home sets at least 4-6 feet higher than Kwik Shop. Placing an 8 foot fence is essentially creating a 4 foot barrier. The fence needs to be taller!
2. In addition, a permanent fence structure needs to be constructed that requires no maintenance. A fence that requires NO waterproofing, stain, or paint. Being a neighbor to Kwik Shop for 14 years, they have not demonstrated an ability to maintain their property in terms of beautification. If they are allowed to construct a fence that requires yearly paint, stain, or waterproofing, it simply will not happen and in matter of a short time period the fence will be just another eye sore to the neighborhood. I suggest a rock wall like something you would see in Manhattan, or a brick wall, or anything else that is maintenance free, is well constructed and looks nice should be considered.
3. Reduce the gas pump amount and canopy size. Tripling the size of the gas pump service to 6 pumps is not necessary or needed. Other large gas stations in Abilene have a 4 pump service area. Kwik Shop is overcrowding the space and creating yet another problem of traffic congestion.
4. Remodeling the Kwik Shop building needs to be addressed. According to the site plan, the proposed gas pump canopy will be constructed on the back side of the building that has no visible access from within the building. This is a huge safety concern not only for the neighbors but for Kwik Shop as well. I challenge the commission to find another gas service station that has gas pumps visually closed off to the attendants working inside the building. The north side of the building needs to be remodeled to include windows, so the attendants working will have visibility of the gas pumps.
5. The residents on the block should be given a \$500-\$1000 landscaping budget to plant a visual barrier between the Kwik Shop property and our own personal property. I would like to plant trees and shrubs along the perimeter of my fence that will visually block off the Kwik Shop debacle. This sounds unreasonable, but we are not the ones creating this problem. Dillons will be destroying our neighborhood, jeopardizing the health and safety of residents, so putting up some cash for landscaping is the least they could do.

Several months ago when this nightmare started, the planning commission made a big deal about comparing this situation with what was done for Sonic. I argued the comparison is not appropriate because the type of business is completely different including the hazardous chemicals, constant noise 24 hours a day, toxic fumes, intrusive light at night, and business hours each place is open. However, since the comparison was made, lets reflect what actually happened with Sonic. After modifications to the original site plan, Sonic made appropriate changes that was much more suitable for their property. Sonic completely rebuilt which included repositioning their building and parking stalls to accommodate traffic flow and congestion. Sonic got it right! They did things correct to improve their business, making it more attractive and appropriate for their property. Kwik Shop's site plan is a hodgepodge mess. An opportunity exists for rectifying the site plan and forcing Kwik Shop to develop a plan that is much more suitable for the neighborhood and effectively addresses the need for improved access, traffic flow and lot congestion. Make Kwik Shop get it right, do not settle for second rate mediocre plan.

Last night (2-3-15) at the the city commission planning session, we heard of a flooding situation occurring in the Dawson Estates residential neighborhood. The Commission brought up the question of why only one street level drain was installed. The answer is clear, poor planning. Due to poor planning not enough drainage was installed when this area was being developed and now the residents are suffering from a poor drainage system that is causing flooding. Additionally, during the planning session, the commission was presented several options for addressing the flooding problem, something that has not happened with the Kwik Shop situation. The Kwik Shop site plan is a poor plan that is creating problems for area residents. Options to this poor plan should be explored by the planning and city commission.

OPTION

- Demolish the current building and the house immediately north of the Kwik Shop building. Build a new Kwik Shop on the lot where the brown house exists. The new building would face south toward 14th street with the canopy of gas pumps in front of the building. Repositioning the building (much like Sonic did) will allow adequate space for the larger gas pump canopy and parking. The second lot north of Kwik Shop can remain untouched and a residential home.

When faced with problems, a fair amount of creative problem solving and brainstorming options should occur. A solution should then be adapted to meet the needs of all who are affected. The solution should not create more problems. A solution should not endanger the health and safety of others. The Conditional Use Permit and Kwik Shop site plan are not effective solutions.

I ask the Commission to fully exhaust the examination of the regulations factors in Section 26-110. Use the factor guidelines to make your decision. I also ask you to consider conditions and options that may be much more suitable.

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

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.

ORDINANCE NO. 3262

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

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 by the Governing Body of the City of Abilene, Kansas this 23rd day of February, 2015.

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

Rezoning Map and Application

for

1407 N. Buckeye Avenue

City of Abilene, Kansas

February 23, 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 08 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, Telephone: 6206698504, BUSINESS NAME: Kwik Shop, Inc., City: Hutchinson, State: KS, ZIP: 67501

PROPERTY OWNER (If Different from Applicant/Agent):

NAME: Jeff L. and Monica J. Hertz, Telephone: 479-0805, BUSINESS NAME: hertzonaahill@gmail.com, City: Abilene, State: KS, ZIP: 67410

ENGINEER/ARCHITECT/SURVEYOR:

NAME: Jason Loader, Telephone: 7857625040, BUSINESS NAME: Kaw Valley Engineering, 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 Applicant Signature

9/15/14 Date

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 14-5 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:	<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">North</td> <td><i>R-1 Single Family Residential District (Residential Use)</i></td> </tr> <tr> <td>South</td> <td><i>B-3 Highway Business District (Residential structure)</i></td> </tr> <tr> <td>East</td> <td><i>R-1 Single Family Residential District (Residential use)</i></td> </tr> <tr> <td>West</td> <td><i>B-3 Highway Business District (Commercial use)</i></td> </tr> </table>	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>
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.								

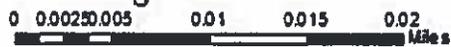
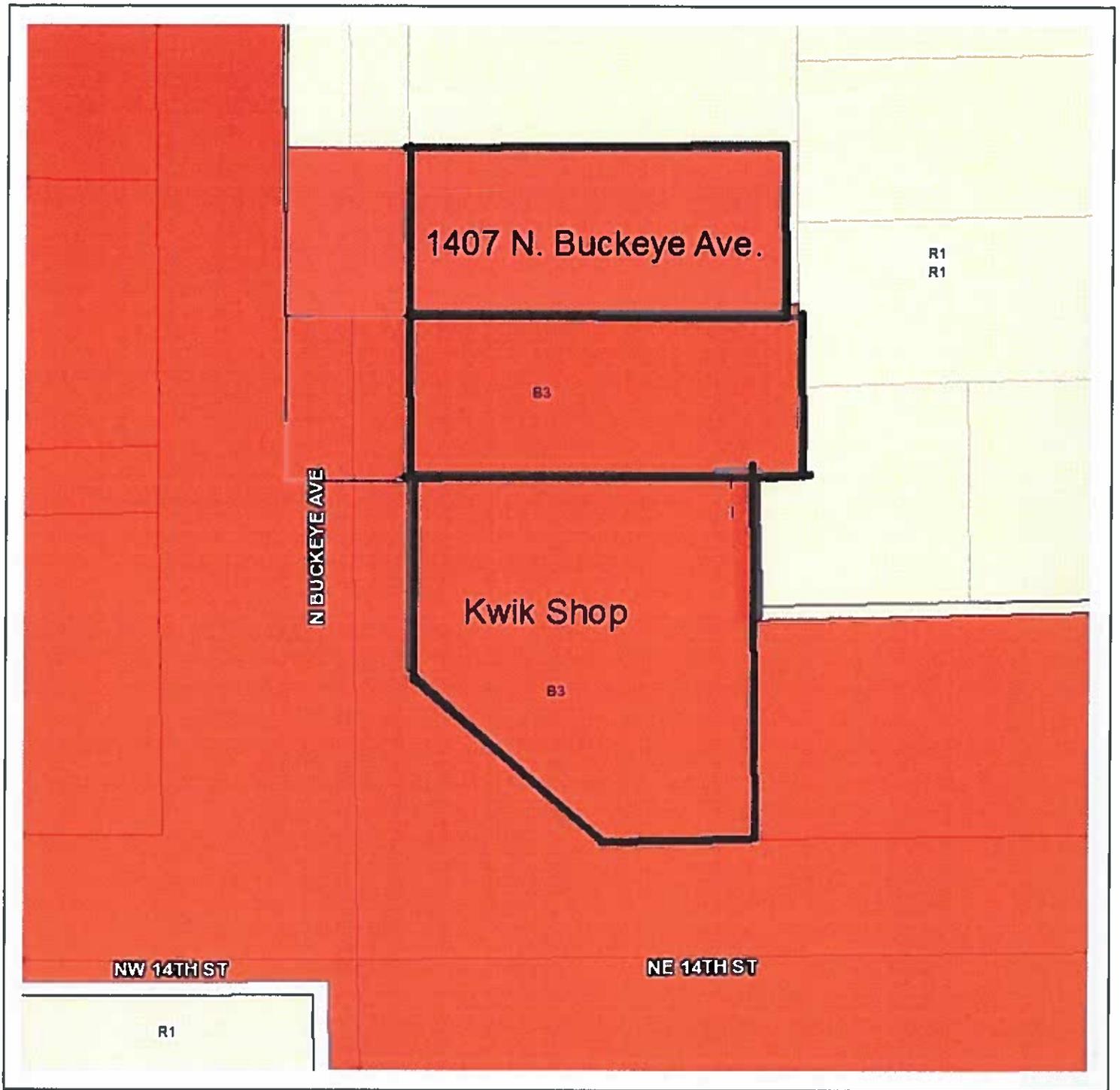
COMMENTS & FINDINGS

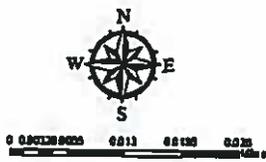
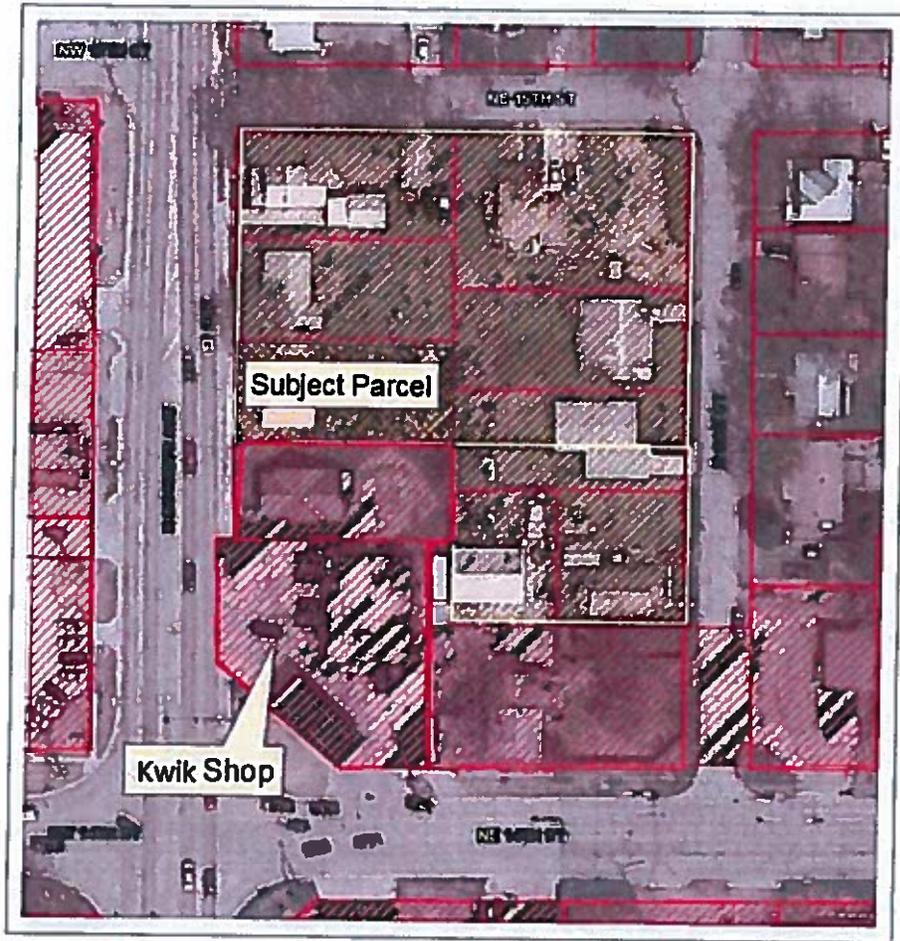
1. This property is currently under contract for purchase by the existing commercial property owned by Kwik Shop located at the Northeast corner of 14th Street and Buckeye.
2. Kwik Shop would like to expand and reconfigure their current arrangement to improve access to the property.
3. This property 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:





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.

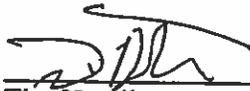
There was discussion.

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
for 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.

<u>Deanna Gale</u>	<u>1417 N Oak</u>
Protestor(s)	Property Owned
Signatures(s)	
<u>Allen Gale</u>	<u>1417 N. Oak, Abilene</u>
<u>Jimmie Brewer</u>	<u>1408 N. Oak Abilene</u>
<u>Tanner Dawson</u>	<u>1404 N oak Abilene</u>
<u>Scott Lang</u>	<u>111 N.E. 15th Abilene</u>
<u>Sharon Rutz</u>	<u>1409 N Buckeye</u>
<u>Patricia E Phillips</u>	<u>1411 N Buckeye</u>
<u>Paul Tractor</u>	<u>109 NE 14th Abilene</u>
<u>Jim Jager</u>	<u>1405 N Oak</u>
<u>Casey L. Alt</u>	<u>1405 N OAK</u>
<u>Janelle Wohlman</u>	<u>108 N.E. 15th, Abilene</u>
<u>Kent Mellum</u>	<u>1419 N. Oak St. Abilene</u>
	<u>1419 N. Oak St. Abilene</u>

Jennifer Edmondson

1406 N. Oak St
Abilene KS 67410

Jennifer Edmondson

1406 N. 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 of 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 let's 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 effects 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 or 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. 3263

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 and in opposition to the proposed Conditional Use Permit; 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: 1) the applicant will install a privacy fence made of durable material, such as composite or vinyl material, with a minimum height of eight feet; and 2) will provide 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 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 ADOPTED by the Governing Body of the City of Abilene, Kansas this 23rd day of February, 2015.

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 23, 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"/> ANNEXATION <input type="checkbox"/> CERTIFICATE OF APPROPRIATENESS <input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT <input checked="" type="checkbox"/> CONDITIONAL USE PERMIT <input type="checkbox"/> DEVELOPMENT CODE AMENDMENT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> HOME OCCUPATION PERMIT <input type="checkbox"/> LANDMARK DESIGNATION <input type="checkbox"/> LOT SPLIT	<input type="checkbox"/> LOT SPLIT <input type="checkbox"/> NON-CONFORMING USE CERTIFICATE <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> PLANNED DEVELOPMENT <input checked="" type="checkbox"/> REPLAT - (Not Required) <input type="checkbox"/> REZONING / ZONING MAP AMENDMENT <input type="checkbox"/> SITE PLAN <input type="checkbox"/> VACATION (PLAT, STREET, EASEMENT) <input type="checkbox"/> VARIANCE
<div style="border: 1px solid black; padding: 5px; float: right; width: 200px;"> <p align="center">FOR OFFICIAL USE ONLY</p> <p>App Number: <u>PC 14-9</u></p> <p>Date Received: <u>11/2/14</u></p> <p>Received By: <u>[Signature]</u></p> </div>	
BRIEF DESCRIPTION OF APPLICATION PURPOSE:	
<u>Fuel expansion and additional parking.</u>	

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: <u>Dillon Real Estate Co., Inc</u>	Tel: <u>(620) 669-8504</u>
Business Name: <u>Kwik Shop</u>	Fax: <u>(620) 694-1820</u>
Address: <u>734 East 4th Ave</u>	
City: <u>Hutchinson</u>	State: <u>KS</u> Zip Code: <u>67501</u>
E-mail: <u>clay.brasher@kwikshop.com</u>	
ENGINEER/ARCHITECT/SURVEYOR:	
Name: <u>ISAAC KRUMME</u>	Tel: <u>(316) 262-2691</u>
Business Name: <u>(PE) Professional Engineering Consultants</u>	Fax: () _____
Address: <u>303 South Topeka</u>	
City: <u>Wichita</u>	State: <u>KS</u> Zip Code: <u>67202</u>
E-mail: <u>isaac.krumme@pec1.com</u>	

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: _____

Wastewater Service: _____

Roadway Access: _____

FLOODPLAIN INFORMATION:

Floodway: Yes No FIRM Map-Panel Number: _____

Floodway Fringe: Yes 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 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**

- Copy of Deed
- Easements and Covenants
- Location Map
- Site Plan
- Preliminary Plat
- Final Plat
- Infrastructure Plans
- Development Agreement
- Grading and Stormwater Plans
- Elevation Survey
- Traffic Impact Study
- Construction Plans
- Performance Agreement
- Proof of Notification
- Utility Plans
- Text Amendment Language
- Property Owner List
- Comprehensive Plan Amendment Justification
- Annexation Boundary Map
- Operating Characteristics Report
- Administrative Appeal Justification
- Variance Justification
- 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

11/10/14
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.

P A I
NOV 13 2014
CITY OF ABILENE


Name

11/13/14
Title

Signature

Date

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.

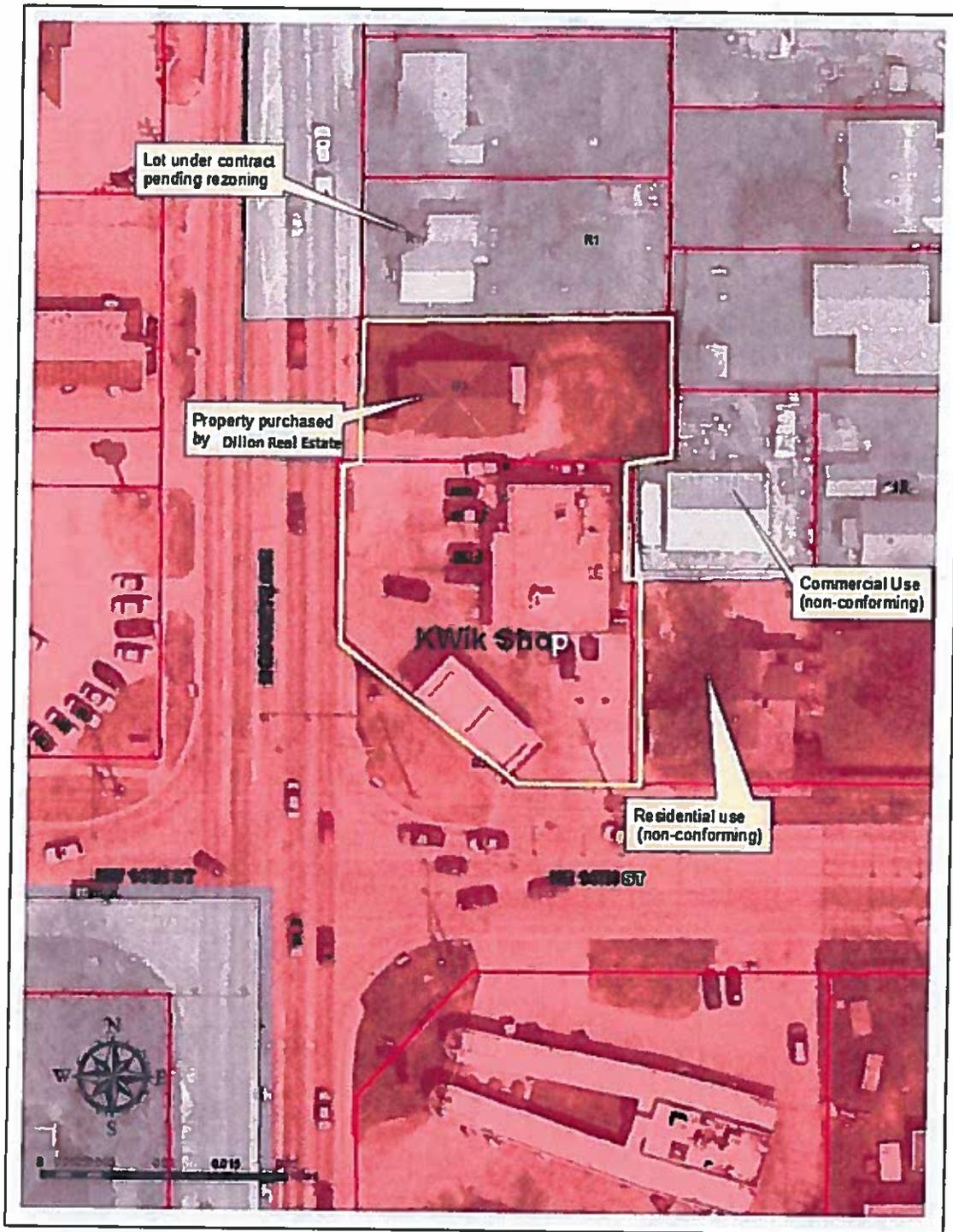
J. Solid Waste disposal facilities – Not Applicable.

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:



Staff Report:

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

ACKNOWLEDGMENT

STATE OF KANSAS, COUNTY OF DICKINSON SS:

BE IT REMEMBERED, On this 26th day of January, 201~~5~~⁹, 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 City Commissioners,

It was disappointing the public did not have an opportunity to address the Conditional Use Permit and Site Plan with the City Commission at the Feb. 3 study session. The Commission got to hear brief comments from the Dillons representative and advocate of the plan Mr. Hamilton, but the residents that this greatly affects had no voice in the matter.

On January 13, the planning commission reviewed and approved a Conditional Use Permit submitted by Kwik Shop Inc. The permit will allow the construction of a rather large gas pump 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 allows Kwik Shop to construct gas pumps within 70 feet of our back door. The Kwik Shop expansion according to the site plan includes tripling the gas pump facilities. The suggested expansion item poses 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 for decisions of this magnitude. Regulation 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. Building a gas canopy with 6 gas pumps next to properties with homes and families is not compatible. This greatly jeopardizes our health and safety. Exposure to dangerous chemicals in gas either in liquid form or toxic fumes has detrimental effects on health. 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 how that compares to other similar gas stations or if this is a lot or an insignificant amount. All I know is gas is being spilled and the potential of contamination is occurring. Tripling the gas pump facilities and placing it next to our homes greatly increases the risk of exposure to toxic chemicals that are directly linked to blood diseases including leukemia. It is obvious this conditional use is NOT compatible with our neighborhood.
- **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." Kwik Shop

and the City Commission need to give great attention to this factor. Explain to us home owners in the area affected how this will NOT have an adverse affect on our properties. Building 6 gas pumps next to residential homes will only have an adverse affect.

Approval of the Conditional Use Permit will allow Kwik Shop to expand their gas pump service within a few 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.

If in the event the rezoning permit and the conditional use permit are approved, please consider these conditions and options.

CONDITIONS

1. The 8 foot privacy fence is not adequate. A 10-12 foot fence will create a better barrier to the Kwik Shop encroachment. The homes around Kwik Shop set higher in slop, we literally look down on the Kwik Shop facilities. My home sets at least 4-6 feet higher than Kwik Shop. Placing an 8 foot fence is essentially creating a 4 foot barrier. The fence needs to be taller!
2. In addition, a permanent fence structure needs to be constructed that requires no maintenance. A fence that requires NO waterproofing, stain, or paint. Being a neighbor to Kwik Shop for 14 years, they have not demonstrated an ability to maintain their property in terms of beautification. If they are allowed to construct a fence that requires yearly paint, stain, or waterproofing, it simply will not happen and in matter of a short time period the fence will be just another eye sore to the neighborhood. I suggest a rock wall like something you would see in Manhattan, or a brick wall, or anything else that is maintenance free, is well constructed and looks nice should be considered.
3. Reduce the gas pump amount and canopy size. Tripling the size of the gas pump service to 6 pumps is not necessary or needed. Other large gas stations in Abilene have a 4 pump service area. Kwik Shop is overcrowding the space and creating yet another problem of traffic congestion.
4. Remodeling the Kwik Shop building needs to be addressed. According to the site plan, the proposed gas pump canopy will be constructed on the back side of the building that has no visible access from within the building. This is a huge safety concern not only for the neighbors but for Kwik Shop as well. I challenge the commission to find another gas service station that has gas pumps visually closed off to the attendants working inside the building. The north side of the building needs to be remodeled to include windows, so the attendants working will have visibility of the gas pumps.
5. The residents on the block should be given a \$500-\$1000 landscaping budget to plant a visual barrier between the Kwik Shop property and our own personal property. I would like to plant trees and shrubs along the perimeter of my fence that will visually block off the Kwik Shop debacle. This sounds unreasonable, but we are not the ones creating this problem. Dillons will be destroying our neighborhood, jeopardizing the health and safety of residents, so putting up some cash for landscaping is the least they could do.

Several months ago when this nightmare started, the planning commission made a big deal about comparing this situation with what was done for Sonic. I argued the comparison is not appropriate because the type of business is completely different including the hazardous chemicals, constant noise 24 hours a day , toxic fumes, intrusive light at night, and business hours each place is open. However, since the comparison was made, lets reflect what actually happened with Sonic. After modifications to the original site plan, Sonic made appropriate changes that was much more suitable for their property. Sonic completely rebuilt which included repositioning their building and parking stalls to accommodate traffic flow and congestion. Sonic got it right! They did things correct to improve their business, making it more attractive and appropriate for their property. Kwik Shop's site plan is a hodgepodge mess. An opportunity exists for rectifying the site plan and forcing Kwik Shop to develop a plan that is much more suitable for the neighborhood and effectively addresses the need for improved access, traffic flow and lot congestion. Make Kwik Shop get it right, do not settle for second rate mediocre plan.

Last night (2-3-15) at the the city commission planning session, we heard of a flooding situation occurring in the Dawson Estates residential neighborhood. The Commission brought up the question of why only one street level drain was installed. The answer is clear, poor planning. Due to poor planning not enough drainage was installed when this area was being developed and now the residents are suffering from a poor drainage system that is causing flooding. Additionally, during the planning session, the commission was presented several options for addressing the flooding problem, something that has not happened with the Kwik Shop situation. The Kwik Shop site plan is a poor plan that is creating problems for area residents. Options to this poor plan should be explored by the planning and city commission.

OPTION

- Demolish the current building and the house immediately north of the Kwik Shop building. Build a new Kwik Shop on the lot where the brown house exists. The new building would face south toward 14th street with the canopy of gas pumps in front of the building. Repositioning the building (much like Sonic did) will allow adequate space for the larger gas pump canopy and parking. The second lot north of Kwik Shop can remain untouched and a residential home.

When faced with problems, a fair amount of creative problem solving and brainstorming options should occur. A solution should then be adapted to meet the needs of all who are affected. The solution should not create more problems. A solution should not endanger the health and safety of others. The Conditional Use Permit and Kwik Shop site plan are not effective solutions.

I ask the Commission to fully exhaust the examination of the regulations factors in Section 26-110. Use the factor guidelines to make your decision. I also ask you to consider conditions and options that may be much more suitable.

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



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".

Torey Berndt, Executive Director

A handwritten signature in black ink, appearing to read "Dennis Weese".

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

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

RESOLUTION NO. 022315-2

A RESOLUTION APPROVING A LETTER OF SUPPORT CONCERNING THE DESIGNATION OF THE CHISHOLM AND GREAT WESTERN TRAILS AS NATIONAL HISTORIC TRAILS BY THE NATIONAL PARKS SERVICE

WHEREAS, the proposed Chisholm and Great Western National Historic Trail commemorates the routes followed by upwards of ten million cattle as they traveled northbound from southern Texas to Kansas and adjacent destinations between 1867 and the 1880s;

WHEREAS, the City of Abilene is historically known as the terminus of the Chisholm Trail and is an important part of Abilene's heritage; and

WHEREAS, the City Commission finds that it is in the public interest to support the effort to designate the Chisholm Trail as a National Historic Trail.

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

SECTION ONE. Letter of Support. That the Mayor is hereby authorized to execute a Letter of Support, as attached hereto as **Exhibit A**, demonstrating the City's official support of the Draft Chisholm and Great Western National Historic Trail Feasibility Study and Environment Assessment prepared by the National Park Service, National Trails Intermountain Region.

SECTION TWO. Distribution. The City Manager is hereby authorized to provide copies of the Letter of Support to the City of Abilene's federal delegation and the United States Department of the Interior, National Park Service.

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 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, City Clerk

EXHIBIT A

Letter of Support

Chisholm and Great Western Trails

Draft Feasibility Study and Environmental Assessment

February 23, 2015



Dwight D. Eisenhower Municipal Building
419 N. Broadway Street, PO Box 519
Abilene, KS 67410
www.abilenecityhall.com
Phone: (785) 263-2550
Fax: (785) 263-2552

February 23, 2015

Chief of Planning
Gretchen Ward
National Trails Intermountain Region
National Park Service
PO Box 728
Santa Fe, NM 87504

RE: Chisholm and Great Western National Historic Trails Feasibility Study and Draft Environmental Assessment

Ms. Ward:

On behalf of the City of Abilene, Kansas, I provide this letter in support of the National Park Service's draft Feasibility Study and Environmental Assessment concerning the designation of the Chisholm and Great Western Trails as National Historic Trails.

As you may know, Abilene is historically considered the terminus of Chisholm Trail. The designation of the Chisholm Trail as a National Historic Trail would provide a significant step to preserving this important story of Abilene's and the great American west's heritage. The cattle trails connected cattle with a viable market, and ultimately secured a lasting legacy for the American cowboy.

Abilene's history has been strongly shaped by the legends associated with the Chisholm Trail. Joseph McCoy, arguably one of the first agricultural entrepreneurs in the nation, built and marketed the Chisholm Trail as a way to connect cattle to metropolitan markets. This story is really about connecting people through commerce, and is indicative of the American-style capitalism that built our nation.

The City of Abilene has high aspirations that the designation of the Chisholm Trail as a National Historic Trail will provide an opportunity to share this American story with citizens throughout the nation and world. As such, Alternative B, or the designation of both the Chisholm and Great Western Trails as an administrative unit, would provide direction and guidance on a path forward to sharing this important story for Abilene and the American West.

Designation is preferred, but it is understood to be the first step in a process. At a minimum, a comprehensive management plan should be developed to provide more thorough recommendations for how the Department of Interior will assist in the implementation of preserving these important trails. The City of Abilene is willing to partner with the U.S. Department of Interior on this endeavor.



The City of Abilene believes that designating the Chisholm and Great Western Trails as National Historic Trails is in the best interests of the American public. The City is of the opinion that the Chisholm and Great Western Trails met the criteria set forth by the National Park Service for designation as National Historic Trails, and further recommends the U.S. Department of Interior to recommend Congress to designate the Chisholm and Great Western Trails as National Historic Trails based on the thorough documentation found in the Feasibility Study and Environmental Assessment.

Sincerely,

Brenda Finn Bowers
Mayor

CC: Honorable Senator Pat Roberts
Honorable Senator Jerry Moran
Honorable Congressman Tim Huelskamp



RESOLUTION NO. 022315-3

A RESOLUTION AMENDING THE AIRPORT CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the Airport Advisory Committee met and discussed the Airport Capital Improvement Program at its February 2, 2015 meeting; and

WHEREAS, the Committee recommended approval of the amending the Airport Capital Improvement Program for the Abilene Municipal Airport.

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

SECTION ONE. Airport Capital Improvement Program. That an Airport Capital Improvement Program for the Abilene Municipal Airport is hereby adopted as attached hereto as **Exhibit A**.

SECTION TWO. Implementation. The City Manager shall be authorized to provide said Program to the Federal Aviation Administration to guide the use of future federal entitlement funds related to airport projects.

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 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

2015 Airport Capital Improvement Program

City of Abilene, Kansas

February 23, 2015

Five-Year Airport Capital Improvement Program (CIP)

Airport Name: Abilene Municipal

Telephone: 785-263-2550

Prepared By: Olsson Associates

Date Approved: _____

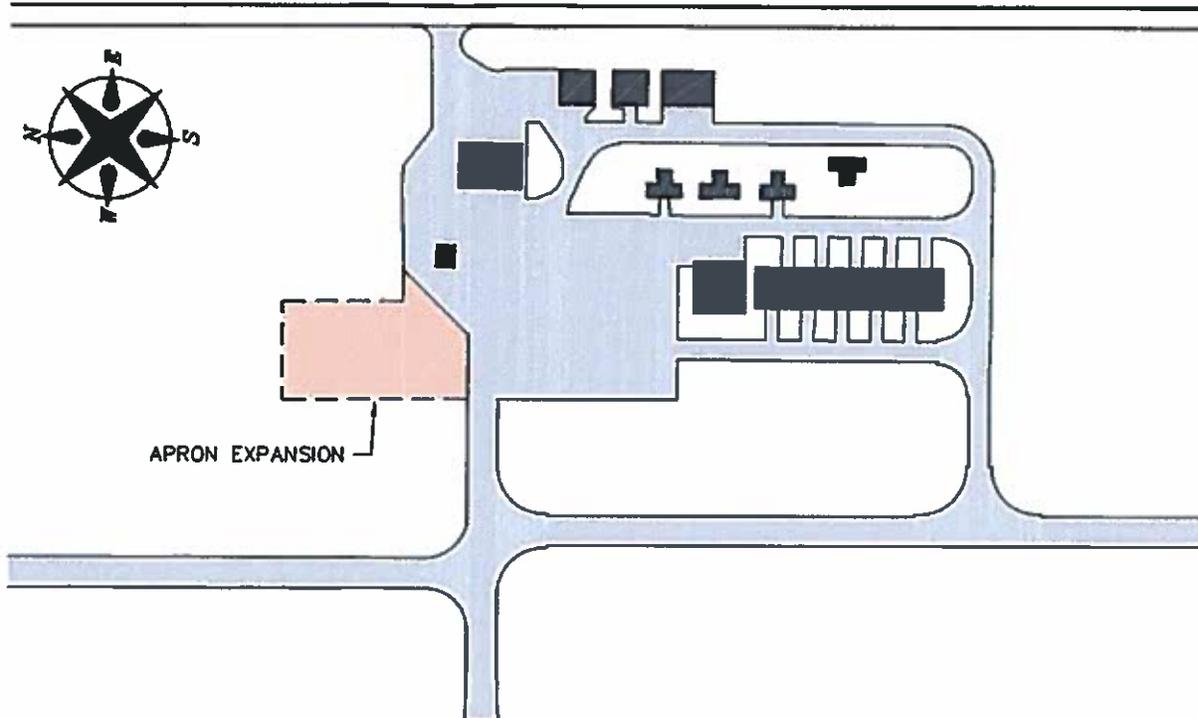
Date Prepared: Jan. 2015

Project Description	Funding Source	FY 2016	FY 2017	FY2018	FY 2019	FY 2020
Apron Expansion	Federal	\$351,000	\$0	\$0	\$0	\$0
	State	\$0	\$0	\$0	\$0	\$0
	Local	\$39,000	\$0	\$0	\$0	\$0
	Total	\$390,000				
T-Hangar	Federal	\$0	\$0	\$0	\$0	\$684,000
	State	\$0	\$0	\$0	\$0	\$0
	Local	\$0	\$0	\$0	\$0	\$76,000
	Total					\$760,000
	Federal	\$0	\$0	\$0	\$0	\$0
	State	\$0	\$0	\$0	\$0	\$0
	Local	\$0	\$0	\$0	\$0	\$0
	Total					
	Federal	\$0	\$0	\$0	\$0	\$0
	State	\$0	\$0	\$0	\$0	\$0
	Local	\$0	\$0	\$0	\$0	\$0
	Total					
	Federal	\$0	\$0	\$0	\$0	\$0
	State	\$0	\$0	\$0	\$0	\$0
	Local	\$0	\$0	\$0	\$0	\$0
	Total					

ACIP DATA SHEET

AIRPORT	Abilene Municipal Airport	LOCID	K78	LOCAL PRIORITY	1
PROJECT DESCRIPTION	Apron Expansion	Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)			FFY 16

SKETCH:



January 2015

JUSTIFICATION:

Additional tiedowns are needed for aircraft parking for transient aircraft.

COST ESTIMATE: (Attach detailed cost estimate)

Federal (90%)	\$ 351,000	State	\$ 0	Local (10%)	\$ 39,000	Total	\$ 390,000
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SPONSOR'S VERIFICATION:

For each and every project as applicable

Date	(see instruction sheet)
04-02-01	- Date of approved ALP with project shown
CE para # 310e	- Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E
N/A	- Date of land acquisition or signed purchase agreement
N/A	- Date of pavement maintenance program
N/A	- Snow removal equipment inventory & sizing worksheet (for SRE acquisition)
N/A	- Apron sizing worksheet (for apron projects)
Attached	Revenue producing facilities (for fuel farms, hangars, etc.)
N/A	- Date statement submitted for completed airside development
N/A	- Date statement submitted for runway approaches are clear of obstructions

FAA USE ONLY
FAA Verification: (initial/date)

SPONSOR'S SIGNATURE: _____ DATE: _____

PRINTED NAME: David Dillner TITLE: City Manager

PHONE NUMBER: (785) 263-2550

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL S

ACIP Data Sheet Cost Estimate

Project Description: Apron Expansion

Abilene Municipal Airport
Abilene, Kansas

Date: January 2015

Item No.	Description	Estimated Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$30,000.00	\$30,000.00
2	Unclassified Excavation	2,755	CY	\$10.00	\$27,550.00
3	Subgrade	3,037	SY	\$5.00	\$15,185.00
4	Aggregate Base	2,893	SY	\$10.00	\$28,930.00
5	Concrete (6")	2,755	SY	\$60.00	\$165,300.00
6	Tiedown	12	EA	\$250.00	\$3,000.00
7	Drainage & Erosion Control	1	LS	\$25,000.00	\$25,000.00
8	Seeding/Mulching	1	AC	\$5,000.00	\$5,000.00
	Engineering and Administration	1	LS	\$90,035.00	\$90,035.00
				Total	\$390,000.00

Federal (90%)	\$351,000.00
State (0%)	\$0.00
Local (10%)	\$39,000.00

Apron Size Calculations for Transient Aircraft

Airport
 Location

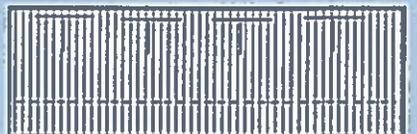
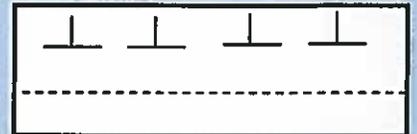
Existing Apron # square yards →

Calculations are based upon guidance established within Appendix 5 to AC 150/5300-13. User may calculate size of apron based upon total annual ops or user may develop an estimate of annual operations

	<u>Based Aircraft</u>	OR	<u>Total Annual Ops</u>
1. Calculate the total annual operations			
Enter number of based aircraft →	<input type="text" value="21"/>		
Enter number of operations per aircraft ¹ →	<input type="text" value="350"/>		
Total Annual Operations →	<input type="text" value="7,350"/>		<input type="text" value="37,800"/>
2. Busiest Month (% of Annual Ops)²			
Enter % of Annual Ops that occur in busiest month →	<input type="text" value="20"/>		
Busiest Month Operations →	<input type="text" value="1,470"/>		<input type="text" value="7,560"/>
3. Busiest Day (10% > Avg Day)			
Enter Busiest Month (e.g. August) →	<input type="text" value="Jun"/>		
Avg Day Busy Month →	<input type="text" value="49"/>		<input type="text" value="252"/>
Busiest Day 10% > avg. day →	<input type="text" value="54"/>		<input type="text" value="277"/>
4. # Itinerant Aircraft			
Enter % of Itinerant Operations ³ →	<input type="text" value="50"/>		
# Itinerant Aircraft operations →	<input type="text" value="27"/>		<input type="text" value="139"/>
# Itinerant Aircraft Landing Operations →	<input type="text" value="13"/>		<input type="text" value="69"/>
Enter % of Itinerant Operations on ground →	<input type="text" value="45"/>		
# Itinerant AC on ground (assume 50%) →	<input type="text" value="6"/>		<input type="text" value="31"/>
5. Apron area			
# square yards per aircraft ⁴ →	<input type="text" value="1075"/>		
Apron Area (sq yds) →	<input type="text" value="6,519"/>		<input type="text" value="33,524"/>
6. Planned Apron (10% >)			
# square yards →	<input type="text" value="7,170"/>		<input type="text" value="36,876"/>

NOTES:

- Ops/Based Aircraft:
 Small GA-250 Med GA-350 Reliever-450 Busy Reliever-750
- Amount of activity can be determined from fuel sales or from actual operations counts. For example if month with highest fuel sales accounts for 20% of annual sales, use 20% of annual as busy month. If actual traffic counts available, use those.
- Assume 50% of operations are itinerant if no records are available.
- Planning areas shown assume 10' clearance between wingtips. Taxilane @ edge places taxilane on edge of apron.
- Users requiring assistance or reasonable accommodation may contact the FAA Central Region at 816-329-2600.

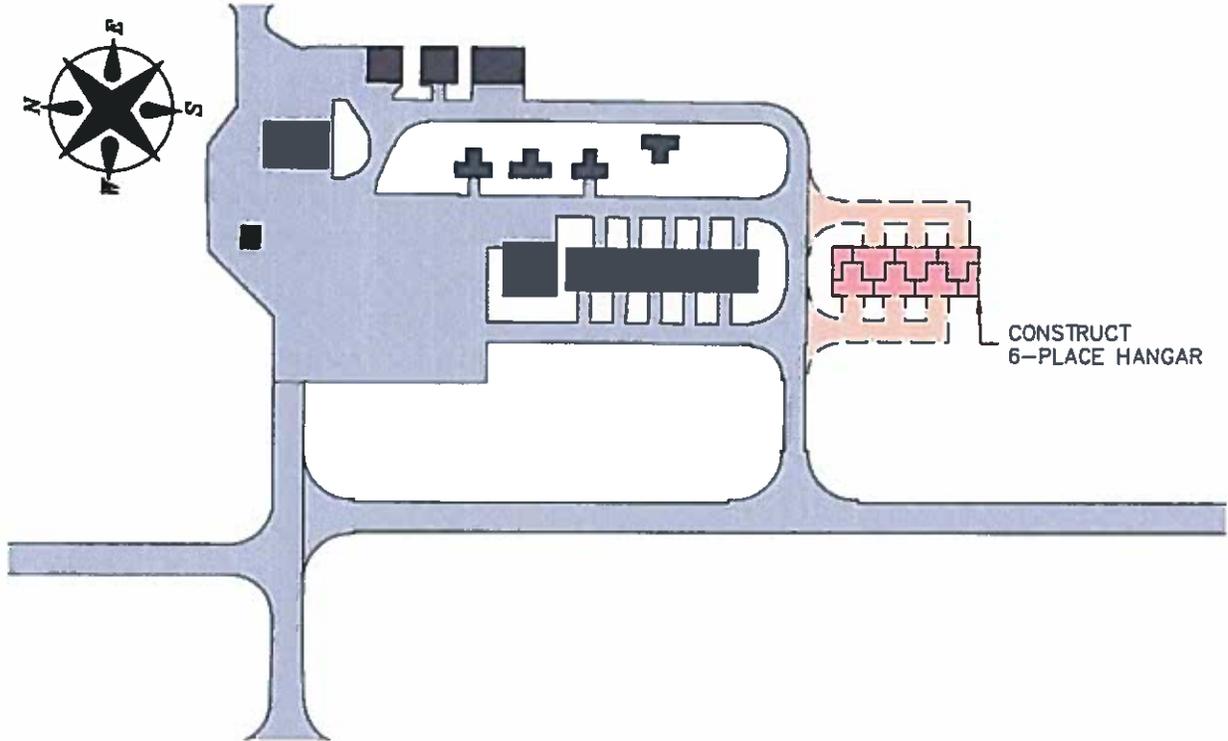


Apron Area	w/o Taxilane	w/Taxilane @ edge	w/Taxilane
Group I	360	755	960
Group II	490	1,075	1,385

ACIP DATA SHEET

AIRPORT	Abilene Municipal Airport	LOCID	K78	LOCAL PRIORITY	4 2
PROJECT DESCRIPTION	Construct 6-Place Hangar	Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)			FFY 16 17

SKETCH:



January 2015

JUSTIFICATION:

A 6-place t-hangar with 45' bi-fold doors is proposed to meet current and future demand for aircraft storage. Taxilane construction is included to provide paved access to all doors.

COST ESTIMATE: (Attach detailed cost estimate)

Federal (90%)	\$ 684,000	State	\$ 0	Local (10%)	\$ 76,000	Total	\$ 760,000
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SPONSOR'S VERIFICATION:

For each and every project as applicable

Date	(see instruction sheet)
4-2-01	- Date of approved ALP with project shown
CE para # 310f	- Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E
N/A	- Date of land acquisition or signed purchase agreement
N/A	- Date of pavement maintenance program
N/A	- Snow removal equipment inventory & sizing worksheet (for SRE acquisition)
N/A	- Apron sizing worksheet (for apron projects)
-----	Revenue producing facilities (for fuel farms, hangars, etc.)
attached	- Date statement submitted for completed airside development
attached	- Date statement submitted for runway approaches are clear of obstructions

FAA USE ONLY

FAA Verification: (initial/date)

SPONSOR'S SIGNATURE: _____ DATE: _____

PRINTED NAME: David Dillner TITLE: City Manager

PHONE NUMBER: (785) 263-2550

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL \$

ACIP DATA SHEET

Sponsor Verifications for Hangars

- 1) All airside development projects are complete. Runway 17/35 will be reconstructed with concrete in 2015. All pavements are in good condition.
- 2) All approach surfaces are clear of obstructions.
- 3) The project is needed to provide storage space for based aircraft. The existing 10-place T-hangar is in extremely poor condition. In addition, the existing t-hangar doors are not tall enough for some aircraft, so a building with taller doors is proposed.

ACIP Data Sheet Cost Estimate

Project Description: Construct 6-Place T-Hangar

Abilene Municipal Airport
Abilene, Kansas

Date: January 2015

Item No.	Description	Estimated Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$40,000.00	\$40,000.00
2	Subgrade	1,760	SY	\$5.00	\$8,800.00
3	Aggregate Base	1,680	SY	\$8.00	\$13,440.00
4	Concrete (6")	1,600	SY	\$60.00	\$96,000.00
5	6-Place T-hangar	1	LS	\$450,000.00	\$450,000.00
6	Seeding/Mulching	1	AC	\$5,000.00	\$5,000.00
	Engineering and Administration	1	LS	\$146,760.00	\$146,760.00
				Total	\$760,000.00

Federal (90%)	\$684,000.00
State (0%)	\$0.00
Local (10%)	\$76,000.00



TO: Senate Committee on Ethics and Elections
FROM: Michael Koss, Legal Counsel
Date: February 11, 2015
RE: Opposition Testimony – SB 171

Thank you for allowing the League of Kansas Municipalities to submit testimony on Senate Bill 171. The League opposes this bill because it would diminish the ability of citizens to focus on local issues and take away local control of city elections.

Competition with Other Elections Diminishes Focus on Local Issues

Creating an election environment that makes it harder to focus on individual races is not good public policy, and that is why the vast majority of American cities hold off-cycle elections. Right now, because local elections are the only elections happening in the spring, local newspapers and other media outlets are covering the issues that are important in local communities. Research indicates that decreasing attention on local races affects results. Combining elections actually increases the incumbency rate of local candidates because the large number of races on the ballot causes voters to pick the names they recognize.¹

Additionally, time-strapped county officials will be less able to inform local candidates about filing deadlines, campaign finance laws, statements of substantial interest, and other information. Finally, combining elections would make it more difficult for local candidates to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs.

Partisan Elections Limit Candidates, Create Divisiveness

The federal Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military from participating in partisan elections. Due to these restrictions, making local elections partisan would narrow the potential field of candidates for municipal offices. The League has identified a number of dedicated public servants who would be adversely affected by such a change. When all levels of government frequently struggle to find citizens willing to serve, why would we further reduce the pool of potential candidates?

There are several other problems with making city elections partisan. Most Kansans do not want to see party politics inserted into our local governments. Kansas municipalities reflect their residents' will, and creating additional divisions amongst governing bodies will not serve the interest of our communities.

Finally, primary voters who are non-affiliated with the two major parties are required to receive separate ballots for partisan and non-partisan races. This causes confusion amongst voters and election workers. Such confusion would only increase with a move to partisan municipal elections.

Increase Ballot Length

If elections were combined, counties would likely have to distribute two ballots to each voter. This will increase the likelihood of error, ballot fatigue, and under-voting. The percentage of voters who vote on races decreases as you move down a ballot, and adding city and other races to the same ballot will only compound that problem. The administrative challenges of combining elections onto one ballot are so complex that the Secretary of State has

said that the only way to successfully implement combined elections is by making local races partisan and replacing wards with at-large districts.

Better Options to Increase Voter Turnout

There are a number of alternative policies the legislature could implement to increase turnout in city elections without distorting election results, prohibiting active duty military and federal employees from running, and creating overly-complex ballots. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on Election Day turnout. Investigating mail-ballot elections and other alternatives is preferable to enacting flawed legislation.

Little to No Cost-savings

The Secretary of State, the Kansas Association of Counties, and several county clerks and election commissioners have stated that combining elections will likely save little to no money. Expenses will simply shift from one election period to another, and increased ballot complexity will require longer ballots, and potentially additional poll workers and polling places.

Removes Statutes for Commission-Manager Form of Government

SB 171 appears to repeal the state statutes establishing the commission-manager form of government. These laws have been in place since 1917, and over thirty cities continue to utilize these statutes to govern the relationship between the commission and city staff. Repealing these laws will force dozens of cities to alter decades of ordinances to reauthorize their current form of government.

No Answer to Transitional and Procedural Questions

This bill does not address the transitional issues it will cause for Kansas's 626 cities. The proposed bill appears to force many elected city officials to serve shorter or longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities. Additionally, amending all of the ordinances currently in place to adapt to combined elections will result in substantial publication costs for cities.

For all these reasons, the League of Kansas Municipalities asks on behalf of its members that this committee not report SB 171 favorably for passage.

¹ Oliver, J. Eric and Shang E. Ha. 2007. "Vote Choice in Suburban Elections," *American Political Science Review*. 101 (3):393-408; *also see* Trounstine, Jessica. "Information, Turnout, and Incumbency in Local Elections." Princeton University. FN 30. <http://www.princeton.edu/csdp/events/Trounstine020509/Trounstine020509.pdf>.

RESOLUTION NO. 022315-4

A RESOLUTION OPPOSING THE KANSAS STATE LEGISLATURE'S CONSIDERATION OF MAKING MUNICIPAL ELECTIONS PARTISAN AND MOVING TO THE FALL OF EVEN NUMBERED YEARS

WHEREAS, the Senate Ethics and Elections committee of the Kansas Legislature originally considered SB 171, which would make nonpartisan city and school elections partisan and move to the fall of even numbered years to be held in conjunction with state and federal elections; and,

WHEREAS, the City feels that said legislation would unnecessarily interfere with local elections and would create the likelihood that local issues would be lost or ignored by voters during the course of large scale federal and state partisan elections; and,

WHEREAS, the City has concerns its issues would be relegated to the bottom of the ballot if placed with state and national elections leading to voter apathy with regards to said local issues; and,

WHEREAS, the City has concerns that partisan elections will harm the quality of city governments in Kansas and prohibit federal employees and active duty military from running for local office; and,

WHEREAS, the City is opposed to moving its elections to the fall of even numbered years.

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

SECTION ONE. Opposition: Moving Local Elections to Fall. The City of Abilene, Kansas, officially opposes SB 171, or any other legislation, that moves local elections to the fall of even numbered years to be held in conjunction with state and federal elections and makes local elections partisan.

SECTION TWO. Distribution. The City Manager is hereby authorized to provide copies of this Resolution to the City of Abilene's elected State Senator and Representative.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

RESOLUTION NO. 022315-5

A RESOLUTION AMENDING AN AGREEMENT DATED MARCH 8, 2010 FOR AIRPORT TECHNICAL ENGINEERING SERVICES WITH JERRY MILLER ELECTRONICS

WHEREAS, the City of Abilene desires to amend an Agreement with Jerry Miller Electronics, dated March 8, 2010, and attached hereto as **Exhibit A**, for on-going maintenance of the Automated Weather Observation System ("AWOS") at the Abilene Municipal Airport.

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

SECTION ONE. Agreement. That an Agreement with Jerry Miller Electronics is hereby amended as attached hereto as **Exhibit B**.

SECTION TWO. Implementation. The City Manager is hereby authorized to execute the aforementioned amendment to the Agreement dated March 9, 2010, 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 23rd day of February, 2015.

CITY OF ABILENE, KANSAS

By: _____
Brenda Finn Bowers, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Agreement for Airport Technical and Engineering Services

with

Jerry Miller Electronics

dated

March 8, 2010

**AGREEMENT FOR
AIRPORT TECHNICAL and ENGINEERING SERVICES**

This Agreement, made this 8th day of March, 2010, is by and between the City of ABILENE, Kansas Airport, (hereinafter referred to as "Airport") and Jerry Miller Electronics, (hereinafter referred to as "Engineer-Technician").

W I T N E S S E T H:

THAT WHEREAS, Jerry Miller Electronics is a firm based in the State of Kansas, and which does business in Kansas; and

WHEREAS, He is skilled in and is capable of providing certain engineering services of the type required routinely by Airport, including the maintenance, installation and repair of Automatic Weather Observation Systems, Non-directional Radio Beacons and other communications facilities licensed by the Federal Communications Commission and Federal Aviation Administration.

WHEREAS, Airport is a licensee of the Federal Aviation Administration and is obliged to maintain its facilities in such a manner as to comply with all applicable technical rules, and any applicable state and local rules and therefore has need for a qualified engineering firm or individual to provide such technical services to Airport on an independent contractor basis, and the Airport is willing, in consideration of Engineer's services, to timely pay Engineer's fees as agreed upon for each class of service performed as an independent contractor;

Now, therefore, the parties hereto agree as follows:

1. **DUTIES OF ENGINEER-Technician.** The technical support services to be provided by Engineer include providing general assistance on a technical task, providing consulting services, acting as a technical advisor to perform installation and construction of technical facilities, and such design work as may be within the capability of Engineer. Engineer will provide periodic inspection functions, as required by FAA. He will provide additional inspections, tests, adjustments, repairs, maintenance, and logging as necessary in connection with the Airport as necessary to comply with applicable FCC and FAA and other Federal, state and local laws and regulations; and it will advise Airport whether maintenance of said equipment is in accordance with the necessary Rules and Regulations. Additional duties of Engineer will be as set forth in any addendum attached to this Agreement, and signed by both parties hereto. It is understood and agreed that Engineer will have other clients, and that no specific time periods will be dedicated to Airport, or to the work to be performed by Engineer hereunder.

1.a. Engineer shall oversee and be responsible for the overall completed installation and FAA Commissioning of AWOS equipment at Abilene Airport.

To include:

Document #1 (as provided by Jim Price) ordering of AWOS III Version D, From Vaisala, a split system with the sensors in the field and monitor in the airport Hangar building.

Document #2 (John Koffman Electric) Overseeing of concrete, tower and electrical work to operational standards.

1.1 Independent Contractor Status of Engineer. Engineer is retained by Airport under this Agreement only for the purposes and to the extent set forth in this Agreement and any addendum hereto, or as otherwise agreed to in writing between Airport and Engineer, and Engineer's relationship to Airport shall, during the term of this Agreement and any and all periods of performance of the contracted activities and/or services hereunder, be that of an independent contractor, who contracts to do a piece of work according to his/her own methods, and using his/her own tools and equipment, and not being subject to the control of Airport except as to the result of the work.

2. QUALIFICATIONS OF ENGINEER. Engineer agrees that as long as this contract or any renewals or extensions are in effect, Engineer, and any and all engineers performing work under this contract who are employees, subcontractors, principals or agents of Engineer will each hold, to the extent required, valid FCC license and FAA certification entitling that person to work on the necessary equipment. Engineer warrants that it, and any its engineers in its employ or under its control who may perform work for Airport under this Agreement are sufficiently experienced and skilled in the inspections, maintenance, testing, adjusting and repairing of all equipment, relative to the work performed; that they have adequate knowledge of the Rules and Regulations of the FAA so as to determine whether a facility is operating in accordance therewith; that each such person will have current knowledge of applicable changes to said rules regarding operation; and that each is familiar with the particular regulations of the FAA relating to the maintenance, inspection, operation, testing, adjusting and repairing of AWOS, NDB and associated equipment ant the operating and maintenance logging requirements of FAA.

3. **PAYMENT TO ENGINEER.** Engineer acknowledges that during the term of this Agreement, Airport reserves the right to require a bid price for certain projects, which is based on an itemized total project cost, rather than an hourly, daily, or monthly rate. In such cases, Engineer will have the right to accept or reject the project based on the total project cost as agreed between Airport and Engineer.

The work of the Engineer is based on a fixed fee, 6500.00 to be paid at time of installation. This includes sensor installation, normal maintenance, logging, repair and operation of AWOS for the first year. After the first year monthly AWOS maintenance will be 275.00. The placement of all equipment is to be based on the current airport layout plan. Engineer will be readily available for instruction to city crew or other contractors for completion of this project. Costs of any repair parts are to be billed separately. Airport will provide all required electrical power and hookup, (including grounding system and AC lines), concrete bases for equipment and erect 30 foot tower for AWOS. Engineer will provide no parts, concrete or hardware. All necessary parts are to be provided by the Airport, Koffman Electric or equipment manufacturer.

4. **STATUS OF ENGINEER, INDEMNIFICATION AND HOLD HARMLESS.** Engineer shall retain complete control over any agents, employees and servants who shall be the exclusive agents, employees and servants of the Engineer and not of Airport. Nothing herein shall be construed to create any partnership or joint venture, nor shall Engineer be considered a partner, agent or employee of Airport, and Engineer shall have no authority to bind Airport in any manner whatsoever, it being intended that Engineer shall be and remain an independent contractor, and not otherwise, and that Engineer shall be responsible for all actions of itself, its principals, agents and employees. Engineer agrees to defend, indemnify, save and hold Airport free and harmless from any claims, liability or loss and expense which arise by reason of the acts or omissions of the Engineer, or its principals, agents or employees, in the performance of the Engineer's obligations under this Agreement, provided, however, that Engineer will assume no liability whatsoever, nor shall any of Engineer's agents, employees, subcontractors, or anyone associated with Engineer be deemed liable, for any damage, penalty, fine, forfeiture, loss, or claims against Airport for acts or omissions of Airport taken against the advice of Engineer, or for recommendations not followed. Engineer will not be responsible for any damage, loss, or claim against Airport related to violation of FAA rules or regulations, or violation of any act, statute or regulation, if Engineer did not have a reasonable opportunity to discover the violation, or if, upon discovery of the violation or potential violation, Engineer advised Airport thereof, and no action, or inappropriate action, was taken by Airport as the result.

4.1 Insurance Coverage. Engineer shall maintain, at all times during this Agreement, and at all times during the performance of the duties hereunder, liability insurance, with coverage amounts sufficient to Engineer, covering Engineer, its agents, employees and principals. (1 Million) The policy shall be kept in force, and evidence of the insurance shall be furnished to Airport at the commencement of the term of this Agreement, and periodically thereafter if requested by Airport.

4.2 Risk of Loss And Obligation To Pay Agents of Engineer. Engineer shall bear any risk of loss, death or injury to its employees or agents, save for that caused by any undisclosed hazards at Airport that are known to Airport, which result in injury or harm to Engineer, or Engineer's agents, employees or subcontractors.

5. TOOLS AND EQUIPMENT. Engineer shall supply tools and testing equipment required for normal and customary testing and maintenance, except for special tools furnished by the equipment manufacturer.

6. PURCHASING POWER RESTRICTION. Engineer shall not order, purchase or charge anything to, for, or in the name of Airport without the express authority of Airport except as otherwise specifically provided herein, or in any written amendment to this Agreement.

7. NON-DISCLOSURE; NO CONFLICT OF INTEREST. Any and all information obtained by Engineer concerning Airport's operation and internal affairs shall not be revealed to any person or persons, without obtaining specific written permission of Airport.

7.1 Other Obligations of Engineer. It is specifically understood and agreed by Airport that Engineer will solicit, agree to perform, and perform other engineering work for other communications licensees. No such efforts of Engineer will be deemed a violation of this Agreement, and Airport consents to the entry by Engineer into agreements similar or identical to this Agreement with other airports and communications licensees, and such is not to be deemed a conflict of interest on the part of Engineer. Engineer will not, however, provide contract engineering services to other entities to the extent that such would make the performance of the obligations of Engineer under this Agreement impossible.

There may be occasions during the term of this Agreement that Contractor will have emergency work to provide for several clients, including Airport, at the same time, or during time periods which make it difficult or impossible for Engineer to immediately respond to requests for assistance from Airport. Engineer will work with Airport to establish procedures to avoid such incidents, and will in any event use best efforts to respond to requests for technical assistance from Airport at the earliest possible opportunity. Airport will assist in this process, and will work with Engineer to establish emergency procedures to, for example, return equipment to operation after a failure, or in similar circumstances.

8. **TERM.** The initial term of this Agreement shall be for one year, or for such shorter period as is necessary to complete performance of specific tasks by a specific completion date. If the work is ongoing, and not a specific task with a fixed completion date, the Agreement will continue for the entire year term. The Agreement, in any event, commences on the date of signing. Either party may terminate this Agreement upon 30 days' written notice of termination to the other party, for any reason or no reason, but such termination does not relieve either party of the duties and obligations hereunder relating to indemnity, hold harmless, non-disclosure or confidentiality, which shall survive the termination of this Agreement; and termination does not relieve Airport of the obligation to pay money otherwise due and owing to Engineer.

9. **RENEWAL.** This Agreement shall automatically renew for additional periods of one year each, without lapse in the Agreement at the end of the initial term or any renewal term, unless notice of cancellation is given thirty (30) days prior to expiration.

10. **SUBSTITUTION.** Engineer's services described herein may be rendered by the use of independent sub-contractors. Engineer will not, by virtue of use of sub-contractors, be relieved of any obligation under this Agreement, and any and all indemnification and hold harmless provisions shall be in effect, and relate to all work performed by subcontractors of Engineer, as though the work had been performed by Engineer hereunder.

11. **BASIC SERVICES.** The payment of fees for basic services performed by Engineer shall be paid to Engineer by Airport upon receipt of a statement for services. The basic services to be provided are as defined herein in section numbered 1 above, and as may be listed herein in any addendum to this Agreement. Emergency services shall be performed by Engineer as quickly as is reasonably possible, and may require additional outside consulting or contract engineering services. Any such additional expenses will be reimbursed without unreasonable delay by Airport. In the case of an emergency which has caused Airport equipment to be off the air, advance approval from Airport for additional expense for services, parts or materials in order to restore service as soon as physically possible will not be required, though consultation with Airport in advance of major capital expenditures to restore service is necessary.

12. **ENTIRE AGREEMENT.** This contract contains the entire Agreement between the parties and supersedes all prior representations, agreements, understandings, trade practices, or proposals. The Agreement is to be construed under the laws of the State of Kansas, and subject matter and in personam jurisdiction over this Agreement, and over the parties hereto, shall exist in the State of Kansas.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date first written above.

FOR Airport:

Ned Bentley-Mason
(Principal)

Date:

FOR Jerry Miller Electronics Engineer-Technician:

Jerry Miller
(Principal)

Date:

EXHIBIT B

Amendment to Agreement for Airport Technical and Engineering Services

with

Jerry Miller Electronics

dated

March 8, 2010

February 23, 2015

AMENDMENT TO AGREEMENT FOR AIRPORT TECHNICAL AND ENGINEERING
SERVICES

This amendment to the original agreement dated March 8, 2010, made this _____ day of February, 2015, by and between the City of Abilene, Kansas, Kansas Airport, and Jerry Miller Electronics is as follows:

1. Article 3, Payment to Engineer, is amended to increase the monthly AWOS maintenance from \$275.00 to \$300.00 per month, beginning with the January 2015 payment.
2. All of the other provisions of the original agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have set their hands as of the date shown above.

For Airport:

David Dillner
Abilene City Manager

For Jerry Miller Electronics Engineer-Technician:

Jerry Miller

CITY OF ABILENE
Summary Voucher Listing

Completed , Printed, Requisitions

Vendor Number & Name	Voucher No	Sts	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
01140 ABILENE AREA CHAMBER COMMER	20150218	C	02/23/15	BANQUET TICKET - BRENDA FINN-BOWERS	40.00		
01233 ABILENE KIWANIS CLUB	20150219	C	02/23/15	MEMBERSHIP DUES 2015	120.00		
01250 ABILENE MUNICIPAL COURT	20150210	C	02/23/15	COOPER BOND APPLY 14-0544	395.00		
01320 ABILENE REFLECTOR-CHRONICLE	20150189	C	02/23/15	JANUARY LEGALS & ADS	214.85		
02014 BAYER CONSTRUCTION CO, INC	20150190	C	02/23/15	VAN AD/SUMMER HELP AD	191.82		
02475 BURT, CLIFFORD M.	20150220	C	02/23/15	ALLEY & ROAD ROCK	924.54		
03275 CINTAS FIRST AID & SAFETY	20150211	C	02/23/15	TREE REMOVAL 2 ARBORVITIES - ROSE GARDEN	700.00		
03260 CITY DIRECTORY, INC	20150221	C	02/23/15	1ST AID SUPPLIES	247.44		
03430 CONTINENTAL ANALYTICAL	20150222	C	02/23/15	PHONE BOOK	149.00		
04005 D S & O RURAL ELECTRIC COOP	20150223	C	02/23/15	PHONE BOOK	169.00		
04230 DISTRICT FOUR FIREFIGHTERS	20150224	C	02/23/15	LAB ANALYSIS	347.60		
04268 DK CTY DEPT OF ENVIRONMENTAL	20150225	C	02/23/15	ELECTRIC SERVICE @ WATER TOWER & LIGHT CORNER CLR GARTEN	164.25		
04320 DK CTY SHERIFF	20150226	C	02/23/15	SCBA REPAIRS	250.00		
999138 ERICKSON, JUSTIN	20150194	C	02/23/15	2015 WATER FEST	1,000.00		
999145 EVERS, BECKY	20150191	C	02/23/15	PRISONER CARE - JAN 2015	1,400.00		
06001 FAIRBANK EQUIPMENT, INC	20150212	C	02/23/15	REFUND BOND - JON RAMSDELL	1,140.00		
999419 FLINT HILLS TOURISM COALITION	20150213	C	02/23/15	KARL LANDON - 14-705 BOND REFUND	240.00		
06240 FOLEY EQUIPMENT COMPANY	20150227	C	02/23/15	RADIATOR FAN FOR WOOD CHIPPER & RADIATOR HOSE	282.13		
06320 FRIESEN ENERGY LLC	20150228	C	02/23/15	MEMBERSHIP	100.00		
08145 HD SUPPLY WATERWORKS	20150229	C	02/23/15	2006 CATERPILLAR MOTOR GRADER - 1ST PYMT	22,000.00		
09070 INDEPENDENT SALT COMPANY	20150214	C	02/23/15	PILOT SWITCH FOR WEST FURANCE	131.27		
11010 K B I	20150230	C	02/23/15	MATERIALS & METERS	8,620.96		
11223 KANSAS ONE-CALL SYSTEM, INC	20150231	C	02/23/15	ROAD SALT	837.20		
11527 KS EXPLORERS CLUB	20150193	C	02/23/15	LAB FEES 2014	577.72		
06127 KS GAS SERVICE	20150232	C	02/23/15	LOCATES FOR JAN 2015	73.00		
19770 KS TREASURER	20150192	C	02/23/15	MEMBERSHIP	18.61		
12012 LA RUE DISTRIBUTING INC	20150195	C	02/23/15	GAS SERVICE	7,332.05		
12120 LEAGUE KS MUNICIPALITIES	20150196	C	02/23/15	JBE/LETC/CCSF JAN 2015	2,698.27		
	20150234	C	02/23/15	COFFEE	66.51		
	20150197	C	02/23/15	AD - FINANCE DIRECTOR	29.99		
					165.00		

CITY OF ABILENE

Summary Voucher Listing

Completed , Printed, Requisitions

Vendor Number & Name	Voucher No	Sts	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
12125 LINDER ELECTRIC	20150235	C	02/23/15	REPAIRS TO PUMP @ WTP	150.00		
999526 MEHGAN, JACK E.	20150236	C	02/23/15	TABLE CLOTHS	182.00		
13200 MEMORIAL HOSPITAL	20150198	C	02/23/15	PRISONER CARE - ADRIAN GUZMAN	44.87		
13220 MENNONITE PRESS INC	20150237	C	02/23/15	PRINTING OF RACK CARDS	1,708.08		
11227 MIDWEST CONCRETE MATERIALS	20150238	C	02/23/15	REPAIRS TO STREET	1,345.13		
14840 OCCK INC.	20150199	C	02/23/15	JAN 2015 SERVICE	6,166.67		
16160 PICK ONE HOUR CLEANERS	20150239	C	02/23/15	ALTERATIONS 207	3.50		
16120 PMSI	20150240	C	02/23/15	REPAIRS FOR CRACK SEALER	122.17		
16300 PRAIRIE FIRE COFFEE	20150241	C	02/23/15	COFFEE	123.70		
16330 PRECISION SHARPENING, INC	20150242	C	02/23/15	SHARPEN WOOD CHIPPER CUTTERS	50.25		
16402 PURVIS, JOHN	20150200	C	02/23/15	JOSH WESTBY 14-0706	162.50		
18017 R E PEDROTTI CO, INC	20150215	C	02/23/15	VLASAK, GUZMAN, EFURD & COOPER	682.50		
999022 REYNOLDS, DONNA	20150243	C	02/23/15	ELECTRONIC PARTS WTP	61.00		
19080 SAGE PRODUCTS, INC	20150201	C	02/23/15	REIMBURSE EXPENSES FOR SUPPLIES	13.75		
19180 SALINA SUPPLY CO	20150244	C	02/23/15	SUPPLIES	119.96		
19440 SIDENER ENVIRONMENTAL SERVIC	20150245	C	02/23/15	ASSORTED WATER DIST. & SEWER COLLECTION ITEMS	1,485.32		
19570 SPRAYER SPECIALTIES, INC	20150246	C	02/23/15	WATER PLANT TESTING EQUIPMENT	263.76		
04420 TELVENT DTN	20150247	C	02/23/15	CALCIUM PUMP FOR SALT SPREADER	141.63		
20326 TOUR KANSAS	20150216	C	02/23/15	DTN WEATHER 2/1/15-1/31/16	1,428.00		
20355 TRAILS END CAR WASH	20150248	C	02/23/15	MEMBERSHIP	50.00		
21030 UNION PACIFIC RAILROAD	20150249	C	02/23/15	CAR WASHES - JANUARY	148.00		
16260 US POST OFFICE-POSTMASTER	20150202	C	02/23/15	ANNUAL LEASE OF PARKING LOTS @ CVB 3/21/15-3/20/16	100.00		
11221 VERIZON WIRELESS	20150203	C	02/23/15	REGULAR BILLING MARCH 2015	1,100.00		
22014 VISA - UMB ADMINISTRATION	20150204	C	02/23/15	CELL PHONE SERVICE	1,284.98		
22019 VISA - UMB COMMUNITY DEVELOP	20150205	C	02/23/15	SUPPLIES	2,505.59		
22016 VISA - UMB CVB	20150206	C	02/23/15	2015 NATL APA CONF	730.00		
22015 VISA - UMB FIRE DEPT	20150250	C	02/23/15	SUPPLIES	1,467.84		
22010 VISA - UMB PARKS	20150207	C	02/23/15	SUPPLIES	1,418.58		
22011 VISA - UMB POLICE DEPT	20150208	C	02/23/15	SUPPLIES	4,183.70		
22021 VISA - UMB POLICE DEPT	20150251	C	02/23/15	SUPPLIES	2,613.89		
23025 WAITT OUTDOOR	20150217	C	02/23/15	SUPPLIES	4,768.66		
23159 WESTAR ENERGY	20150252	C	02/23/15	BILLBOARDS	1,810.00		
	20150209	C	02/23/15	ELECTRIC SERVICE	49,038.07		

CITY OF ABILENE

Summary Voucher Listing

Completed, Printed, Requisitions

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
23159 WESTAR ENERGY	20150253	C	02/23/15	CHRISTMAS LIGHTS	224.45		
23170 WEST'S PLAZA COUNTRY MART	20150254	C	02/23/15	IN-SERVICE LUNCH	334.47		
25010 ZEE MEDICAL, INC	20150255	C	02/23/15	1ST AID SUPPLIES	20.52		
Report Total					136,679.75		

City of Abilene
Payroll Expenditures Report
02/13/15

	TOTALS
NET SALARIES	\$ 65,292.44
OASDI - CITY/EMPLOYEE	\$ 11,726.80
MEDICARE - CITY/EMPLOYEE	\$ 2,742.52
FEDERAL WITHHOLDING - EMPLOYEE	\$ 9,085.23
KPERS - CITY/EMPLOYEE	\$ 10,080.82
KPF - CITY/EMPLOYEE	\$ 10,377.55
WADDELL & REED 457 - CITY/EMPLOYEE	\$ 1,695.00
WADDELL & REED SAVINGS - EMPLOYEE	\$ 240.00
STATE TAX - EMPLOYEE	\$ 2,846.42
AFLAC INSURANCE - EMPLOYEE	\$ 551.47
VISION PLANS - EMPLOYEE	\$ 263.17
HEALTH INSURANCE - CITY/EMPLOYEE	\$ 21,120.32
ATHLETIC CLUBS - CITY/EMPLOYEE	\$ 187.00
KS PAYMENT CENTER SUPPORT - EMPLOYEE	\$ 677.13
WAGE GARNISHMENTS - EMPLOYEE	\$ 776.15
FLEXIBLE SPENDING ACCOUNT - EMPLOYEE	\$ 1,234.61
POLICE & FIREMENS INS. - EMPLOYEE	\$ 20.92
TOTAL PAYROLL EXPENDITURES	\$ 138,917.55