ABILENE CITY COMMISSION - REGULAR MEETING AGENDA
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
May 11, 2015 - 4:00 pm

1. **Call to Order**
2. **Roll Call:** ____ Weishaar ____ Marshall ____ Payne ____ Shafer ____ 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 May 11, 2015 City Commission Meeting
5. Meeting Minutes: April 27, 2015 Regular Meeting

Public Comments and Communications

6. **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.

7. **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

8. **None**

Public Hearings

9. **None**

Old Business

10. **None**

New Business

11. **Consideration of an Ordinance approving a Conditional Use Permit for 1118 NW 2nd Street, at the request of Scott Dawson Builders, Inc., for the construction of a duplex in an "R-1, Low Density Residential District" in the City of Abilene, Kansas.**

12. **Consideration of a Resolution making certain appointments to the various Boards and Commissions of the City of Abilene, Kansas.**

13. **Consideration of a Resolution setting the date, time and place of a Public Hearing on proposed Special Assessments to be levied on certain property in the City as previously authorized by Resolution No. 061013-2, as amended by Resolution No. 030915-2; directing publication and mailing of a Notice of Public Hearing and Statement of Costs proposed to be assessed to the properties liable for such Special Assessments.**

14. **Consideration of a Resolution authorizing the City Manager to take certain actions with respect to the Highlands Development in the City of Abilene, Kansas.**

15. **Consideration of a motion authorizing the use of City-owned property to the north of the Community Center for use by the Central Kansas Free Fair for a tractor pull event during Fair week.**

Reports

16. City Manager's Report

17. Expenditures Report

Adjournment

18. Consideration of a motion to adjourn the May 11, 2015 City Commission meeting.

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

- Planning Commission, May 12 at 4:30 pm
- Sister City Committee, May 12 at 7 pm CVB
- Budget Forum, May 14 at 6:30 pm
- Governing Body Institute, May 16 (Manor Conference Center, Topeka, KS)
- Economic Development Council, May 19 at 4:00 pm
- Commission Study Session, May 19 at 7:00 pm

Abilene City Commission Minutes
Abilene Public Library
April 27, 2015 @ 4:00 p.m.
Abilene, Kansas

1. **Call to Order**

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

Staff Present: City Manager Dillner, Human Resources Director/City Clerk Soukup, Finance Director Rothchild, City Attorney Guilfoyle, Public Works Director Schrader, Convention & Visitors Bureau Director Purkis, Parks & Recreation Director Foltz, Police Chief Heimer and Fire Chief Sims.

Others Present: Erik Hageman, Sydney Hall, Samantha Kenner, Lisa Seiser, Abilene Reflector Chronicle, Wendy Moulton, Mary Jane Oard, Hank Royer, Diane Miller and Gary Liby.

3. **Pledge of Allegiance** - Mayor Bowers led the Pledge of Allegiance.

Outgoing Commissioner Bowers made a statement to the staff: "When I was elected 8 years ago, I joined a City Manager and staff who had been demoralized and micro-managed to death but through it all you commitment to the City of Abilene never waivered."

"You have all heard me say over and over again, 'A City Commissioner is on as good as the staff'. If my service to you has been on quarter as commendable as yours, I have done well. You have led this commission with your professionalism, courage, loyalty, patience, understanding, humor, expertise, kindness and respect."

"If I have ever let you down, forgive me, but know that the last 8 years have been better for having shared it with all of you. You are the best and don't ever let anyone convince you otherwise."

City Commission Installation

4. Oath of Office for Newly Elected Commissioners

City Clerk Soukup gave the Oath of Office to Newly Elected Commissioners, Timothy Shafer, Dee Marshall and John Ray.

5. Nominations for Mayor and Vice-Mayor

Motion by Commissioner Payne, seconded by Commissioner Shafer to nominate Dennis Weishaar to serve as Mayor and Dee Marshall to serve as Vice-Mayor. Motion carried unanimously 5-0.

6. Recognition of Out-Going Commissioners

Mayor Weishaar presented Brenda Bowers and Angie Casteel plaques recognizing them for the service as City Commissioners for the City of Abilene and thanked them for their service.

Consent Agenda

7. Agenda Approval for the April 27, 2015 City Commission Meeting
8. Meeting Minutes: April 13, 2015, Regular Meeting
9. A Resolution authorizing certain signatories on deposit accounts at Financial Institutions for the City of Abilene, Kansas.

Motion by Commissioner Ray, seconded by Commissioner Payne to approve the Consent Agenda as presented. Motion carried unanimously 5-0.

Public Comments and Communications

10. 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.

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

Hank Royer expressed his concerns about the accelerating and continuing construction project at First and Elm Streets with the Flint Hills Grain, LLC elevator. He is concerned that this illegal and unnecessary project is being allowed to continue and expects that the two illegal elevators will have to be unused or removed in the future. The neighborhood and most of the City are being distressed by this construction. There have been ongoing problems with dust and debris blowing around the City.

11. 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

12. Kansas Tourism Week Proclamation

Commissioner Payne read a proclamation designating May 2-10, 2015 as Travel and Tourism Week in Kansas. It was presented to Glenda Purkis, Mary Jane Oard and Deb Sanders.

Public Hearings

13. There were no public hearings.

Old Business

14. There was no old business.

New Business

15. Consideration of an Ordinance amending Articles 27 and 28 of the Zoning Regulations of the City of Abilene, Kansas, concerning signage and floodplain regulations, respectively.

City Manager Dillner presented information regarding Ordinance No. 3269, which requires the installation of electronic signs to be approved with a Conditional Use Permit on a case by case basis and they can only be in a commercial or industrial zoning districts with the exception that they are prohibited in the historic downtown district. Section 28 revises the floodplain regulations to follow the state template.

Motion by Commissioner Ray, seconded by Commissioner Marshall to adopt Ordinance No. 3269 **AN ORDINANCE AMENDING ARTICLES 27 AND 28 OF THE ZONING REGULATIONS OF THE CITY OF ABILENE, KANSAS, CONCERNING SIGNAGE AND FLOODPLAIN REGULATIONS, RESPECTIVELY**. Motion carried unanimously 5-0.

16. A Resolution approving a Memorandum of Understanding between the Championship Demolition Derby Association and the City of Abilene, Kansas, concerning the sale of cereal malt beverages on City-owned property.

City Manager Dillner explained this is the same Memorandum of Understanding we have approved in previous years, the dates have just changed.

Commissioner Weishaar asked Police Chief Heimer to comment.

Police Chief Heimer explained they will use the same criteria for security as last year. There were no problems or concerns last year.

Motion by Commissioner Payne, seconded by Commissioner Marshall to approve Resolution No. 042715-2 **A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CHAMPIONSHIP DEMOLITION DERBY ASSOCIATION AND THE CITY OF ABILENE, KANSAS, CONCERNING THE SALE OF CEREAL MALT BEVERAGES ON CITY-OWNED PROPERTY**. Motion carried unanimously 5-0.

17. A Resolution making certain appointments to the Library Board of the City of Abilene, Kansas.

City Manager Dillner explained this resolution approves the appointment of Mitzi Gose and Emma Detrixhe to the Library Board for terms ending in 2019 and Sheila Biggs for an unexpired term ending in 2018.

Motion by Commissioner Shafer, seconded by Commissioner Payne to approve Resolution No. 042715-3 **A RESOLUTION APPROVING ANNUAL APPOINTMENTS TO THE LIBRARY BOARD OF THE CITY OF ABILENE, KANSAS.** Motion carried unanimously 5-0.

Reports

18. City Manager Reports

City Manager Dillner said that the City has communicated with Flint Hills Grain, LLC that they can proceed with the construction at their own risk. The Planning Commission meets May 12th and they will discuss it then.

19. Expenditure Report

Adjournment

20. Consideration of a motion to adjourn the April 27, 2015 City Commission meeting.

Motion by Commissioner Ray, seconded by Commissioner Payne to adjourn at 4:28 p.m. Motion carried unanimously 5-0.

(Seal)

Dennis P. Weishaar, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

ORDINANCE NO. 3270

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 1118 NW 2ND STREET, AT THE REQUEST OF SCOTT DAWSON BUILDERS, INC., FOR THE CONSTRUCTION OF A DUPLEX IN AN "R-1, LOW DENSITY RESIDENTIAL DISTRICT" IN THE CITY OF ABILENE, KANSAS

WHEREAS, the Planning Commission reviewed a request from Scott Dawson Builders, Inc. concerning a Conditional Use Permit for the construction of a duplex in an "R-1, Low Density Residential District" at property generally located at 1118 NW 2nd Street in Abilene, Kansas;

WHEREAS, the Planning Commission conducted a Public Hearing per Article 26 of the Zoning Regulations of the City of Abilene, Kansas, on April 14, 2015, and following public comment recommended approval of a Conditional Use Permit allowing the construction of a duplex on the above referenced property.

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

SECTION ONE. Conditional Use Permit. That a Conditional Use Permit is hereby issued to Scott Dawson Builders, Inc. for the construction of a duplex as generally provided in the Conditional Use Permit application as provided in **Exhibit A**, attached hereto.

SECTION TWO. Permit Conditions; Approval. Per Section 26-110 of the Zoning Regulations, the Planning Commission may impose, and the City Commission may approve, reasonable conditions on the approval of a Conditional Use Permit. There are no specific conditions for this Permit.

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 APPROVED by the Governing Body of the City of Abilene, Kansas this 11th day of May, 2015.

CITY OF ABILENE, KANSAS

By: _____
Dennis P. Weishaar, Mayor

ATTEST:

_____
Penny Soukup, CMC
City Clerk

EXHIBIT A

Conditional Use Permit Application

Scott Dawson Builders, Inc.

1118 NW 2nd Street

Abilene, KS

May 11, 2015

STAFF REPORT

PC 14-9 Consideration of a Conditional Use Permit, 1118 NW 2nd Street at the request of Scott Dawson Builders, Inc. for the construction of a duplex in an "R-1, Low Density Residential District".

GENERAL INFORMATION

Date:	April 7, 2015	
Owner:	Scott and Maureen Dawson	
Applicant:	Scott Dawson Builders, Inc.	
Requested Action:	Approval of a Conditional Use Permit.	
Purpose:	To allow construction of a duplex	
Location address:	1118 NW 2nd Street.	
Comprehensive Plan:	Comprehensive Plan Shows this address as Low Density Residential potential (includes single family and possible two-family units).	
Sites Existing Zoning:	"R-1, Low Density Residential District"	
Surrounding Zoning and Land Use:	North	*R-1 Low Density Residential District occupied by one detached single family structure.*
	South	*C-2 Restricted Commercial District occupied by public use (USD 435 property).*
	East	*R-1 Low Density Residential District occupied by a single family home.*
	West	*R-1 Low Density Residential District occupied by a single family home.*
Land Area:	Contains approximately 1 acre. (120' x 140')	
Notice Date:	This project was published and noticed by mail as required by code.	

COMMENTS

1. The Applicant is proposing a duplex on a vacant lot with dimensions 120 by 140 feet.
2. The duplex will be similar to those built by the Applicant located on North Elm Street adjacent to Mud Creek.
3. The duplex will be 63' by 72'.

RECOMMENDATION AND FINDINGS

Staff and the Planning Commission are recommending approval of the proposed duplex based 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.

b. Compatibility of proposed use with surrounding uses – Although there are no two family units within the immediate vicinity of this property, the future land use map designation of "Low Density Residential Potential" includes both single family and two family uses.

c. Public infrastructure – This proposal may not pose a burden on Public water or sewer. It has also been determined that there may be no adverse impact to storm sewers. Since this lot could potentially be legally split to accommodate two single family homes which would have the same impact as one two-family unit.

d. Necessity of the proposal due to changes in the affected area – There have been no appreciable changes to the affected area other than the number of infill lots for the City as a whole have increased in recent years.

e. Length of time the property has remained vacant – This property has remained vacant at least since 2010.

f. Compatibility of the subject property for the proposed use – The duplex would be consistent and compatible with the surrounding residential uses.

h. Whether the Comprehensive Plan is furthered and supported by this proposal – This proposal is consistent with the goals and objectives for diversity of housing outlined in the Comprehensive Plan.

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. It is staff opinion that this proposed use may not have an adverse impact on adjacent 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 proposal is by no means unique. There are a number of infill lots within Abilene which are currently zoned "R-1" which could by reason of their size accommodate a duplex.

COMMISSION OPTIONS:

1. Approve the Conditional Use Permit with conditions as deemed necessary;
2. Deny the request.

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):

- ☐ ADMINISTRATIVE APPEAL
- ☐ ANNEXATION
- ☐ CERTIFICATE OF APPROPRIATENESS
- ☐ COMPREHENSIVE PLAN AMENDMENT
- ☒ CONDITIONAL USE PERMIT
- ☐ DEVELOPMENT CODE AMENDMENT
- ☐ FINAL PLAT
- ☐ HOME OCCUPATION PERMIT
- ☐ LANDMARK DESIGNATION
- ☐ LOT SPLIT
- ☐ 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: PC15-3

Date Received: 3/10/15

Received By: [illegible]

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

_____

_____

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Maureen Dawson Tel: (KS) 263-7731

Business Name: Scott Dawson Builders Inc. Fax: ( ) "

Address: 2458 Gulp Rd

City: Abilene State: Ks Zip Code: 67410

E-mail: scottdawsonbuilders@gmail.com..

PROPERTY OWNER (If Different from Applicant/Agent):

Name: _____ Tel: ( )

Business Name: _____ Fax: ( )

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____

ENGINEER/ARCHITECT/SURVEYOR:

Name: _____ Tel: ( )

Business Name: _____ Fax: ( )

Address: _____

City: _____ State: _____ Zip Code: _____

E-mail: _____

PROPERTY INFORMATION

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

1118 NW 2nd

PROPERTY TAX IDENTIFICATION NUMBER: _____

ZONING: Existing: R-1 (Low Density Res) Proposed: _____

LAND USE: Existing: Vacant Proposed: Duplex Residential

GROSS SIZE OF PLAT/LOT: 120' x 140'

Residential: X Commercial: _____ Industrial: _____ Other: _____ Total: _____

NUMBER OF LOTS:

Residential: 1 Commercial: _____ Industrial: _____ Other: _____ Total: _____

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 1

Maximum Height of Buildings or Structures: 18'

Total Building Area: 3,666'

Total Impervious Area: 1,092'

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: X

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.

_____ Applicant Signature

3 10 15 Date

_____ Property Owner Signature

_____ 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

_____ 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 ☐ Heritage Commission ☐ Board of Zoning Appeals ☒ City Commission ☐ Other (specify):_____

DATE OF INITIAL HEARING(S): PC 4/14/15 CC 5/11/15

FEE AMOUNT: $100.00 **DATE FEE PAID:** $100.00 3/10/15

DETERMINATION OF COMPLETE APPLICATION:

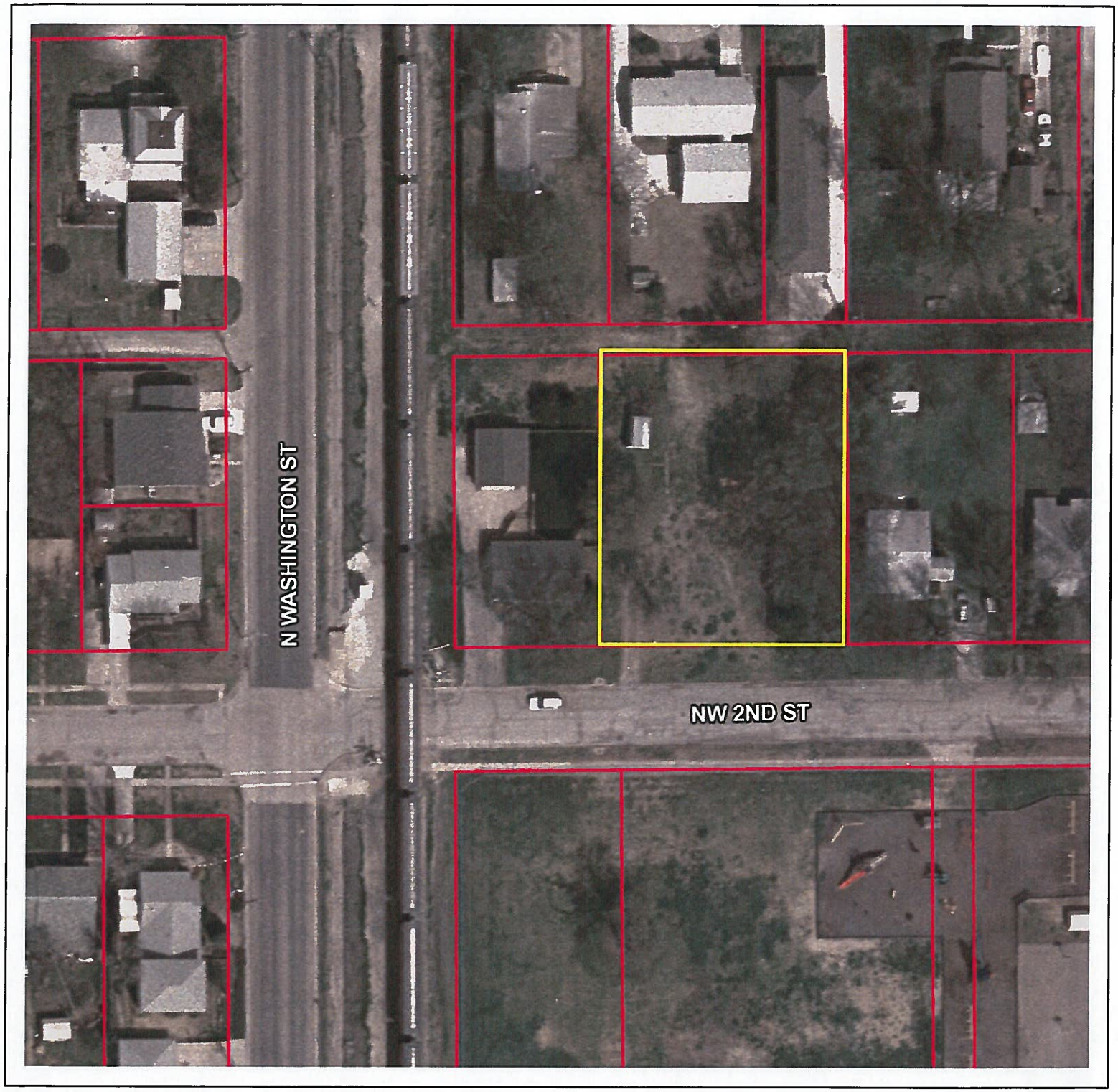
I certify that the Development Approval Application and attached documents are sufficient in form and content for review and recommendation by the decision-making bodies of the City of Abilene. As such, all required notifications and hearings may proceed pursuant to City regulations and procedures. This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

Tim Hamilton Name

Director Title

Signature

3/10/15 Date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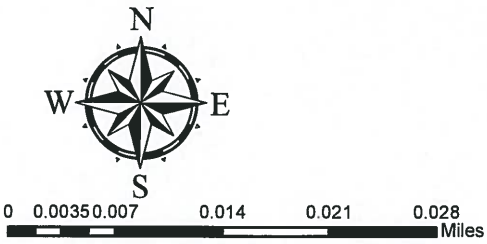
NW 2ND ST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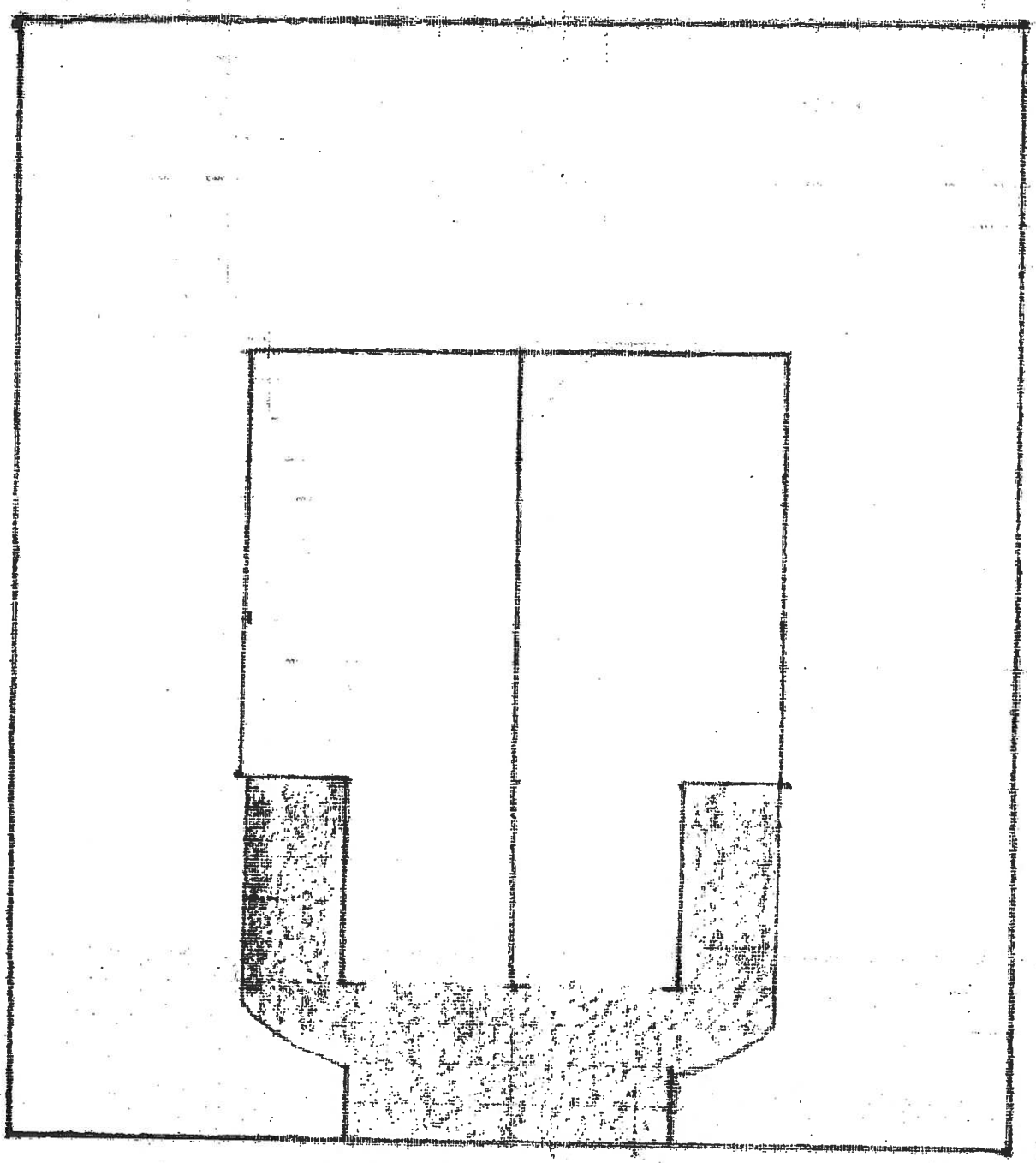
Miles

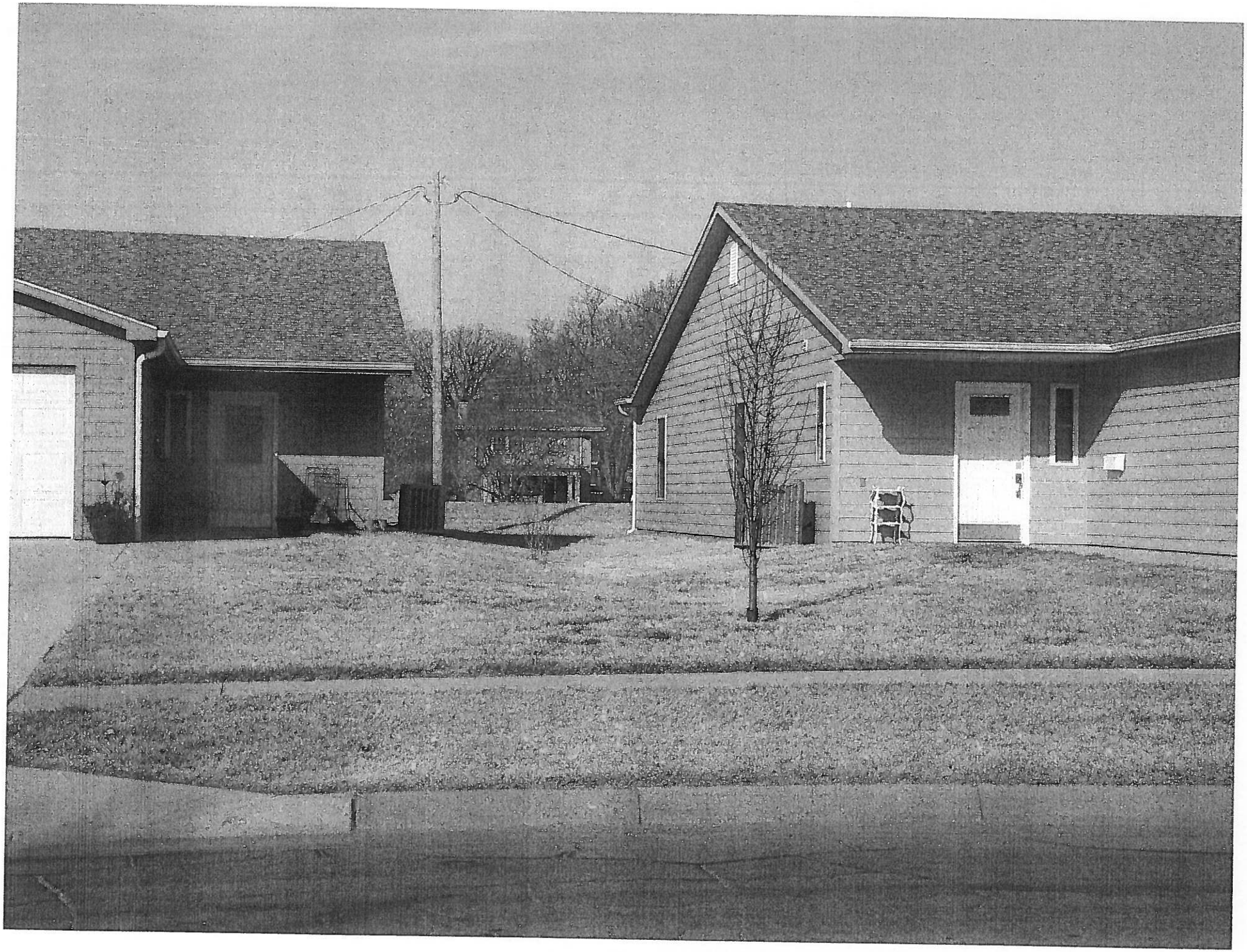
Site plan

Dawson 1118 N W 2nd.

26' front setback.
28' 5" Side Setbacks
42' Back yard.



Lot 120' + 140' Duplex 63' + 72'



Entered in Transfer Record in my office this 1 day of Aug, 20 13 A.D.
Barbara M. Jones Co. Clerk
Jeanne Lindstrom Deputy Co. Clerk

STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds
Book: D250 Page: 637-638
Recording Fee: $12.00
Receipt #: 253458
Pages Recorded: 2
Cashier Initials: JF
Authorized By
Date Recorded: 8/1/2013 2:21:52 PM

First American

KANSAS WARRANTY DEED

Grantor(s): **Vernon D. Howard, a single person**

Grantee(s): **Scott A. Dawson and Maureen L. Dawson, Trustees of the Maureen Dawson Trust under Agreement dated February 3, 1993**
Grantee(s) mailing address: **2458 Gulf Rd, Abilene, KS 67410**

In consideration of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor(s) ***GRANT, BARGAIN, SELL, CONVEY AND WARRANT*** to Grantee(s), the following described premises, to wit:

Lots Twenty-five (25), Twenty-seven (27) and Twenty-nine (29), on North Second Street, Lebold's Fourth Addition to the City of Abilene, Dickinson County, Kansas.

Subject to all easements, restrictions, reservations and covenants, if any, now of record

The Grantor(s) hereby covenanting that the Grantor(s), their heirs, successors and assigns, will ***WARRANT AND DEFEND*** the title to the premises unto the Grantee(s), their successors and assigns, against the lawful claims of all persons whomsoever, excepting however the general taxes for the current calendar year and thereafter, and the special taxes becoming a lien after the date of this deed.

RESOLUTION NO. 051115-1

A RESOLUTION APPROVING ANNUAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS OF THE CITY OF ABILENE, KANSAS

WHEREAS, Article 8 of Chapter 1 of the City Code of the City of Abilene establishes certain appointed boards and commissions for the City of Abilene, Kansas;

WHEREAS, the City of Abilene appoints members to said boards and commissions each year in May; and

WHEREAS, serving on appointed boards and commissions provides members of the public to serve their community in a unique and appreciated manner.

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

SECTION ONE. Annual Appointments. That the following appointments are made to the following Boards and Commissions of the City of Abilene, Kansas:

- Airport Advisory Committee: Jim Price and Ralph Viola with terms ending in 2018;
- Board of Zoning Appeals: Brenda Finn Bowers with a term ending in 2018;
- Building Standards Board: Barry Griffis, Greg Hottman, and Max Linder with terms ending in 2018;
- Convention and Visitor Bureau: Deb Sanders with a term ending in 2018;
- Economic Development Council: Ken King and Russ Wilkins with terms ending in 2018;
- Heritage Commission: Nanc Scholl and Brenda Finn Bowers with terms ending in 2018;
- Kids Council: Blair Adams and Stocton Timbrook with terms ending in May of 2017;
- Planning Commission: Bruce Dale and Steven Olson with terms ending in 2018;
- Recreation Commission: Justin Panzer with a term ending in August 2018;
- Sister City Committee: Corina Ryland, Scott Anderson, and Kevin Unruh with terms ending in 2018; and
- Tree Board: John Barbur with a term ending in 2018.

SECTION TWO. Guidelines for Operations. Appointed boards and commissions shall follow the guidelines for appointed boards and commissions as defined by Section 1-813 and 1-814 of the City Code. The City Manager, or the designated staff representative, shall provide an orientation for new members of appointed boards and commissions.

SECTION THREE. Recognition for Service. The City of Abilene wishes to recognize those who have served on its appointed boards and commissions that will not be continuing their service. The City Manager shall have prepared a Certificate of Service to be signed by the Mayor to be provided to each member resigning from their board or commission.

SECTION FOUR. 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 11th day of May, 2015.

CITY OF ABILENE, KANSAS

By:_____
Dennis P. Weishaar, Mayor

ATTEST:

_____
Penny Soukup, CMC
City Clerk

RESOLUTION NO. 051115-2

A RESOLUTION SETTING THE DATE, TIME AND PLACE OF A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS TO BE LEVIED ON CERTAIN PROPERTY IN THE CITY AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 061013-2, AS AMENDED BY RESOLUTION NO. 030915-2; DIRECTING PUBLICATION AND MAILING OF A NOTICE OF PUBLIC HEARING AND STATEMENT OF COSTS PROPOSED TO BE ASSESSED TO PROPERTY LIABLE FOR SUCH SPECIAL ASSESSMENTS

WHEREAS, the governing body of the City of Abilene, Kansas (the "City"), adopted Resolution No. 061013-2, on June 9, 2013 (published June 18, 2013), as amended by Resolution No. 030915-2 adopted March 9, 2015 (published March 12, 2015) (collectively, the "Advisability Resolution"), which authorized the construction of a water distribution system, streets, related storm sewer/drainage and all necessary appurtenances (the "Improvements") in the improvement district described and created by the Advisability Resolution, all in accordance with K.S.A. 12-6a01 *et seq.*, as supplemented and amended (the "Act"); and

WHEREAS, the Improvements are complete, and a Certification of Total Final Costs and Assessment Roll the Improvements has been prepared, and has been presented to and approved by the governing body; and

WHEREAS, pursuant to the Act, it is necessary to hold a public hearing to receive comments, complaints and/or objections to the proposed special assessments for the costs of the Improvements.

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

SECTION ONE. Authorization of Public Hearing. A public hearing to receive and hear complaints and objections to the proposed special assessments for the construction of the Improvements in the City, as authorized by the Advisability Resolution is directed to be held at the usual meeting place of the City Commission, in the Public Library, 209 NW 4th Street, Abilene, Kansas, at 4:00 P.M., on Monday, June 8, 2015.

SECTION TWO. Authorization of Publication of Notice of Public Hearing. The City Clerk is authorized and directed to cause the publication of a Notice of Public Hearing, in the form and manner required by law, in the City's official newspaper one time on May 15, 2015, or another date at least ten (10) days before the date of the public hearing.

SECTION THREE. Authorization of Mail Notice of Public Hearing and Statement of Cost. The City Clerk is further authorized and directed to mail, by first class United States Mail, postage prepaid, a "Notice of Public Hearing and Statement of Cost Proposed to be Assessed", in the form and manner required by law, to each and all of the property owners liable for such special assessments, at their last known post office address of record, on the same day as the publication of the Notice of Public Hearing required by Section 2 of this Resolution.

SECTION FOUR. Effective Date. This Resolution shall be effective from and after its adoption by the governing body of the City.

ADOPTED AND APPROVED by the governing body of the City of Abilene, Kansas on May 11, 2015.

CITY OF ABILENE, KANSAS

[seal]

By_____
Dennis P. Weishaar, Mayor

ATTEST:

By_____
Penny Soukup, City Clerk

EXHIBIT A

CITY OF ABILENE, KANSAS

FINAL COST STATEMENTS

IMPROVEMENTS AUTHORIZED BY RESOLUTION NO. 061013-2, AS AMENDED BY RESOLUTION NO. 030915-2

Construction & Engineering	$341,389.90
Legal, Fiscal & Admin.	32,061.60
Temporary Note Interest	1,548.50
Total Final Cost	$375,000.00
Less: City at Large Portion	0.00
Amount to be Assessed	$375,000.00

EXHIBIT B

CITY OF ABILENE, KANSAS

ASSESSMENT ROLLS

Legal Description (Property to be Assessed)	ASSESSMENT AMOUNT
Dawson's Cottage Addition:	
Lot 1, Block 1	$14,090.37
Lot 2, Block 1	$13,469.73
Lot 3, Block 1	$12,423.19
Lot 4, Block 1	$13,066.48
Lot 5, Block 1	$13,470.72
Lot 6, Block 1	$13,046.84
Lot 1 Block 2	$14,053.93
Lot 2 Block 2	$13,431.91
Lot 3 Block 2	$12,396.85
Lot 4 Block 2	$14,047.69
Lot 5 Block 2	$13,425.94
Lot 6 Block 2	$11,978.30
Lot 7 Block 2	$16.518.73
Lot 8 Block 2	$14,039.85
Lot 9 Block 2	$13,416.99
Lot 10 Block 2	$15,272.46
Lot 11 Block 2	$15,682.90
Lot 12 Block 2	$13,823.66
Lot 13 Block 2	$13,615.32
Lot 14 Block 2	$16,699.84
Prairie Hills Addition:	
Lot 1	$10,325.58
Lot 2	$19,767.39
A tract of land in the South Half of the South Half of the Northwest Quarter of the Southeast Quarter of Section Nine, Township Thirteen South, Range Two East of the 6th P.M. described as follows: Beginning at a point 390 feet East of the Northwest corner and on the North line of said (S/2 S/2 NW/4 SE/4) of Section 9; thence East 322.7 feet on said North line; thence South parallel to the North-South centerline of Section 9, a distance of 135.0 feet; thence West 322.7 feet; thence North 135.0 feet to a place of Beginning.	$66,935.33

RESOLUTION NO. 051115-3

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE HIGHLANDS DEVELOPMENT IN THE CITY OF ABILENE, KANSAS

WHEREAS, the City Manager has prepared a draft proposal to address the lack of development at the delinquent Highlands development;

WHEREAS, due to the delinquent nature of the subdivision, the City has assumed the payment of annual debt service for G.O. debt issued to finance the construction of public infrastructure for the development without the on-going support of special assessments as originally proposed; and

WHEREAS, the City desires to proactively pursue development within the subdivision so as to reduce the liability to the general taxpayer while attempting to equitably balance the considerations of local developers and builders.

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

SECTION ONE. Public Comments. The City Commission hereby authorizes the City Manager to solicit public comments on the Highlands proposal, as attached hereto as **Exhibit A**, and to make such comments available for the City Commission's review and consideration.

SECTION TWO. Appraisal. The City Commission further authorizes the City Manager to solicit an appraisal of the property contained in the Highlands development and to report the findings of said appraisal to the City Commission.

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 11th day of May, 2015.

CITY OF ABILENE, KANSAS

By:_____
Dennis P. Weishaar, Mayor

ATTEST:

_____
Penny Soukup, CMC
City Clerk

EXHIBIT A

Highlands Development Proposal Memorandum

City of Abilene, Kansas

DRAFT

TO: City Commission
CC: Mark Guilfoyle, City Attorney
FROM: David Dillner, City Manager
SUBJ: Highlands Development Proposal - DRAFT
DATE: April 30, 2015

The following proposal has been developed by the City Manager as a framework to guide public discussion on a viable solution to address the challenges associated with the Highlands development. The purpose of this draft framework is to provide a starting point for public dialogue on a politically acceptable solution to allow the community to begin to address the Highlands situation. Presently, taxpayers are paying about $300,000 per year, or the equivalent of about 5.7 mills, to pay the debt service on the development. The G.O. bonds issued for the development will be paid in full in 2030.

The proposal is proactive; instead of waiting until the property is available through the tax foreclosure process, the City would take actions now to increase the probability of progressive development within the subdivision. Any development that occurs within the Highlands is another lot that is paying property taxes and special assessments, thus reducing the overall liability for the City.

By no means is the framework final; the public is encouraged to review the proposal and provide any comments that may assist in making the proposal more politically acceptable. Instructions for providing comments may be found at the end of this memorandum.

1. The City negotiates the donation of real property generally known as the Highlands development to the Land Bank. The property owner is amenable to donating the property to the City's Land Bank, although he has requested the City provide an appraisal of the value of the property. If the City Commission wishes to proceed, the City Manager would solicit proposals from appraisers to determine the cost of preparing this information to be used in negotiations.

2. Upon completion of a negotiated transfer of the Highlands to the Land Bank, the Land Bank would sell the undeveloped acreage and deposit the proceeds into an escrow account to pay annual debt service for General Obligation debt issued by the City on behalf of the the development. Funds may also be used to pay for the replatting of the developed tracts to a configuration more aligned with the local market or as needed for a developer to repurpose the lots.

3. The City Commission would consider whether to pay a portion of the debt service liabilities on lots in the Highlands as an at-large contribution. Subsidization would reduce the private liability for special assessments for lots in the Highlands to more closely align with the amount of special assessments levied against lots in other new subdivisions in Abilene. In the event the City elects to subsidize special assessments in the Highlands, the City Manager recommends not subsidizing special assessments below the average amount of special assessments in other subdivisions in Abilene with outstanding special assessments.

4. The Land Bank would develop goals for the type of development to pursue for the Highlands. Such development options may include residential development opportunities that would provide housing options that are not presently offered in the Abilene market or that do not directly compete with the single-family residential market. Selecting a type of housing stock other than single-family housing may reduce direct competition between the Land Bank and local builders who mostly construct single-family housing.

5. The Land Bank would convey a lot or lots to interested builders, who would then be responsible for paying the future property taxes and special assessments levied against the property until it is sold to another party. The conveyance of lots may be subject to covenants or deed restrictions that would facilitate the goal of reducing competition with local builders. One scenario for possible build-out may include:

    a. **Phase I** - The Land Bank would make five lots available for development at no cost to prospective builders on a first come, first served basis.

    b. **Phase II** - Following the issuance of certificates of occupancy on the Phase I lots, the Land Bank would make another ten to fifteen lots available for development by auction.

    c. **Phase III** - Following the issuance of certificates of occupancy on the Phase II lots, the Land Bank would make other lots available, in geographic order, for development at market rates.

6. The City Attorney would prepare a special deed instrument that would allow existing property owners of property in a subdivision with special assessments in Abilene to swap a lot or lots within such subdivision with a commensurate number of lots in the Highlands. The lots will be conveyed to the Land Bank with a deed restriction ensuring that such lots will be reconveyed to the participant, at the participant's request and at no cost, following the issuance of a certificate of occupancy for a house constructed on the exchanged lots in the Highlands. Abilene developers/builders may elect to participate in the exchange program at any time, subject to the terms and conditions associated with the particular phase of implementation.

    During such time as the exchanged lots are held by the Land Bank, the privately assigned property owner will not be subject to property taxes or special assessments on the exchanged lots. The participant, however, will be liable for property taxes and special assessments on the lots conveyed from the Highlands until such time as the property is sold to a third-party.

7. The proposal has thus far dealt with the supply side of the economics equation. One approach to address the demand question economics associated with the general housing market in Abilene would be to implement a collaborative approach to marketing that focuses on the community rather than individual lots or houses. The approach would seek to draw in ideas and resources from various stakeholders with the intent of developing a marketing venture to sell Abilene as a livable community to selected target areas. The approach will draw on the experience of real estate agents, bankers, builders, business leaders, and others who have insight into the community and general marketing practices. Participants will assist in developing the marketing campaign, to include the selection of target areas, as well as produce a marketing plan for distribution of the community's message.

8. The City will actively engage the real estate community to promote its newly adopted Residential Incentive and other applicable incentives that seek to encourage new home purchases throughout Abilene.

As previously mentioned in this memorandum, the public is invited to review the proposal and provide comments that may assist in making the proposal more politically acceptable and successful. The deadline to submit comments is **5:00 pm** on **June 5, 2015**. Comments may be submitted as follows:

By Mail:
City of Abilene
Attn: David Dillner, Highlands Comments
PO Box 519
Abilene, KS 67410

By Email:
citymgr@abilenecityhall.com
Please include "Highlands Comments" in subject.

By Walk-In:
Comments may also be brought to City Hall, located at 419 N. Broadway, Abilene, KS

In addition, the City will host a Town Hall Meeting on June 4, 2015 to provide the public with an opportunity to voice their ideas to manage the Highlands development or to generally promote Abilene as a destination for future residents. The Town Hall Meeting will begin at 6:30 pm and will be held in the Commission Chambers of the Abilene Public Library.

Any input received from the public on this topic will be provided to the City Commission for their review and consideration.

CITY OF ABILENE

Summary Voucher Listing

Open, Completed , Printed, Requisitions

Vendor Number & Name		Voucher No	Sts	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
01250	ABILENE MUNICIPAL COURT	20150607	C	05/11/15	BRANDON LAMBERT 14-0704	625.00		
01290	ABILENE PRINTING & OFFICE	20150608	C	05/11/15	NAME PLATE	12.95		
01340	ABILENE ROTARY CLUB	20150609	C	05/11/15	1ST QTR DUES - DILLNER, HEIMER, HAMILTON & PURKIS	527.00		
01350	ABILENE TERMITE & PEST CO	20150610	C	05/11/15	PEST CONTROL SR CENTER	35.00		
		20150611	C	05/11/15	TERMITE CONTRACT MAIN CITY YARD BUILDING	135.00		
999201	AIRGAS USA, LLC	20150612	C	05/11/15	RAINCOAT	53.49		
19396	APAC, INC - SHEARS	20150613	C	05/11/15	HMA FOR STREET PATCHING	2,043.79		
01746	ATHCO, LLC	20150614	C	05/11/15	SCOREBOARD CONTROLLER	475.00		
02014	BAYER CONSTRUCTION CO, INC	20150615	C	05/11/15	HMA FOR STREET PATCHING	2,101.58		
02050	BERRY EQUIPMENT	20150616	C	05/11/15	CLUTCH FOR ASPHALT ROLLER	446.81		
02387	BRIANS PLUMBING INC	20150617	C	05/11/15	1ST/BUCKEYE OUR SHARE OF SEWER LINE WORK @ AMERIPRISE	1,523.00		
999171	BROOKS, JENNY	20150618	C	05/11/15	REFUND - BASEBALL LIZZIE	30.00		
03210	CFS INSPECTIONS	20150619	C	05/11/15	AERIAL LADDER TESTING & ALL GROUND LADDERS TESTED	1,009.50		
03275	CINTAS FIRST AID & SAFETY	20150620	C	05/11/15	1ST AID SUPPLIES	69.54		
03417	CONSOLIDATED PRINTING	20150621	C	05/11/15	PRINTING	128.96		
03430	CONTINENTAL ANALYTICAL	20150624	C	05/11/15	SAMPLES	157.60		
18150	COOPER, CHARLES D.	20150622	C	05/11/15	APRIL 2015 SERVICE	600.00		
03441	COOPER, KELLY	20150623	C	05/11/15	APRIL 2015 SERVICE	1,500.00		
04135	DETROIT INDUSTRIAL TOOL	20150625	C	05/11/15	ASPHALT/CONCRETE SAW BLADE	200.30		
04394	DPC INDUSTRIES, INC	20150626	C	05/11/15	CAUSTIC SODA/POTASSIUM PERMANGANATE	4,649.10		
05046	EAGLE COMMUNICATIONS	20150627	C	05/11/15	ETHERNET MAY 2015	270.00		
999108	FAGER, AMY	20150628	C	05/11/15	MILEAGE TO PICK UP TOURISM AWARDS	36.51		
06290	FOUR SEASONS INC	20150629	C	05/11/15	WATERHEATER DIAMOND #7	180.00		
		20150630	C	05/11/15	SPRING MAINT. ON SC HVAC SYSTEM	389.62		
07020	GADES SALES CO, INC	20150631	C	05/11/15	FOR AMERICAN FLAG INSTALLATION	232.72		
09160	GERALD INGRAM/FIRE & RESCUE	20150637	C	05/11/15	EXTRICATION GLOVES	101.43		
08145	HD SUPPLY WATERWORKS	20150633	C	05/11/15	METERS & WATER LINE PARTS	4,766.99		
999173	HESS & SONS SALVAGE, INC	20150634	C	05/11/15	SALVAGE YARD REPLACEMENT DOOR FOR TRUCK #00	150.00		
09069	IMAGE QUEST	20150635	C	05/11/15	COPIER & OVERAGE	21.61		
		20150636	C	05/11/15	MAINT FEE 4/20-5/20/15	136.95		
11239	KEY EQUIPMENT & SUPPLY	20150638	C	05/11/15	RETRIEVAL TOOL FOR MANHOLE	387.92		

CITY OF ABILENE

Summary Voucher Listing

Open, Completed , Printed, Requisitions

Vendor Number & Name		Voucher No	Sts	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
11254	KINDERKNECHT, MARK	20150639	C	05/11/15	NUISANCE ABATEMENT 322 NE 11TH	135.00		
999172	KOLLING, LARRY	20150640	C	05/11/15	3-POINT 60 GAL WEED SPRAYER	300.00		
11480	KS DEPT OF REVENUE	20150641	C	05/11/15	3 DMV CHECKS	30.00		
12012	LA RUE DISTRIBUTING INC	20150642	C	05/11/15	COFFEE	66.51		
12120	LEAGUE KS MUNICIPALITIES	20150643	C	05/11/15	GOVERNING BODY INSTITUTE & MAYOR'S CONF. - MARSHALL	160.00		
		20150644	C	05/11/15	GOVERNING BODY INSTITUTE & MAYOR'S CONF - SHAFER	160.00		
		20150645	C	05/11/15	AD FOR COMMUNITY DIRECTOR	140.00		
12125	LINDER ELECTRIC	20150646	C	05/11/15	ELECTRIC OUTLETS ADDED	198.49		
999150	MARK GUILFOYLE, ATTORNEY PA	20150632	C	05/11/15	MAY 2015 SERVICE	2,083.33		
999055	MDH UNLIMITED, LLC	20150647	C	05/11/15	1 YR BUSINESS LISTING	400.00		
11227	MIDWEST CONCRETE MATERIALS	20150648	C	05/11/15	CONCRETE AROUND TOWN	1,006.75		
13446	MIDWEST LIVING	20150649	C	05/11/15	SUBSCRIPTION	19.97		
09090	MILLER, JERRY A.	20150650	C	05/11/15	AWOS MAINT. APR 2015	300.00		
14170	NEOPOST USA INC	20150651	C	05/11/15	POSTAGE	500.00		
14190	NEX-TECH RURAL TELEPHONE	20150652	C	05/11/15	PHONE SERVICE	2,367.00		
14845	OCCUPATIONAL PERFORMANCE CO	20150653	C	05/11/15	DOT DRUG SCREEN - BLACKETER, HITE & HOLT	132.00		
14860	OLSSON ASSOCIATES	20150654	C	05/11/15	RUNWAY REHAB	11,025.74		
15030	OSBORN PROPERTIES	20150655	C	05/11/15	BILLBOARDS	200.00		
15067	OVERHEAD DOOR CO	20150656	C	05/11/15	REPLACE CENTER MAINT SHOP OVERHEAD DOOR	2,182.00		
999091	PATCHEN, JACOB	20150657	C	05/11/15	ARTS FESTIVAL GRAPHICS	630.00		
16133	POTTBERG, GASSMAN & HOFFMAN,	20150658	C	05/11/15	PRE-AUDIT CONSULTING	3,910.00		
16300	PRAIRIE FIRE COFFEE	20150659	C	05/11/15	COFFEE	83.80		
16401	PURKIS, GLENDA	20150660	C	05/11/15	MILEAGE TO SAMPLER FESTIVAL/KSU CLASS PRESENTATION	200.10		
17009	QUILL	20150661	C	05/11/15	MONITOR	168.29		
999001	REIN, RON	20150662	C	05/11/15	TOLL CHARGES - FDIC CONF.	5.50		
18320	ROBSON OIL CO, INC	20150663	C	05/11/15	55/1 SPIRAX	605.55		
		20150664	C	05/11/15	FUEL	6,327.38		
19180	SALINA SUPPLY CO	20150665	C	05/11/15	BACKFLOW VALVES	337.22		
19195	SAMS CLUB/GECF	20150666	C	05/11/15	SC JANITORIAL SUPPLIES	26.66		
19550	SMART INSURANCE	20150667	C	05/11/15	MARCUS ROTHCHILD, FINANCE DIRECTOR BOND	300.00		

CITY OF ABILENE

Summary Voucher Listing

Open, Completed , Printed, Requisitions

Vendor Number & Name		Voucher No	Sts	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
19550	SMART INSURANCE	20150668	C	05/11/15	BUSINESS/AUTO - ADDITIONAL INSURANCE 2015	10,388.00		
19500	SOCIALMENTUM, LLC	20150669	C	05/11/15	MINDMIXER ONLINE COMMUNITY ENGAGEMENT	2,100.00		
19629	SOUTHERN UNIFORM & EQUIPMENT	20150670	C	05/11/15	SHIRTS - 204 REYNOLDS	163.84		
19892	SUPERIOR SANITATION SERVICE	20150671	C	05/11/15	TRASH SERVICE @ CVB, RECYCLING & WWTP	240.00		
		20150672	C	05/11/15	TRASH SERVICE SC, CC & PARK	230.00		
19900	SWISHER, ANDREA K.	20150673	C	05/11/15	MAY 2015 SERVICE	2,083.33		
20244	THOMAS OUTDOOR ADVERTISING	20150674	C	05/11/15	BILLBOARD	130.00		
20355	TRAILS END CAR WASH	20150675	C	05/11/15	CAR WASHES - APRIL	150.75		
23210	UNIFIRST CORPORATION	20150676	C	05/11/15	UNIFORM SERVICE	2,062.66		
11724	US BANK EQUIPMENT FINANCE	20150677	C	05/11/15	COPIER LEASE 4/21-5/21/15	431.46		
		20150678	C	05/11/15	COPIER LEASE 4/21-5/21/15	163.30		
22020	VAN DIEST CHEMICAL CO	20150679	C	05/11/15	WEED SPRAYING CHEMICALS	1,633.50		
11221	VERIZON WIRELESS	20150680	C	05/11/15	CELL PHONE SERVICE	1,282.95		
23025	WAITT OUTDOOR	20150681	C	05/11/15	BILLBOARDS	1,810.00		
02155	WILKENS, JEFF	20150682	C	05/11/15	LAWN & GARDEN SUPPLIES	116.75		
					Report Total	79,985.20		