

ABILENE CITY COMMISSION - REGULAR MEETING AGENDA
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
June 8, 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 June 8, 2015 City Commission Meeting
5. Meeting Minutes: May 11, 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. **World Elder Abuse Awareness Day Proclamation**

Public Hearings

9. **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 Resolutions No. 061013-2 and 030915-2 of the City of Abilene, Kansas.**

Old Business

10. None

New Business

11. **Consideration of an Ordinance approving a Conditional Use Permit for 109 S. Elm Street, at the request of Flint Hills Grain, LLC, for the construction of a grain storage bin duplex in an "I-1, Light Industrial District" in the City of Abilene, Kansas.**
12. **Consideration of an Ordinance approving a Land Use Agreement and Easement with Flint Hills Grain, LLC and vacating certain land consisting of a portion of S. Elm Street within the City of Abilene, Kansas.**
13. **Consideration of an Ordinance of the City of Abilene, Kansas, levying Special Assessment Taxes on certain real properties in the City, for the purposes of paying the cost of certain internal improvements benefiting such real properties; providing notice of and collection of such Special Assessment Taxes.**
14. **Consideration of a Resolution approving an appropriation of \$5,000 from the Special Alcohol and Drug Fund to the Cedar House Foundation.**
15. **Consideration of an Ordinance amending Section 5-202 of the City Code of the City of Abilene, Kansas concerning the consumption of alcohol on City property.**

16. Consideration of a Resolution approving a Memorandum of Understanding between the Central Kansas Free Fair Association and the City of Abilene, Kansas, concerning the sale of cereal malt beverages on City-owned property.

Reports

17. City Manager's Report
18. Expenditures Report

Adjournment

19. Consideration of a motion to adjourn the June 8, 2015 City Commission meeting.

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

- Planning Commission, June 9 at 4:30 pm
- Economic Development Council, June 16 at 4:00 pm
- Commission Study Session, June 16 at 7:00 pm
- Budget Work Session, June 18 at 7:00 pm
- Commission Meeting, June 22 at 4:00 pm
- Budget Work Session, June 23 at 7:00 pm

Abilene City Commission Minutes
Abilene Public Library
May 11, 2015 @ 4:00 p.m.
Abilene, Kansas

1. Call to Order

2. Roll Call – City Commission Present: Mayor Weishaar, Commissioners Ray, Payne, Marshall and Shafer.

Staff Present: City Manager Dillner, Human Resources Director/City Clerk Soukup, Finance Director Rothchild, City Attorney Guilfoyle, Public Works Director Schrader and Parks & Recreation Director Foltz.

Others Present: Sarah Veach, Takara Carranza, Lisa Seiser-Abilene Reflector Chronicle, Hanna Warren, Gissel Munoz, Brendan Barnes, Aaron England, Seth Strauss, Eddie E. Balluch and Maureen Dawson.

3. Pledge of Allegiance - Mayor Weishaar led the Pledge of Allegiance.

Consent Agenda

4. Agenda Approval for the May 11, 2015 City Commission Meeting

5. Meeting Minutes: April 27, 2015, Regular Meeting

Motion by Commissioner Marshall, seconded by Commissioner Payne to approve the Consent Agenda with the addition of an executive session to the meeting agenda. Motion carried unanimously 5-0.

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 (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.

Eddie Balluch, 419 NE 14th St. Lot 9, first of all I would like to congratulate Dee Marshall and Tim Shafer on your recent election to the Governing Body. I wish you and the entire commission much success in governing over the affairs of the City of Abilene. Sorry I have been unable to attend the City Commission meetings the last four months as I was out of town serving as the Interim City Administrator for the City of Neodesha in southeast Kansas. However I have continued to keep up with things going on in Abilene through the website and the Reflector Chronicle because after all Abilene is my home.

Today I have a question for you. Is employee morale important to the City Commission? Experience has taught me that employee morale is very important in any organization. Workers with good morale are more productive because they feel good about themselves and about the job they are doing. It has been my observation from a distance that I believe the morale of the Abilene city employees has been declining over the past year. The first drop in morale was about ten months ago, however things did improve a little in October of last year when the commission approved an adjustment to the pay plan of 2% which was effective January 1, 2015. Employees were again feeling a little better about their work as a City employee. At the same it was announced that there would be no merit increases given in 2015.

However I saw a dip in morale, it occurred on January 12, 2015, when the City Commission, on a 4-1 vote, raised the City Manager's salary by \$2,500.00. A 2% increase, like everyone else received, would have been approximately \$1,800.00 if memory serves me correct. I believe the amount budgeted was \$1,800.00. It appears to me that the City Commission gave the City Manager a \$700.00 merit bonus on top of the 2%. Other employees of the City were not given the opportunity of a merit bonus. Why did the City Manager get one? I have asked myself this and I'm sure others were asking the same thing. In fact that \$700.00 increase was larger than what the majority of your City employees received as a 2% increase for the year. An employee would have to be making \$16.75 an hour with a 2% increase to equate that \$700.00. Therefore in order to restore employee morale and bring a sense of equal treatment for all City employees, I am asking the City Commission to consider approving an additional 1% cost of living raise to employees beginning July 1, 2015. It really should be retroactive to January but I know how budgets go. Again if memory serves me correctly, I estimate the cost of that raise to the City would be about \$18,500.00 which I feel is a small price to pay to once again have employees in a more positive frame of mind when serving the City of Abilene.

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.

There were no declarations.

Proclamations and Recognition

8. There were no proclamations or recognitions.

Public Hearings

9. There were no public hearings.

Old Business

10. There was no old business.

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.**

City Manager Dillner presented information concerning a Conditional Use Permit for 1118 NW 2nd Street to allow for the construction of a duplex. The Planning Commission has reviewed the request and they are in favor of it. There were no objections at the public hearing that was held.

Motion by Commissioner Payne, seconded by Commissioner Ray to approve Ordinance No. 3270 AN **ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 1118 NW 2ND STREET, AT THE REQUEST OF SCOTT DAWSON BUILIDERS, INC., FOR THE CONSTRUCTION OF A DUPLEX IN AN "R-1, LOW DENSITY RESIDENTIAL DISTRICT" IN THE CITY OF ABILENE, KANSAS.** Motion carried unanimously 5-0.

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

City Manager Dillner presented information regarding Resolution No. 051115-1 appointing the following to 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 Visitors 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 2019;

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.

Motion by Commissioner Ray, seconded by Commissioner Shafer to approve Resolution No. 051115-1 A **RESOLUTION APPROVING ANNUAL APPOINTMENTS TO THE VARIOUS BOARDS AND COMMISSIONS OF THE CITY OF ABILENE, KANSAS.** Motion carried unanimously 5-0.

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.

City Manager Dillner explained this Resolution would set the time and date for the Public Hearing on Special Assessments for the Dawson Cottage Addition for Monday, June 8, 2015 at 4:00 p.m.

Motion by Commissioner Marshall, seconded by Commissioner Ray to approve 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 THE PROPERTIES LIABLE FOR SUCH SPECIAL ASSESSMENTS.** Motion carried unanimously 5-0.

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.

City Manger Dillner explained that the Resolution would allow for the City to address the lack of development at the delinquent Highlands development. 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. It would also allow the City Manager to solicit public comments on the Highlands proposal.

Mayor Weishaar stated that dealing with the Highland development is a long and complicated process and this resolution will allow the City to move forward.

City Manager Dillner explained the Land bank, which the Legislature began to help cities deal with vacant and abandoned housing.

Motion by Commissioner Shafer, seconded by Commissioner Ray to approve 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.** Motion carried unanimously 5-0.

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.

Motion by Commissioner Ray, seconded by Commissioner Marshall to authorize the use of City-owned property to the north of the Community Center for a tractor pull during Fair Week. Motion carried unanimously 5-0.

16. Consideration of a motion to move into executive session for 15 minutes to include the City Manager and City Attorney.

Motion by Commissioner Ray, seconded by Commissioner Payne to move into executive session at 4:22 p.m. for 15 minutes to include the City Manager and City Attorney. Motion carried unanimously 5-0.

17. Consideration of a motion to return from executive session.

Motion by Commissioner Marshall, seconded by Commissioner Payne to return from executive session at 4:37 p.m. Motion carried unanimously 5-0.

Reports

18. City Manager Reports

There will be no City Commission meeting on May 25th.

Motion by Commissioner Marshall, seconded by Commissioner Payne to cancel the May 25th City Commission meeting. Motion carried unanimously 5-0.

The EDC interviews for the two finalists are today.

The Planning Commission will hold a meeting at 4.30 p.m. on Tuesday, May 12th regarding the Flint Hills Grain Conditional Use Permit.

There will be a Budget Forum on May 14th at 6:30 p.m.

19. Expenditure Report

Adjournment

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

Motion by Commissioner Ray, seconded by Commissioner Payne to adjourn at 4:41 p.m. Motion carried unanimously 5-0.

(Seal)

Dennis P. Weishaar, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk



PROCLAMATION

WORLD ELDER ABUSE AWARENESS DAY

June 15, 2015

- WHEREAS:** Abilene's seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity.
- WHEREAS:** In 2006, the International Network for the Prevention of Elder Abuse, in support of the United Nations International Plan of Action, proclaimed a day to recognize the significance of elder abuse as a public health and human rights issue; and
- WHEREAS:** 2015 marks the 10th Annual World Elder Abuse Awareness Day. Its recognition will promote a better understanding of abuse and neglect of older adults; and
- WHEREAS:** Abuse of older people is a tragedy inflicted on vulnerable seniors and an ever-increasing problem in today's society that crosses all socio-economic boundaries.
- WHEREAS:** We are all responsible for building a safer community for Abilene's seniors.
- WHEREAS:** The well-being of Abilene's seniors is in the interest of all and further adds to the well-being of Kansas communities.
- WHEREAS:** Quality of Life Coalition request citizens wear purple on Monday, June 15, 2015, in observance of World Elder Abuse Awareness Day.

THEREFORE; I, Mayor of Abilene, Kansas do hereby proclaim June 15th, 2015, as **World Elder Abuse Awareness Day** in Abilene, Kansas and encourage all of our residents to recognize and celebrate seniors and their ongoing accomplishments and contributions to the success and vitality of Kansas.

Dated on this day of June 8, 2015

Penny L. Soukup
City Clerk

Dennis E. Weishaar
Mayor

**Special Notice to the City Commission's
June 8, 2015 Regular Meeting Agenda**

The Planning Commission's May 12, 2015 minutes have not been included in the attachments for **Item No. 11** in the City Commission's agenda packet; the minutes are still under review by the City Attorney.

In addition, a proposed ordinance approving a Land Use Agreement and Easement with Flint Hills Grain, LLC and vacating certain land consisting of a portion of S. Elm Street within the City of Abilene, Kansas, scheduled for the City Commission's June 8, 2015 regular meeting at **Item No. 12** has not been included in the agenda packet. The ordinance and agreement are still under review by the City Attorney.

Both of these items will be available for public review on Monday, June 8, 2015 prior to the City Commission's meeting on the City's website at www.abilenecityhall.com/agendas. Citizens may also request a copy at City Hall, located at 419 N. Broadway Street.

The City apologizes for the inconvenience.

ORDINANCE NO. 3271

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT APPROVING A CONDITIONAL USE PERMIT FOR 109 S. ELM STREET, AT THE REQUEST OF FLINT HILLS GRAIN, LLC, FOR THE CONSTRUCTION OF A GRAIN STORAGE BIN IN AN "I-1, LIGHT INDUSTRIAL DISTRICT" OF THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider a Conditional Use Permit to allow for the construction of a grain storage bin at property generally described as 109 S. Elm Street in Abilene, Kansas, as provided in **Exhibit A** as attached hereto;

WHEREAS, the Planning Commission conducted a public hearing on May 12, 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 the construction of a grain storage bin at the aforementioned address.

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

SECTION ONE. Findings of Fact. That the Findings of Fact, as provided in the Staff Report attached hereto, are hereby accepted and approved by the City Commission.

SECTION TWO. Conditional Use Permit. That a Conditional Use Permit is hereby granted to Flint Hills Grain, LLC. for the construction of a grain storage bin as generally provided in the Conditional Use Permit application, as attached hereto on property legally described as follows:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, AND IN THE NORTHEAST QUARTER OF SECTION 20, BOTH IN TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH PRINCIPAL MERIDIAN, DICKINSON COUNTY, KANSAS, AND ALSO PARTS OF BLOCKS 6, 7, 8, 9 AND 10, ORIGINAL TOWN OF ABILENE, DICKINSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, BEING PART OF THE TRACTS DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 217 AT PAGE 696, AND PART OF TRACTS DESCRIBED BY THE QUITCLAIM DEED RECORDED IN BOOK 208 AT PAGE 694, BOTH OF THE DICKINSON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE ALONG THE WEST LINE OF VACATED VINE STREET AND THE WEST LINE OF SAID SECTION 21, SOUTH 00°01'52" WEST, 562.04 FEET TO A POINT ON THE EASTERLY LINE OF THE FLOOD CONTROL RIGHT-OF-WAY, AS DESCRIBED IN MISC. BOOK 136 AT PAGE 576 OF THE DICKINSON COUNTY RECORDS, THE POINT OF BEGINNING,

MARKED WITH A 1/2" BAR AND CAP; THENCE ALONG SAID FLOOD CONTROL RIGHT-OF-WAY, NORTH 89°19'38" WEST, 20.46 FEET TO A 1/2" BAR; THENCE ALONG SAID FLOOD CONTROL RIGHT-OF-WAY LINE AND ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A CHORD BEARING SOUTH 52°16'47" WEST, A DELTA ANGLE OF 35°37'52", A RADIUS OF 362.42 FEET AND A CURVE LENGTH OF 225.38 FEET, TO A 5/8" BAR AND CAP; THENCE LEAVING SAID FLOOD CONTROL RIGHT-OF-WAY, SOUTH 00°14'34" EAST, 22.36 FEET, TO A 5/8" BAR AND CAP; THENCE NORTH 64°54'12" EAST, 63.73 FEET, TO A 1/2" BAR AND CAP; THENCE SOUTH 89°50'05" EAST, 138.00 FEET TO A POINT ON THE WEST LINE OF VACATED VINE STREET AND ON THE WEST LINE OF SAID SECTION 21, MARKED WITH A 1/2" BAR AND CAP (0.2' WEST); THENCE SOUTH 89°50'05" EAST, 151.73 FEET TO A 1/2" BAR AND CAP; THENCE NORTH 73°02'00" EAST, 319.97 FEET TO A 1/2" BAR AND CAP; THENCE NORTH 84°53'13" EAST, 170.36 FEET TO A 1/2" BAR AND CAP; THENCE NORTH 89°45'52" EAST, 134.62 FEET TO A 5/8" BAR AND CAP; THENCE NORTH 89°59'35" EAST, 1105.63 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET, AS NOW ESTABLISHED, MARKED WITH A 5/8" BAR; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 00°05'14" WEST, 17.99 FEET TO A POINT ON THE SOUTH LINE OF AN ALLEY IN SAID BLOCK 10, MARKED WITH A 5/8" BAR AND CAP; THENCE ALONG THE SOUTH LINE OF SAID ALLEY, THROUGH SAID BLOCKS 10, 9 AND 8, SOUTH 89°57'19" WEST, 1445.08 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ELM STREET, AS NOW ESTABLISHED; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 00°01'05" EAST, 528.80 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 6, MARKED WITH A 1/2" BAR; THENCE ALONG THE NORTH LINE OF SAID BLOCK 6, SOUTH 89°50'05" WEST, 154.11 FEET TO A POINT ON THE EAST LINE OF SAID FLOOD CONTROL RIGHT-OF-WAY, MARKED WITH A 1/2" BAR AND CAP; THENCE ALONG SAID FLOOD CONTROL RIGHT-OF-WAY LINE THE FOLLOWING CALLS AND DISTANCES: ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 36°42'58" WEST, A DELTA ANGLE OF 20°00'31", A RADIUS OF 380.00 FEET AND A CURVE LENGTH OF 132.70 FEET TO A BAR AND CAP; THENCE SOUTH 26°42'42" WEST 260.60 FEET TO A BAR AND CAP; THENCE ALONG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 28°17'06" WEST, A DELTA ANGLE OF 03°08'49", A RADIUS OF 1939.27 FEET AND A CURVE LENGTH OF 106.51 FEET TO A POINT ON THE EAST LINE OF VACATED VINE STREET, ALSO BEING THE WEST LINE OF SAID BLOCK 7, MARKED WITH A 1/2" BAR AND CAP; THENCE CONTINUING ALONG SAID FLOOD CONTROL RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF VACATED VINE STREET, SOUTH 00°01'52" WEST, 86.24 FEET TO A POINT ON THE NORTH LINE OF A VACATED ALLEY; THENCE SOUTH 89°57'31" WEST, 11.00 FEET TO THE CENTERLINE OF VACATED VINE STREET, MARKED WITH A 1/2" BAR AND CAP; THENCE SOUTH 01°16'08" WEST, 4.34 FEET TO A 5/8" BAR AND CAP; THENCE NORTH 89°19'38" WEST, 10.91 FEET TO THE POINT OF BEGINNING AND CONTAINS 5.60 ACRES, MORE OR LESS.

SECTION THREE. 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 provided in the Staff Report as attached hereto.

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

SECTION FIVE. 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 8th day of June, 2015.

CITY OF ABILENE, KANSAS

By: _____
Dennis P. Weishaar, Mayor

ATTEST:

Penny Soukup, CMC

APPROVED AS TO FORM:

Mark Guilfoyle, P.A.
City Attorney

EXHIBIT A

Conditional Use Permit Application

and

Staff Report

for

109 S. Elm Street

City of Abilene, Kansas

June 8, 2015

STAFF REPORT

PC 15-4 Consideration of a Conditional Use Permit, 109 S. Elm Street at the request of Gavilon/Flint Hills Grain, LLC for the construction of an additional grain storage bin.

GENERAL INFORMATION

Date:	May 4, 2015
Owner:	Flint Hills Grain, LLC
Applicant:	Brian Carleton, as agent to the property owner
Requested Action:	Approval of a Conditional Use Permit
Purpose:	To approve the construction of a 105-foot grain storage bin
Location address:	109 S. Elm Street
Comprehensive Plan:	Comprehensive Plan Shows this address as "Industrial Potential"
Sites Existing Zoning:	"I-1, Light Industrial District"
Surrounding Zoning and Land Use:	North <i>R-3 High Density Residential District occupied by residential structures.</i>
	South <i>I-1 Light Industrial District; BNSF Rail Road Right of way.</i>
	East <i>I-1 Light Industrial District; residential structures (owned by Applicant).</i>
	West <i>I-1 Light Industrial District; Mud Creek</i>
Land Area:	Contains approximately one acre
Notice Date:	Notice of the Public Hearing was published in the official newspaper on April 21, 2015, and notice was also provided by mail as required by City Code.

COMMENTS:

1. The Applicant is constructing a 105-foot steel storage bin and truck receiving system on a property which has been zoned "I-1, Light Industrial District" for a number of years.
2. Due to an error in locating the property line, the storage bin currently under construction encroaches approximately six feet into public right-of-way.
3. Both the Applicant and the City are open to resolving the aforementioned setback issue by exchanging land for public right-of-way. The exchange would bring the storage bin into compliance with the twenty foot setback requirement for the "I-1" District, and enable the City and various utility companies to utilize additional land east of the current right-of-way line on S. Elm Street.
4. The City will not be able to consider the land exchange to resolve the aforementioned right-of-way issue until a Conditional Use Permit is granted.
5. Grain storage is considered a Conditional Use in the "I-1, Light Industrial District."
6. The building permits for the two existing grain storage bins on the site were issued in 2004. Construction was completed soon thereafter, but the City does not know the exact date of completion. The issuance of a certificate of occupancy was not a common practice at that time.

7. A Conditional Use Permit is required by the City whenever a change to the current condition of an existing use, which has been in place prior to the adopted regulations, is modified (In this case, the potential acquisition of additional land on the west right-of-way line on S. Elm Street by the Applicant).
8. The Conditional Use Permit will also enable the Applicant to address environmental concerns raised by the public and related to the operation of the grain bin. Staff has received comments and concerns from Karla Golden regarding dust and noise concerns.

Recommendation and Findings:

Staff is recommending *approval* of the Conditional Use permit with the following findings as outlined in Article 26-110:

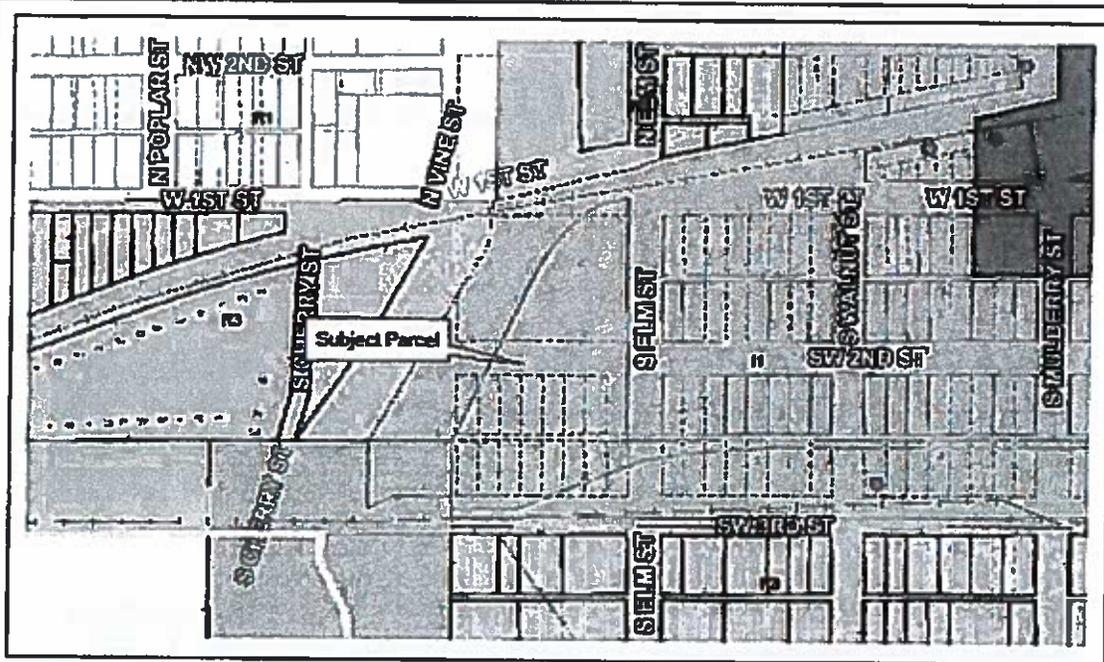
- a) **Consistency with intent and purpose of the zoning regulations** – In general, the proposed use is consistent with the intent and purpose as outlined in Article 1 of the regulations. The Applicant has shown good faith effort in proposing modifications to both its operation and facility to address the concerns of the public.
- b) **Compatibility of proposed use with surrounding uses** – The property has had the existing use established for at least four decades preceding the current owner. Although there have been environmental issues in the past with the Applicant's property, the residential properties within the vicinity of this operation have co-existed for decades.
- c) **Public Infrastructure** – The proposed use will have no adverse impact on public water or sewer. However, S. Elm Street between railroad right-of-way and W. First Street may experience additional wear with increased truck traffic.
- d) **Necessity of the proposal due to changes in the affected area** – There are no changes in the affected area. However, the subject site is part of a larger operation which includes other properties owned by Gaviion/Flint Hills Grain.
- e) **Length of time the property has remained vacant** – The property has been continuously operated as a grain storage operation since the late 1980s.
- f) **Compatibility of the subject property for the proposed use** – The property has contained the existing use, or similar intense industrial uses for over forty years (at least since the early 70's). The City has recognized the existence within its corporate limits of Industrial uses immediately adjacent to residential uses at least since the 1969 Comprehensive Plan.

- g) **Whether the Comprehensive Plan is furthered and supported by this proposal** – The Future Land Use Map indicates this property as “Industrial Potential.” The subject property has retained this classification since the 1969 Comprehensive Plan. Chapter 9, Section C of the current Comprehensive Plan states that “Future Land Use Plan amendments are anticipated as growth occurs and market conditions change.” The City recognizes that the existing, long established use on this property has had the potential to grow.
- h) **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.” Due to current conditions and lot configuration, traditional screening of the facility may not be feasible. However, the Planning Commission may consider conditions in lieu of screening, including those proposed by the Applicant to address environmental concerns. Staff is of the opinion that the proposed improvements, with some additional modification, will not cause adverse impacts to adjacent properties.
- i) **Solid Waste disposal facilities** – Not Applicable
- j) **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 in the City of Abilene.

Planning Commission Options:

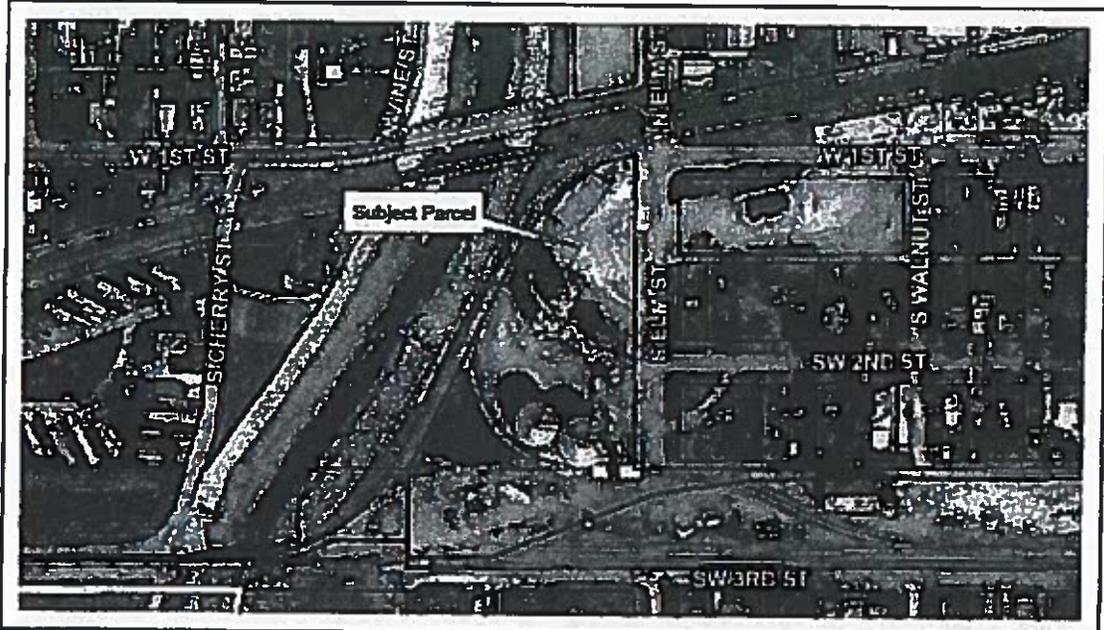
1. Recommend approval of the Conditional Use Permit. If this option is chosen, the following conditions of approval are strongly recommended:
 - a. The property owner shall dedicate sufficient real property to the City to address, to the satisfaction of the City Attorney, the existing encroachment on the public right-of-way and to bring the property into compliance with existing setback requirements for the applicable zoning district.
 - b. The Applicant is proposing several items to address dust and noise issues of the operation (see attached Exhibit). With regard to Item 4, any replacement of aeration fans or related equipment must be of similar or higher quality grade.
 - c. With regard to Item 5, the property owner shall apply an acceptable surface treatment on-site to reduce dust caused by vehicular traffic entering, traveling through, and exiting the site prior to the issuance of a Certificate of Occupancy. The Applicant will submit to the City a specification sheet of the product proposed for use. The City will monitor the site for dust resulting from vehicular movements on the site following the issuance of the Certificate of Occupancy.

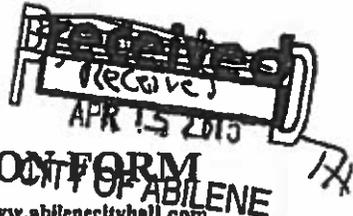
- d. Applicant shall provide the City with an annual inspection report of the facilities and providing documentation of any repairs completed during the year to address any mechanical equipment issues.
 - e. The Applicant shall comply with all applicable federal and state environmental air quality laws.
 - f. A Certificate of Occupancy for the new facility shall only be granted upon submittal of an approved traffic plan which addresses the following items: 1) traffic movements to and from the site shall not unduly impede public access to the public right-of-way; and 2) trucks shall not double stack on any public street in a manner that prevents public use of the public right-of-way.
 - g. The City will enforce the provisions of the Conditional Use Permit as provided in Article 30 of the Zoning Regulations. Such enforcement may include revocation of the Conditional Use Permit.
2. Recommend denial of the Conditional Use Permit, with findings justifying the recommended denial; or
 3. Table for further information. The Planning Commission will need to specify the information they require to aid in their decision making process.



0 60 120 240 360 480 Feet

PC 15-4 Conditional Use Permit





CITY OF ABILENE, KANSAS

DEVELOPMENT APPROVAL APPLICATION FORM

419 N. Broadway • Abilene, Kansas 67410 • Tel: (785) 263-2355 • Fax: (785) 263-2552 • www.abilene-cityhall.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: PC 15-4, Date Received: 4/15/15, Received By: [Signature]

BRIEF DESCRIPTION OF APPLICATION PURPOSE:

Construct new 105' steel storage bin and truck receiving system.

APPLICANT INFORMATION

APPLICANT/AGENT (If Not Property Owner):

Name: Brian Carleton VP-Operations, Tel: 402-889-4171, Business Name: Gavilan Grain, Fax: (), Address: 1331 Capitol Ave, City: Omaha, State: NE, Zip Code: 68102

PROPERTY OWNER (If Different from Applicant/Agent):

Name: Flint Hills Grain, LLC, Tel: 800-767-7275, Business Name: Flint Hills Grain, LLC, Fax: 785-263-3203, Address: 513 W First, City: Abilene, State: Kansas, Zip Code: 67410

ENGINEER/ARCHITECT/SURVEYOR:

Name: Bill Hodges, Tel: 785-823-0440, Business Name: Habco Inc, Fax: 785-823-0442, Address: 248 E Berg, City: Salina, State: Kansas, Zip Code: 67401, E-mail: billh@habcoinc.com

PROPERTY INFORMATION

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

513 ~~W First~~ ^{109 S Elm} Abilene, Kansas 67410

PROPERTY TAX IDENTIFICATION NUMBER:

ZONING: Existing: I-1 Proposed: VA

LAND USE: Existing: Industrial Proposed: Industrial

GROSS SIZE OF PLAT/LOT:

Residential: _____ Commercial: _____ Industrial: 12,150 Other: _____ Total: 12,150 ft²

NUMBER OF LOTS:

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

IMPROVEMENT CHARACTERISTICS:

Number of Buildings or Structures: 1 Total Building Area: 8992 ft²

Maximum Height of Buildings or Structures: 122'-2" Total Impervious Area: 3158 ft²

EXISTING PUBLIC FACILITIES:	Public	Private	Other (Describe)
Water Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wastewater Service:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roadway Access:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FLOODPLAIN INFORMATION: NA

Floodway: Yes No FIRM Map-Panel Number: 0070

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
1) Excavation Permit
2) Building Permit

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.

B. Lane VP-Ops
Applicant Signature

4-14-15
Date

Deey O'Kons
Property Owner Signature

4-14-15
Date

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

PART II - TO BE COMPLETED BY STAFF

DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

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

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

DATE OF INITIAL HEARING(S): May 12, 2015 (P/C) To City Commission 6/8/15

FEE AMOUNT: \$ 100.00 DATE FEE PAID: 4/17/15

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.

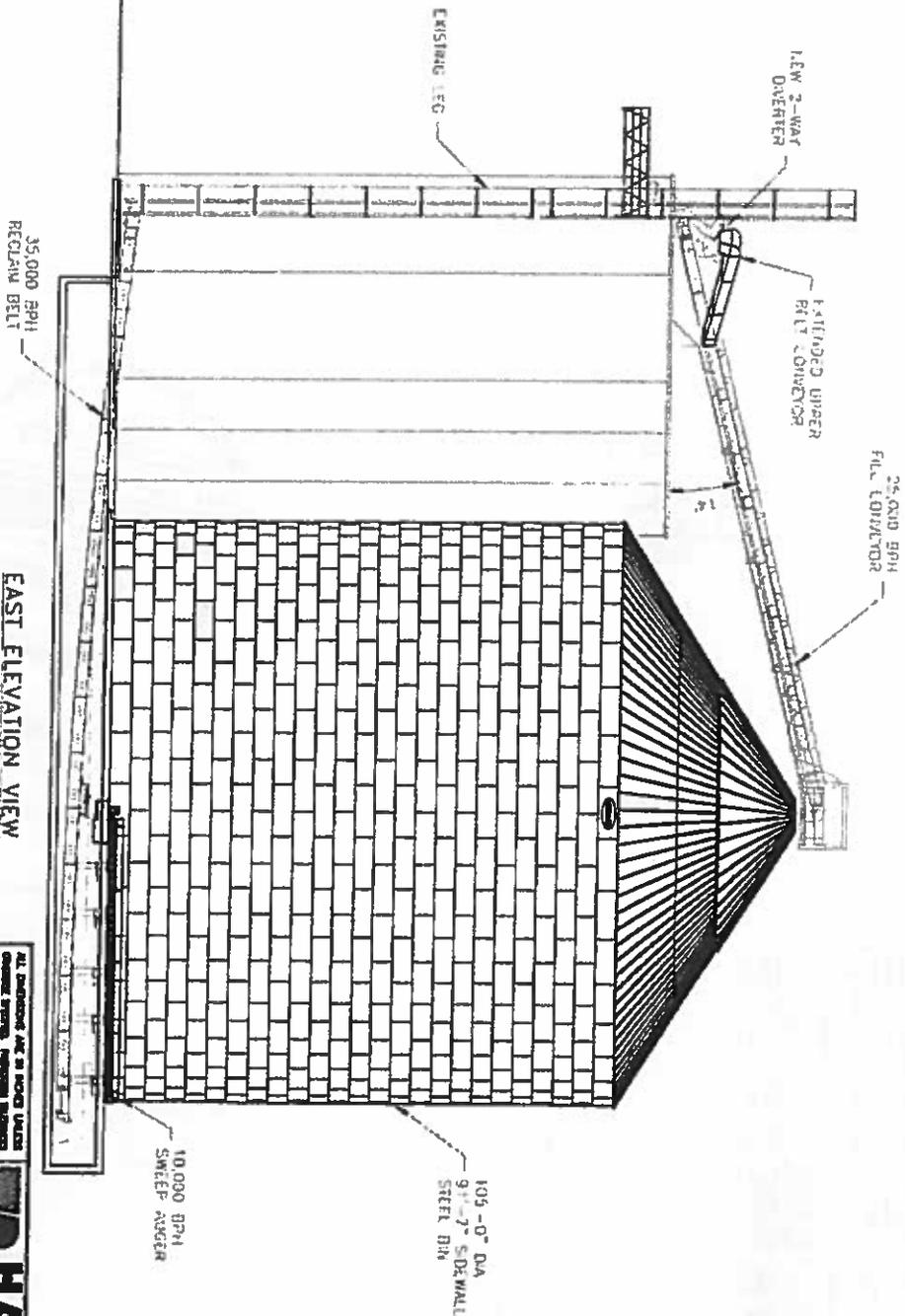
Tim Hamilton Name Comm. Dev. Director Title
[Signature] Signature 4/15/15 Date
 APR 17 2015
 CITY OF ABILENE

Flint Hills Grain, LLC New Bin Project

Steps that are being undertaken to allow us to control dust emissions and noise from our system.

- 1. Installing silencers on the aeration fans for the new bin to reduce noise levels.**
- 2. Installing mechanical baffles in the new truck receiving pit to reduce dust emissions from the pit.**
- 3. Modifying belt loader on overhead belt to improve loading of grain onto belt conveyor.**
- 4. Have contracted with 3rd party contractor to inspect and repair any operational or mechanical issues with existing dust filter systems.**
- 5. Plan to install a road dust control product on the truck roads to reduce dust from truck traffic.**
- 6. New pit will allow conveyance of grain straight to rail loading storage bins, this will reduce the volume of internal grain transfer in the elevator. Reduced handling will reduce dust emissions.**
- 7. New facility Manager and Superintendent have been placed at the facility to increase operational efficiency and controls.**

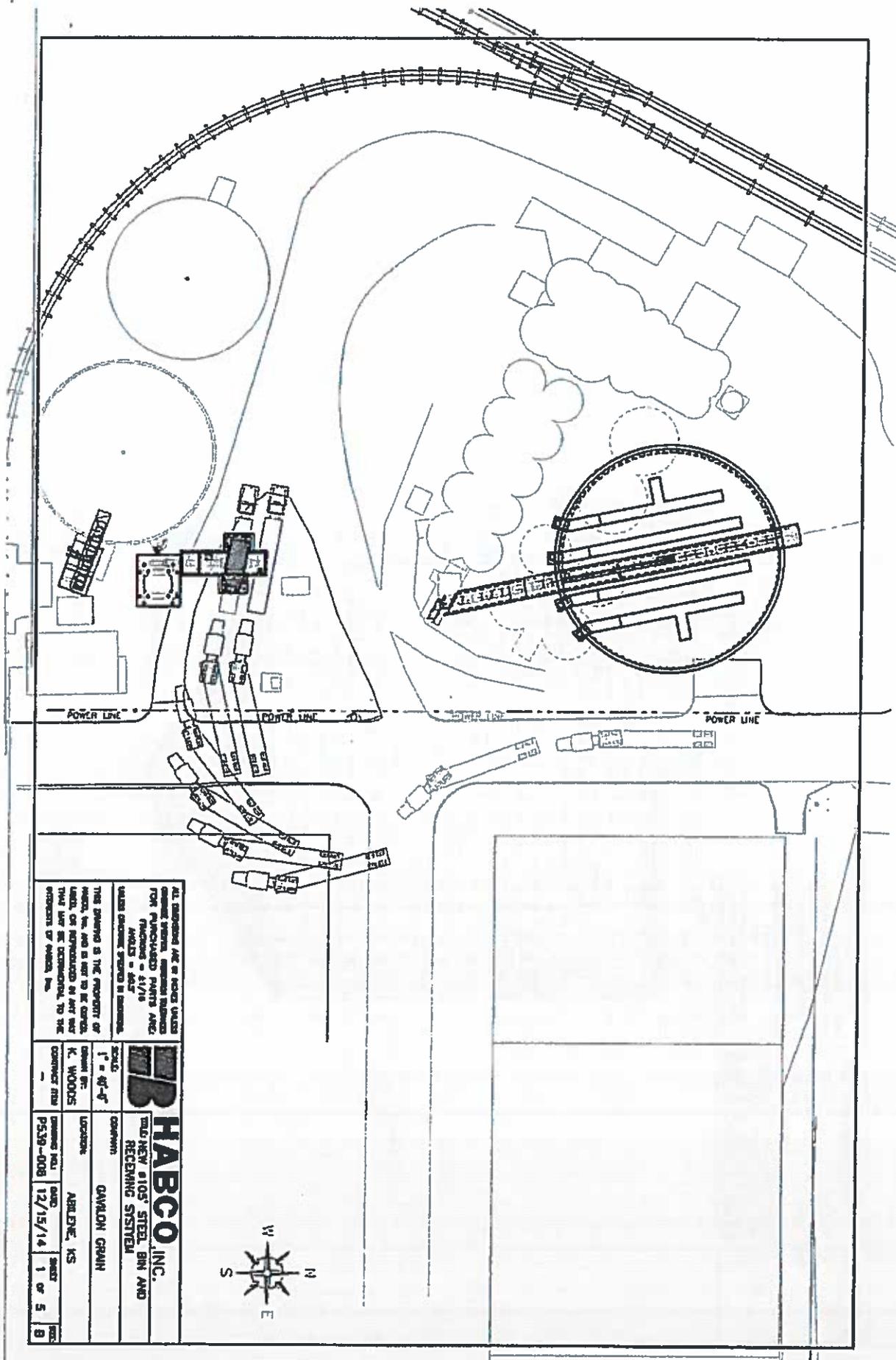
EAST ELEVATION VIEW
LOOKING WEST



ALL DIMENSIONS ARE IN UNITS UNLESS OTHERWISE SPECIFIED. MATERIALS SHOWN FOR PURCHASED PARTS AND ANGLES - AISC

THIS DRAWING IS THE PROPERTY OF HANCO, INC. AND IS NOT TO BE COPIED, REPRODUCED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HANCO, INC.

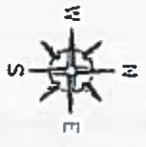
		HABCO INC. THE NEW 8105' STEEL BIN AND RECEIVING SYSTEM	
SCALE: 1" = 20'-0"	DRAWN BY: K. WOODS	CONTRACT NO.: P530-008	DATE: 12/15/14
LOCATION: GAWLON GRAY ABILENE, KS		SHEET: 4 OF 5	TITLE: B

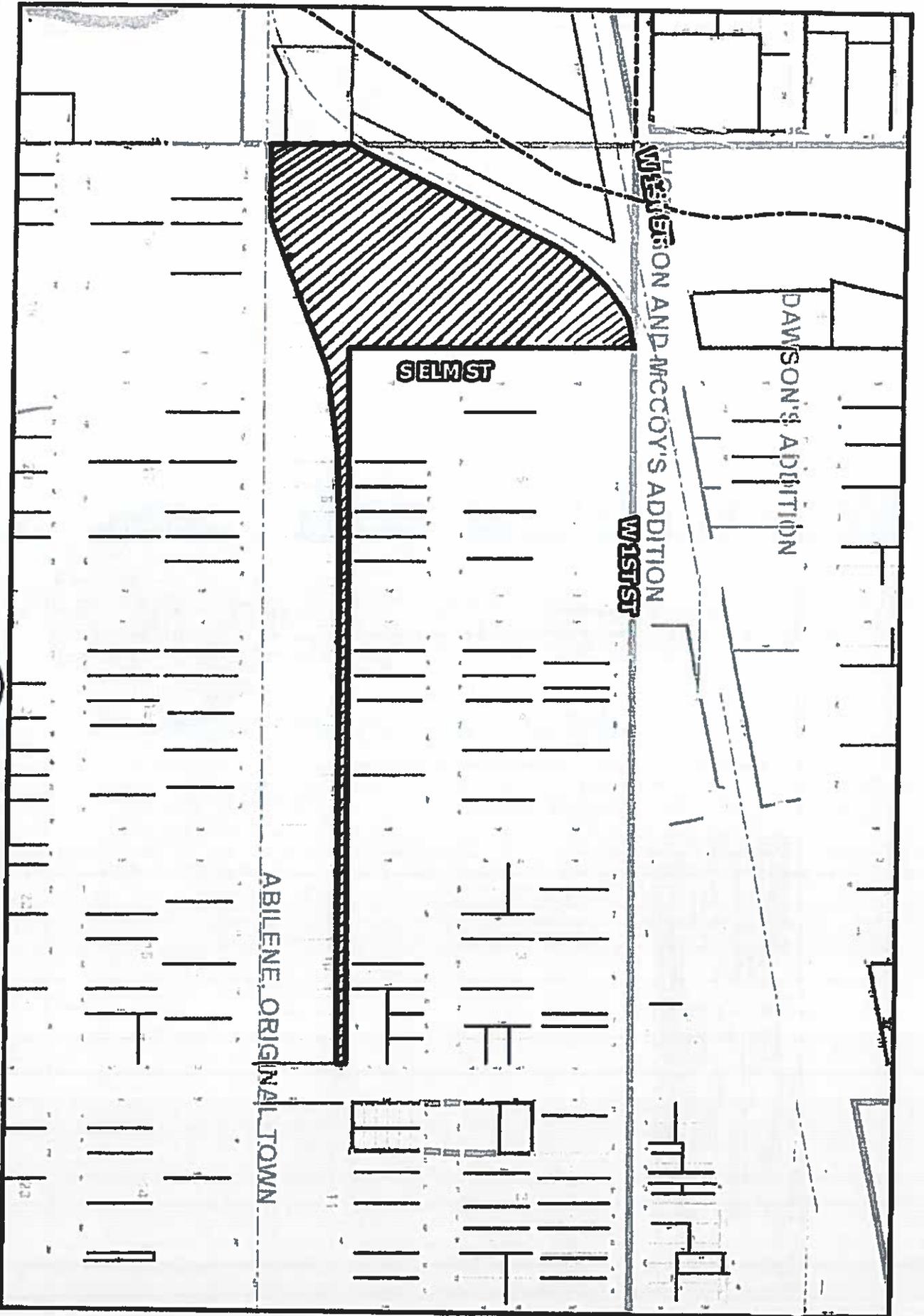


ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE SPECIFIED. DIMENSIONS SHOWN FOR PURCHASED PARTS ARE: (FRAMING - 4 1/2" WIDE) - 48"

THIS DRAWING IS THE PROPERTY OF HARBOR, INC. AND IS NOT TO BE COPIED, REPRODUCED, OR TRANSMITTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HARBOR, INC.

HARBOR, INC. 2100 NEW 8105' STEEL BIN AND RECEIVING SYSTEM	
SCALE: 1" = 48'-0"	DRAWN BY: K. WOODS
CONTRACT NO: P539-008	LOCATION: ARLING, KS
DATE: 12/15/14	SHEET: 1 OF 5
DESIGNED BY: P539-008	CHECKED BY: B





1 inch = 263 feet

Date Printed: 4/16/2015



This map is for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines or legal descriptions. It shall not be construed to be an official survey of any data depicted. --Dickinson County GIS



Planning Committee Submission

May 12, 2015

Beth Weibert, location manager at Flint Hills Grain. 9 years of experience in the grain industry- been at Abilene for almost 8 years.

Background on Abilene facility

- Current concrete elevator has been in operation since 1950 and an even older elevator structure stood on this ground previously
- Elevator location has been owned by a number of companies over the 65+ years in existence.
- In February the facility became Flint Hills Grain (FHG) a joint venture owned by local coop AgMark and Gavilon Grain
- Having been employed here through several of the ownership transitions I can personally attest to the current owners attention to the environment and safety
- These two owners have the financial resources as well as the personnel expertise to maintain the upgrades and are committed to being a good neighbor.
- We employ 15 full time employees at FHG including 3 who have been here over 30 years. We are proud of the value we bring to the City of Abilene and the surrounding areas as well as our closeness to the community

What does FHG do?

- FHG is an efficient shuttle loader facility- shuttle facilities load grain on trains and send them to destinations for export.
- A shuttle facility must have access to railroads- we are fortunate to have access to both the BNSF and the Union Pacific. This railroad access gives us the ability to offer producers access to global markets at much higher prices than local truck markets.
- We are proud that we trade with more than 500 farmers as well as many Kansas coops. Our trade territory covers a draw area of approximately 150 miles around Abilene.

Why are we upgrading?

- Many of you have probably noticed the advancements that have been made in production agriculture including larger farm equipment and a growing number of semi trucks and trailers on the farm
- We are increasing our storage capacity and speed to keep up with the demand of local producers
- We are working with the city of Abilene to operate within the city requirements for an upgrade to our facility
- Salina has 3 shuttle shippers like ourselves. If Abilene didn't have a shuttle facility many of our customers would take their production to Salina and we would miss the grain as well as a lot of their business they do while in town delivering grain
- Constructing a new bin helps us buy and store more grain.

- **Constructing another receiving pit and scale helps get trucks through our facility much quicker**
- **This upgrade helps us stay competitive and get more local grain out to the food, feed and fuel customers who need it**

How does this affect the city?

- **We bring value to the city by bringing in additional tax revenue and even more business for local owners. Last year we paid over \$55,000 in taxes, with the addition this tax base will increase**
- **Over the past year, our elevator has spent almost \$200,000 in Abilene for goods and services**
- **This doesn't include the truckers and local farmers that bring us grain and then visit local businesses or the construction workers who have been at our facility working on the project and purchasing hotel stays as well as food and drink**

How do our improvements affect the local population?

- **Whenever we undertake a major capital improvement project such as this, we look for ways to better control dust and noise**
- **The scope of this project also includes a number of steps aimed directly at controlling and reducing both dust emissions and noise from our facility. Rick Benware will be discussing the details in a few minutes.**

Thank you to our supporters

- **We appreciate the support that we have received local farmers, businesses and residents of Abilene as well as many coops and the Kansas Grain and Feed Association**
- **We are honored to received 175 signatures on our petition, as well as 16 letters of support from local businesses**
- **With this support, we will continue to be a strong business for Abilene while we conduct ourselves in a way that complies with local laws and benefits this community.**

Flint Hills Grain – Project Discussion

As Beth has explained this project is designed to provide additional storage at the facility and improve efficiencies in the grain handling process for receiving and shipping

➤ **Project**

- **Installation of a new 750k storage bin to provide adequate storage for our customers**
 - Installing silencers on the aeration fans to reduce noise level
- **Installation of a new receiving pit and conveying to increase receiving system capacity**
 - Increased capacity will decrease time required to process trucks through the facility
 - Receiving pit will allow facility to convey grain straight to the rail load-out storage bins.
 - Reduces internal grain handling to move grain to position for loading out onto rail cars
 - Existing system receives, elevate to concrete storage, then elevate again and convey to rail shipping bins
 - Installing mechanical pit baffles to reduce dust emissions from new receiving pit
- **Addressing road dust from property**
 - Applying road dust control product (road genesis) to gravel truck roads across our property
 - Streamlined truck pattern across our property to reduce turning of trucks
- **Additional items to address dust emissions**
 - **Modification to overhead belt loader to improve loading of grain onto the belt**
 - Install rubber belting to extend spout to conveying belt
 - Install metal and belting to enclose the belt loader to improve efficiency of dust aspiration system
 - **Contractor inspected existing dust filters to determine any operational or mechanical issues and suggested repairs**
 - Recently replaced three filter airlocks
 - Pursuing larger air compressor to provide additional air volume for bag purging
 - Addressing proper operation of diaphragm valves for proper bag purging
 - Important to properly purge bags for efficient airflow through filter
 - **Modifying the truck load-out with addition of DSH spout**

➤ **Preventative Maintenance Procedures**

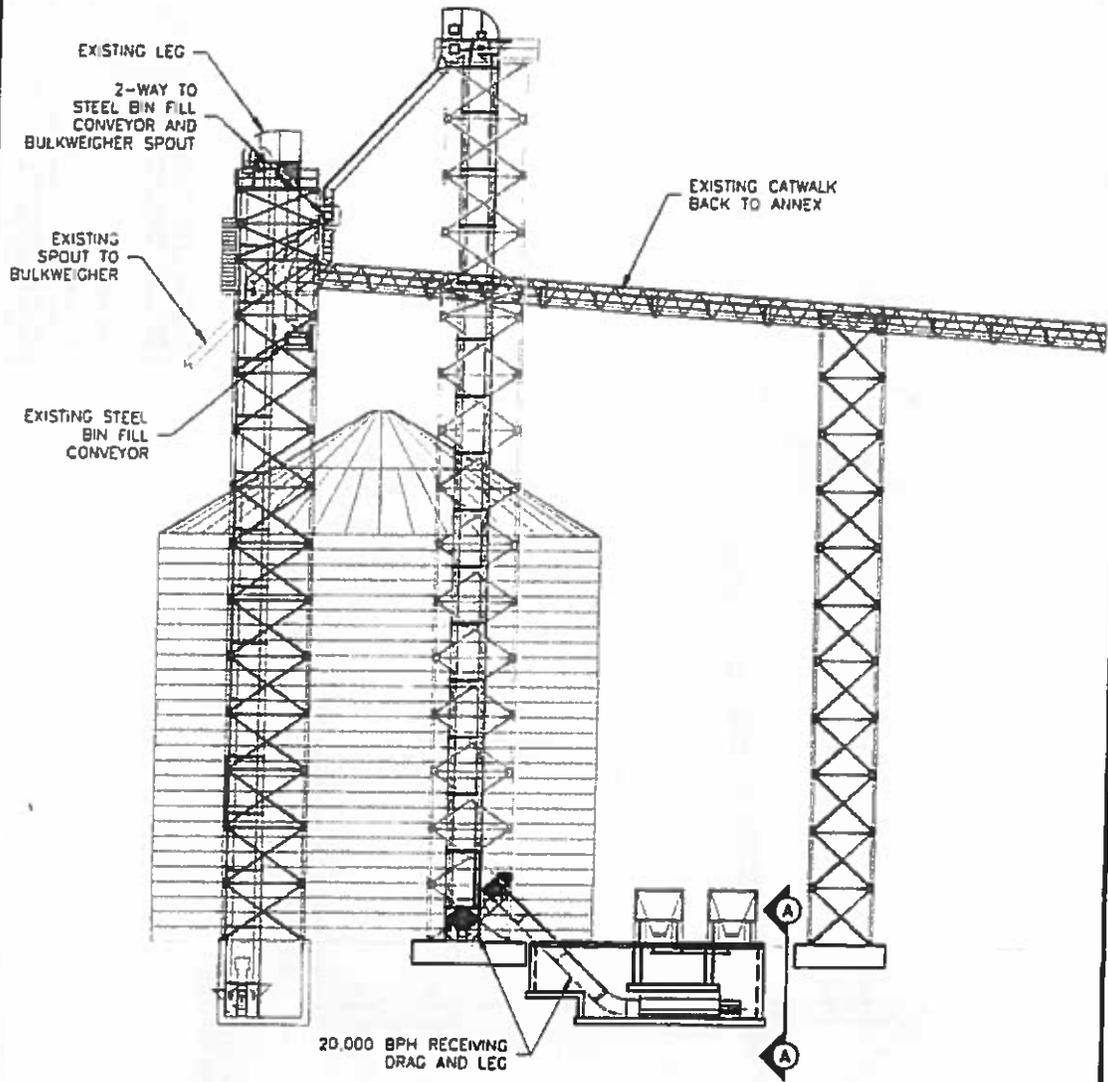
- **Inspect and maintain equipment in proper working order**

➤ **Facility is governed by operating permit from Kansas Department of Health and Environment**

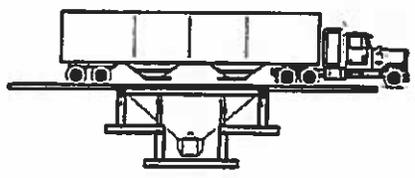
- **Inspection completed on 7/28/14 with no issues noted**

➤ **Leadership**

- **New ownership with new expectations**
- **New leadership from Corporate level to ensure facility is maintained and operated properly**
- **New location management who understand and will drive the higher expectations**
- **Committed to remain a good neighbor to the residents of Abilene while supporting local agriculture and business.**

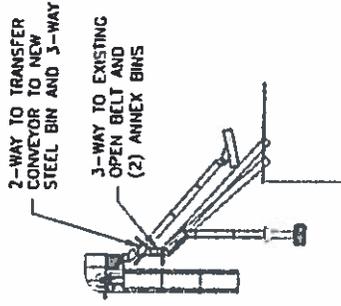


EAST ELEVATION VIEW LOOKING
LOOKING WEST

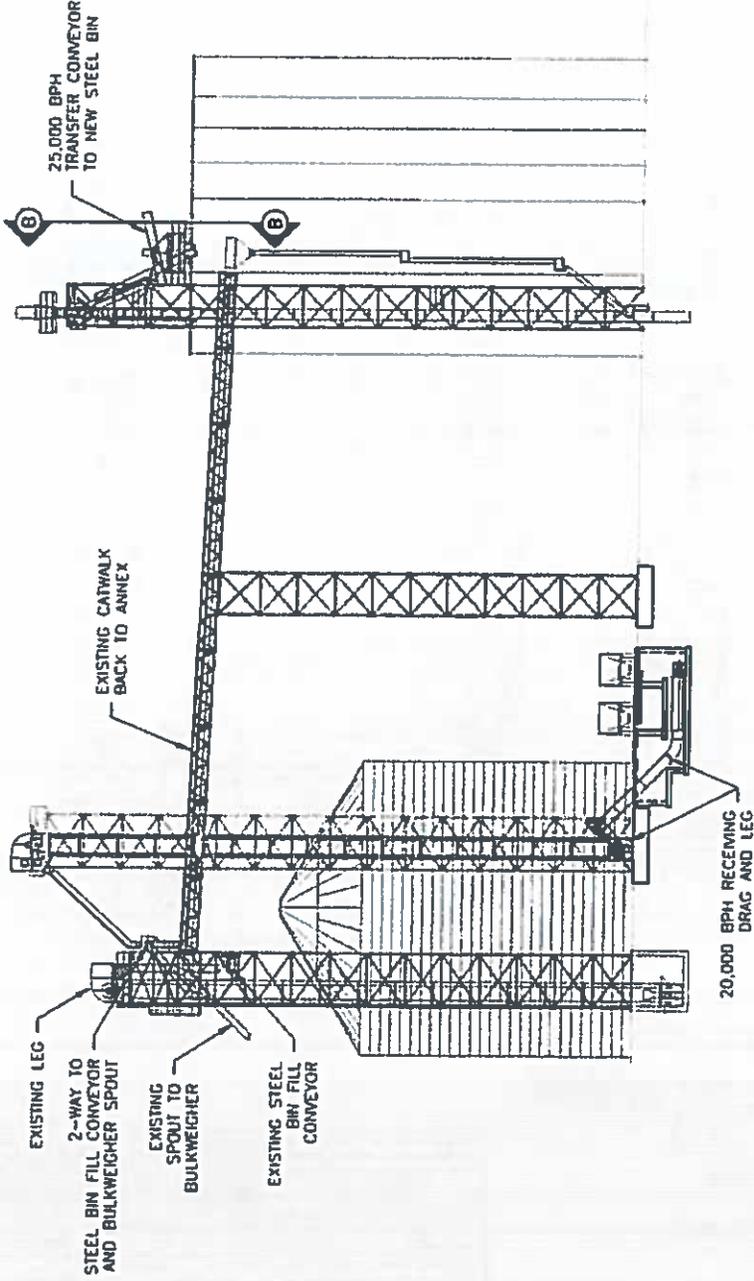


SECTION A-A

ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. FINISH DIMENSIONS FOR PURCHASED PARTS ARE: FINISHES - 21/16 ANGLES - 3/16 UNLESS OTHERWISE SPECIFIED IN DIMENSIONS.		 HABCO, INC. TRAILER NEW #105' STEEL BIN AND RECEIVING SYSTEM	
THIS DRAWING IS THE PROPERTY OF HABCO, INC. AND IS NOT TO BE COPIED, USED, OR REPRODUCED IN ANY WAY THAT MAY BE DETRIMENTAL TO THE INTERESTS OF HABCO, INC.		SCALE: 1" = 25'-0"	COMPANY: CAVLON GRAIN
		DRAWN BY: K. WOODS	LOCATION: ABILENE, KANSAS
		CONTRACT ITEM: P539-008	DRAWING NO.: 12-15-14
		DATE: 2 OF 5	SHEET: B



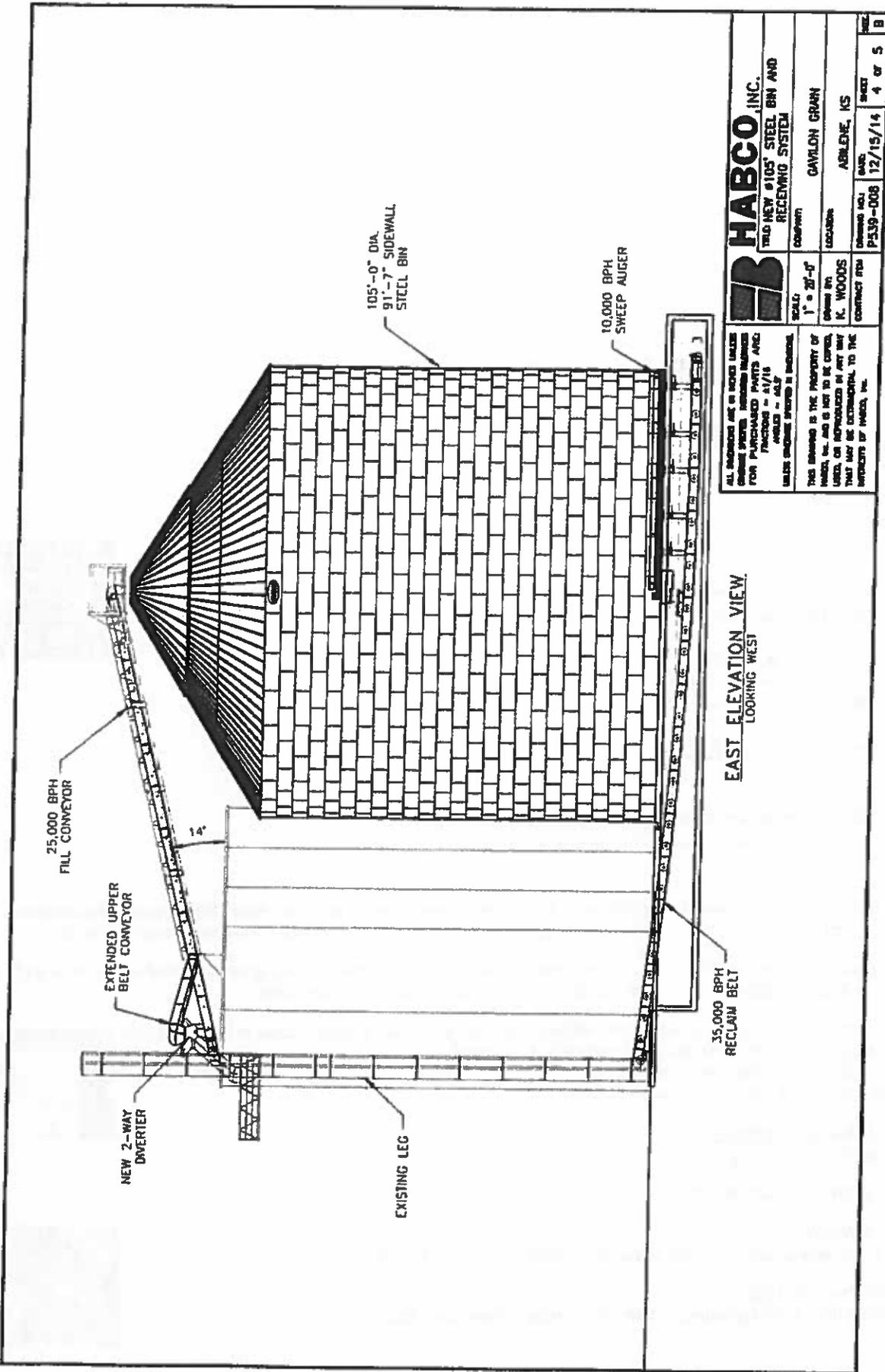
SECTION B-B



ALL DIMENSIONS ARE IN UNLESS NOTED OTHERWISE. PROVIDE PROTECTIVE BLINDERS FOR EXPOSED PARTS AND FINISHES - AS SHOWN. UNLESS OTHERWISE NOTED IN OTHERWISE.

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	HABCO INC. BUILD NEW #105' STEEL BIN AND RECEIVING SYSTEM	
	COMPANY:	LOCATION:
SCALE: 1" = 30'-0"	DRAWN BY: K. WOODS	CHECKED BY: DATE:
CONTRACT NO.		SHEET NO.
12-15-14		3 OF 5



25,000 BPH
FILL CONVEYOR

EXTENDED UPPER
BELT CONVEYOR

NEW 2-WAY
DIVERTER

EXISTING LEG

105'-0" DIA.
91'-7" SIDEWALL
STEEL BIN

10,000 BPH
SWEEP AUGER

35,000 BPH
RECLAIM BELT

EAST ELEVATION VIEW
LOOKING WEST

ALL DIMENSIONS ARE IN FEET UNLESS
OTHERWISE SPECIFIED. MATERIALS SUBJECT
FOR PURCHASED PARTS ARE
FURNISHED - ALL
UNLESS OTHERWISE SPECIFIED IN NOTES.

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HABCO, INC.

HABCO, INC.
FIELD NEW 105' STEEL BIN AND
RECEIVING SYSTEM

SCALE: 1" = 20'-0"
DRAWN BY: K. WOODS
CHECKED BY: CARLTON GRAY

PROJECT NO.: P539-008
DATE: 12/19/14

LOCATION: ABILENE, KS
SHEET: 4 of 5
DATE: 12/19/14



English | Español

- [Sioux Steel Company](#)
- [Commercial Bins](#)
- [Farm Bins](#)
- [Livestock Solutions](#)
- [Pro-Tec Buildings](#)

Category: [Commercial Bins](#) » [Dust Suppression Hopper](#)
[Click Here to take a brief survey](#)

Dust Control & Prevention

[Return to Dust Suppression Hopper](#)



Reduces Dust For Cleaner Loading Of Trucks, Rail Cars, Storage Containers, Bags Or Stockpiles

- :: Reduces Hazards, Health Risks And Maintenance Costs
- :: Uncomplicated To Install, Easy To Operate
- :: Perfect For Grain Elevators, Mills, Fertilizer Plants & Quarries



Receive A Quote To Reduce Dust At Your Workplace

Dust Suppression Hopper Reduces Total Dust By 98%!

Office of Mine Safety and Health Research - [OMSHR Independent Study Results](#)

The Dust Suppression Hopper is installed under a feed point where it can be suspended above the target and kept at operating level. A small degree of natural agitation as the hopper is filled helps exclude air from the material being transferred.

At the point of loading, or transferal, the DSH System concentrates the discharge of dry goods as a solid column through free air into any target repository including trucks, rail cars, storage containers, bags or stockpiles.

Previously, trucks taking on a load literally disappeared in the dust cloud. Uncomplicated to install and easy to operate, the DSH System will reduce hazards and health risks, dust and wastage. Models are robust and easy to operate and maintain. By reducing product shrinkage, you can sell more of your product.

Material	Before	After
Grain	100%	2%
Fertilizer	100%	2%
Coal	100%	2%
Iron Ore	100%	2%
Flour	100%	2%
Sugar	100%	2%
Rock	100%	2%
Gravel	100%	2%
Sand	100%	2%
Clay	100%	2%
Slag	100%	2%
Scrap Metal	100%	2%
Recycled Material	100%	2%
Other	100%	2%

[DSH Brochure](#) [DSH Flyer](#)
DustSuppressionHopper.com

DSH TESTED PRODUCTS:

FERTILIZERS

Blue T super, Bourucan rock, DAP, MAP, Feed phosphate, Keserite, Potsulf, Sulphur, Urea

SUPERPHOSPHATES

Dolomite lime, Lime (granular), Potash, RPR fertiliser, Serp super, Togo rock



FOODSTUFFS

Revel A, Salt - coarse, Salt - plain table, Raw sugar, Refined sugar

MINERALS & QUARRY PRODUCTS

Bauxite, Gravel, Kaolin, Magnesite, Olivine, Sands, Salt - deicing, Soda ash

GRAINS & STOCK FOODS

Barley, Barley moultings, Canola meal, Corn, Corn germ, Corn gluten, Corn gluten feed, Corn gluten meal, Corn gluten pellets, Cotton seed meal, DDG's, Pepsyogen, Rapeseed meal, Sorghum, Soybeans, Soybean meal, Soybean hulls, Soybean pellets, Wheat



SAVINGS & BENEFITS:

- Standard model uses no utilities & no internal moving parts.
- Reduce maintenance, cleaning & storage costs.
- Relocate or turn off dust extraction.
- Reduce loss of fugitive fines.
- Faster, cleaner truck, stockpile and rail car loading.
- Reduce product shrinkage & improve visibility while loading.
- Improve your employee health and safety.
- Improve air quality for your environmental community.
- Enables operation closer to urban areas.



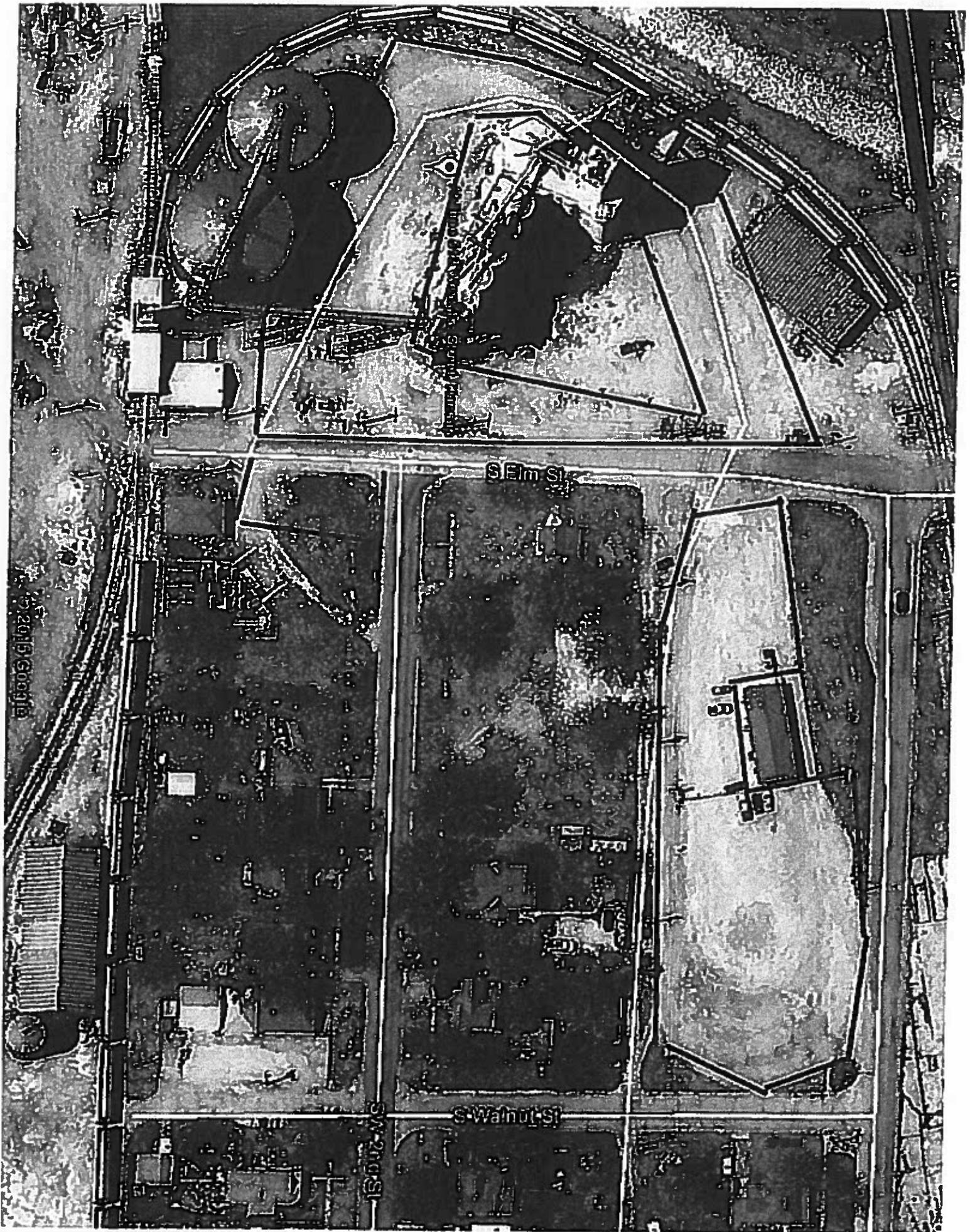
Editorial from Dry Cargo International

Visit www.dcsystems.ca for more details

Easily add a Dust Suppression Hopper to your [Pro Lee Grain Storage](#)

View the video below to learn more about our award winning DSH system.







Hardpac
615 N. Main
South Hutchinson, KS 67505

www.equipment-link.com
Office: (620) 259-7902
Fax: (620) 259-7903

5/6/15

To whom it may concern:

We have used the Road Genesis product to do test plots, dust control and road stabilization for many of our customers. We have been very pleased with the ease of use of this product, the superior results and the quickness of the results we are seeing, the positive environmental impact it has on the land we use.

Our customer's are very happy with the economic impact it makes for them. They compare many products before making decisions, and we have found that a majority of them see a significant cost savings using Road Genesis products.

We feel that you will be very happy in your choice to use Road Genesis.

Please do not hesitate to call with any questions.

Thank you,

A handwritten signature in cursive script, reading "Ken Wallace", written over a horizontal line.

Ken Wallace 620-669-7594

A handwritten signature in cursive script, reading "George Brown", written over a horizontal line.

George Brown 620-899-6812

LOOMIX®

PHONE: 800-870-
0356

FAX: 970-587-2402

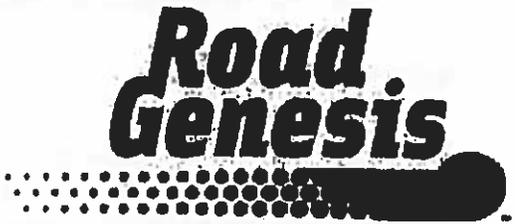


Industrial Products

As the price of oil has risen, so too has the cost of road construction using petroleum-based products. That—along with increasing environmental concerns—has made finding a viable alternative a priority! Road Genesis™ is that alternative, and it is produced by ADM Alliance Nutrition®, a trusted provider of quality Loomix® liquid products that date back 50 years. Made from many of the same ingredients used to feed livestock and other wildlife, Road Genesis is cost-effective and proven to stand the test of time for jobs big and small.

Benefits of Road Genesis

- A non-petroleum based soil stabilization and dust abatement industrial product.
- Safe handling, easy to apply, and cost-effective.
- Provides both soil stabilization and dust control to help build a structurally sound road suitable for a steady flow of heavy traffic.
- Sub-base treated soil is less likely to rut or break-up during spring freeze-thaw cycles, creating an excellent foundation for concrete or asphalt paving.
- Even in the event of extreme moisture from snow or heavy rainfall, Road Genesis™ helps keep the road pad firm—adding life and body to the original road.
- Can be used in many areas, including, but not limited to: rock quarries, coal mines, oil field roads, oil field pads, ranch roads, deer lease roads, parking lots, fairgrounds, arenas, livestock auctions, feedlots, and gravel driveways.
- Alternative to petroleum-based products; providing non-toxic ingredients.
- No unpleasant aroma associated with traditional road products.
- Provides a safer and cleaner site by minimizing dust clouds which enables better visibility on dirt roads, helps reduce road repair with hardened surfaces, and cleans up easily with water.



**Road.
Genesis**



Application for Dust Control

1. Road dust control requires two to three passes staggered out over several hours, or days, depending on climate.
2. Ensure complete saturation before applying the next coat. This will allow for a better, well-rounded road bond and surface penetration by applying unified layer.

Application for Road Stabilization

1. Apply to the road using a maintainer or similar tool to implement a wind row effect, allowing the product to be mixed in thoroughly. If possible, use a milling machine to further mix the material into the aggregate.
2. Make another pass with Road Genesis using the same wind-row technique. A total of three passes should be made using this method.
3. Shape and roll with a rubber/metal wheeled roller.
4. Once the road is shaped and/or rolled, the fourth and final "seal coat" will be applied to the hardened surface. This fourth coat can be applied prior to rolling or after the road is completely finished.



Equipment Needed

- Truck with spray boom
- 3,000 gallon storage tanks
- Blade/Grader
- Ripper (for road stabilization)

Road Genesis™

...another quality Locomix® product!

Benefits of Road Genesis™

- Safe handling, easy to apply, and cost-effective.
- Provides both soil stabilization and dust control to help build a structurally sound road suitable for a steady flow of heavy traffic.
- Sub-base treated soil is less likely to rut or break-up during spring freeze-thaw cycles, creating an excellent foundation for concrete or asphalt paving.
- Even in the event of extreme moisture from snow or heavy rainfall, Road Genesis™ helps keep the road pad firm—adding life and body to the original road.
- Can be used in many areas, including, but not limited to: rock quarries, coal mines, oil field roads, oil field pads, ranch roads, deer lease roads, parking lots, fairgrounds, arenas, livestock auctions, feedlots, and gravel driveways.
- Alternative to petroleum-based products; providing non-toxic ingredients.
- No unpleasant aroma associated with traditional road products.
- Provides a safer and cleaner site by minimizing dust clouds which enables better visibility on dirt roads, helps reduce road repair with hardened surfaces, and cleans up easily with water.

Application for Dust Control

1

- Road dust control requires two to three passes staggered out over several hours, or days, depending on climate.

2

- Ensure a complete saturation before applying the next coat.
- This will allow for a better, well-rounded road bond and surface penetration by applying unified layer.

AND FROM OUR HEADQUARTERS TO YOURS.

Application for Road Stabilization

- 1
 - Apply to the road using a maintainer or similar tool to implement a wind row effect—allowing the product to be mixed in thoroughly
 - If possible, use a milling machine to further mix the material into the aggregate
- 2
 - After reshaping the road, make another pass with Road Genesis using the same wind-row technique
 - A total of three passes should be made using this method
- 3
 - After the third pass has been made, the road should be shaped and rolled with a rubber/metal wheeled roller
- 4
 - Once the road is shaped and/or rolled, the fourth and final “seal coat” should be applied to the hardened surface
 - This fourth coat can be applied prior to rolling or after the road is completely finished

Equipment Needed

- Truck with spray boom
- 3,000 gallon storage tanks
- Blade/Grader
- Ripper (for road stabilization)



Road Genesis™

...another quality Loomix® product!

Disclaimer: All information presented herein is based on observation without guaranty as to the results you will achieve. Results are dependent upon many factors beyond our control including environmental conditions and local practices. ADM Alliance Nutrition, Inc., and its affiliates, including parent company (collectively "ADM"), disclaim all implied warranties including the implied warranties of merchantability and fitness for a particular purpose. ADM disclaims any and all claims, causes of action and liabilities arising out of any information contained herein. Read all material provided with Road Genesis as it contains important conditions of sale.



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Texas/OK/Ar/Ks based; Sandy creek Enterprises:

We have used the Road Genesis product along with other products designed by JD Nolen/ADM in the past in the Oil and Natural Gas field, as well as the edible foods/grain Terminals & government roads. The support has always been more than adequate and we are over all as a whole impressed with the products ability to work as a Pad aside from as dust abatement.

We have worked with groups such as hard rock solutions, and DRS, LLC to create pads and access roads for these businesses in the state of Kansas. Everyone has been very pleased with the product chiefly, but as well the guidance and the contract group's lenience and availability to fit both ours and the grain terminal/Oil company schedule for pads. We have worked for Sand ridge Energy; Eagle Energy, Atlas Energy, Devon Energy; ADM Grain; Kansas County Commissioner's in various counties at this point and hope to get more involved in the state.

The technique and plan of action they use has been altered over the last few years and now seems to be a flawless operation at times, but always manageable to the least.

I like the product and have thoroughly examined it as has the groups we have worked with. All has been with allowance.

Hope this is relative to what is needed as a testimonial on the ADM Road Genesis Product Line.

Tommy Blakley,
Sandy Creek Director of Operation's

Flint Hills Grain, LLC New Bin Project

Steps that are being undertaken to allow us to control dust emissions and noise from our system.

1. Installing silencers on the aeration fans for the new bin to reduce noise levels.
2. Installing mechanical baffles in the new truck receiving pit to reduce dust emissions from the pit.
3. Modifying belt loader on overhead belt to improve loading of grain onto belt conveyor.
4. Have contracted with 3rd party contractor to inspect and repair any operational or mechanical issues with existing dust filter systems.
5. Plan to install a road dust control product on the truck roads to reduce dust from truck traffic.
6. New pit will allow conveyance of grain straight to rail loading storage bins, this will reduce the volume of internal grain transfer in the elevator. Reduced handling will reduce dust emissions.
7. New facility Manager and Superintendent have been placed at the facility to increase operational efficiency and controls.

Planning Commission Meeting

Sign-In Sheet

May 12, 2015

Name ~ PLEASE PRINT	Address
Scott A. Sorrow	
Beth Wibert	746 2500 Ave Abilene
GARY HANSON	2887 SW Medical Ave, Tappan
Rick Benware	1331 Capitol Omaha, NE
Stan Berwen	1303 NW 5 th St. Abilene Ks
James Stout, Jr.	600 E Cottage
JERRY BATHKEDER	600 NW. 3 RD ST Abilene
GARY LIBY & BETTY	1001 N. Kurey, Abilene
PA Hank Rayer	309 N. Vine, Abilene
Rick Van Ness	507 SW 2 nd Abilene.
Ron BARBER	110 N. Buckeye Abilene
Rod Markley	7205 Cedar Abilene
Pat Robson	1900 Beekman Abilene
Sue Robson	1900 Beekman Pl. Abilene
Jon Kaffman	125 N Elm Abilene
Phil Maloney	2828 Indy Rd. Abilene
Tim Hornston	212 NE 4 th St. Abilene
Scott Opl	415 Brice Ct, Abilene
Greg Wilkey	2201 S Washington, Abilene
David Ayco	412 SW 2 nd Abilene, Ks
Mark R	511 NW 2 nd St. Abilene
Dale Rayer	2465 Hwy 15



Clark

Thank you for the opportunity to address you and share the point of view of many neighbors directly affected by the Gavilon/Flint Hills Grain operation in the vicinity of 1st and Elm.

In my 40 years practicing law here in Abilene, and especially during the 25 years I served as a judge, I learned that getting all the facts before making a decision is usually the best course of action. Regrettably, you don't have the neighborhood point of view as Mr. Dillner failed to show up at a meeting he scheduled to meet with we concerned neighbors regarding this project. Hence, our point of view is not shared in any of the material he sent to you before this meeting.

To be fair to all concerned, you must consider this conditional use permit application today on its merits, as if the ground were presently vacant. Had the proper protocol been followed, that would have been the situation.

Although I will expand on it in my following comments, from the face of the conditional use permit, the applicant wants you to approve:

(1) Plans that show the applicant doesn't own the land where the elevator is to be built.

The survey shared with you does verify that their drawing indicates the elevator is to be built six feet seven inches into the City street right-of-way, rather than 20 feet back from the City right-of-way as is required by the zoning ordinances. Hence, the structure contemplated should be located 26.7 feet further west to have it constructed on their property and comply with setback rules. (For purposes of today's hearing, you must consider the facts as they exist and not on some speculation that there might be a land transfer sometime in the future to cure a part of this problem. Such speculation is not appropriate and under the current laws, the City is not permitted to make such a transfer for the benefit of a single organization. You don't have to consider this fact as you only have an application before you from Flint Hills Grain, which, from its face, shows they don't own the land on which they want to construct this elevator. This is not a dual application by the City of Abilene and Flint Hills Grain, and cannot be considered as such.

- (2) The zoning laws designed to protect the community adjoining this facility were changed in 1995 and presume that an elevator can't be constructed on this site because of grain dust, road dust, noise, traffic, vibration and so forth. I will expand on these factors in a few moments. Even the City's report to you does state that normally required screening may not be feasible for this operation.
- (3) The application, as submitted, also confirms that the applicant does not intend to comply with the stated zoning requirements of the City that all the roadway surfaces within this area be paved. Their material suggests they will use some type of road dust control. The zoning laws require them to have the surfaces paved. Any deviation from that requirement does require a separate hearing after notice, before this Planning Commission, to consider any such deviation. Such matter cannot be addressed today.

In a nutshell, the application, from its face, indicates they do not own the land on which they are seeking to obtain this permit, do not intend to comply with the zoning rules for elevator location and setback from the roadway, probably cannot, in any way, structure the project to prevent grain dust, road dust, noise, traffic and vibration problems to emanate from the site at an increased amount, and they also have indicated they are refusing to pave the roadway surfaces, as required by the zoning laws. For these reasons, and others, which I will expand upon, this conditional use permit should be denied today.

I appear today to formally object to a conditional use permit being granted for a new steel elevator and related truck unloading equipment, in the vicinity of the 100 Block of South Elm, which is zoned I-1 Light Industrial. Throughout today's hearing, I will phrase comments as mine, but they are not only my point of view. I represent numerous Abilene residents, including many in the vicinity of this site. Rather than having all these persons come down, and repetitively tell you the same thing, I am speaking for myself and numerous other parties affected on all points I share with you.

While today does represent two hours of commendable public service for you, a wrong decision does amount, to a life sentence, for those who live in the vicinity of this site and are unable to afford to relocate to get away from the problems created by this elevator.

The Abilene Zoning Codes have, since 1995, had a presumption that elevators cannot be constructed in light industrial zoning areas. There is a provision that theoretically could allow elevator construction, as a conditional use, but the burden would be on the applying party to show, by clear and convincing evidence, that their proposed usage would generate few effects felt off of the site, such as vibration, noise, odor, dust and traffic problems. Past performance and physical impossibility prevents the applicant from being able to meet these burdens.

The stated purpose of the Abilene zoning laws are to protect and serve the public health, comfort and general welfare of the citizens of Abilene, by regulating and restricting the location and use of buildings and land. Since 2000, the City has regrettably failed to enforce its zoning laws in the vicinity of 1st and Elm, to the detriment of the whole community, especially for those of us who live within a few blocks of 1st and Elm.

I, and my clients, contend this requested elevator construction is a classic example of just the type of building and land usage that should not be permitted. We respectfully request you enforce existing zoning laws and deny the conditional use permit requested for the expanded use of this site.

Although now in the past, the City, in 2000, did erroneously permit the construction of two steel elevators, at south 2nd and Elm Streets, in violation of existing zoning laws.

Later, in 2005, the City also erroneously allowed the creation of a railroad loading dock in the area of these two steel elevators. These two erroneous City actions, taken more than ten years ago, have resulted in a demonstrated constant problem with the operation of those structures. There has been a regular problem with dust, traffic, noise, vibration and other problems felt off this site, since these two metal elevators began operation in 2000. City records can document these problems and complaints. The City did have the Kansas Department of Health and Environment come to the site to verify the grain dust leaving from the site. The KDHE, on more than one occasion, used an opacity meter and verified that the grain dust being disbursed, off-site, was in violation of any state permitted standards. The response of the elevator operator, to this finding, was to start loading their grain cars, after midnight, so monitoring staff couldn't be available and the opacity meter wouldn't work in the dark. This pattern of deception has continued.

The demonstrated grain dust problem occurs both when trucks are off-loading and when the auger system is working to load the rail cars. A south wind disburses the grain dust blocks to the north, and the north wind distributes the grain dust blocks to the south. I will share with you numerous scientific studies which document, dust release, when handling grain, is unavoidable. Air displacement into the dump pit, grain breakdown, etc., will always cause toxic and explosive grain dust to be generated and unless 100% shrouded, to be dispersed into the environment.

Both my children and grandchildren have allergy problems. About 13 years ago, they had to stop traveling to Abilene to visit at my home, due to allergy problems caused by both currently blowing grain dust, and grain dust previously accumulated, on our property. We have to rinse out our air conditioner filters multiple times each season, rinse off the screens on our screened-in porch frequently, and are never able to have a clean car, if it is left outside of the covered garage. We did not have these problems prior to the construction of the two steel elevators and the grain-loading operations.

Grain dust is an inherent problem with the operation of steel elevators and related grain moving and loading facilities. That is one reason that zoning codes were changed in the mid-90s, as elevators nationwide, started to move away from the tall, concrete elevators, which worked relatively well, to these cheaper, less-confining, steel elevator operations. The nature of the grain-handling at these operations does inherently allow the disbursal of

grain dust. These structures are designed that way. Created grain dust must be either efficiently captured or dispersed and not confined, as grain dust is six times as explosive, as black powder.

There is also a problem with regular rock dust as this elevator operator has refused to create a paved surface on all the traveled surfaces. Their heavily loaded semi-trucks simply powder the rock surface and regular rock dust blows whenever any of these elevators surfaces are traveled by any type of motor vehicle. When last asked about this roadway dust at a City Commission meeting, about six weeks ago, the current elevator owner indicated there were no plans to pave the road surfaces, (despite the fact current zoning laws require such pavement). Hence, rock dust problem will increase due to the increased amount of truck traffic coming onto the site if the new elevator is permitted.

My home, and the homes of many of my clients, do have central air conditioning. Hence, an inquiring mind might wonder why I have window air units protruding from certain windows in my home. These air conditioners are used to drown out the noise of the railroad car loading and banging that goes on at the site during the early morning hours when rail cars are being loaded, under the present arrangement. I had to replace two of these air conditioners, last week, as they were completely crudded up with accumulation of dust coming from this site. We don't need to window air conditioners for cooling but use them as a blocking noise to avoid the loud, regular noise coming from the box car loading and train concussions coming from this elevator area in the late night hours. I would challenge any of you to go down there about 2:00 A.M., when they are loading those grain cars and slamming the large metal lids on the top, slamming the trains together, etc. It often sounds like a thunderstorm and will shake my house with train concussions. It is difficult to get a good night's sleep when this facility is in general operation. This problem has not occurred the last few months, as the grain cars have been temporarily kept out of the area, and have not been doing their regular nightly loading.

If this new grain elevator is allowed to be constructed and utilized, it is reasonable to assume they will significantly increase the amount of loading and off loading activity at the facility. Their goal is to make this a regional transport location, thereby substantially

increasing the amount of both noise and dust coming from the site, which zoning laws should prevent.

The rail car loading and transporting from this site has caused vehicular traffic problems in the past. Over the last summer, when these rail cars were made up into a unit for transportation, they have blocked all of the downtown crossings for well over an hour, multiple times. The Gavilon switch engine personnel have little concern for public safety and inconvenience, and think nothing of blocking the crossings for extensive periods of time. The City of Abilene has declined to enforce an ordinance preventing the blocking of the crossings, against Gavilon, to the detriment of the traveling public and safety of anyone located south of the tracks. If yet larger trains are made up, it is reasonable to assume these crossing blockages will occur more frequently. With the U-shaped formation of the track make ups, it is quite possible that all city crossings of both the Union Pacific and the Santa Fe tracks would be completely blocked when a full train is being assembled. It takes only twelve rail cars to block all of the crossings from Cedar Street through Buckeye. It is reasonable to assume this expanded railway operation will seek to have rail cars made up in the 50 to 100-car range which would block all crossings in town. This is a traffic problem that should not be allowed to occur under the present operation, and certainly should not be allowed to expand, if they effectively double the size of the operation of this regional plant.

A new bridge was built on Third Street recently. It does have a weight limit to protect its longevity. Semi-tractor/trailers operated for this elevator facility do travel, in a loaded condition, from the west, across this bridge, making a turn south on Elm Street to this elevator south. The City has repeatedly requested that these loaded trucks travel down Buckeye and then east on reinforced First Street to the elevator, and that only unloaded trucks leave on Elm Street, going across this bridge. This restriction is frequently disregarded and may be causing structural damage to the new Third Street bridge. Expanding the use of this facility will only create the opportunity for additional use of this new bridge, both by existing trucking companies, and by new trucking companies, that may haul grain into town for this proposed regional transport facility.

I have had friends and clients who have moved out of our neighborhood, and some have even moved out of town, as a result of the dust, noise and traffic problems that the

existing operation causes in the area. It is reasonable to assume that if you add volume to the existing problem, it will exacerbate all of the above-mentioned problems and other folks will have to consider relocating to avoid the problems caused by this operation. Abilene residents should not see their property devalued and their living conditions made intolerable when the zoning ordinances you should apply are designed for our protection.

Although not particularly pertinent, there is no economic need for additional storage capacity at this site. The presently-existing elevators in Dickinson County, and the existing elevators at this site, have more than enough capacity to serve all of our area farmers, even during the peak harvest times. The only purpose for this expanded elevator is to allow this foreign corporation to make a larger profit by having yet more grain hauled into Abilene, strictly for its transport out by train from Abilene.

Again, a factor you need not consider but one that has been floated, is the currently ongoing, illegal elevator construction, in the city street right-of-way, which has been allowed to occur. It has been suggested that the City might have some liability for admittedly wrongfully issuing a building permit for the site. City Attorney Mark Guilfoyle has shared with me that the City has no potential liability, when a conditional use permit is not granted for this site. There is a specific state statute which states the City is not liable for administrative errors of its staff in wrongfully issuing a building permit for this new elevator. The zoning laws clearly stated this elevator could not be built in this location without a full hearing and issuance of conditional use permit by the City and the elevator is charged with that knowledge. They were wrong to begin, and then continue construction, with knowledge elevators are not allowed in this zoning area.

This is not a theoretical problem. We have already seen the damages caused by the present operation of the two steel elevators and the illegal location of the train-loading facility at this site since 2005. We see the noise, dust, traffic and other problems caused by the existing site. There is a presumption in the law that an elevator should not exist at this site, and the burden of proof, to show by clear and convincing evidence, that the allowance of yet another massive elevator at this site will not create any problems is a prerequisite to the issuance of a conditional use permit. The facts are clear and a conditional use permit should not be issued for this proposed new elevator at the site. Please enforce the existing zoning laws for the benefit of we citizens of Abilene and don't be bullied by a foreign limited liability company that has thumbed its nose at every

rule and regulation that exists, to build an unpermitted structure in the city street right-of-way before this hearing. That risk was theirs and your responsibility is to protect we citizens.

Regrettably, your denial of a conditional use permit for this new construction will not shut down the presently offending operation, but it will have the effect of not allowing those problems to dramatically increase.

MINIMUM STANDARDS FOR ISSUANCE
OF CONDITIONAL USE PERMIT AT 1ST AND ELM

1. Applicant must show, by clear and convincing evidence, that no explosive and toxic grain dust will be dispersed into the environment by their operation. (Since this is a physical impossibility without a completely shrouded site, they cannot provide this proof.)
2. All surfaces at the present site that will be traveled by any type of vehicle must be paved to prevent the creation of rock dust, which would otherwise leave the site. (Current existing laws require this but they have failed to do so and have suggested they may not do it in the future).
3. Since required additional paving will create drainage problems, the applicant should be required to construct adequate drainage for the site, which meets both City and EPA requirements at their own expense, before operation of the site.
4. To avoid traffic problems, the applicant should be required to show, by clear and convincing evidence, that when making up railroad cars, crossings in the City will not be blocked for more than ten minutes at any time. (Due to geographical conditions, this is a physical impossibility and, therefore, a permit should not be issued).
5. The elevator should not be allowed to operate between 10:00 P.M. and 7:00 A.M., so that the noise created, especially by train loading and moving, does not keep area residents up all night long.
6. The applicant should be required to construct the planned improvements on their own land, not in the City right-of-way, disregarding the 20-foot setback requirements. (This requirement is so basic it is amazing that it needs to be stated, but they have built this structure literally into the City street right-of-way and have done so in a knowing fashion).
7. If convinced that the applicant can meet the above-standards, the conditional use permit should be issued only for a six month period, with requirement that it lapse at that time unless extended after a new public hearing to document actual operation. (Since they have essentially created the structure they desire before coming to this hearing, this condition should not dissuade from their planned usage).

ARTICLE 22

OFF-STREET PARKING, LOADING AND UNLOADING REGULATIONS

22-305. Surfacing. All off-street parking facilities, loading areas, vehicular storage areas and drives and access to and from such areas shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Zoning Administrator. An exception to the surfacing requirements may be granted by the Board of Zoning Appeals in instances where the off-street areas take access from a graveled public street.

Gravel areas in existence prior to the effective date of these regulations may be maintained with six (6) inches of gravel, including base, as an alternative to these surfacing requirements.

The Zoning Administrator may, upon receiving a specific written request from an owner of a property, authorize temporary occupancy for a time period not to exceed twelve (12) months prior to accomplishing the required paving or a portion thereof.

In reviewing a request for temporary occupancy prior to accomplishing required paving, the Zoning Administrator shall consider the following criteria:

- a. Season of the year.
- b. Affect on the adjoining property.
- c. Surfacing of the connecting street.
- d. Surfacing of existing adjoining parking facilities.

Should the owner receive approval of the Zoning Administrator for a delay in paving, the owner shall, prior to occupancy, present written verification to the Zoning Administrator that guarantees all paving shall be complete prior to the deadline given by the Zoning Administrator.

22-306. Lighting. Any lighting provided to illuminate any parking facility shall be designed and installed in such a manner as to reflect away from any residential use upon adjoining properties.

22-307. Drainage. All parking facilities shall be graded and/or designed with storm drainage facilities so as to channel surface water away from adjoining properties and to an approved storm drainage system.

that a county had the implied power to dispose of real property where a statute authorized the county to establish or maintain recreational facilities and land was conveyed under an agreement to establish such facilities thereon or on other land to be purchased with proceeds of the sale of the land conveyed.⁵ And a conveyance of realty by a county upon the happening of a contingency stated in the deed by which the county acquired the realty was neither void nor ultra vires.⁶

§ 551. Exchange of property.

Municipal corporations do not have inherent power to exchange municipal real property.⁷ The power to exchange municipal real property, or certain types thereof, has sometimes been granted to municipal corporations by legislation or constitutional provisions expressly conferring such power,⁸ and in some instances such power has been derived by implication from express grants of related power or powers construed as including the power to exchange realty.⁹ Statutory authority to exchange municipally owned realty may sometimes be drawn so as to relate in terms only to one or more specific types of realty.¹⁰ Some statutes, however, have expressly or by implication granted to municipal corporations the power to exchange municipal realty generally.¹¹

Generally speaking, such exchange power as a municipal corporation may have with respect to any municipally owned realty can be exercised only for a legitimate public or municipal purpose.¹² As a prerequisite condition to the validity of an exchange of municipal realty, it has sometimes been laid down by constitution, statute, or charter, in substance, that the value of the property to be received by the municipality in such exchange must not be less than (or must exceed) the value of the realty which the other party is to receive from the municipality.¹³

Where a municipal corporation seeks to authorize and effectuate an exchange of some of its real property for other property, the propriety and

5. *Montgomery County v Maryland-Washington M. Dist.* 202 Md 293, 96 A2d 353.

6. *Byars v Cherokee County*, 237 SC 548, 118 SE2d 324.

7. *Annotation*: 60 ALR2d 220, 223, § 2.

8. *Milwaukee v State*, 193 Wis 423, 214 NW 820, 54 ALR 419.

Annotation: 60 ALR2d 220, 226-228, §§ 4, 5.

By virtue of a statute authorizing a municipality to exchange any "lands," a city owning a tract of land having a somewhat dilapidated garage or warehouse thereon had the power to exchange such land and building for other land and a building owned by a private corporation, plus a payment of \$20,000 in cash by the private corporation to the city and waiver of the sum of \$5,744 due such corporation from the city. *Bruno v Long Branch*, 21 NJ 68, 120 A2d 760, 60 ALR2d 216.

Under its home rule charter the city of Tucson had such power as to sale and disposition of its property that it could vacate and deed to a private property owner a portion of two alleys upon which private build-

ings encroached, in exchange for a dedication of other land for an alley in the same general location. *Tucson v Arizona Alpha of Sigma Alpha Epsilon*, 67 Ariz 330, 195 P2d 562.

9. *Roberts v Northern P. R. Co.* 158 US 1, 39 L Ed 873, 15 S Ct 756; *East Chicago Co. v East Chicago*, 171 Ind 654, 87 NE 17.

Annotation: 60 ALR2d 220, 224-226, § 3.

10. *Fraser v Teaneck Tp.* 1 NJ 503, 64 A2d 345.

Annotation: 60 ALR2d 220, 230, 231, § 7 [a].

11. *Wilkie v Walmsley*, 173 La 141, 136 So 296; *Bruno v Long Branch*, 21 NJ 68, 120 A2d 760, 60 ALR2d 216; *Bobo v Spartanburg*, 230 SC 396, 96 SE2d 67; *Carter v Greenville*, 175 SC 130, 178 SE 508.

Annotation: 60 ALR2d 220, 230-232, §§ 7-8.

12. *Annotation*: 60 ALR2d 220, 228, § 6.

13. *Bruno v Long Branch*, 21 NJ 68, 120 A2d 760, 60 ALR2d 216; *Genola Town v Santaquin City*, 96 Utah 88, 80 P2d 930, reh den 96 Utah 104, 85 P2d 790.

Annotation: 60 ALR2d 220, 229, § 6.

vest such corporations with some degree of local sovereignty, independent of the legislature. 37 Am Jur, Municipal Corporations § 111. Moreover, the general rule is that municipal corporations possess and can exercise only such powers as are granted in express words, or those necessarily or fairly implied in or incident to the powers expressly conferred, or those essential to the accomplishment of the declared objects and purposes of the corporation. 37 Am Jur, Municipal Corporations § 112.

The power to exchange municipal real property, or certain types thereof, has sometimes been granted to municipal corporations by legislation or constitutional provisions expressly conferring such power (see §§ 4 and 5, *infra*); and in some instances such power has been derived by implication from express grants of related power or powers construed as including the power to exchange realty, as shown in § 3, *infra*.

A third and largely theoretical aspect of the general problem is the existence of inherent or "common-law" power on the part of a municipality to exchange any of its real property.² On this question, which of course assumes the absence of any legislative or constitutional grant of exchange power to the municipality, there is remarkably little, if any, direct authority in the reported cases.

About the most that can be said here is that the more general indication of the cases on the present subject of annotation is that municipal corporations generally do not have inherent power to exchange municipal real property; that for the exchange power to exist it must arise under an express or implied grant thereof by higher authority.

As considering that where there was no power to sell a public street, there was no power to exchange it for other land, see *Beebe's Heirs v Little Rock* (1900) 68 Ark 39, 56 SW 791, *infra*, § 7[a].

[8 2]
Dicta to the effect that even if land included in a highway was owned by the town in fee, it was beyond the power of the town council to give such land to plaintiffs by way of damages for the taking of plaintiffs' land for a new highway is found in *Frank W. Coy Real Estate Co. v Pendleton* (1924) 45 RI 477, 123 A 562, *infra*, § 13[a].

By inference, some recognition of the absence of any inherent power on the part of a municipal corporation to exchange its real property may be found in the cases dealing with the existence of implied exchange power under a statutory or constitutional grant of related power, such as a power to sell realty (see cases in § 3, *infra*); and in those involving statutes expressly granting such exchange power, noted in §§ 4, 5, *infra*.

On the other hand, a South Carolina opinion has expressed the view that a municipality in that state had the power to exchange its city hall property, which had become inadequate for the governmental purposes to which it was devoted, for another tract of land with a more adequate building thereon to be used as a city hall, even in the absence of the implied authority found in statutes authorizing cities and towns to purchase and to sell and convey any realty. *Carter v Greenville* (1935) 175 SC 130, 178 SE 508, *infra*, § 11. The determination that the city had the power to make the particular exchange seems not to have rested upon this suggested view and it seems, on the whole, that the expression thereof should be regarded as obiter.

It should be recognized that any inherent power on the part of a municipality to exchange municipal realty, if it exists at all, might well be of a restricted nature, not applicable to all types of realty owned by the municipality. See generally §§ 6-8, *infra*, dealing with the extent and conditions of municipal power to exchange realty.

2. On the closely related subject of implied or inherent power of a municipal corporation to sell its real prop-

erty, see the instructive comment note in 141 ALR 1447-1462.

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Abstract

ABSTRACT. Dust emissions from grain elevator operations can be a safety and health risk as well as a nuisance. Fundamental data on air entrainment and dust emission are needed for designing adequate and effective dust emission control methods. This study measured the amount of entrained air and emitted dust during corn receiving operations at an elevator operated by the USDA-ARS Grain Marketing and Production Research Center in Manhattan, Kansas. Shelled corn (maize) was unloaded from a storage bin, representing a hopper-bottom truck, to the receiving pit at rates of 17 to 282 kg/s and drop heights of 38 to 56 cm. Airflow rates were measured with propeller anemometers. The emission rates of total suspended particulates (TSP) and particulate matter smaller than 10 m aerodynamic diameter (PM10) were measured with high-volume particulate samplers. The amount of air entrained per unit volume of grain decreased with increasing grain flow rate (0.26 to 2.07 m³/m³). The emission rates of TSP (8.3 to 52.1 g/metric ton of grain received) and PM10 (0.6 to 6.1 g/t) decreased with increasing grain flow rate and decreasing drop height.

BibTeX

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@ARTICLE{Billate04measurementof,
  author = {R. D. Billate and R. G. Maghirang and M. E. Casada},
  title = {Measurement of particulate matter emissions from corn receiving operations with simulated hopper-bottom trucks},
  journal = {Trans. ASAE},
  year = {2004},
  pages = {1521--1529}
}
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SAFETY AND HEALTH TOPICS

Grain Handling

Standards Hazards Evaluating and Controlling Exposure Other Resources

Safety and Health Topics ▾

OSHA has developed this webpage to provide workers, employers, and safety and health professionals useful, up-to-date safety and health information on grain handling facilities.

What are grain handling facilities?

Grain handling facilities are facilities that may receive, handle, store, process and ship bulk raw agricultural commodities such as (but not limited to) corn, wheat, oats, barley, sunflower seeds, and soybeans. Grain handling facilities include grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, facilities with soybean flaking operations, and facilities with dry grinding operations of soycake.

What are the hazards in grain handling facilities?

The grain handling industry is a high hazard industry where workers can be exposed to numerous serious and life threatening hazards. These hazards include: fires and explosions from grain dust accumulation, suffocation from engulfment and entrapment in grain bins, falls from heights and crushing injuries and amputations from grain handling equipment.

Suffocation is a leading cause of death in grain storage bins. In 2010, 51 workers were engulfed by grain stored in bins, and 26 died—the highest number on record, according to a report issued by Purdue University (PDF) Suffocation can occur when a worker becomes buried (engulfed) by grain as they walk on moving grain or attempt to clear grain built up on the inside of a bin. Moving grain acts like "quicksand" and can bury a worker in seconds. "Bridged" grain and vertical piles of stored grain can also collapse unexpectedly if a worker stands on or near it. The behavior and weight of the grain make it extremely difficult for a worker to get out of it without assistance. OSHA has sent notification letters to approximately 13,000 grain elevator operators warning the employers to not allow workers to enter grain storage facilities without proper equipment, precautions (such as turning off and locking/tagging out all equipment used so that the grain is no being emptied or moving into the bin) and training.

Grain dust explosions are often severe, involving loss of life and substantial property damage. Over the last 35 years, there have been over 500 explosions in grain handling facilities across the United States, which have killed more than 180 people and injured more than 675. Grain dust is the main source of fuel for explosions in grain handling. Grain dust is highly combustible and can burn or explode if enough becomes airborne or accumulates on a surface and finds an ignition source (such as hot bearing, overheated motor, misaligned conveyor belt, welding, cutting, and brazing). OSHA standards require that both grain dust and ignition sources must be controlled in grain elevators to prevent these often deadly explosions.

Falls from height can occur from many walking/working surfaces throughout a grain handling facility. Examples of such surfaces include (but are not limited to) floors, machinery, structures, roofs, skylights, unguarded holes, wall and floor openings, ladders, unguarded catwalks, platforms and manlifts. Falls can also occur as workers move from the vertical exterior ladders on grain bins to the bin roof or through a bin entrance.

Mechanical equipment within grain storage structures, such as augers and conveyors, present serious entanglement and amputation hazards. Workers can easily get their limbs caught in improperly guarded moving parts of such mechanical equipment.

Storage structures can also develop hazardous atmospheres due to gases given off from spoiling grain or fumigation. Workers may be exposed to unhealthy levels of airborne contaminants, including molds, chemical fumigants (toxic chemicals), and gases associated with decaying and

Highlights



Download the Grain Handling Safety Poster (PDF)

With Lives at Risk in the Grain Industry, OSHA Launches Safety Initiative

Read the News Releases:

Wisconsin, Ohio, Kansas, Nebraska, Missouri, Illinois

- Hazard Alert: Dangers of Engulfment and Suffocation in Grain Bins. OSHA.
- WARNING: Entering grain storage bins is EXTREMELY DANGEROUS! (PDF). OSHA Wallet Card 3329-06-11N.

Other Related Topics

- Agricultural Operations
- Sweep Auger Settlements
 - Western Grain Marketing, LLC (PDF)
 - Northern Grain Marketing, LLC (PDF)

DeBruce Grain Elevator
Explosion

Best Management Practices (BMPs) for Grain Elevators
(Adopted 12/4/07; Revisions adopted 7/15/14)

Applicability

The BMPs listed in this document shall apply at all country grain elevators, country grain terminal elevators, and grain terminal elevators as defined below. This document has been adopted by reference in 567 Iowa Administrative Code (IAC) 22.10(455B) and can only be modified or updated after completion of an administrative rulemaking conducted in accordance with the Iowa Administrative Procedure Act (Iowa Code chapter 17A). Facility-wide and equipment specific BMPs are included that apply to both existing equipment and new equipment, unless specified otherwise.

Where requirements for BMPs in construction or operating permits exist that are more stringent than those specified in this document, the more stringent BMPs shall be implemented. The applicable requirements provided in 40 Code of Federal Regulations (CFR) Part 60, Subpart DD, "Standards of Performance for Grain Elevators," as adopted in 567 IAC 23.1(2)"ooo," shall apply for subject grain terminal elevators and grain storage elevators, in addition to the BMPs provided in this document.

As provided for in 567 IAC 23.3(2)"c," the department may, upon notification to the grain elevator's owner or operator, require the owner or operator to implement additional practices and measures not already being implemented as precautions to prevent the discharge of visible emissions of fugitive dust beyond the property line of the facility which the emissions originate on. Additionally, visible emissions from equipment or air pollution control equipment operating at a grain elevator shall not equal or exceed 40 percent opacity (567 IAC 23.3(2)"d"), or the opacity specified in a permit if the equipment is permitted, whichever is lower.

Definitions

For the purposes of this document, the terms "country grain elevator," "country grain terminal elevator," and "grain terminal elevator" shall have the same meaning as defined in 567 IAC 22.10(1).

General Maintenance, Upkeep and Repair

-Maintain and operate equipment and air pollution control equipment at all times in a manner consistent with good practice for minimizing emissions. Air pollution control equipment includes but is not limited to, quick closing doors, enclosures, air curtains, wind deflectors, grain oiling equipment, loadout socks and drop-down spouts or sleeves, baghouses and vent filters, and cyclones.

-Equipment and air pollution control equipment malfunctions shall be remedied in an expeditious manner so as to minimize the amount and duration of excess emissions.

-Air pollution control equipment shall be operated when the air emission source is in operation and shall be checked daily for proper operation. This requirement does not apply on days that the air emission source does not operate.

-Routine maintenance of equipment and air pollution control equipment shall be scheduled during periods of process shutdown to the maximum extent possible.

- Clean internal and external areas, including floors, roofs and decks, as necessary to minimize dust to the atmosphere when the facility is receiving, transferring, or loading out grain.
- Clean the yard, ditches and curbs as necessary to minimize accumulation of grain, chaff, and grain dust.

Grain Handling Equipment

Grain handling equipment includes but is not limited to bucket elevators or legs, scale hoppers, turn heads, scalpels, cleaners, trippers, and headhouse and other such structures.

- Grain handling equipment shall be cleaned, enclosed, or controlled as necessary to minimize visible dust emissions to the atmosphere to 5% or less opacity when the equipment is being operated.
- Operation of aeration fans shall be minimized during loading of grain into storage bins to the extent possible.

Grain Unloading Stations (Dump Pits) and Grain Loading Stations (Loadouts)

- Dump pits with enclosures shall be maintained and operated so as to minimize the emissions of dust to the atmosphere resulting from the dumping and handling of grain.
- Dump pits with induced draft fans installed must use fans with a capacity of at least 50 cfm/sq. ft. of airflow at the effective grate surface, where the area of the effective grate surface is the area of the dump pit grate through which air passes, or would pass, when aspirated.
- If feasible, loadouts shall use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.
- To the extent possible, the flow of the grain through the spout shall be regulated so as to minimize dust emissions from the receiving container when the container is empty to only partially full.
- If grain oiling is used, grain should be oiled after receipt at the grain unloading station and prior to transfer to bin storage to allow for the maximum control effectiveness. Grain oiling applied elsewhere in the process, instead of at the grain unloading station, will result in a lower control effectiveness and less credit for control in the PTE calculation tool.

Grain Dryers

- Column dryers shall have screen perforations on replacement screens or new dryer screens no greater than 0.094 inch.
- Grain inlets and grain outlets to dryers shall be enclosed.
- Rack dryers shall have a maximum screen house filter size of 50 mesh on replacement screen house filters or new dryer screen house filters.
- The volume of grain passing through the dryer shall not exceed the manufacturer's recommended capacity.
- Dryer screens should be inspected before each dryer start-up.

Grain Vacuuming (Grain Vac) Operations

Grain vac operators must employ best management practices as necessary to reasonably prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which

Adopted 12/4/07; Revisions adopted 7/15/14

the grain vac is being operated. These BMP are examples of reasonable practices to minimize the generation of fugitive dust emissions from grain vac operations:

- For grain loadouts use socks and drop-down spouts or sleeves, or equivalent, which extend at least 6 inches below the sides of the receiving container to minimize grain free-fall distance, except for topping off.
- Operate the vac at times when the wind direction and speed would minimize offsite impact.
- Vary the speed of the vac operations to minimize dust emissions.
- Utilize directional discharge to minimize offsite impact.
- Evaluate the use of additional control measures, such as add on controls, if needed to comply with 567 IAC 23.3(2)"c".

Recordkeeping Requirements

All grain elevators subject to these BMPs shall record BMPs used during times of grain vac operation. In addition, wind speed and direction and date and time of grain vac operation shall be noted.

With the exception of grain vac operations, there are no other specific recordkeeping requirements associated with BMP for Group 1 facilities. However owners or operators of Group 1 facilities are encouraged to maintain records as appropriate to demonstrate that applicable BMP are being implemented.

Grain Dust

by Mary Andersen
MU School of Medicine

Grain dust has been known for decades to cause lung problems. However, it has always been difficult to say just how much damage is caused by this problem. In December, a group of Canadian researchers published the results of a 15 year study on grain dust exposure which helps to put this problem in perspective. It showed a continuous drop in lung function with increasing exposure to grain dust. Symptoms of breathlessness, cough and phlegm also increased in proportion to the amount of dust workers had been exposed to. The researchers suggested that the OSHA standard of 10 mg/cubic meter should be lowered, because measurable damage to the lungs can occur at levels as low as 4 mg/cubic meter. To the credit of commercial grain operators, this study showed that they have been conscientious in their efforts to keep a dust-free environment. The median dust level to which workers were exposed was 2 mg/cubic meter, a level low enough to avoid detectable damage. However, some workers, especially those involved in grain transfer operations, were exposed to much higher and much more damaging levels.

Although farmers breathe less grain dust and are less likely to suffer severe effects from it, some do get symptoms of exposure ranging all the way from stuffy nose to asthma, chronic bronchitis or chronic obstructive pulmonary disease (COPD). Since private farmers don't fall under OSHA regulations, they need to take steps to protect themselves. Some good measures have already been taken. For example, most farmers now harvest grain from the comfort of a well-insulated cab. Wearing a dust mask or at least staying upwind from grain during transport and grinding operations is an easy way to avoid breathing grain dust. Gene Andersen, a farmer from Vernon County, Missouri, has gone a step further. He installed a vacuum system to clear dust and debris from his grain during transfer into his elevator. In doing this, he was able to improve the grade and moisture content of the grain as well.

Diagnosing grain dust exposure can be tricky. Different people may react differently to the same type of grain dust. Symptoms, however, are generally allergic in nature, and while a physician may not be able to rule out other possible causes, treatment is available that will greatly improve the quality of life for those who suffer from grain dust-related illnesses.

[\[Occupational Medicine \]](#) -- [\[AgEBB \]](#) -- [\[Comments \]](#)

Physical Properties of Five Grain Dust Types

by Calvin B. Parnell, Jr.,* David D. Jones,* Ross D. Rutherford,* and Kerry J. Goforth*

Physical properties of grain dust derived from five grain types (soybean, rice, corn, wheat, and sorghum) were measured and reported. The grain dusts were obtained from dust collection systems of terminal grain handling facilities and were assumed to be representative of grain dust generated during the handling process. The physical properties reported were as follows: particle size distributions and surface area measurements using a Coulter Counter Model TAJI; percent dust fractions less than 100 μm of whole dust; bulk density; particle density; and ash content.

Introduction

The Department of Agricultural Engineering, Texas Agricultural Experiment Station, Texas A&M University has been involved in the study of grain dust explosions and cyclone design for a number of years. Grain dust physical properties have been studied to assist in explaining phenomena associated with laboratory explosions using various dust fractions derived from different groups. In addition, cyclone efficiency evaluations and design criteria require substantial data on dust physical properties.

In order for grain dust explosions to occur, four ingredients must be present. These ingredients are fuel, confinement, ignition source, and oxygen. The fuel for a grain dust explosion is grain dust in suspension above the minimum explosive concentration (MEC). Containment is a requirement for an explosion to occur in that it allows a buildup of pressure resulting in rupture of the confinement. However, containment is also necessary to achieve the MEC of grain dust, which is in the range of 60 g/m^3 (1).

The dispersibility and combustion rates of dust are governed by chemical and physical properties of the dust involved. How easily and uniformly a dust is suspended into the air depends on its particle size distribution and density. The rate of combustion is highly dependent on the exposed surface area of dust that can readily react with oxygen. These physical properties are the key to defining dust explosibility and developing

are the key to defining dust explosibility and developing an explosion hazard indication.

Different laboratory techniques have been employed by various researchers in an effort to quantify dust characteristics. Plemons (2) and Martin (3) performed particle size analysis by wet sieving, dry sieving, and Coulter counter techniques. Wade, Hawk, and Watson (4) also used Coulter counter techniques to determine particle size distributions. A summary of a portion of the work done in this area is shown in Table 1.

By far, the most explosive grain dust fraction is that less than 100 μm (5). The smaller fractions of grain dust are most explosive because the surface area per unit mass increases as the particle size decreases. However, larger fractions (250–500 μm) in sufficient concentrations can be made to explode. The surface areas of grain dust have been determined by Deshpande and Matthews (6) and Martin (4). Each of these researchers used adsorption techniques and Martin also used a light obscuration method. Martin found that the surface area for grain dust varied from 0.6 to 0.9 m^2/g . Deshpande and Matthews found that the surface area for grain dust ranged from 0.6 to 1.96 m^2/g .

The bulk density and particle density affect the handling and conveying characteristics of particulate material. Chang and Martin (7) developed models to predict the density distribution and weight of grain dust in self-packed columns. They found that the bulk density of self-packed dust increased linearly as the depth of the pile increased. These tests were performed on wheat, sorghum, and corn dust. Figure 1 shows the relationship between the vertical density distribution of grain dust in a self-packed grain dust column.

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Table 1. Summary of past particle size analysis of grain dust.

Researcher	Techniques	Dusts	Mass mean diameter, μm
Plemons (3)	Coulter Counter	Rice	21.75*
	Wet sieving	Corn	19.87*
	Dry sieving	Soybean	23.17*
		Wheat	32.97*
		Sorghum	36.92*
Martin (4)	Coulter Counter	Soybean	30.00*
	Wet sieving		
	Dry sieving		
	Capture velocity		
Wade (5)	Coulter Counter	Corn	13.70*
		Soybean	15.50*

*Mass mean diameter of whole grain dusts as determined by Coulter Counter techniques with a 400 μm aperture.
 *Mass mean diameters of whole soybean dusts as determined by Coulter Counter techniques and read from graphical presentation of results.
 *Mass mean diameters of whole corn and soybean dust as determined by Coulter Counter techniques.

Plemons and Parnell (3) and Martin (4) determined the particle densities of grain dusts using Beckman air pycnometers. Plemons and Parnell found the particle densities for rice, corn, wheat, soybean, and sorghum dust which range from 1.41 to 1.90 g/cm^3 for wheat and soybean dust, respectively. Martin found the particle density of whole "grain" dust to be 1.49 g/cm^3 .

Table 2. Summary of past research on ash contents of grain dusts.

Dust	Ash content (dry basis), %	
	Plemons and Parnell (3)	Martin (4)
Soybean	32.66	12.1-40.6
Corn	1.88	4.1- 9.1
Wheat	12.20	7.9-23.6
Sorghum	7.6	
Rice	31.45	

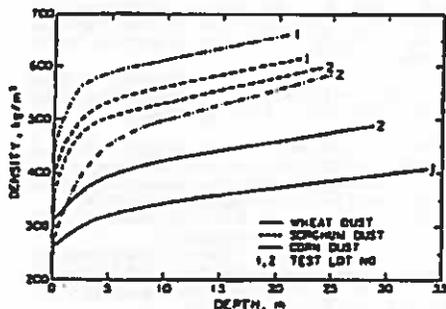


Figure 1. Vertical density distribution of grain dust in a self-packed dust column (7).

The percent of ash present in a grain dust sample is a measure of the inorganic material content and represents that fraction which is incombustible. Plemons and Parnell (3) tested wheat, corn, soybean, rice, and sorghum dust for ash content (Table 2).

Proper management of grain dust can be enhanced by increased knowledge of dust properties. The particle size, density, ash content, and surface area of grain dust particles affect the explosibility and handling characteristics of grain dust (4).

Procedure and Results

Dust samples from five grains (soybeans, rice, corn, wheat, and sorghum) were obtained from baghouse filters of terminal elevators on the Texas Gulf Coast and stored in an environmental chamber until laboratory tests were performed. (A series of laboratory tests was performed to determine the particle size distribution, particle density, bulk density, ash content, and surface area of each of the five types of dust.)

Percent (by Weight) of Dust Less than 100 μm

The percent by weight of dust less than 100 μm is a measure of the mass of readily ignitable particles present in whole grain dust. This physical characteristic was determined using a wet sieving process performed on each of the five types of grain dust.

Approximately 1 g of whole dust was suspended in 25 mL of methanol. Separation was insured by placing the dust/methanol solution in an ultrasonic bath for 2 min. This solution was poured through a nylon filter screen with 100 μm openings, and filtrate was collected in small preweighed containers.

PHYSICAL PROPERTIES OF GRAIN DUSTS

155

The containers holding the filtrate were placed in an oven for 24 hr at 66°C to allow complete evaporation of the methanol. The dried filtrate and containers were reweighed to determine the net weight of particulate less than 100 μm . Equation (1) was used to determine the percent of dust less than 100 μm present in whole dust:

$$PLT100 = \frac{W(p)}{W(T)} \times 100\% \quad (1)$$

The particle densities of each of the five grain dusts

The bulk densities of each of the five grain dusts were determined by finding the weight of a known volume of grain dust. A preweighed container was completely filled with approximately 80 cm^3 of grain dust. The net weight of the grain dust was found by placing the dust filled container on a Mettler Model P1000 top-loading scale. This procedure is currently being revised to provide for more accurate analysis of the bulk densities of grain dusts.

The means, standard deviations, and coefficients of variation of six samples of each of the five types of grain dust are presented in Table 8. Ash contents of the whole grain dusts ranged from 5.12% for soybean dust to over 30% for rice. This would indicate that rice dust contains a large amount of inorganic matter.

Table 8. Ash contents of soybean, rice, corn, wheat, and sorghum dusts using a baffle furnace.

Dust	Ash content, %	SD, %	CV, %
Soybean	5.2	0.223	4.35
Rice	30.6	0.414	1.36
Corn	12.0	0.173	1.40
Wheat	7.19	0.185	6.89
Sorghum	9.69	0.376	3.90

Conclusion

Physical properties of grain dust play an important role in explaining dust explosibility and handling characteristics. Analysis of interaction between these properties will aid in the development of an explosion hazard indicator and in the design and evaluation of dust handling/separation equipment.

Results of the laboratory analysis of wheat, corn, rice, soybean, and sorghum dust are as follows: bulk density, 0.150–0.308 g/cm³; particle density, 1.43–1.69 g/cm³; % < 100 µm (by weight), 34.3–50.6%; mass mean diameter (dust < 100 µm), 10.7–14 µm; ash content, 5.12–30.6%.

Future Research

A promising dust control method for grain elevators is the addition of oil to grain. Over one hundred elevators in the midwest are already applying mineral oil to all their grain and preliminary results have proven beneficial. The Food and Drug Administration has approved an additive level of 0.02% by weight food grade (white) mineral oil. Further research at Texas A&M University includes a computer simulation of the operation of elevator dust control systems for comparison

of the cost of conventional dust control to oil additive costs. Also, grain samples taken at elevators using oil additives are being analyzed as to dust content and particle size distribution. These data will be used in future work concerning detection of the oil concentration on grain and effects of various concentrations of foreign matter.

The authors gratefully acknowledge the financial support of the Texas Agricultural Experiment Station in the pursuit of this research. Thanks also to Debi Graff Carol for collecting the data in this report and to Sharon Woods for her patience in typing this manuscript.

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HIGH-FIDELITY ANALYSIS OF COMBUSTIBLE DUST EXPLOSIONS

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K&C has leveraged their work for the Department of Defense to develop a unique approach to more effectively assess the personnel and property hazards from combustible dust explosions and fires, using methods consistent with NFPA 68.

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Requirement

OSHA and NFPA codes require an assessment of all physical and health hazards posed by combustible dusts. Processors, manufacturers and importers must consider the potential hazard exposures that may occur under normal conditions of use or in foreseeable emergencies.

Problem

Ease of ignition and the severity of combustible dust explosions and fires are complex to assess as such events are influenced by several factors including particle size, moisture content, ambient humidity, oxygen available for combustion, the shape of dust particles, and the concentration of dust in the air. These physical characteristics can change during manufacturing, use or while the material is being processed. Furthermore, even weak explosions can cause significant damage, injury and death, such as a sugar (dust explosion class, St 1) fueled explosion in 2008 that killed 14 workers.

Solution

K&C's unique approach utilizes high-fidelity computational methods to model the internal expansion of high pressures gases associated with combustible dusts. The explosion and subsequent damage to the facility can be calculated with predictions for debris breakup, debris velocity, blast pressures, fire migration and heat transfer, facilitating quantitative assessment of the associated hazards for personnel and property.

Benefits

In addition to meeting enforced OSHA and NFPA requirements for hazard assessments, this approach supports parallel safety and operational activities, including:

- Design of mitigation measures to reduce risks to personnel and property.
- Design of new or retrofit construction by providing blast/debris loading.
- Siting of new/adjacent facilities by providing safe standoff distances.
- Quantitative risk and loss estimation for facility managers and insurers

Existing Clients

- Global providers of food and agriculture products and services
- US exporters of grains, oilseeds, and wheat to global markets.
- Consultant civil and structural engineering firms

Publications

- Joseph Abraham, Joseph Valancius, and Joseph M. Magallanes (2014) High Fidelity Computations of Grain Silo Explosions and Resulting Blast/Debris Loads on Nearby Structures Structures Congress 2014 pp 234-245

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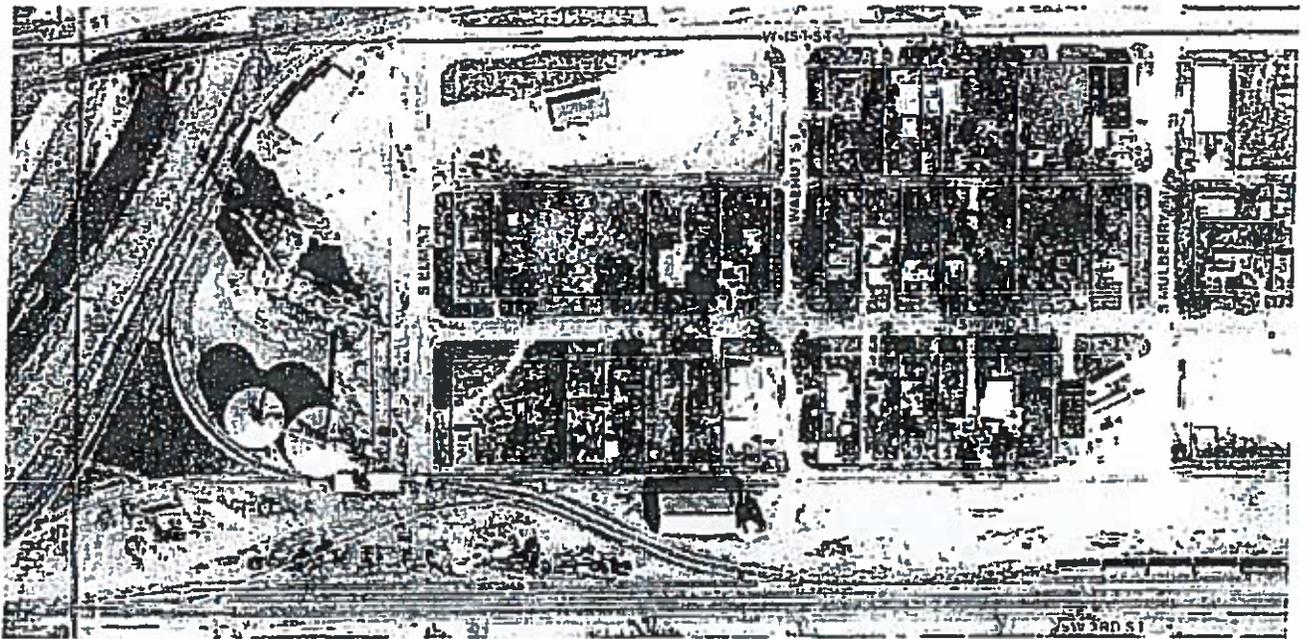
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**FACT SHEET CONCERNING DEBRUCE
GRAIN/GAVILON GRAIN/FLINT HILLS GRAIN, LLC
TO BE SHARED WITH PLANNING COMMISSION FOR 5/12 MEETING**

- Date**
- 3-21-79 Foreign corporation known as DeBruce Grain, Inc., registered to do business in the State of Kansas.
- 3/79 - 1995 DeBruce Grain, Inc. operated concrete elevators for the purpose of receiving and distributing grain in the vicinity of First and Elm Street.
- 1995 Abilene Zoning laws were changed to change entire area around DeBruce to light-industrial which did not permit elevators to exist or be expanded in that area. (Existing concrete elevators were grandfathered, but could not be expanded).
- 7-1-97 City of Abilene erroneously issued a building permit to expand the usage of this non-conforming use.
- 2-2-2000 City of Abilene erroneously issued building permit for two steel elevators, in violation of its own zoning laws. Since the erection of these elevators, there has been a radical change in use of the property that has caused constant dust, traffic, noise, vibration and other problems throughout the area. Zoning laws should have prevented these problems.
- 2004 City of Abilene adopted questionable remedial zoning laws, (for an unrelated situation) saying all structures constructed, as of that date, were now legal. This effectively legalized these two offending steel elevators.
- 7-22-05 City of Abilene erroneously issued a building permit for a railroad loading dock in the area of the two steel bins. This was in effect an expansion of a non-conforming use which is not permissible under the Abilene Zoning laws. Since this date, the dust, noise and vibration problems emitting from this area have significantly increased with the added problem that large train units are filled at the facility, frequently blocking all city crossings for more than an hour at a time, during daylight hours. Citizens that should have been protected by zoning regulations have suffered since this date.
- 2-3-12 Gavilon Grain, LLC, a foreign limited liability company, was authorized to do business in Kansas and did merge with DeBruce Grain, Inc.
- 11-3-14 Flint Hills Grain, LLC, a foreign limited liability company, was authorized to do business in Kansas.

- 2-1-15 Flint Hills Grain, LLC did purchase substantially all land owned by Gavilon Grain, LLC, in the vicinity of the 100 and 200 Block of South Elm Street in Abilene, Kansas. (It being alleged that Gavilon Grain, LLC does own 80% of the stock of Flint Hills Grain, LLC.)
- 2-18-15 City of Abilene did erroneously issue a building permit to construct a 750,000 bushel, 105 foot tall, steel grain bin with conveyers, to Flint Hills Grain, LLC, showing the address to be 513 West 1st Street, Abilene.
- 3-24-15 Flint Hills Grain, LLC did begin above-ground construction in the 200 Block of North Elm Street, knowing the construction was in violation of the 20-foot setback required and was, in fact, being built more than six feet into the platted street right-of-way of South Elm.
- 3-25-15 to date The City has confirmed that the construction project is in violation of the building permit, totally disregarding the required 20-foot setback and is being constructed more than six feet into the City street right-of-way. The City also has confirmed that this steel elevator is not permitted to be constructed in this I-1 zoning area, without a conditional use permit, which cannot be granted unless there is a public hearing and a finding by both the Planning Commission and the City Commission that the proposed land usage "will generate few effects felt off-site, such as vibration, smoke, noise, odor, glare, dust and other effects" and "The district is not intended to create obnoxious noise, glare, dust or odor, or create intensive lot or land coverage". The burden of proof to establish these facts is on the applicant. While aware the area was not zoned for a new steel elevator, and the construction, as being performed, violates the setback rule and is constructed into a city street, Flint Hills Grain, LLC has sped up the construction of this non-permitted elevator, having the crews even work on weekends to erect it as rapidly as possible.
- 4-21-15 Notice was published in the Abilene Reflector-Chronicle that Flint Hills Grain, LLC is seeking a conditional use permit to construct a 105 foot steel storage bin and truck receiving system at 109 South Elm, and a hearing will be held before the Abilene Planning Commission, commencing with a work session beginning at 4:00 P.M. on Tuesday, May 12, 2015, at the Abilene Public Library. By the time this first hearing is held, the entire steel elevator assembly will possibly be totally constructed, into the city street right-of-way, before the hearing even commences. Despite repeated requests to stop construction, made to the City of Abilene, Flint Hills Grain, LLC has been allowed to construct this offending structure knowing zoning laws do not permit the same, and that it is being built partially in the street right-of-way.

Dickinson County Property Data - 0211152102006001000



Date	Type of Permit	Work Done	Cost of Project
1/6/1967	Electrical	New Service	\$ -
4/16/1974	Building	10" x 22" New Office & Scale	\$ 40,595.00
10/29/1981	Building	Spouting & Conveyor	\$ 184,000.00
8/21/1985	Building	Addition/Alteration to an existing building	\$ 172,000.00
8/7/1987	Building	Reduce size of the Warehouse	\$ 3,500.00
9/9/1987	Building	Enlarge Office Building	\$ 18,000.00
10/11/1989	Sign	Sign Erected	\$ -
5/22/1989	Building	Remodel of Facility	\$ 250,000.00
5/22/1989	Curb Cut	3 Curb Cuts	\$ -
7/1/1997	Building	20 x 24 Addition w/Basement	\$ 41,600.00
8/12/1997	Electrical	Misc. Electrical Work	\$ -
8/13/1997	Mechanical	Misc. Mechanical Work	\$ -
2/2/2000	Building	Additional Storage Space, 2 Bins & Replacement of Old Shipping Scale	\$2,042,301.00
3/9/2000	Electrical	Temporary Electrical	\$ -
5/26/2004	Building/Electrical	Grain Probe	\$ 4,500.00
7/22/2005	Building	84 x 22 Rail Loading Cover	\$ 57,053.00
7/13/2005	Mechanical	Misc. Mechanical Work	\$ -
3/31/2006	Demolition	Demo Old 50' Concrete Bins/Foundations	\$ -
1/15/2015	Building	Excavation to remove rubble	\$ 50,000.00
2/4/2015	Building	Construct 750,000 Bushel Grain Bin w/Conveyors	\$3,500,000.00



PERMIT

PERMIT NO 2000-23-02

APPLICATION

Building Electrical Temporary Electrical Plumbing Mechanical Other
 Method of Payment Cash Charge

1. **DEBRUCE GRAIN ELEVATOR 513 W. FIRST ABILENE KS**

2. **SEE ENCLOSED DESCRIPTION**

3. **DEBRUCE GRAIN INC P.O. Box 34621 KANSAS CITY MO 64116** Phone **816-421-8182**

4. **PATRIOT MILLWRIGHT 9541 WOODSON OVERLAND PARK KANSAS 66207** Phone **913-381-7994**

5. _____

6. _____

7. Class of Work: NEW ADDITION ALTERATION/REMODEL REPAIR DEMOLITION OTHER _____

8. Describe Work: **SEE COVER LETTER**

Living Area	Garage Sq. Ft.
Addition Sq. Ft.	Stories Height
Total Sq. Ft.	Land Area

Coverage %	Occupant Load	Occ. Class
------------	---------------	------------

9. Use of Building _____ UBC Bldg. Type _____

10. Value of Work: \$ 2,042,301.00

11. Total Permit Fees \$ 6,199.25

12. Builder Declaration
 Electrical **MISSEN ELECTRIC 1115 B ROAD HAMPTON NE 68843 402-723-5277**

Plumbing _____
 Mechanical _____

I certify that I have read this application and the information is correct, and that I as owner or builder, do agree to comply with all applicable building codes, relating to building construction.
 Signature: [Signature] Date: 2/2/00
 Builder/Contractor Owner Agent for Owner Agent for Contractor

Building Inspection Department

Zoning District	H.C. District	Flood Zone
Setbacks: Front Yard	Rear Yard	L. Side Yard
R. Side Yard	Special Conditions:	

Planning _____ Engineering _____
 Zoning _____ Fire Dept. _____

Approved For Issuance By [Signature] Date 2-10-00

Work Sheet		Base	
Building		\$15.00	
Each Additional \$1000.00 X \$3.00 =			<u>6123.00</u>
Additional Inspections:	\$5.00		
Footings	\$5.00		<u>5.00</u>
Foundation Wall	\$5.00		<u>5.00</u>
Framing	\$5.00		<u>5.00</u>
Final	\$5.00		<u>5.00</u>
Electrical	Unit	Base	\$10.00
Service Entrance	\$4.00ea.		<u>4.00</u>
Temp. Service	\$1.00ea.		
Dryer Unit	\$3.00ea.		
Switches	\$.15ea.		
Recepticles	\$.15ea.		
Range Motors	\$2.00ea. See List Attached		<u>2735</u>
Welding Outlet	\$3.00ea.		
Water Heater	\$3.00ea.		
Plumbing	Unit	Base	\$10.00
Sewer	\$10.00ea.		
Septic	\$20.00ea.		
Water Service	\$ 4.00ea.		
Gas Pipe	\$ 4.00ea.		
Traps	\$ 1.50ea.		
Toilets	\$ 1.50ea.		
Water Heater	\$ 3.00ea.		
Irrigation System	\$ 3.00ea.		
Mechanical	Unit	Base	\$10.00
Furnace/Boiler Units	\$4.00ea.		
Air Con Units	\$4.00ea.		
Range Connect	\$2.50ea.		
Gas Pipe	\$4.00ea.		
Water Heater (Vent)	\$2.50ea.		
Fence	Requires Additional Worksheet		
Curb cut			
Relocate Bldg.			
Sign			
Total Of Applicable Units			
PERMIT FEE		BABES PLUS UNITS EACH	<u>\$ 6199.25</u>

Pd. Mar 6, 2000

ROBERT H. ROYER, JR.

JOHN C. ROYER (1853-1940)
PAUL H. ROYER (1890-1987)
ROBERT H. ROYER (1924-1976)

LAW OFFICES OF
ROYER & ROYER
CHARTERED

101½ N.W. THIRD
P. O. BOX 413
ABILENE, KANSAS 67410
785-263-1370
FAX # 785-263-1371

March 31, 2015

City of Abilene
Planning and Zoning Administration Office
419 North Broadway
Abilene, Kansas 67410

Re: Flint Hills Grain Elevator, First and Elm

Dear Tim,

I write this letter as a follow up to our two conversations on Monday, March 30. Our discussions were predicated on the fact that the construction that is ongoing does not comply with the 20-foot setback from the road right of way. You indicated you were investigating that issue and in our second conversation you indicated someone had surveyed the area, but surveyed the wrong side of the street.

Further investigation based on our discussions does raise yet another new issue. The area in question is zoned I-1 which is defined as light industrial. I-1 is defined as industry that "generates few effects felt off site, such as smoke, noise or odor". This contrasts with heavy industrial which does "often produce vibrations, smoke, noise, odor, glare, dust and other effects that travel off-site".

One of the major continuous complaints concerning this operation is that it is a heavy industrial use site because it does generate vibration, noise, dust and other effects that travel off-site.

The new zoning ordinance, which was adopted in November of 2014, does not have grain elevators as a permitted use within I-1 zoning. The zoning document does state that a grain elevator could be a conditional use, but it would require a formal hearing and approval for use for that purpose. To the best of my knowledge, this building permit was issued, without proper zoning, as there has been no conditional use permit issued for this new elevator being constructed. The new elevator will admittedly cause additional noise, dust and other effects that will travel off-site.

The present construction project should be terminated as it is not in compliance with the permitted construction in that I-1 zoning without a conditional use permit. Attached hereto are the first two pages of the Industrial District zoning regulations, citing the points above-mentioned.

COPY

Page 2
March 31, 2015

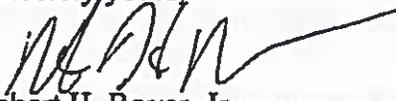
As previously discussed, even if the construction were permitted, it has to be more than 20 feet back from the road right of way. Article 20 does provide that the front yard measurement is from the street right of way fronting a property, and the street line or street right of way line is the dividing line between lot and the contiguous street.

As previously mentioned, Elm Street is an 80-foot wide street and the set back has to be 20 feet from the road right of way line, not the existing road surface. There is no exception for this in industrial areas as they still require the 20-foot setback.

For the above reasons, this office would respectfully suggest that construction should immediately cease, at the site, as the building permit was issued in error, as the area is not properly zoned for permitted grain elevators and the construction, as being performed, is in violation of the 20-foot setback rules that would exist, even if the area were properly zoned for an elevator (which it is not).

As a citizen of Abilene and representative of many clients, I would request that the city staff do its job and address this matter in a prompt fashion.

Sincerely, yours,



Robert H. Royer, Jr.
of the firm.

RHR,JR:rj
Enclosures
CC: Brenda Finn Bowers
John Ray
Dennis Weishaar
Kari Payne
Angie Casteel
David Dillner

ARTICLE 15

INDUSTRIAL DISTRICTS (I-1 and I-2)

Sections:

- 15-1 Intent
- 15-2 Permitted and Conditional Uses
- 15-3 Development Standards
- 15-4 Height and Yard Regulations
- 15-5 Sign Regulations
- 15-6 Parking Regulations
- 15-7 Screening Requirements

SECTION 15-1 INTENT

15-101. ~~It is the intent of the industrial districts to provide for areas of light and heavy industrial uses and for other compatible uses. Light Industrial (I-1) uses generate few effects felt off-site, such as smoke, noise or odor. Heavy Industrial (I-2) uses tend to be basic or primary industries which do often produce vibration, smoke, noise, odor, glare, dust and other effects that travel off-site.~~

SECTION 15-2 PERMITTED AND CONDITIONAL USES

15-201. In the industrial zoning districts the uses listed in Table 15-1 within the ~~designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except as listed in Table 15-1.~~

2014 Zoning

TABLE 15-1
Industrial Zoned Districts
Permitted and Conditional Uses

P = Indicates Permitted Uses

C = Indicates Conditional Uses

	USE	I-1	I-2
1.	Agricultural.	P	P
2.	Airplane hangars.	P	C
3.	Animal hospitals, veterinarian clinics, and kennels.	P	P
4.	Automobile and truck wrecking or salvage yards, junk yards and scrap processing yards.		C
5.	Bottling works.	P	P
6.	Building material sales including lumber yards (except for ready-mix concrete and similar uses which emit dust, odor and smoke.)	P	
7.	Car and truck wash establishments	P	
8.	Carpenter, cabinet, plumbing or sheet metal shops.	P	P
9.	Contractor's office and equipment storage yard.	P	P
10.	Dry cleaning and/or laundry plants.	P	P
11.	Farm implement sales and services.	P	
12.	Feed and seed stores, grain elevators.	C	P
13.	Frozen-food lockers.	P	P
14.	Greenhouses and nurseries, retail and wholesale.	P	P
15.	Light manufacturing, processing or fabrication operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, smoke or other particulate matter.	P	
16.	Machine shops, tool and die shops, and similar establishments	P	P
17.	Machinery sales and storage lots, including motor vehicles.	P	C
18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P
19.	Manufactured home production, storage and sales of units produced on-site.		P
20.	Motor vehicle repair or body shop.	P	P
21.	Offices and service yards for the Kansas Department of Transportation.	P	P
22.	Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.		C

4/13/2015

For the past year, this City Commission and City staff have painstakingly spent dozens of hours analyzing and adopting revised zoning regulations for the City of Abilene. Each and every chapter was reviewed and refined to be very precise. The number one purpose of these zoning regulations, as shown in the attached document, in Section 1-201, is to "promote and serve the public health, safety, morals, comfort and general welfare of the citizens of Abilene." The secondary purpose of the zoning regulations was to obtain the objectives of the comprehensive plan, including the objectives of future land use maps. The third stated purpose of the zoning code was to preserve and protect property values by regulating and restrict the location and use of buildings and land.

After much debate, in November of 2014, the new zoning code was adopted to implement these stated protections for the citizens of Abilene.

At a date well prior to last year, DeBruce Grain did install two metal elevators, expanding their operation in the vicinity of the 100 and 200 Block of South Elm Street. They did so under an old zoning ordinance, a copy of which is attached. That zoning ordinance did state that storage elevators were not permitted to be in that area. Only under a conditional use permit and special permission from the City could such construction occur. To the best of my knowledge, no conditional use permits were ever acquired for this site and, hence, the metal elevators that existed on this property prior to 2014 are probably in violation of city zoning. Since the construction of those two other metal elevators, we neighbors have complained of public health issues, have seen our property values decline, and have seen a decline in our general welfare. Prior City Commissions have acted to force some nominal remediation of the problems caused by DeBruce. That is in the past.

Recently, on February 18, 2015, the City staff did error in issuing a building permit to a foreign limited liability company known as Flint Hills Grain LLC. This foreign limited liability company did purchase the site in question, formerly known as Gavilon Grain on February 1, 2015. As part of their due diligence in the purchase, Flint Hills Grain LLC should have determined this site did not allow construction of an elevator, in this I-1 zoning area, without the issuance of a conditional use permit. There is no dispute the site is not eligible for construction of this new metal elevator, under either the prior, or newly adopted zoning ordinances of the City of Abilene.

ARTICLE 1

TITLE AND PURPOSE

Sections:

- 1-1 Title
- 1-2 Purpose and Intent
- 1-3 Consistency with Comprehensive Plan
- 1-4 Jurisdiction
- 1-5 Authority
- 1-6 Zoning Administrator
- 1-7 Official Zoning District Map
- 1-8 Conflicting Provisions
- 1-9 Transitional Provisions
- 1-10 Severability
- 1-11 Activities Governed by These Regulations

SECTION 1-1 TITLE

1-101. These regulations, including the zoning district maps incorporated herein, shall be known and cited as the "Zoning Regulations for the City of Abilene, Kansas." For convenience they are also referred to in this document as "these Regulations".

SECTION 1-2 PURPOSE AND INTENT

1-201. These zoning regulations, adopted pursuant to Kansas law are enacted for the purpose and intent of:

- a. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of the City of Abilene.
- b. Obtaining the objectives of the comprehensive plan, including the objectives of future land use maps.
- c. Preserving and protecting property values.
- d. Regulating and restricting location and use of buildings and land.
- e. To create zoning districts sensitive to the peculiarities of the allowed uses and designed to protect and enhance the values inherent in each zone.

Old Zones

ZONING REQUIREMENTS	ZONING DISTRICTS													
	A	AR	RS	R1	R2	R3	R4	MHP	B1	B2	B3	B4	B5	B6
INDUSTRIAL (CONTINUED)														
Electricity regulating substations	C	C		C	C	C	C		C	C	C	C	C	C
Electrometallurgical products and processing - manufacturing														
Electronic equipment - manufacturing														C
Engines and machines - manufacturing														P
Explosives - manufacturing and storage														C
Fabric product - manufacturing	C													C
Farm machinery and equipment - manufacturing														C
Fertilizers and chemicals - manufacturing and storage														C
Ferrous - manufacturing														C
Food processing and packaging														P
Footwear - manufacturing														P
Furniture, iron, steel and non-ferrous														P
Freight warehouses														P
Furniture - manufacturing														P
Glass products - manufacturing														P
Grain and feed processing and sales	C													C
Grain mill products - manufacturing and storage	C													P
Industrial and commercial machinery, equipment and supplies - wholesale and storage														C
Industrial waste disposals														P
Leather products - manufacturing	C													C
PURPOSE USE C - CONDITIONAL USE	A	AR	RS	R1	R2	R3	R4	MHP	B1	B2	B3	B4	B5	B6

Building Electrical Temporary Electrical Plumbing Mechanical Other

PERMIT TYPE

Commercial Residential Industrial



Method of Payment: Cash Charge

- 1. Project Site Address: 513 W. 1st Street, Abilene, KS 67410
- 2. Owner of Record of the Property: FLINT HILLS GRAIN, LLC 1331 CAPITAL AVE. OMAHA, NE 68102
- 3. General Contractor: HARCO INC. 248 E BERS RD SALINA, KS 67401 785-823-0440
- 4. Engineer: MANLEY Structural Eng. 107 S. 7th SALINA, KS 67402
- 5. Class of Work: NEW ADDITION ALTERATION/REMODEL REPAIR DEMOLITION OTHER

6. Describe Work: CONSTRUCT NEW 105' STEEL Bldg + Receiving System
See Drawing # P539-008

Living Area: N/A Garage Sq. Ft.: N/A
Addition Sq. Ft.: N/A Stories/Height: N/A
Total Sq. Ft.: 11,000 Land Area: 1/4 Acre

Coverage %: 25% Occupant Load: N/A Occ. Class: N/A

7. Use of Building: AGRICULTURAL UBC Bldg. Type: N/A

8. Value of Work \$ 3,500,000

9. Total Permit Fees (use worksheet): \$ 10,532 Paid 02-09-15

10. Builder Declaration (List Contractors):

Electrical: WACHTER ELECTRIC INC.
Plumbing: N/A
Mechanical: HARCO

I certify that I have read this application and state that the above information is correct, and that I as owner or builder, do agree to comply with all city adopted building codes, relating to building construction.

Signature: [Signature] Date: 2-18-15

Builder/Contractor Owner Agent for Owner Agent for Contractor

Building Inspection Department

Zoning District: F-1 H.C. District: YES NO Flood Zone: X

Set Backs: Front Yard 20 Rear Yard 0 L. Side Yard 0 R. Side Yard 0

Special Conditions: _____

Zoning TH Engineering [Signature] Fire Dept. _____

Approved for Issuance By: [Signature] Date: 02-18-2015

WorkSheet			
Building	Unit	Base	\$15.00
Each Additional	\$1000 X	\$3.00	_____
Additional Inspections		\$5.00	_____
Footings		\$5.00	_____
Foundation Wall		\$5.00	_____
Framing		\$5.00	_____
Final		\$5.00	_____
Electrical	Unit	Base	\$10.00
Service Entrance		\$4.00	_____
Temp Service		\$1.00	_____
Dryer Unit		\$3.00	_____
Range Unit		\$3.00	_____
Welding Outlet		\$3.00	_____
Water Heater		\$3.00	_____
Plumbing	Unit	Base	\$10.00
Sewer		\$10.00	_____
Septic		\$20.00	_____
Water Service		\$4.00	_____
Gas Pipe		\$4.00	_____
Traps		\$1.50	_____
Toilets		\$1.50	_____
Water Heater		\$3.00	_____
Irrigation System		\$3.00	_____
Mechanical	Unit	Base	\$10.00
Furnace/Boiler Unit		\$4.00	_____
AC Unit		\$4.00	_____
Range Connection		\$2.50	_____
Gas Pipe		\$4.00	_____
Water Heater (vent)		\$2.50	_____
Fence*		\$10.00	_____
Curb Cut*		\$10.00	_____
Demolition*		\$20.00	_____
Sign*		TBD	_____
Roof*		\$20.00	_____
Knox Box*		TBD	_____

Total Applicable Units

PERMIT FEE / UNIT

*requires additional worksheet

s Paid
02-09-15

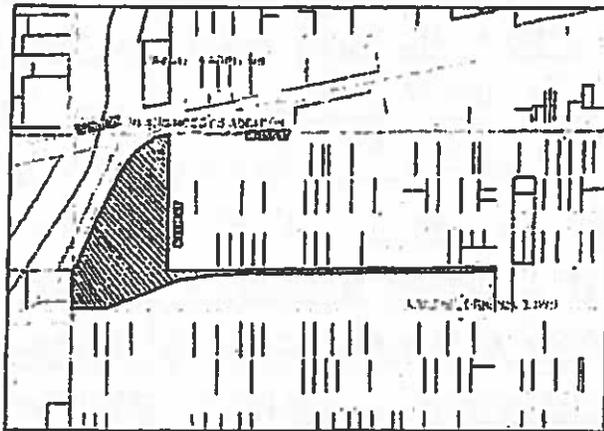
(First Published in the Abilene Reflector Chronicle Tuesday, April 21, 2015)

NOTICE OF PUBLIC HEARING

The Abilene Planning Commission will conduct a public hearing at 4:30 p.m., Tuesday, May 12, 2015 at the Abilene Public Library, 209 NW 4th Street, to consider PC 15-4, a request for a Conditional Use Permit to construct a 105' steel storage bin and truck receiving system located at 109 S. Elm, Abilene, Ks. and legally described as

A tract of land located in the Northwest Quarter of Section 21 and the Northeast Quarter of Section 20, both in Township 13 South, Range 2 East of the 6th Principal Meridian, Dickinson County, Kansas, and also parts of Blocks 6, 7, 8, 9, and 10, Original Town of Abilene, Dickinson County, Kansas, according to the recorded plat thereof, being part of the tracts described in the Warranty Deed recorded in Book 217 at Page 696, and part of tracts described by the Quitclaim Deed recorded in Book 208 at Page 694, both of the Dickinson County Records, and being more particularly described as follows:

Commencing at the Northwest corner of said Section 21; thence along the West line of vacated Vine Street and the West line of said Section 21, South 0°01'52" West, 562.04 feet to a point on the Easterly line of the Flood Control right-of-way as described in misc book 136 at page 576 of the Dickinson County Records, the Point of Beginning marked with a 1/2" Bar and Cap. Thence along said flood control right-of-way, North 89°19'38" West, 20.46 feet to a 1/2" bar; thence along said flood control right-of-way line and along a non-tangent curve to the right, having a chord bearing South 52°16'47" West, a Delta Angle of 35°37'52", a radius of 362.47 feet and a curve length of 225.38 feet to a 5/8" bar and cap; Thence leaving said flood control right-of-way, South 00°14'34" East, 22.36 feet, to a 5/8" bar and cap, thence North 64°54'12" East 63.73 feet to a 1/2" bar and cap; thence South 89°50'05" East, 138.00 feet to a point of the West line of vacated Vine Street and on the West line of said Section 21, marked with a 1/2" bar and cap (0.2' West); thence South 89°50'05" East, 151.73 feet to a 1/2" bar and cap; thence North 73°02'00" East, 319.97 feet to a 1/2" bar and cap; thence North 84°53'13" East, 170.46 feet to a 1/2" bar and cap; thence North 89°45'52" East, 134.62 feet, to a 5/8" bar and cap, thence North 89°59'35" East, 1105.83 feet to a point on the West right-of-way line of Cedar Street, as now established, marked with a 5/8" bar. Thence along said West right-of-way line, North 00°05'14" West, 17.99 feet to a point on the South line of an alley in said Block 10, marked with a 5/8" bar and cap, thence along the South line of said alley, through said Blocks 10, 9 and 8, South 89°57'19" West, 1445.08 feet to a point on the West right-of-way line of Elm Street; as now established; thence along said West right-of-way line, North 00°01'05" East, 528.80 feet to the Northeast corner of said Block 6, marked with a 1/2" bar; thence along the North line of said Block 6, South 89°50'05" West, 154.11 feet to a point on the East line of said flood control right-of-way, marked with a 1/2" bar and cap; thence along said flood control right-of-way line the following calls and distances, along a non-tangent curve to the left, having a chord bearing of South 36°42'58" West, a Delta angle of 20°00'31", a radius of 380.00 feet and a curve length of 132.70 feet to a bar and cap, Thence South 26°42'34" West 260.60 feet to a bar and cap, Thence along a curve to the right, having a chord bearing of South 26°17'06" West, a Delta angle of 03°08'49", a radius of 1939.27 feet and a curve length of 106.51 feet to a point on the East line of vacated Vine Street, also being the West line of said Block 7, marked with a 1/2" bar and cap, thence continuing along said flood control right-of-way line and along the East line of vacated Vine Street, South 00°01'52" West, 86.24 feet to a point on the North line of a vacated alley, thence South 89°57'31" West, 11.00 feet to the centerline of vacated Vine Street, marked with a 1/2" bar and cap; thence South 01°16'08" West, 4.34 feet to a 5/8" bar and cap; thence North 85°19'38" West, 10.91 feet to the point of beginning and contains 5.60 acres, more or less.



This map is for informational purposes only and should not be used to determine precise boundaries. Precise boundary lines shall be determined by a licensed surveyor. -Dickinson County, KS

This hearing is open to the public and comments are welcome. Upon conclusion of the public hearing, the Planning Commission will render a recommendation to the City Commission. If you have any questions contact me at (785) 263-2355 or send e-mail to development@abilenecityhall.com.
TIM HAMILTON,
Community Development Director

To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
 Attn: David Dillner, City Manager

RECEIVED: 5/12/2015
 CITY OF ABILENE
 OFFICE OF THE CITY CLERK
 BY: Darryl Soukup

PETITION IN SUPPORT

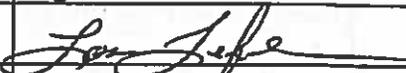
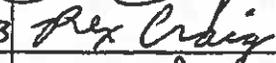
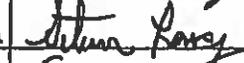
The undersigned support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Name (Please Print)	Address	Date	Phone	Signature
1. Pat Robson	1900 Beckman	5-5-15	263-1554	<i>[Signature]</i>
2. Tim Pack	1320 Maplewood	5-6-15	280-1162	<i>[Signature]</i>
3. Katie Barrett	2163 Fair Road	5-07-15		<i>[Signature]</i>
4. Sue Robson	1900 Beckman	5-6-15	263-1554	<i>[Signature]</i>
5. Bruce Hattenbach	1602 Hickok	5-12-15	263-7277	<i>[Signature]</i>
6. Michael Robson	2000 N. Mulberry	5-12-15	263-3897	<i>[Signature]</i>
7. Janice Sullivan	904 N Cedar	5-12-15	700-4174	<i>[Signature]</i>
8. Gladis Holt	1915 W. 1st	5-12-15	263-2663	<i>[Signature]</i>
9. Susan Sheldon	410NE 13th St	5-12-15	200-0174	<i>[Signature]</i>
10. Diane Ferris	111 S. Madison	5-12-15	280-0377	<i>[Signature]</i>
11. Michelle Riffel	906 Maple St.	5/12/15	787-9475	<i>[Signature]</i>
12. Robert Burns	301 W. 1st St.	5/12/15	263-7498	<i>[Signature]</i>
13. Anna Robson	2000 N. Mulberry	5-12-15	263-3897	<i>[Signature]</i>
14. ROBERT ROBSON	504 NE 12th	5-12-15	263 4553	<i>[Signature]</i>
15. ANNE ROBSON	504 N.E. 12th	5-12-15	263 4553	<i>[Signature]</i>
16. Armando Oval	11015 Spruceway	5-12-15	643-4035	<i>[Signature]</i>
17. Jessie Pedrows	307 N VanBuren St	05-12-15	785-201-824	<i>[Signature]</i>
18. <i>[Signature]</i>	1001 N. VanBuren	5-12-15	785-763-1116	<i>[Signature]</i>
19. ELISIA HUSSELMAN	719 N Elm	5-12-15	785-763-5288	<i>[Signature]</i>
20. Andrew K. Janski	416 Ridge Rd	5-12-15	785-479-0777	<i>[Signature]</i>

To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
 Attn: David Dillner, City Manager

PETITION IN SUPPORT

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Name (Please Print)	Address	Date	Phone	Signature
1. Lorun Lefter	1689 3400 Ave ^{Abilene}	5-11-15	785-461-5919	
2. Rex Craig	2960 Main St ^{Talmage} KS	5-11-15	785-479-1823	
3. Waldo Loney	1761 Fair Rd	5-12-15	479-2246	
4. Steven Loney	1637 Flag Rd	5-12-15	479-5596	
5. Cameron Loney	1637 Flag Rd	5-12-15	479-5596	
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RECEIVED 5/11/15
 CITY OF ABILENE
 OFFICE OF THE CITY CLERK
 BY: Cheryl Soukup

To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
 Attn: David Dillner, City Manager

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Name (Please Print)	Address	Date	Phone	Signature
1. David A. Callmaste	1300 W. 1st	5-5-15	785-479-1545	David A. Callmaste
2. Shannon Henry	351 Hwy 40	5-5-15	785-479-3414	Shannon Henry
3. Thomas C. Howard	8291 Fair Rd	5-5-15	479-0585	Tom Howard
4. Tom Nold	1303 W. 1st	5-6-15	263-2105	Tom Nold
5. Rick L Black	1006 W 1st	5-6-15	220-0316	Rick L Black
6. Eldon Sims	1515 S.W. 2nd	5-6-15	263 4016	Eldon Sims
7. Evelyn A Johnson	301 Capital	5-6-15	263 2030	Evelyn A Johnson
8. Tabitha Area	1506 NW 4th	5-6-15	203-1314	Tabitha Area
9. Stan Feltz	932 1900 Ave	5-6-15	263-6310	Stan Feltz
10. Ken Manning	607 NW 3	5-6-15	203-7013	Ken Manning
11. MARK A. PICKING	1708 Overhill	5/6/15	263 3653	Mark A. Picking
12. Sarah Picking	2006 W. Finest	5-16-15	263-7812	Sarah Picking
13. Jethu Pritchard	1226 W 1st	5-6-15	479-5757	Jethu Pritchard
14. MAURIE E DICKEL	333-2800, Salem	5/6-15	479-0832	Maurie E Dickel
15. Dennis L. Everett	1800 Overhill Rd	5/6/15	479 6931	Dennis L. Everett
16. Morty J. Nicks	402 S.E. 6th	5/7/15	283-2026	Morty J. Nicks
17. Steve Overturf	510 E 1st	5/7/15	263-5814	Steve Overturf
18. Michael Parson	307 SW 4th	5-7-15	200 7658	Michael Parson
19. Kevin Hoekman	410 W.E. 15th	5-7-15	479-0257	Kevin Hoekman
20. John Shaffert	2599 Flag Rd	5-7-15	280-0577	John Shaffert

Dusty Emig 102 Skippel Rd 5-7-15 534-3702
 John Brady 2144 EFL Rd 5-7-15 785-479-3463
 DAVID BERVEN 1402 NW 5th 5-7-15 785 479 6674

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Name (Please Print)	Address	Date	Phone	Signature
1. Jeremy Garza	303 SW 2nd St	5-8-14	785-2007142	
2. Michael Adk	109 E 9th	5-5-14	200-4243	
3. Laura Farley	30 W 3rd	5-5-14	202-6050	
4. Brandon Legg	110 E Lafayette Ave	5-6-15	868-8221	
5. James L. Swank	763 Walnut ^{Solomon}	5-6-15	785-493-5011	
6. Chad Shortz	2651 Hwy 15	5-7-15	795-200-4026	
7. Rex McMahan	205 Quail Rd Hope KS	5-6-15	785-258-1323	
8. Robert V. Larson	1378 500th Ave Hope KS	5-6-15	785-258-0004	
9. George W. Davis Jr	Abilene KS 591 1700 Ave	5-6-15	785-479-2119	
10. Ed Gotowski	214 E. 3rd Hope Ave.	5/6/15	785-366-7291	
11. Lucas H. Dick	509 Quail Rd Herington KS	5/6/15	785/366/0531	
12. Winslow Goodwin	912 N Vine St	5-6-15	785 479 0803	
13. Zack Hedrick	2014 Eden Rd	5-6-15	7844790976	
14. Rosetta A. Hauser	1607 W 4th	5-6-15	785 226 3235	
15. April Houser	107 Madison	5-6-15	577-6050	
16. Murl Garver	904 N. Buckeye	5-7-15	263-7189	
17. Judy Luthi	1349 2700 Ave	5-8-15	598-2497	
18. Raymond Luthi	2475 Hwy 43 Abilene	5-8-15	785-479-0357	
19. LINDA CHASE	1974 Hawk Rd ABILENE	5-8-15	785-280-0754	
20. Frank D. Hoffman	300 Grand Blvd	5-8-15	785 263 5733	

To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
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Name (Please Print)	Address	Date	Phone	Signature
1. JAM ZODK	917 2700 ave	5-5-15	263 6708	Jam ZODK
2. Phil Maknox	2828 Indy Rd	5-5-15	263 6309	Phil Maknox
3. Jon Koffman	125 Elm St	5-5-15	263-34101	Jon Koffman
4. Alysa Vitbanek	200 E 15 th	5-5-15	577-3150	Alysa Vitbanek
5. Mark Berns	304 wheatfield	5/5/15	263-1255	Mark Berns
6. Donald Raab	101 South Cedar	5/5/15	479-1898	Donald Raab
7. Chuck Hansen	501 N Brady	5/5/15		Chuck Hansen
8. Jeff Wilkins	2678 Indy Rd	5/5/15	200-0252	Jeff Wilkins
9. Leah Sanders	2191 Cedar Rd	5-5-15	280-9669	Leah Sanders
10. Ed Wilson	1120 S. Pinckney	5/5/15	200-0580	Ed Wilson
11. Matt McIsay	2284 Fair Rd	5/5/2015	565-4113	Matt McIsay
12. Nick Craig	2208 N. Brady	5/5/2015	280-0763	Nick Craig
13. Nathan Dietman	309 W. 6 th	5/5/2015	366-3454	Nathan Dietman
14. Eric Wood	2322 Jane D	5/5/15	770-772	Eric Wood
15. Tim Berggren	1249 1100 Ave	5/5/15	765-5652	Tim Berggren
16. Luas Wilson	541 Old 40	5/5/15	785-280-0703	Luas Wilson
17. MICHAEL HARMELINK	300 N CEDAR ST.	5/5/15	402-770-0803	Michael Harmelink
18. Amber Reiff	1143 Hwy 15	5/5/15	785-280-1408	Amber Reiff
19. Michela Brown	504 SW 2nd St	5/5/15	785 263 6001	Michela Brown
20. Samantha Lefert	1689 3400 Ave	5/5/15	785 477 4544	Samantha Lefert

To: City of Abilene
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Name (Please Print)	Address	Date	Phone	Signature
1. Kody Chase	569-2700	5-5-15	388-2770	<i>[Signature]</i>
2. Kerby Chase	569 2700 Ave	5-5-15	388-2770	<i>[Signature]</i>
3. Ross Freeman	2928 GULF RD	5-5-15	280-0263	<i>[Signature]</i>
4. Darin Wiley	571 2700 Ave	5-5-15	280-3150	<i>[Signature]</i>
5. Tom Hasboun	1768 2100 Ave	5-5-15	556-0552	<i>[Signature]</i>
6. RAYMOND BROWN	510 NW 4TH AVE	5-5-15	223-7802	<i>[Signature]</i>
7. JACK Cummings	307 CHARLES Rd	5-5-15	209-0327	<i>[Signature]</i>
8. Terra Hummel	522 W 4th	5-5-15	223-7260	<i>[Signature]</i>
9. Larry Karl	1443 3rd Detroit	5-5-15	200 1109	<i>[Signature]</i>
10. Bob Piggan	2351 W Detroit	5-5-15	479 4505	<i>[Signature]</i>
11. Harold Truitt	1592 2600 Ave	5-5-15	5982470	<i>[Signature]</i>
12. Jared Hoover	1569 2800 Ave.	5-5-15	598-2446	<i>[Signature]</i>
13. Dennis Chartier	2658 MINK RD	5-5-15	598-2391	<i>[Signature]</i>
14. Nicholas Hubert	746 2500 Ave	5-5-15	779-PEED	<i>[Signature]</i>
15. Rick VanDerCreek	1209 1900 Ave	5-6-15	217-5947	<i>[Signature]</i>
16. Cody Jenne	1700 NW 14th	5-6-15	280-0602	<i>[Signature]</i>
17. Walter Holt	1085 1935 LN	5-6-15	200-4762	<i>[Signature]</i>
18. John R. Mays Jr	2787 LARK Rd	5-6-15	200 0330	<i>[Signature]</i>
19. Tim BOTTORFF	718 N Mulberry	5-6-15	200-0696	<i>[Signature]</i>
20. Larry Lerner	102 Westwood	5-6-15	263-4741	<i>[Signature]</i>

To: City of Abilene
 Planning Commission
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Name (Please Print)	Address	Date	Phone	Signature
1. Beth Weibert	746 2500 Ave Abilene	5-5-15	785-280-2370	
2. TRISH DAVIS	1010 N Cedar St	5-5-15	785-479-0543	
3. Kim Hansen	411 West First	5-5-15	785-280-1154	
4. Lawrence Creech	411 West First	5-5-15	785-263-6416	
5. Katelyn Kohman	842-1900 Ave	5-5-15	479 1740	
6. D. Neff	1376 Long Rd, AB	5-5-15	785-280-	
7. Brian Lantz	105 N Elm	5-5-15	785-280-1259 785-280-0231	
8. Scott Leister	304 Grand Blvd	5-5-15	785-479-1036	
9. Chris Hase	108 N Madison	5-5-15	785-479-7553	
10. Max Kohman	201 NE 12th	5-5-15	785-200-7358	
11. Kristyana Kohman	201 NE 12th	5-5-15	785-200-7112	
12. Curtis W. Stoffe	1904 FAITH AVE	5-5-15	785-200-6195	
13. Duane C. Zook	2117 Linden Dr.	5-5-15	785 819 2329	
14. Dale Koop	2465 Hing 15	5-5-15	785-263-1471	
15. Dylan Luthi	907 NW 2nd	5-5-15	785-280-2112	
16. Cody Marley	1010 N. Cedar	5-5-15	785-280-1465	
17. Tarant Tevitz	110 E Lafayette Ave	5/5/15	316-214-0870	
18. Glenn Cole Jr.	913 W 1st	5/5/15	785-280-1820	
19. William Luthi	110 W 5th	5/5/15	785 200 4254	
20. Rich Farley	504 Schneider	5/5/15	785 200 6250	

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 Planning Commission
 419 N Broadway
 Abilene, KS 67410
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Name (Please Print)	Address	Date	Phone	Signature
1. Gregg Wilson	2201 S Washington	5/6/15	785-200-0580	Gregg Wilson
2. Kate Strunk	883 1900 Ave	5/6/15	479-1231	Kate Strunk
3. Ken Book	400 N. Mulberry	5-16/15	280-1825	Ken Book
4. Chris Wilson	2097 Fair Rd.	5/6/15	200-0595	Chris Wilson
5. Bryan Wilson	410 NW 5th	5/6/15	200-0589	Bryan Wilson
6. Aaron Strunk	1596 Hawk RD	5/4/15	479-6972	Aaron Strunk
7. Debbie Smart	2231 Eden Road	5/6/15	280-0255	Debbie Smart
8. Mark T. Wilson	2097 Fair Rd.	5/6/15	200-0594	Mark T. Wilson
9. Dee Rodde	2230 Camp Rd	5/8/15	655-3537	Dee Rodde
10. April Rodde	2230 Camp Rd	5/8/15	655-3939	April Rodde
11. LARRY Young	114 E 1st	5-8-15	263-7813	Larry Young
12. Tara Wampler	501 N Brady	5-8-15	571-7010	Tara Wampler
13. Dany Pipes	2391 Indr Rd	5-8-15	263-1508	LARRY PIPES
14. Linda Pipes	2391 Indr Rd	5-8-15	263-1508	Linda Pipes
15. Sherry Leister	304 Grand Blvd	5-8-15	263-9883	Sherry Leister
16. Steven L. Hoover	2976 Hwy 15	5-8-15	479-1601	Steven Hoover
17. Paula J. Young	114 E 1st	5-8-15	263-7813	Paula J. Young
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To: City of Abilene
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Name (Please Print)	Address	Date	Phone	Signature
1. REBECCA COLLMAN	1320 W. 1st Abilene	5/7/15	479-6502	<i>Rebecca Collman</i>
2. Miles Markin	879 Sherman Ave	5/7/15	816-795-1819	<i>Miles Markin</i>
3. Jeff Stephens	14105. Ninth St.	5/7/15	(785)643-7973	<i>Jeff Stephens</i>
4. MIKE BARTEE	207 W 4th St Abilene KS	5/7/15	785-577-1465	<i>Mike Bartee</i>
5. Margo Fulton	411 S.W. 2nd Abilene KS	5-7-15	479-1751	<i>Margo Fulton</i>
6. Mike Fulton	411 S.W. 2nd Abilene KS	5-7-15	280-3822	<i>Mike Fulton</i>
7. Stan PARSON	701 N Kenburn	5-7-15	479-1182	<i>Stan Parson</i>
8. D.E. LEAFORD	1900 W. 1st Ave	5-7-15	479-3778	<i>D.E. Leaford</i>
9. Greg Auston	1650 Ind. RD	5-7-15	280-0260	<i>Greg Auston</i>
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Name (Please Print)	Address	Date	Phone	Signature
1. Angela Shunk	510 NW 4th	5-6-15		
2. Donna Brown	510 NW 4th	5-6-15		
3. David Brown	504 SW 2nd	5-6-15		
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Name (Please Print)	Address	Date	Phone	Signature
1. Roxi Roberts	1015 N. Kunkay	5.5.15	785-230-2711	Roxi Roberts
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Name (Please Print)	Address	Date	Phone	Signature
1. Larry A. Hoffman Enterprise	1426 1900 Ave	5-6-15	479-0556	Larry A. Hoffman
2. C. Lutz Zook	2977 MAIL RD ABILENE KS	5-6-15	598-2231	C. Lutz Zook
3. J. Wilton	5100 W 4th Abilene KS	5-6-15	200-0937	Robb Wilton
4. Barbara Greenwood	840 S 5th St Salina	5-6-15	823-9531	Barbara Greenwood
5. Rachel Bean	2651 Hwy B	5-7-15	200-4208	Rachel Bean
6. Lou Luthi	1349 2700 Ave	5-7-15	598-2497	Lou Luthi
7. Melanie Luthi	1349 2700 Ave	5-7-15	598-2497	Melanie Luthi
8. Bob Leister	2610 MILWAUKEE ABILENE	5-8-15	598-2344	Bob Leister
9. Eric Ruff	819 N Mulberry Abilene KS	5-8-15	317-5628	Eric Ruff
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To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
 Attn: David Dillner, City Manager

PETITION IN SUPPORT

The undersigned support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Name (Please Print)	Address	Date	Phone	Signature
1. GARY Leisters	2510 OAT RD	5-8-15	⁷⁸⁵ 910-0955	Gary C. Leister Sr.
2. Ron Scripser	1463-3325 Ave	5-11-15	461-5504	Ron Scripser
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To: City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: David Dillner, City Manager

RECEIVED: 5/11/15
CITY OF ABILENE
OFFICE OF THE CITY CLERK
BY: [Signature]

PETITION IN SUPPORT

The undersigned support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Name (Please Print)	Address	Date	Phone	Signature
1. Don Nebelsick	308 NW 17 th	5-11-15	263-3068	Don Nebelsick
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[COMPANY / CITIZEN LETTERHEAD]

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

To: City of Abilene
 Planning Commission
 419 N Broadway
 Abilene, KS 67410
 Attn: David Dillner, City Manager

RECEIVED 5/7/15
 CITY OF ABILENE
 OFFICE OF THE CITY CLERK
 BY: Perry Soukup

PETITION IN SUPPORT

The undersigned support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Name (Please Print)	Address	Date	Phone	Signature
¹ Brad Dunlap	425 N. Buckeye	5/7/15	785-263-5031	<i>Brad Dunlap</i>
² John Dunlap	425 N Buckeye	5/7/15	785-263-5070	<i>John Dunlap</i>
Ralph W. Reese	1607 BROWN	5/7/15	785-263-2709	<i>Ralph W Reese</i>
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[COMPANY / CITIZEN LETTERHEAD]

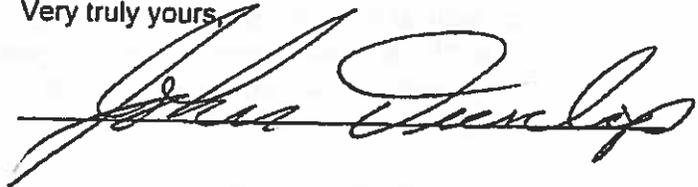
May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Dillner", written over a horizontal line.

cc: Flint Hills Grain, LLC



May 7, 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 proposed expansion of Flint Hills Grain, LLC. As we understand, Flint Hills Grain, LLC, has made attempts to move forward with this expansion legally as it pertains to city zoning regulations. They, as we understand, are requesting a conditional use permit to continue work, and we write in support of this request.

As a Chamber of Commerce, our primary efforts are concentrated on business expansion and growth. Economic development is important to the success of any community, and this expansion would increase economic development, adding dollars to the local economy.

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 Chamber 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,


Torey Bevndt, Executive Director


Marc Beswick, Chairman
Board of Directors

Abilene Area Chamber of Commerce
201 NW 2nd, Abilene, KS 67410
Phone: (785) 263-1770 Fax: (785) 263-4125
chamber@abileneks.net www.abileneks.net



[COMPANY / CITIZEN LETTERHEAD]

ALIDA PEARL CO-OP ASSOCIATION

POST OFFICE BOX 489 • CHAPMAN, KANSAS 67431-0489
ALIDA PHONE (785) 922-6505 PEARL PHONE (785) 479-5870 or (785) 263-8488

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

NORTH
CENTRAL
KANSAS



COOPERATIVE

Phone 785-366-7213 • P.O. Box 157 • Hope, KS 67451-0157

Branches: Hope • Dillon • Navarre
Woodbine • White City

May 8, 2015

City of Abilene
Planning Commission
419 N. Broadway
Abilene KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W. First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Darel Anderson', with a long horizontal flourish extending to the right.

Darel Anderson, President
North Central Kansas Coop



Kansas Grain & Feed Association

816 SW Tyler, Ste. 100
Topeka, KS 66612
www.ksgrainandfeed.org

(785) 234-0461
Fax (785) 234-2930

May 11, 2015

David B. Dillner
Abilene City Manager
419 N. Broadway
Abilene, KS 67410

Re: Letter of Support for Flint Hills Grain Project

Dear Mr. Dillner:

On behalf of the Kansas Grain & Feed Association (KGFA), I am writing in support of Flint Hills Grain's application for a conditional use permit in connection with their expansion project. I understand that this issue will be considered by the Abilene Planning Commission at the Commission's meeting on May 12, 2015.

Founded in 1896, KGFA is a voluntary non-profit trade organization proud to represent Flint Hills Grain and 97% of the federal or state licensed grain storage in the state of Kansas.*

Not only does Flint Hills provide jobs, it also contributes to the local economy by purchasing goods and services, and paying sales and property taxes. More importantly, Flint Hills is vital to area agricultural producers. The company trades with over 500 farmers, drawing from a 150-mile radius of Abilene.

The facility upgrades that Flint Hills is making will allow the company to more efficiently handle grain, which translates into being able to offer farmers better prices. Competitive prices are not only good for farmers, but also the local communities—including Abilene—where producers buy goods and services.

Thank you for your consideration of my comments.

Sincerely,

Tom R. Tunnell
President and CEO

**KGFA provides governmental representation, educational opportunities and a wide variety of other services to the vast and indispensable grain and feed marketing system. Its 900 members include country elevators, subterminal and terminal elevators, feed manufacturers, flour mills, grain merchandisers and allied industries such as grain exchanges, equipment manufacturers, insurance firms and railroads.*

[COMPANY / CITIZEN LETTERHEAD]

*ES Wilson Transport Inc
1120 S. Buckeye
Abilene KS. 67410*

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

BERT AND WETTA ABILENE INC.

P.O. BOX 128

ABILENE, KS 67410

May 5, 2015

City of Abilene
Planning commission
419 N. Broadway
Abilene, Ks 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC. located at 513 W. 1st street, Abilene Ks., for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



Stan Foltz
Plant manager

Cc: Flint Hills Grain, LLC

Crop Service

1123 Eden Road
Abilene, KS 67410
785-479-2204 Fax 785-479-2205

May 6, 2015

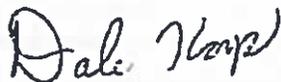
City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,

Dale Koop
President Owner
Crop Service Center, Inc
785.479.3753



cc: Flint Hills Grain, LLC



**Wakefield Farmers
Cooperative Association**

676 Sunflower Road
Wakefield, KS 67487
785-461-5712

May 8, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

I am sending you this letter as evidence of our Coop's support of the project/improvements that Flint Hills Grain, LLC is doing at 513 W First Street, Abilene KS.

Over the years Agriculture and Abilene has had an important and rich history for the local community of Abilene, our State and the Country. This goes back at least as far as the cattle drives coming up from Texas to providing our county with a very prominent General and President.

I believe that the improvements that Flint Hills Grain LLC are a positive and will be looked back as a good move for the community and the surrounding areas. I would ask that you approve their request for related permits and actions on the steel grain bin and related improvements at 513 W First Street, Abilene KS.

Respectfully,

John M. Boley
General Manager
Wakefield Farmers Cooperative Association

Collman Trucking, Inc
1300 W 1st
Abilene, KS 67410

[COMPANY / CITIZEN LETTERHEAD]

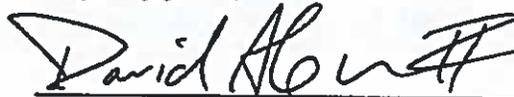
May 5, 2015

**City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager**

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

Dibben Land & Cattle Inc.

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



Brandon Dibben Vice Pres

[COMPANY / CITIZEN LETTERHEAD]

HUSCO INC.
P.O. Box 334
Abilene, KS. 67410

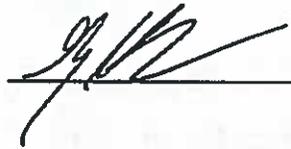
May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC



Joe Snuffy's

209 W. 1st Street - Abilene, KS 67410

< 785 > 263-7802



May 6, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene KS 67410
Attn: Dave Miller.

Dear Mr. Miller,

This letter is to advise that we support our neighbors and request approval of the conditional use permit dated Apr 14 2015, for the property owned by First Hills Grain at 513 W 1st.

Thanks!

Marty Adams

H & H Plumbing, Heating & Air
2291 Fair Road
Abilene, Kansas 67410

[COMPANY / CITIZEN LETTERHEAD]

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC



HENRY KENNELS
SHANNON HENRY
351 OLD 40
SOLOMON, KS 67480-8830

[COMPANY / CITIZEN LETTERHEAD]

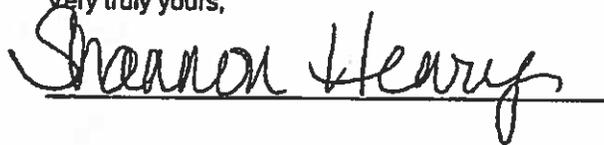
May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

COLLMAN KENTALS, LLC
1300 W. 1st
ABILENE KS 67410

[COMPANY / CITIZEN LETTERHEAD]

May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

[COMPANY / CITIZEN LETTERHEAD]

EVERETT'S INC
205 S. Van Buren
Abilene, KS 67410

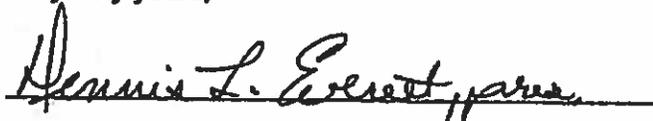
May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,


Dennis L. Everett, owner

cc: Flint Hills Grain, LLC

[COMPANY / CITIZEN LETTERHEAD]

**Reliable Freight Lines, Inc.
1303 NW 5th
Abilene, KS 67410**

May 5, 2015

**City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager**

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



cc: Flint Hills Grain, LLC

[COMPANY / CITIZEN LETTERHEAD]

MIKE'S LAWN SERVICE
411 SW 2ND
ABILENE KS 67410
PHONE 280-3822

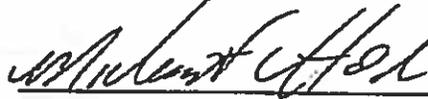
May 5, 2015

City of Abilene
Planning Commission
419 N Broadway
Abilene, KS 67410
Attn: Mr. David Dillner, City Manager

Dear Mr. Dillner:

This letter is to advise that we support and hereby request approval of the Application for Conditional Use Permit dated April 14, 2015 for the property owned by Flint Hills Grain, LLC, located at 513 W First Street, Abilene KS, for the steel grain bin and related improvements at that location on the terms submitted by the applicant, together with any related permits, approvals or actions.

Very truly yours,



(Published in *The Abilene Reflector-Chronicle* on June 12, 2015)

ORDINANCE NO. 3273

AN ORDINANCE OF THE CITY OF ABILENE, KANSAS, LEVYING SPECIAL ASSESSMENT TAXES ON CERTAIN REAL PROPERTIES IN THE CITY, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF INTERNAL IMPROVEMENTS BENEFITING SUCH REAL PROPERTIES; PROVIDING FOR GIVING NOTICE OF THE SPECIAL ASSESSMENT TAXES BY PUBLICATION AND MAILING; AND PROVIDING FOR THE COLLECTION OF SPECIAL ASSESSMENT TAXES

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

SECTION 1. SECTION 1. Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments are levied and assessed against the lots, pieces and parcels of land liable for such assessments as described below and in the amounts shown below following the description of each lot, piece or parcel of land located in the City of Abilene, Kansas (the "City"), Dickinson County, Kansas. The special assessments are levied to pay the costs of the improvements in the City authorized by the City's Resolution No. 061013-2, adopted June 9, 2013 (published June 18, 2013), as amended by Resolution No. 030915-2 adopted March 9, 2015 (published March 12, 2015) as follows:

<u>Legal Description (Property to be Assessed)</u>	<u>ASSESSMENT AMOUNT</u>
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

Legal Description (Property to be Assessed)

ASSESSMENT AMOUNT

Prairie Hills Addition:

Lot 1	\$10,325.58
Lot 2	\$19,767.39
	\$66,935.33

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.

SECTION 2. The amounts so levied and assessed as set forth above shall be due and payable from and after the date of adoption of this Ordinance; and the City Clerk shall notify each and all of the owners of the above described properties, insofar as known to the City Clerk and at their last known post office address, of the amounts of their respective special assessments. The notice of assessment shall further state that the owners of the properties will be given a 30-day period until 12:00 Noon on Tuesday, July 7, 2015 (the "prepayment period"), during which the special assessments may be paid in full at the Abilene City Hall, 209 NW 4th, Abilene, Kansas. The lien against any property for which the special assessment is paid during the prepayment period shall be discharged and satisfied. The City Clerk shall also notify such property owners that assessments not paid in the prepayment period will be payable in installments over a period of 10 years, concurrently with the issuance of general obligation bonds of the City, together with interest at a rate not to exceed that permitted by the laws of the state of Kansas. The City Clerk shall certify all unpaid special assessments levied by this Ordinance to the Dickinson County Clerk, in the same manner and at the time as other taxes are so certified, to be levied over a period of 10 years, with interest at a rate not exceeding that permitted by Kansas law. The special assessments shall be placed on the tax rolls and collected as and when ad valorem property taxes are collected. The first such levy shall take be made in November 2015.

SECTION 3. The Mayor and City Clerk are authorized and directed to take all other actions consistent with this Ordinance as are appropriate or desirable to accomplish its intent and purposes, including but not limited to, providing any for the call of and any necessary notice of the City's redemption of all or a portion of its Temporary Notes, Series A, 2013 dated July 24, 2013 issued to temporarily finance the improvements authorized as described in Section 1.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication one time in the City's official newspaper.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the governing body of the City of Abilene, Kansas, on June 8, 2015.

CITY OF ABILENE, KANSAS

[Seal]

By _____
Dennis Weishaar, Mayor

ATTEST:

By _____
Penny Soukup, City Clerk

**WATER, STREET AND STORM DRAINAGE IMPROVEMENTS
DAWSON'S COTTAGE ADDITION AND PRAIRE HILLS ADDITION
ABILENE, KANSAS**

PETITION

To the Governing Body of the
City of Abilene, Kansas

1. We, the undersigned owners of record of more than one-half (1/2) of the area contained in the Improvement District defined by this petition and consisting of: **Block 1 - Lots 1 through 6, inclusive, and Block 2 - Lots 1 through 14, inclusive, Dawson's Cottage Addition, City of Abilene, Dickinson County, Kansas and Lots 1 & 2 Prairie Hills Addition & Beg 390' E & 195' N SW Cor Nw4 Se4, Th N 135', E 322.7', S 135', W 322.7' To POB, Section 09 Township 13 Range 02, City of Abilene, Dickinson County, Kansas** (the "Improvement District") propose as follows under the provisions of K.S.A. 12-6a01 *et seq.*:

- (a) That an improvement consisting of the design, construction and installation of a water distribution system, street and drainage improvements and all necessary appurtenances (the "Project") be made to serve the property in the Improvement District.
- (b) The estimated and probable cost of the Project, including costs of financing, interest and administrative cost is \$415,000.00. The estimated cost shall increase at the rate of 1 percent per month from and after the date this petition is accepted and the City approves the authorizing resolution for the Project.
- (c) The apportionment of the costs of the Project between the Improvement District and the City at large is: 100% of the costs shall be assessed against the Improvement District and 0% shall be assessed to the City at large.

If the Project is abandoned, altered and/or constructed privately, in part or whole, such that it precludes building the Project under the authority of this petition, any costs the City incurs related to the Project shall be assessed to the Improvement District, according to terms of this petition. In addition, if the Project is abandoned at any state during the design, and/or construction of the improvement, then such costs associated with the preliminary design or completed construction of said improvement shall be assessed to the Improvement District according to terms of this petition.

- (d) The property to be assessed for costs of the Project is described in the preamble of this petition as the "Improvement District". The method of assessment of the costs of the Project shall be on a square foot basis in the Improvement District. Where ownership of a single lot or parcel is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement petitioned for be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. NOTICE: The persons signing this petition acknowledge that names may not be withdrawn from this petition after the Governing Body begins consideration of the petition or later than seven (7) days after this petition is filed with the City, whichever occurs first.

WITNESS our signatures acknowledging the property we own in the Improvement District and the date of signing.

PROPERTY OWNED IN THE IMPROVEMENT DISTRICT - LEGAL DESCRIPTION	Signature	Date
Dawson's Cottage Addition, Block 1 - Lots 1-6 and Block 2 - Lots 1-14, City of Abilene, Dickinson County, Kansas	By: <u>Scott Dawson</u> Name: Scott Dawson	4-18-13
	By: <u>Maureen Dawson</u> Name: Maureen Dawson	4-18-13
Prairie Hills Addition, Lots 1 and 2 & Beg 390' E & 195' N SW Cor Nw4 Se4, Th N 135', E 322.7', S 135', W 322.7' To POB, Section 09 Township 13 Range 02, City of Abilene, Dickinson County, Kansas	By: Fraternal Order of Eagles, Lodge 2934 Name: <u>Michael J. [Signature]</u> Title: <u>Master</u>	4-18-13

Filed in the office of the City Clerk,
Abilene, Kansas this 18th day of April, 2013.

Penny Soukup
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	<u>1,548.50</u>
Total Final Cost	\$375,000.00
Less: City at Large Portion	<u>0.00</u>
Amount to be Assessed	\$375,000.00

EXHIBIT B

CITY OF ABILENE, KANSAS

ASSESSMENT ROLLS

<u>Legal Description (Property to be Assessed)</u>	<u>ASSESSMENT AMOUNT</u>
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
	\$66,935.33

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.

NORTON • WASSERMAN • JONES • KELLY LLC

FRANK C. NORTON *
KENNETH W. WASSERMAN **
ROBERT S. JONES***
NORMAN R. KELLY
ROBERT A. MARTIN
BRENDAN J. BURKE
CADEN L. BUTLER
C. CHARLES AULT-DUELL

Attorneys at Law

*Of Counsel

**Admitted in Kansas and Nebraska

***Fellow American Academy of Matrimonial Lawyers

MAILING ADDRESS:
P.O. Box 2388
Salina, KS 67402-2388

LAW OFFICES AT:
213 S. Santa Fe
Salina, KS 67401

Telephone 785-827-3646
Fax 785-827-0538

Email: cad@nwjklaw.com

June 1, 2015

David B. Dillner
419 N. Broadway
P.O. Box 519
Abilene, KS 67410

Abilene City Commission
419 N. Broadway
P.O. Box 519
Abilene, KS 67410

Penny Soukup
419 N. Broadway
P.O. Box 519
Abilene, KS 67410

Mark Guilfoyle
306 NW Second Street
P.O. Box 548
Abilene, KS 67410

RE: Protest of Proposed Assessments on Eagles Lodge Properties
Prairie Hills Addition/Dawson's Cottage Addition to the
City of Abilene, Kansas

Ladies and Gentleman:

Mr. Huston, the record owner of the properties identified in May 11, 2015 Notice of Hearing and Statement of Costs Proposed to be Assessed issued by Ms. Soukup hereby registers his objections and protests to the proposed assessments in the same Notice pursuant to K.S.A. 12-6a01 et seq. specifically noting, without limitation, 12-6a07(b) (property exempt by any reason of law) and K.S.A. 12-6a19 (property not originally included in improvement district), but reserving any and all additional, appropriate factual and legal objections available to him. Mr. Huston asks that the assessment calculated in the said notice be substantially reduced and levied only as follows:

Prairie Hills Addition Properties:

Lot 1:	\$ 7,181.88
Lot 2:	\$ 17,732.38
Eagles Lodge Lot (meets and bounds description):	\$ 41,957.54

TOTAL ASSESSMENT:

\$ 66,871.79

Mr. Huston requests that the City Clerk register his objections and protests to the assessments proposed by the City by the May 11, 2015, Notice, transmit this letter to the City Commissioners, and register or otherwise note Mr. Huston as a participant and interested land owner on the agenda for the upcoming public hearing scheduled on June 8, 2015 at 4:30 P.M. before the City Commission. Mr. Huston further requests that the City Commission consider and approve his request to reduce the assessments levied against the Eagles Properties discussed herein to the amount he has submitted: \$66,871.79. In support of his protest, objections, and requests herein, Mr. Huston submits the following summary and enclosed supporting documentation.

City Manger David Dillner has on at least three (3) occasions given Mr. Huston widely varying quotes and estimates for the assessments to be paid by the Eagles Lodge/Prairie Hills Addition Properties identified above and in the May 15, 2015 Notice (collectively "Eagles Properties" unless individually identified). Those quotes and estimates are listed and described in Mr. Dillner's e-mails which are enclosed with this letter and are summarized as follows:

E-mail of February 9, 2015:	\$91,250.00
E-mail of February 13, 2015:	\$88,014.63
E-mail of February 25, 2015:	\$80,103.00

Despite repeated requests by both Mr. Huston and his attorney, no itemization or justification adequate to explain where these numbers come from has been provided to date.

You are undoubtedly aware that the Eagles Lodge has been an occupied structure in Abilene, Kansas since at least 1975 or 1976 when it was first constructed. Obviously, as an occupied structure, the Eagles Lodge has necessarily maintained water and sanitary sewer service at all times from 1975 to present. These pre-existing water and sewer lines traverse Prairie Hills Lot 1 and serve the Eagles Lodge Lot described above, *despite and in addition to* any water or sewer line constructed as a result of the Dawson's Cottage Addition project. Again, despite repeated requests by Mr. Huston, City Staff have struggled to account for this simple fact in their calculations of the Dawson's Cottage Improvement District Project costs assessed against the Eagles Properties. To date, City Staff have not provided an accurate, consistent, or reliable itemization to support the assessment calculations for the Eagles Properties. The Notice of May 11, 2015, represents the fourth (4) quote or estimate by City Staff in as many months. Although it purports to be an official, statutory notice of the assessed costs, it still lacks any substantiating, itemized list of construction costs or deductions for existing services. It also fails to mirror or approximate any of the City's previous quotes or estimates for the Eagles Properties Special Assessments. Like the previous estimates by Mr. Dillner, this Notice appears to be another wild stab in the dark.

Based on records obtained pursuant to the Freedom of Information Act Request, Mr. Huston undertook the task of determining for himself what a fair assessment against the Eagles Properties would be for the Dawson's Cottage Improvements. The result of those efforts on Mr.

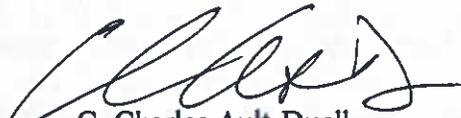
Huston's behalf is the \$66,871.79 amount outlined above, and in the enclosed supporting documents. He respectfully requests that the City Commission utilize his calculations instead of the four (4) various recommendations put forward by City Staff. Mr. Huston's calculations are based on actual statements from the Vogts-Parga construction company for work actually completed on the Dawson's Cottage Addition Project, Dickinson County land and tax records, and the City's own estimates for its legal, administrative, and bond costs. These amounts have been proportioned according to the City's position that the Eagles Property is comprised of approximately 1.4 acres, or 25.1% of the Dawson's Cottage Project area.

Mr. Huston submits that the amounts he has calculated are fair and proportionate for the benefit actually received by the Eagles Properties as a result of the Dawson's Cottage Addition Project Improvements. You will note that Mr. Huston has discounted preexisting water and sewer services, but included in his calculations the instillation costs for water and sewer service to Prairie Hills Lot 2 - the east lot of the Eagles Properties - in an effort to fairly compensate the City for the instillation of those services on a lot where they did not previously exist.

Nevertheless, it remains Mr. Huston's position that water and sewer services installed due to the Dawson's Cottage Improvement Project should not be assessed and levied against the western Prairie Hills Lot 1 or the Eagles Lodge Lot (described by City and County records and in the May 11, 2015, Notice in metes and bounds) as those services necessarily pre-existed the Dawson's Cottage Project since at least 1975.

Please direct any questions about the protest and request to me. Thank you for your consideration.

Respectfully Submitted,



C. Charles Ault-Duell
Attorney For Greg Huston

CAD/sjs
Enclosure(s)
cc: Greg Huston

**NOTICE OF HEARING AND
STATEMENT OF COST PROPOSED TO BE ASSESSED**

TO: Gregory C. Huston and Terry A Swearingen
1650 Indy Rd
Abilene, KS 67410

You are notified, as the owner of record of the property in the City of Abilene, Dickinson County, Kansas, which is described below, that there is proposed to be assessed against your property for the total final costs of the construction of water, street and related storm sewer/drainage improvements (the "Improvements") authorized by the City of Abilene, Kansas in Resolution No. 061013-2, adopted June 9, 2013, as amended by Resolution No. 030915-2, adopted March 9, 2015 (the "Advisability Resolution"), the following amounts:

<u>Description of Property</u>	<u>Assessment Amount</u>
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 6 th 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

You are further notified that the City Commission of the City of Abilene (the "City") will conduct a public hearing on Monday, June 8, 2015, at 4:00 P.M., at the Public Library, 209 NW 4th Street, Abilene, Kansas, for the purpose of receiving any and all oral or written questions, complaints or objections to the proposed assessments for the Improvements. The Certificate of Total Final Costs and Assessment Roll for the Improvements are on file in my office for public inspection.

You are further notified that after hearing and considering all questions, complaints or objections to the proposed assessments, the City Commission will make a final determination of amounts of the individual assessments and the special assessments will be levied by an ordinance of the City. The ordinance will provide that you will have until noon on Tuesday, July 7, 2015 during which the special assessment against your property may be paid before it is placed on the tax rolls for collection in ten (10) approximately equal annual installments, with interest as permitted by Kansas law. If not prepaid, the first tax levy including an installment of special assessments will appear on the November 2015 ad valorem tax statements prepared by the Dickinson County Clerk. Pursuant to K.S.A. 12-6a11, you have 30 days from the publication of the assessment ordinance to bring a suit to set aside said assessments or otherwise question the validity of the proceedings.

Dated May 11, 2015


PENNY SOUKUP
City Clerk
City of Abilene, Kansas

Samantha J. Steffen

From: Greg <husbow@tctelco.net>
Sent: Thursday, April 02, 2015 1:33 PM
To: Charles Ault-Duell
Subject: Fwd: Eagles Lodge Special Assessments

This was the first quote

Sent from my iPhone

Begin forwarded message:

From: Greg Huston <husbow@tctelco.net>
Date: February 9, 2015 at 3:56:16 PM CST
To: red@midwestgreyhoundssupply.com
Subject: Fwd: Eagles Lodge Special Assessments

Sent from my iPhone

Begin forwarded message:

From: David Dillner <citymgr@abilenecityhall.com>
Date: February 9, 2015, 3:46:56 PM CST
To: Greg Huston <husbow@tctelco.net>
Subject: Eagles Lodge Special Assessments

Greg,

The amount needed to pre-pay the special assessments to be certified against the Eagles Lodge would be \$91,250. Special assessments are estimated at 10,523 per year if the property owner elects to pay special assessments over ten years; the actual cost of special assessments will not be known until after the project is financed with bonds. In this scenario, pre-paying would save the property owner approximately \$13,974.

This is based on the Eagles Lodge lot square footage of 60,985, which comprises 25.1% of the square footage in the improvement district. Costs are based on engineering, construction, legal, and capitalized interest.

Please let me know if you have any other questions.

David Dillner
City Manager
City of Abilene, KS
PO Box 519

419 N. Broadway Street
Abilene, KS 67410
Ph: (785) 263-2550
Web: www.abilenecityhall.com
Email: citymgr@abilenecityhall.com
Blog: <http://abileneks.blogspot.com>
Twitter: @DavidDillner

"Pursuant to K.S.A. 45-215 *et seq.*, all records maintained by the City of Abilene, Kansas must be open for inspection by the public. This message and its contents are subject to public disclosure as are any responses to this message. State law provides for some exceptions to the Kansas Open Records Act (KORA), however, the exceptions are limited in scope and are not frequent in normal communications. If you have questions pertaining to the application of KORA to this message or its contents or have additional questions concerning KORA, please contact City Clerk Penny Soukup at (785) 263-2550."

Samantha J. Steffen

From: Greg <husbow@tctelco.net>
Sent: Thursday, April 02, 2015 1:36 PM
To: Charles Ault-Duell
Subject: Fwd: Eagles Lodge Information
Attachments: Dawson Cottage Line Item History.pdf; ATT00001.htm; Pre-Pay Amounts - Dawson Cottage Addition.pdf; ATT00002.htm

Second quote

Sent from my iPhone

Begin forwarded message:

From: David Dillner <citymgr@abilenecityhall.com>
Date: February 13, 2015 at 3:48:23 PM CST
To: Greg Huston <husbow@tctelco.net>
Cc: Mark Guilfoyle <mark_guilfoyle@yahoo.com>
Subject: Eagles Lodge Information

Greg,

According to my revised calculations, the estimated amount needed to pre-pay the special assessments to be certified against the Eagles Lodge property is \$88,014.63, which includes the property's share of the engineering, construction, legal, administrative fees, and capitalized interest associated with the development at this time.

Please note that this figure should only be used for planning purposes; final pre-pay figures are subject to change and may be subject to the provisions of K.S.A. 12-6a01 et seq. Final pre-pay amounts may be subject to the review and approval of the governing body of the City of Abilene, Kansas.

This estimated figure is based on the Eagle's Lodge property of 60,984 square feet, or 25.1%, of the total square footage included with the development. The total square footage for the development is 242,555 square feet, more or less.

According to the Community Development Department, the zoning for the property is "B-3, Highway Business District." Many commercial uses would be allowed on the property, but I would confirm any proposed use with the Community Development Department prior to construction to ensure that the proposed use conforms to the underlying zoning district.

Water connection fees (City Code, Section 7-802) are \$650 for 3/4-inch service, and \$950 for 1-inch service. The cost for a 2-inch service will be based on the actual cost of time, materials and equipment plus 10%. There is no sewer connection fees for connections made within city limits. You will need to pay these fees in order to get service connections to the property.

According to Dickinson County Property Data, the 0.05 acre lot located to the west of the Eagles' lot is owned by Staab Real Estate, LLC with an address of PO Box 1866, Grand Island, NE 68802. I cannot guarantee that this information is correct, but it is what Dickinson County shows on their website.

Please find attached a report showing line item detail for all expenses associated with the development subdivided into the categories of Legal, Engineering, Administrative Fees, Construction, and Bond Interest. The later category refers to the interest paid for the temporary notes issued to finance the project. I have also provided a spreadsheet showing the distribution of costs to each lot within the development and also showing the estimated pre-pay figures.

Please let me know if you have any questions.

Samantha J. Steffen

From: Greg <husbow@tctelco.net>
Sent: Thursday, April 02, 2015 1:37 PM
To: Charles Ault-Duell
Subject: Fwd: Eagles Lodge Information
Attachments: Dawson Cottage Line Item History.pdf; ATT00001.htm; Pre-Pay Amounts - Dawson Cottage Addition.pdf; ATT00002.htm

Third quote

Sent from my iPhone

Begin forwarded message:

From: David Dillner <citymgr@abilenecityhall.com>
Date: February 13, 2015 at 3:48:23 PM CST
To: Greg Huston <husbow@tctelco.net>
Cc: Mark Guilfoyle <mark_guilfoyle@yahoo.com>
Subject: Eagles Lodge Information

Greg,

According to my revised calculations, the estimated amount needed to pre-pay the special assessments to be certified against the Eagles Lodge property is \$88,014.63, which includes the property's share of the engineering, construction, legal, administrative fees, and capitalized interest associated with the development at this time.

Please note that this figure should only be used for planning purposes, final pre-pay figures are subject to change and may be subject to the provisions of K.S.A. 12-6a01 et seq. Final pre-pay amounts may be subject to the review and approval of the governing body of the City of Abilene, Kansas.

This estimated figure is based on the Eagle's Lodge property of 60,984 square feet, or 25.1%, of the total square footage included with the development. The total square footage for the development is 242,555 square feet, more or less.

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Water connection fees (City Code, Section 7-802) are \$650 for 3/4-inch service, and \$950 for 1-inch service. The cost for a 2-inch service will be based on the actual cost of time, materials and equipment plus 10%. There is no sewer connection fees for connections made within city limits. You will need to pay these fees in order to get service connections to the property.

According to Dickinson County Property Data, the 0.05 acre lot located to the west of the Eagles' lot is owned by Staab Real Estate, LLC with an address of PO Box 1866, Grand Island, NE 68802. I cannot guarantee that this information is correct, but it is what Dickinson County shows on their website.

Please find attached a report showing line item detail for all expenses associated with the development subdivided into the categories of Legal, Engineering, Administrative Fees, Construction, and Bond Interest. The later category refers to the interest paid for the temporary notes issued to finance the project. I have also provided a spreadsheet showing the distribution of costs to each lot within the development and also showing the estimated pre-pay figures.

Please let me know if you have any questions.

Samantha J. Steffen

From: Greg <husbow@tctelco.net>
Sent: Thursday, April 02, 2015 1:47 PM
To: Charles Ault-Duell
Subject: Fwd: Dawson Cottage Bids
Attachments: Dawson Cottage Bids.pdf; ATT00001.htm

Fourth quote

Sent from my iPhone

Begin forwarded message:

From: David Dillner <citymgr@abilenecityhall.com>
Date: February 25, 2015 at 2:06:25 PM CST
To: Greg Huston <husbow@tctelco.net>
Cc: Mark Guilfoyle <mark_guilfoyle@yahoo.com>
Subject: Dawson Cottage Bids

Greg,

Per your request, I have attached a copy of the construction bids for the Dawson Cottage Project for your review. I can confirm that the sanitary sewer taps are not included in the project as only water, street, and storm drainage improvements were authorized by the resolution for the inclusion in the benefit district.

Removing the sanitary sewer taps will adjust the pre-pay amount to \$80,103.

Please let me know if you have any questions.

David Dillner
City of Abilene

Abilene Eagles Lodge Dawson's Cottage Add'n Specials Calculation

Project Totals

Sources:

- Vogts-Parga
- Billing Breakouts

- CITY OF

ABILENE Line Item
Details

- DC Addn Cost
Breakdown

	SQ. FT.	% SQ. FT. DC Addn	Water Line	San. Sewer	Street	Drainage	Legal	Admin	Interest Temp Bonds	Pre-Pay Amount
	242,555	100.00%	\$51,900.20	\$28,685.85	\$185,494.62	\$45,873.58	\$3,364.86	\$5,310.00	\$5,481.50	\$326,110.61
PH LOT 1 (west)*	7,095.0	2.93%	\$0.00	\$0.00	\$5,425.93	\$1,341.86	\$98.43	\$155.32	\$160.34	\$7,181.88
LOTGE LOT*	41,450.0	17.09%	\$0.00	\$0.00	\$31,699.06	\$7,839.31	\$575.02	\$907.42	\$936.73	\$41,957.54
PH LOT 2 (east)*	12,439.0	5.13%	\$0.00	\$1,471.11	\$9,512.78	\$2,352.55	\$172.56	\$272.31	\$281.11	\$14,062.42
Total Lot	60,984.0	25.14%	\$0.00	\$1,471.11	\$46,637.77	\$11,533.71	\$846.01	\$1,335.06	\$1,378.18	

*Estimated from DK Co. Tax Parcel Records and DK Co. GIS Measuring Tool. $(7095 + 41450 + 12439) = 60,984$ sqft or 1.4 Acres
 Water Line and Sanitary Sewer on Lodge Lot and west PH Lot 1 pre-existed DC Addition Project. These items are therefore omitted.
 No Sanitary Sewer on PH Lot 2 pre-existed DC Addition Project. This item is therefore included at the computation rate shown.

Preliminary Specials Assessment Total (w/o water on PH Lot 2) \$63,201.83

Add Water Line for "Lot 2" (assuming the "Lot 2" noted on Contractor's Statement is PH Lot 2): 95.2' of line installed @ \$38.55/lin. ft. \$3,669.96

Eagles Property (Lodge Lot + PH Lots 1 and 2) Dawson's Cottage Addition Specials/Improvements Assessment Due:	\$66,871.79
--	--------------------

Compare David Dillner's 2/25/15 E-mail Quote to Greg Huston of \$80,103:

EAGLES LODGE	60,984	25.10%	\$13,026.95	\$7,200.15	\$46,559.15	\$11,514.27	\$844.58	\$1,332.81	\$1,375.86	\$81,853.76
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EXHIBIT A

Dawson's Cottage Addition Final Plat

City of Abilene, Kansas

Copy

April 22, 2013

6. Per City policy, the City will require the Developer to include with the Benefit District Petition financial commitments equal to either: a) funding, in the form of cash, cashier's check, or escrow account, equal to 20% of the estimated principal cost of the project, or b) a financial guarantee, in the form of an irrevocable letter of credit, or corporate completion bond, equal to 35% of the estimated principal cost of the project.

The required cash funds or financial guarantee shall be provided prior to the City awarding any construction contract. Cash funding will be used to reduce the amount of project costs covered by special assessment bond financing. The financial guarantee will be applied annually to satisfy the principal and interest costs of any outstanding bonds should any special assessments not be paid when due.

The financial guarantee will be released upon the request of the Developer, when certificates of occupancy for a principal building are issued for at least 35% of the properties within the development. At the time the bonds are issued, any funds in excess of the petitioner's contribution shall be refunded by the City or the financial guarantee shall be reduced by an equivalent amount. The Developer agrees that there shall be no time limits on any financial guarantee provided to the City to meet these requirements.

7. The Developer understands that pursuant to K.S.A. 12-6a14(d), the City may issue temporary financing for the public improvements and that following construction of the improvements the costs associated with the project will be financed with General Obligation Bonds of the City. Such bonds will have a ten-year maturity and shall be repaid from the proceeds of special assessments assessed against properties included in the Benefit District.
8. The City agrees to maintain the drainage structure provided the Developer's engineer designs the structure using best management practices that provides a low maintenance cost, retain the appropriate amount of stormwater for the development and provide an aesthetically pleasing solution. The City can provide guidance that may be of assistance in designing this structure. For the City's acceptance of the structure, the Developer agrees to pay a negotiable fee based on an analysis of the ten-year maintenance costs associated with such drainage structure.
9. A Development Agreement containing these provisions will be reviewed and considered by the City Commission prior to approval of the public improvements being let to bid.

Please contact me at (785) 263-2650 if you have any questions.

Sincerely,



David B. Dillner
City Manager

CC: Pete Earles, Earles Engineering
Tim Hamilton, Community Development Director
Lon Schrader, Public Works Director



Earles Engineering & Inspection, Inc.

Civil & Structural Engineers · Construction Inspectors
Salina, Kansas 67401

EEl Project No. 12-74
3/1/13

COST ESTIMATE
Prairie Hills Additon

Item No.	Item	Quantity	Unit	ENGINEER'S ESTIMATE	
				Unit Cost	Extension
1	Excavation	1,159	Cu. Yd.	\$9.00	\$ 10,431.00
2	Compaction of Earthwork	892	Cu. Yd.	\$7.00	\$ 6,244.00
3	6" Concrete Pavement	3,352	Sq. Yd.	\$38.00	\$ 127,376.00
4	4" AB-3	458	Cu. Yd.	\$10.00	\$ 4,580.00
5	Entrance Pavement (6")	16	Sq. Yd.	\$65.00	\$ 1,040.00
6	Curb and Gutter	2,057	L.F.	\$22.00	\$ 45,254.00
7	Entrance Curb	24	L.F.	\$22.00	\$ 528.00
8	Storm Sewer Curb Inlet	2	Each	\$4,000.00	\$ 8,000.00
9	Storm Sewer Pipe (18" RCP)	50	L.F.	\$41.00	\$ 2,050.00
10	End Section (18" RCP)	1	Each	\$800.00	\$ 800.00
11	D50-6" Rock	9	Sq. Yd.	\$48.00	\$ 432.00
12	Pond Overflow Flume (Concrete)	1	L.S.	\$5,500.00	\$ 5,500.00
13	Adjust Existing S.S. Manhole to Grade	2	Each	\$1,000.00	\$ 2,000.00
14	Remove Existing Asphalt Pavement	110	Sq. Yd.	\$15.00	\$ 1,650.00
15	Remove & Replace Existing HMA	28	Sq. Yd.	\$55.00	\$ 1,540.00
16	Remove Existing Curb and Gutter	82	L.F.	\$12.00	\$ 984.00
17	4" Sanitary Sewer Service Connection	588	L.F.	\$16.00	\$ 9,408.00
18	6" Water Line	1,272	L.F.	\$25.00	\$ 31,800.00
19	6" Tapping Valve w/ Stop	1	Each	\$2,500.00	\$ 2,500.00
20	Fire Hydrant Assembly	2	Each	\$3,500.00	\$ 7,000.00
21	Remove & Replace W. Assembly	1	Each	\$1,500.00	\$ 1,500.00
22	Fittings	2	Each	\$500.00	\$ 1,000.00
23	Special Trench Construction	1	L.F.	\$9.00	\$ 9.00
24	1" Water Line	39	L.F.	\$9.00	\$ 351.00
25	1" Service Taps	19	Each	\$17.50	\$ 332.50
26	Erosion Control	1	L.S.	\$5,000.00	\$ 5,000.00
27	Contractor Construction Staking	1	L.S.	\$8,000.00	\$ 8,000.00
				BASE BID	\$311,408.00
ALTERNATE NO. 1					
1	Delete 6" Concrete Pavement	3,352	Sq. Yds.	(\$8.00)	\$ (27,016.00)
2	Delete 4" AB-3	369	Cu. Yds.	(\$10.00)	\$ (3,690.00)
3	Add 6" Bituminous Pavement	3,352	Sq. Yds.	\$40.00	\$ 134,080.00
4	Add 6" AB-3	559	Sq. Yds.	\$12.00	\$ 6,708.00
				TOTAL ALTERNATE NO. 1	\$9,722.00
				TOTAL BASE BID+ ALT. No. 1 BID	\$321,131.00

CHANGE IN PLANS AND CONSTRUCTION

Request Number 1

Contract For:
Dawson Cottage Addition
 Contractor:
Vogt's Parga Construction, LLC
 Original Contract Price
\$277,986.00

City/County
Abilene, Kansas
 Project Number:
2012-74

REQUESTED CHANGES IN PRESENT CONTRACT

Contract Item	Previous Quantity	Previous Amount	Unit	Item Description	Additional Excavation for Pond	Adjusted Quantity	Contract Unit Price	Revised or New Unit Price	Adjusted Amount
1	1,159	\$7,765.30	(CU: Yds.			1,369	\$6.70		\$9,172.30
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
TOTAL		\$7,765.30						TOTAL	\$9,172.30

NET INCREASE
\$1,407.00

This is to affirm that I have inspected this change in plans and construction and hereby agree to the quantities, unit prices, and amount shown above.

Recommended for Approval

[Signature]
 Engineer

Contractor:

Signed By:

**Project: Dawson Cottage Addition City of Abilene
PAY VOUCHER NO: FINAL**

PROJECT: Dawson Cottage Hills Addition
PAY VOUCHER NO.: FINAL
OWNER: City of Abilene
CONTRACTOR: Vogts-Parga, LLC
ESTIMATED PERIOD: FROM N/A
DAYS LAPSED THIS PAY PERIOD: N/A

DATE SUBMITTED: 10/31/13
NOTICE TO PROCEED:
CONTRACT TIME: 120
TO: N/A
TOTAL DAYS ELAPSED TO DATE: N/A
EEl PROJECT NO.: 2012-08

BID ITEM QUANTITIES:

NO.	ROADWAY QUANTITIES	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
1	Excavation (CO #2)	1,919	Cu. Yd.	\$6.70	1,919	\$ 13,056.30
2	Construction of Earthwork (CO #2)	1,250	Cu. Yd.	\$1.00	1,250	\$ 1,250.00
3	6" Concrete Pavement	3,386	Sq. Yd.	\$32.50	3,386	\$ 110,045.00
4	4" AB-3	457	Cu. Yd.	\$49.50	457	\$ 22,621.50
5	Entrance Pavement (6")	16	Sq. Yd.	\$35.00	16	\$ 560.00
6	Curb and Gutter	2,057	L.F.	\$12.85	2,057	\$ 26,492.45
7	Entrance Curb	24	L.F.	\$14.50	24	\$ 348.00
8	Storm Sewer Curb Inlet	2	Each	\$4,700.00	2	\$ 9,400.00
9	Storm Sinker Pipe (18" RCP)	63	L.F.	\$48.50	63	\$ 3,055.50
10	End Section (18" RCP)	1	Each	\$800.00	1	\$ 800.00
11	1250-6" Rock (CO #3)	74	Sq. Yd.	\$85.00	74	\$ 6,290.00
12	Pond Overflow Flap (Concrete)	1	L.S.	\$9,500.00	1	\$ 9,500.00
13	Adjust Existing S.S. Inlet to Grade	2	Each	\$500.00	2	\$ 1,000.00
14	Remove & Replace Existing HMA	33	Sq. Yd.	\$35.00	33	\$ 1,155.00
15	Remove Existing Asphalt Pavement	119	Sq. Yd.	\$12.50	119	\$ 1,487.50
16	Remove Existing Curb and Gutter	82	L.F.	\$7.00	82	\$ 574.00
17	4" Sanitary Street Sewer Connection (CO #1)	1	Each	\$1,855.00	1	\$ 1,855.00
18	6" Water Line	991	L.F.	\$19.00	991	\$ 19,820.00
19	6" Thopping Valve w/ Stopcock	1	Each	\$3,240.00	1	\$ 3,240.00
20	Fire Hydrant Assembly	2	Each	\$5,000.00	2	\$ 10,000.00
21	Remove & Re-Set P.U.L. Assembly	1	Each	\$2,950.00	1	\$ 2,950.00
22	Fittings	292	Each	\$5.67	292	\$ 1,655.64
23	Special Trench Compaction (CO #3)	1,350	L.F.	\$10.25	1,350	\$ 13,837.50
24	Friction Control	1	L.S.	\$3,200.00	1	\$ 3,200.00
25	Contractor Construction Staking	1	L.S.	\$10,900.00	1	\$ 10,900.00

Tree Removal - CO #3

A. COMPLETED AMOUNT \$ 675.00
B. MATERIALS ON HAND \$ 292,470.75
C. CHANGE ORDERS (included above) \$ -

TOTAL AMOUNT EARNED \$ 292,470.75
Less Retainage (10%) \$ 29,247.08
Less Previous Payments \$ 277,847.31
AMOUNT DUE CONTRACTOR \$ 14,623.54

APPROVALS:
EARLES ENGINEERING INC.

SIGNED: *Bradley McLooney*
DATE: 10-31-13

Vogts/Parga Const. LLC

SIGNED: *Alan E. Vogts*
DATE: 10/30/2013

CITY OF ABILENE

SIGNED:
DATE:

Project: Dawson Cottage Addition City of Abilene

EEl NO. 12-74

WATER LINE	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
6" Water Line	991	L.F.	\$20.00	991	\$ 19,820.00
6" Tapping Valve w/ Sleeve & Riser	1	Each	\$3,250.00	1	\$ 3,250.00
Fire Hydrant Assembly	2	Each	\$5,000.00	2	\$ 10,000.00
Remove & Re-Set F.H. Assembly	1	Each	\$2,950.00	1	\$ 2,950.00
Fittings	292	Lbs.	\$5.50	292	\$ 1,606.00
Remove & Replace Existing HMA	33	Sq. Yd.	\$35.00	33	\$ 1,155.00
Special Trench Compaction	776	L.F.	\$10.25	776	\$ 7,954.00
Contractor Construction Staking	1	L.S.	\$10,900.00	0.17	\$ 1,853.00
CONSTRUCTION COST WATER					\$ 48,588.00
ENGINEERING WATER LINE					\$ 3,312.20
CONSTRUCTION ENGINEERING					\$ -

SANITARY SEWER	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
Adjust Existing S S. Manhole to Grade	2	Each	\$500.00	2	\$ 1,000.00
4" Sanitary Sewer Service Connection	574	L.F.	\$32.50	574	\$ 18,655.00
Special Trench Compaction	574	L.F.	\$10.25	574	\$ 5,883.50
Contractor Construction Staking	1	L.S.	\$10,900.00	0.11	\$ 1,199.00
CONSTRUCTION COST SS					\$ 26,737.50
ENGINEERING SEWER LINE					\$ 1,948.35
CONSTRUCTION ENGINEERING					\$ -

ROADWAY	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
6" Concrete Pavement	3,386	Sq. Yd.	\$32.50	3,386	\$ 110,045.00
4" AB-3	457	Cu. Yd.	\$49.50	457	\$ 22,621.50
Entrance Pavement (6")	16	Sq. Yd.	\$35.00	16	\$ 560.00
Curb and Gutter	2,057	L.F.	\$12.85	2,057	\$ 26,432.45
Entrance Curb	24	L.F.	\$14.50	24	\$ 348.00
Remove Existing Curb and Gutter	82	L.F.	\$8.70	82	\$ 713.40
Remove Existing Asphalt Pavement	19	Sq. Yd.	\$25.70	19	\$ 487.50
Excavation	57	Cu. Yd.	\$6.70	57	\$ 3,798.90
Compaction of Earthwork	9	Cu. Yd.	\$1.00	9	\$ 9.00
Erosion Control	1	L.S.	\$3,200.00	0.5	\$ 1,600.00
Contractor Construction Staking	1	L.S.	\$6,313.00	0.1	\$ 631.30
CONSTRUCTION COST ROADWAY					\$ 173,999.35
ENGINEERING ROADWAY					\$ 11,495.27
CONSTRUCTION ENGINEERING					\$ -

DRAINAGE	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
Storm Sewer Curb Inlet	2	Each	\$4,700.00	2	\$ 9,400.00
Storm Sewer Pipe (18" RCP)	63	L.F.	\$48.50	63	\$ 3,055.50
End Section (18" RCP)	1	Each	\$800.00	1	\$ 800.00
D50-6" Rock	74	Sq. Yd.	\$85.00	74	\$ 6,290.00
Pond Overflow Flume (Concrete)	1	L.S.	\$9,500.00	1	\$ 9,500.00
Excavation	1,382	Cu. Yd.	\$6.70	1,382	\$ 9,259.40
Compaction of Earthwork	931	Cu. Yd.	\$1.00	931	\$ 931.00
Erosion Control	1	L.S.	\$3,200.00	0.5	\$ 1,600.00
Trees Removal	1	L.S.	\$675.00	1.0	\$ 675.00
Contractor Construction Staking	1	L.S.	\$10,900.00	0.15	\$ 1,635.00
CONSTRUCTION COST DRAINAGE					\$ 43,145.90
ENGINEERING DRAINAGE					\$ 2,727.68
CONSTRUCTION ENGINEERING					\$ -

TOTAL PROJECT CONSTRUCTION COST \$ 292,470.75

TOTAL PROJECT COST \$ 311,954.25

Project: Dawson Cottage Addition City of Abilene

EEl NO. 12-74

WATER LINE	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
6" Water Line	991	L.F.	\$20.00	991	\$ 19,820.00
6" Tapping Valve w/ Sleeve & Riser	1	Each	\$3,250.00	1	\$ 3,250.00
Fire Hydrant Assembly	2	Each	\$5,000.00	2	\$ 10,000.00
Remove & Re-Set F.H. Assembly	1	Each	\$2,950.00	1	\$ 2,950.00
Fittings	292	Lbs.	\$5.50	292	\$ 1,606.00
Remove & Replace Existing HMA	33	Sq. Yd.	\$35.00	33	\$ 1,155.00
Special Trench Compaction	776	L.F.	\$10.25	776	\$ 7,954.00
Contractor Construction Staking	1	L.S.	\$10,900.00	0.17	\$ 1,853.00
CONSTRUCTION COST WATER					\$ 48,588.00
ENGINEERING WATER LINE					\$ 3,312.20
CONSTRUCTION ENGINEERING					\$ -

SANITARY SEWER	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
Adjust Existing S.S. Manhole to Grade	2	Each	\$500.00	2	\$ 1,000.00
4" Sanitary Sewer Service Connection	574	L.F.	\$32.50	574	\$ 18,655.00
Special Trench Compaction	574	L.F.	\$10.25	574	\$ 5,883.50
Contractor Construction Staking	1	L.S.	\$10,900.00	0.11	\$ 1,199.00
CONSTRUCTION COST SS					\$ 26,737.50
ENGINEERING SEWER LINE					\$ 1,948.35
CONSTRUCTION ENGINEERING					\$ -

ROADWAY	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
6" Concrete Pavement	3,386	Sq. Yd.	\$32.50	3,386	\$ 110,045.00
4" AB-3	457	Cu. Yd.	\$49.50	457	\$ 22,621.50
Entrance Pavement (6")	16	Sq. Yd.	\$35.00	16	\$ 560.00
Curb and Gutter	57	L.F.	\$12.85	57	\$ 732.45
Entrance Curb	4	L.F.	\$14.50	4	\$ 58.00
Remove Existing Curb and Gutter	2	L.F.	\$7.00	2	\$ 14.00
Remove Existing Asphalt Pavement	1	Sq. Yd.	\$1,487.50	1	\$ 1,487.50
Excavation	567	Cu. Yd.	\$6.70	567	\$ 3,798.90
Compaction of Earthwork	319	Cu. Yd.	\$1.00	319	\$ 319.00
Erosion Control	1	L.S.	\$1,600.00	0.5	\$ 1,600.00
Contractor Construction Staking	1	L.S.	\$10,900.00	0.57	\$ 6,213.00
CONSTRUCTION COST ROADWAY					\$ 173,999.35
ENGINEERING ROADWAY					\$ 11,495.27
CONSTRUCTION ENGINEERING					\$ -

DRAINAGE	QUANTITY	UNIT	UNIT PRICE	COMPLETED	EXTENSION
Storm Sewer Curb Inlet	2	Each	\$4,700.00	2	\$ 9,400.00
Storm Sewer Pipe (18" RCP)	63	L.F.	\$48.50	63	\$ 3,055.50
End Section (18" RCP)	1	Each	\$800.00	1	\$ 800.00
D50-6" Rock	74	Sq. Yd.	\$85.00	74	\$ 6,290.00
Pond Overflow Flume (Concrete)	1	L.S.	\$9,500.00	1	\$ 9,500.00
Excavation	1,382	Cu. Yd.	\$6.70	1,382	\$ 9,259.40
Compaction of Earthwork	931	Cu. Yd.	\$1.00	931	\$ 931.00
Erosion Control	1	L.S.	\$3,200.00	0.5	\$ 1,600.00
Tree Removal	1	L.S.	\$675.00	1.0	\$ 675.00
Contractor Construction Staking	1	L.S.	\$10,900.00	0.15	\$ 1,635.00
CONSTRUCTION COST DRAINAGE					\$ 43,145.90
ENGINEERING DRAINAGE					\$ 2,727.68
CONSTRUCTION ENGINEERING					\$ -

TOTAL PROJECT CONSTRUCTION COST \$ 292,470.75

TOTAL PROJECT COST \$ 311,954.25

Water line: Total = 51,900.20
Project Length = 1346' + Served Lot Lengths Total = 1,346' +/-
 $51,900.20 / 1346' = \$38.55$ per Lin. Ft. Cost
Length Lot 2 = 95.2' +/-
 $95.2' * \$38.55 = \$3,669.96$ +/-

Sewer line: Total = 51,900.00
Project Length = 1346 Served Lot Lengths Total = 1,346' +/-
 $28,685.85 / 1346 = \$21.31$ per Lin. Ft. Cost
Dawson Cottage Addition Only: Eagles Lodge Existing San. Sewer

Total Project Length 951' +/-

Copy

Dawson Cottage Addition Cost Breakdown (estimated)
February 13, 2015

	Sq Ft	Engineering	Legal	Administration	Construction	Interest	Est. Pre-Pay Amount
BLOCK 1		\$ 43,437.65	\$ 3,364.86	\$ 5,310.00	\$ 292,470.75	\$ 5,481.50	
Lot 1	9,203.80	3.8%	\$ 1,648.25	\$ 127.68	\$ 201.49	\$ 11,097.88	\$ 13,283.30
Lot 2	8,798.40	3.6%	\$ 1,575.65	\$ 122.06	\$ 192.61	\$ 10,609.05	\$ 12,698.21
Lot 3	8,114.80	3.3%	\$ 1,453.23	\$ 112.57	\$ 177.65	\$ 9,784.77	\$ 11,711.61
Lot 4	8,535.00	3.5%	\$ 1,528.48	\$ 118.40	\$ 186.85	\$ 10,291.45	\$ 12,318.06
Lot 5	8,799.05	3.6%	\$ 1,575.77	\$ 122.07	\$ 192.63	\$ 10,609.84	\$ 12,699.15
Lot 6	8,522.17	3.5%	\$ 1,526.18	\$ 118.22	\$ 186.57	\$ 10,275.98	\$ 12,299.55
Total	51,973.22	21.4%	\$ 9,307.57	\$ 1,137.80	\$ 62,668.98	\$ 1,174.54	\$ 75,009.90
BLOCK 2							
Lot 1	9,180.00	3.8%	\$ 1,643.99	\$ 127.35	\$ 200.97	\$ 11,069.19	\$ 13,248.96
Lot 2	8,773.70	3.6%	\$ 1,571.23	\$ 121.71	\$ 192.07	\$ 10,579.27	\$ 12,662.57
Lot 3	8,097.60	3.3%	\$ 1,450.15	\$ 112.33	\$ 177.27	\$ 9,764.03	\$ 11,686.79
Lot 4	9,175.92	3.8%	\$ 1,643.26	\$ 127.29	\$ 200.88	\$ 11,064.27	\$ 13,243.07
Lot 5	8,769.80	3.6%	\$ 1,570.53	\$ 121.66	\$ 191.99	\$ 10,574.57	\$ 12,656.94
Lot 6	7,824.20	3.2%	\$ 1,401.19	\$ 108.54	\$ 171.29	\$ 9,434.37	\$ 11,292.21
Lot 7	10,790.00	4.4%	\$ 1,932.32	\$ 149.69	\$ 236.21	\$ 13,010.51	\$ 15,572.57
Lot 8	9,170.80	3.8%	\$ 1,642.34	\$ 127.22	\$ 200.77	\$ 11,058.09	\$ 13,235.68
Lot 9	8,763.95	3.6%	\$ 1,569.48	\$ 121.58	\$ 191.86	\$ 10,567.52	\$ 12,648.49
Lot 10	9,975.94	4.1%	\$ 1,786.53	\$ 138.39	\$ 218.39	\$ 12,028.93	\$ 14,397.69
Lot 11	10,244.04	4.2%	\$ 1,834.54	\$ 142.11	\$ 224.26	\$ 12,352.20	\$ 14,784.62
Lot 12	9,029.59	3.7%	\$ 1,617.06	\$ 125.26	\$ 197.68	\$ 10,887.82	\$ 13,031.88
Lot 13	8,893.50	3.7%	\$ 1,592.68	\$ 123.38	\$ 194.70	\$ 10,723.73	\$ 12,835.47
Lot 14	10,908.30	4.5%	\$ 1,953.50	\$ 151.33	\$ 238.80	\$ 13,153.16	\$ 15,743.31
Total	129,597.34	53.4%	\$ 23,208.81	\$ 1,797.85	\$ 2,837.14	\$ 156,267.65	\$ 187,040.23
EAGLES	60,984.00	25.1%	\$ 10,921.26	\$ 846.01	\$ 1,335.06	\$ 73,534.12	\$ 88,014.63
TOTAL	242,554.56	100.0%	\$ 43,437.65	\$ 3,364.86	\$ 5,310.00	\$ 292,470.75	\$ 350,064.76

NOTES: This document should only be used for planning purposes; final pre-pay figures are subject to change and may be subject to the provisions of K.S.A. 12-6a01 et seq. Final pre-pay amounts may be subject to the review and approval of the governing body of the City of Abilene, Kansas.

CITY OF ABILENE

Line Item Detail History

For January 2013 Thru December 2013

Date	Debits	Credits	Memo	Voucher No	Vendor	Check No	Src	PriorYr
Beg Bal	0.00							
08/26/13	3,364.86		046 <u>DAWSON COTTAGE ADDITION</u> LEGAL FEE FOR TEMP NOTE DAWSON COTTAGE ADDITION	20131247	TRIPLETT, WOOLF & GARRETSON		V	
	3,364.86		Account Total Activity					
	3,364.86		Account Ending Balance					
Beg Bal	0.00							
07/22/13	875.50		520140 ENGINEERING ENGINEER REVIEW DAWSON COTTAGE ADDITION	20131028	SCHWAB-EATON, PA		V	
12/09/13	26,635.75		ENGINEERING ON DAWSON COTTAGE ADDITION	20131725	DAWSON, SCOTT		V	
12/31/13	15,926.10		ENCUMBER - INSPECTION SERVICES DAWSON COTTAGE ADDITION	20131872	KAW VALLEY ENGINEERING		V	
	43,437.65		Account Total Activity					
	43,437.65		Account Ending Balance					
Beg Bal	0.00							
07/23/13	630.00		530375 ADMINISTRATIVE FEES TEMPORARY NOTE SERIERS A, 2013 - REGISTRATION FEE	20131067	KS TREASURER		V	
08/12/13	4,500.00		SERVICE FEE DAWSON TEMP NOTES	20131097	PIPER JAFFARY & CO.		V	
08/12/13	180.00		DAWSON COTTAGE ADDITION - TEMP NOTE REVIEW	20131114	OFFICE OF ATTORNEY GENERAL		V	
	5,310.00		Account Total Activity					
	5,310.00		Account Ending Balance					
Beg Bal	0.00							
10/15/13	277,847.21		590651 CONSTRUCTION CONSTRUCTION DAWSON COTTAGE ADDITION	20131474	VOGTS-PARGA CONST. LLC		V	
12/31/13	14,623.54		ENCUMBER - CONSTRUCTION ON DAWSON COTTAGE ADDITION	20131877	VOGTS-PARGA CONST. LLC		V	
	292,470.75		Account Total Activity					
	292,470.75		Account Ending Balance					
	344,583.26		Fund Total Activity					
	344,583.26		Total Activity All Accounts Reported					

CITY OF ABILENE

Line Item Detail History

For January 2014 Thru December 2014

Date	Debits	Credits	Memo	Voucher No	Vendor	Check No	Src	PriorYr
			<u>046</u>					
			<u>DAWSON COTTAGE ADDITION</u>					
Beg Bal	0.00		540200 BOND INTEREST					
01/27/14	2,061.50		INTEREST ON TEMP NOTES - DAWSON	20140064	KS TREASURER		V	
			COTTAGE ADDITION					
07/28/14	1,710.00		INTEREST ON DAWSON COTTAGE ADD TEMP	20141064	KS TREASURER		V	
			NOTE					
	3,771.50	0.00	Account Total Activity					
	3,771.50		Account Ending Balance					
	3,771.50	0.00	Fund Total Activity					
	3,771.50	0.00	Total Activity All Accounts Reported					

CITY OF ABILENE

Line Item Detail History

For January 2015 Thru December 2015

Date	Debits	Credits	Memo	Voucher No	Vendor	Check No	Src	PriorYr
Beg Bal 02/09/15	0.00 1,710.00		046 <u>DAWSON COTTAGE ADDITION</u> 540200 BOND INTEREST					
	1,710.00		INTEREST ON TEMP NOTES - DAWSON COTTAGE ADDITION	20150145	KS TREASURER			V
	1,710.00	0.00	Account Total Activity					
	1,710.00	0.00	Account Ending Balance					
	1,710.00	0.00	Fund Total Activity					
	1,710.00	0.00	Total Activity All Accounts Reported					

Dickinson County Property Data

Commercial Detail Information

Friday May 29 2015 10:40:42 AM

Subject Property

[Print](#)

Parcel ID : 0211120904001009000

[Click here to locate on Map](#)

Owner Name : HUSTON, GREGORY C

No property photo available

Location : 1701 N BUCKEYE AVE, Abilene, KS 67410

PRAIRIE HILLS ADDITION, S09, T13, R02, LOTS 1 & 2, INC BEG 390' E &

Legal Desc : 195' N SW COR NW4 SE4, TH N 135', E 322.7', S 135', W 322.7' TO POB,
LESS R/W.

The legal description displayed above is not adequate for use in legal documents

Building Section Details

[Click here to go back to the building list for this parcel](#)

Section No : 1	Level From : 01	Level To : 01
Size : 6,000	Perim : 320	Occupancy : Fraternal Building
Wall Height : 16	Yr Built : 1975	More Info Available : Click here

Other Improvements

Type :	Quantity :	Area :	Year Built :	Quality :	Condition :
Paving, Concrete with Base	1	1,073	1996	AV	AV
Storage Bldg, Steel	1	384	1960	AV	FR
Pole Light, Mercury 24 ft.	1	3	1985	AV	AV
Fence, Wood Solid Boards	1	750	2011	AV	AV

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Funding Request from the Cedar House Foundation - REVISED
DATE: May 14, 2015

The Cedar House has requested funds from the Special Alcohol and Drug Fund to assist them in operating a supervised sober living house that provides education, on-site therapy, and mentoring for women who are recovering from alcohol and/or drug addiction.

Per Kansas statute 79-41a04, "*moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.*" The request by the Cedar House Foundation presumably meets the legislative intent of state law for these funds.

Special Considerations: The City does not have a competitive process to review requests for funds from the Special Alcohol and Drug. The City of Abilene used to allow outside agencies to request funds from the City as part of its annual budget process. This practice was changed several years ago due to budgetary considerations. With that said, the City does allocate \$7,500 to Safe Night After Prom and the Central Kansas Foundation. Both of these uses meet the intent of state law.

The City Commission may elect to appropriate additional funds from the Special Alcohol and Drug Fund to provide a grant to the Cedar House Foundation. The fund's long-term sustainability will become a concern if such a grant is provided. With more expenses coming out of the fund, it will only be a few years before the City will be unable to fund any of the outside agency requests due to a lack of funding.

Budgetary Considerations: The City of Abilene receives approximately \$14,000 annually from the State of Kansas for its Special Alcohol and Drug Fund. As of January 1, 2015, the Special Alcohol and Drug Fund had a balance of \$50,255. The City budgeted \$13,000 in expenses from the fund in 2015 as follows: \$1,500 to Safe Night After Prom (SNAP), \$6,000 to the Central Kansas Foundation, \$4,000 for animal care (these expenses will be moved to the General Fund), and \$1,500 for the City's drug dog (these expenses are no longer necessary as the City no longer owns a drug dog). At the end of the year, the City estimates the balance for the fund will be at \$59,477.

Staff confirmed that the City received \$16,722 from the State of Kansas in 2014 instead of the \$6,104 originally reported to the City Commission. The funds were receipted into the General Fund and not distributed into the Special Alcohol and Drug Fund and the Special Parks and Recreation Fund as required. Staff has since remedied the error of omission, and has updated the fund balance figures for the City Commission's review.

City Commission Actions: The City Commission has the following options with respect to this item:

1. Approve a resolution authorizing \$5,000 funds to be allocated to the Cedar House Foundation. The City Commission would need to deny approval of the resolution in the event it does not wish to provide funds to the Cedar House Foundation at this time. The amount may be amended, if desired, at the request of the City Commission.

2. Request such other information as the City Commission may require to assist in its decision making process. The resolution, as written, requests the Cedar House Foundation to provide copies of its budget, financial statements, and other operating data as may be necessary for the City Commission and the public to understand how the funds are used. Additional information will need to be requested by the City Commission.
3. Direct the City Manager to include an appropriation of funds from the the 2016 Budget Special Alcohol and Drug Fund and not provide funds in 2015.

SPECIAL ALCOHOL AND DRUG FUND
City of Abilene, Kansas

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Beginning	\$ 40,335	\$ 50,039	\$ 48,643	\$ 42,143	\$ 35,643	\$ 29,143	\$ 22,643	\$ 16,143
Revenue	\$ 17,204	\$ 6,104	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000
Expenditures	\$ 7,500	\$ 7,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500
Ending	\$ 50,039	\$ 48,643	\$ 42,143	\$ 35,643	\$ 29,143	\$ 22,643	\$ 16,143	\$ 9,643

Expense Summary

2013	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
2014	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
2015 - 2020	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
	\$ 5,000	Cedar House Foundation

SPECIAL ALCOHOL AND DRUG FUND - REVISED (with data confirmed by staff)

City of Abilene, Kansas

	<u>Actual</u>	<u>Actual</u>	<u>Estimated</u>	<u>Projected</u>	<u>Projected</u>	<u>Projected</u>	<u>Projected</u>	<u>Projected</u>
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Beginning	\$ 40,335	\$ 50,039	\$ 55,255	\$ 59,477	\$ 61,477	\$ 63,477	\$ 65,477	\$ 67,477
Revenue	\$ 17,204	\$ 12,716	\$ 16,722	\$ 14,500	\$ 14,500	\$ 14,500	\$ 14,500	\$ 14,500
Expenditures	\$ 7,500	\$ 7,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500
Ending	\$ 50,039	\$ 55,255	\$ 59,477	\$ 61,477	\$ 63,477	\$ 65,477	\$ 67,477	\$ 69,477

Expense Summary

2013	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
2014	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
2015 - 2020	\$ 1,500	Safe Night After Prom
	\$ 6,000	Central Kansas Foundation
	\$ 5,000	Cedar House Foundation



The Cedar House Foundation

The Cedar House is a supervised sober living house that provides education, on-site therapy and Kansas Certified Peer Mentoring for women who are willing to make a long-term commitment to changing how they live their lives.

The Cedar House was established in June of 2012. During the first year the house was renovated by individuals who were in drug and alcohol treatment programs. Total cost of construction and wages were met through private funding. In 2013 The Cedar House formed a development committee which met weekly to research and design programs for residents who would enter the house beginning mid-year 2014. May 2014 we opened our doors to the first resident. Since that time we have provided a safe and stable full time living environment to a total of eight individuals who have benefited from life skills training, physical and occupational therapy, spiritual counseling and career development. In October of 2014 we gained 501c3 status as a nonprofit organization.

There is also an outreach program that works in conjunction with The Cedar House supervised recovery home. The S.O.S. Cabin is an outreach that holds recovery meetings each Monday evening from 6:00pm-8:00pm for women seeking education and mentoring in alcohol and drug prevention, intervention and 12 step programs. The outreach of The Cedar House has maintained an attendance of approximately 15-20 women per week for the past 2 ½ years.

2015 Alcohol Tax Fund

By legislative mandate, a portion of the ATF dollars must be used to fund "programs whose primary purpose is alcoholism and drug abuse prevention or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics or drug abusers" (KSA 79-41a04) These services are generally defined as follows:

Education and Prevention programs to provide information and skill building to prevent problems with, or addiction to, alcohol and/or drugs.

Intervention programs to interrupt alcohol and/or drug use that becomes problematic either personally or legally.

Substance Abuse Treatment designed to provide substance abuse treatment services, and to assist clients with stopping use of alcohol and drugs and avoiding relapse.

Aftercare includes efforts to reintegrate clients into a normal living situation and support a substance free existence. Aftercare also includes on-going therapy with clinical, family support and self-help programs.

During 2015, **The Cedar House Foundation** will use funds to provide education, on-site therapy and classes conducted by Kansas Certified Peer Mentors to women who are willing to make a long-term commitment to changing how they live their lives. We recommend residents make a commitment of one year.

Cedar House Program components:

- ✓ **Communal Sober Living** – with responsibilities (*Prevention, Aftercare*)
- ✓ **Weekly AA/NA** –meetings which includes consistent interaction with a sponsor (*Substance Abuse Treatment*)
- ✓ **Participation in regional AA/NA Conferences** – (*Substance Abuse Treatment*)
- ✓ **Medical Assessments** –which includes physical, medications, dental and emergency response (*Aftercare*)
- ✓ **Weekly physical fitness classes** –at Impact Sports & Fitness (*Aftercare*)
- ✓ **Life Skills Education** –which includes financial planning and management, job skills, parenting, cooking, time management, conflict resolution and communication skills, stress management, relationship building and limit setting (*Education, Prevention, Aftercare*)
- ✓ **Employment within Dickinson County** – (*Aftercare*)
- ✓ **Volunteer Community Service Hours** –which provides hands-on positive experience "giving back" (*Aftercare*)
- ✓ **Weekly On-Site Therapy** –with a Certified Professional Drug and Alcohol Counselor (*Education, Substance Abuse Treatment, Aftercare*)
- ✓ **Assigned Kansas Certified Peer Mentor** – for Life Skills and Reintegration (*Education, Prevention, Aftercare*)
- ✓ **Family Outreach** –continued contact with family and/or significant others (*Education, Prevention, Intervention, Aftercare*)

The Cedar House supports a range of recovery and treatment organizations in Abilene which include: Central Kansas Foundation, Impact Sports & Fitness, Memorial Health System, Big Brothers Big Sisters and our local Food and Clothing Bank. During 2015, The Cedar House will use funds to serve approximately 12 residents and their families and/or significant others.

S.O.S. Cabin Outreach Program Components:

- ✓ **Referral and transportation to assessment services –** *(Intervention, Substance Abuse Treatment)*
- ✓ **Referral and transportation to detoxification and treatment –** *(Intervention, Substance Abuse Treatment)*
- ✓ **Kansas Certified Peer Mentor to work with residents & non-residents in life skills and reintegration –** *(Education, Prevention, Intervention, Aftercare)*
- ✓ **Transportation to recovery conferences through the state –** *(Substance Abuse Treatment, Aftercare)*
- ✓ **Weekly 12 Step program –** *(Education, Prevention, Intervention, Aftercare)*
- ✓ **Extensive Resource Library –** *(Education, Aftercare)*

The Cedar House - S.O.S. Cabin Outreach Program currently provides addiction services to residents of Abilene Ks. We also have a Kansas Certified Peer Mentor who works with family outreach through the Al-Anon/Nar-Anon programs to offer services, education and strategies to local Abilene families – parents/guardians/significant others. In 2014, the program was able to serve approximately 30 individuals and their families. Approximately 60% of those attending the programs are from Abilene Ks.

In general, these treatment and recovery programs are designed to help reduce substance abuse, break the intergenerational cycle of alcoholism/addiction, lead to positive individual and family change and productivity, reduce mental and physical healthcare costs, improve public safety, and reduce law enforcement and court costs.

RESOLUTION NO. 060815-1

A RESOLUTION APPROVING AN APPROPRIATION OF \$5,000 FROM THE SPECIAL ALCOHOL AND DRUG FUND TO THE CEDAR HOUSE FOUNDATION

WHEREAS, Kansas statutes require funds in the Special Alcohol and Drug Fund to be spent on the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers;

WHEREAS, the City Commission finds that the request by the Cedar House Foundation meets the legislative intent of state law for use of Special Alcohol and Drug Funds; and

WHEREAS, the City Commission desires to provide the Cedar House Foundation with funds to a supervised sober living house providing education, on-site therapy, and Kansas Certified Peer Mentoring for women who require drug and alcohol treatment.

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

SECTION ONE. Appropriation. The City Commission hereby appropriates \$5,000 from the Special Alcohol and Drug Fund and authorizes the City Manager to provide the Cedar House Foundation with such funds to be used for the operation of a supervised sober living house. The City Commission also requests the City Manager to include an appropriation of \$5,000 from the Special Alcohol and Drug Fund in the proposed 2016 Budget for review and consideration.

SECTION TWO. Reporting. The City Commission requests the Cedar House Foundation to provide copies of its budget, financial statements, and other operational data as may be appropriate for the City Commission and the public to understand how such funds are allocated, and to provide an annual report to the City Commission on the use of funds and programs by December 31, 2015.

SECTION THREE. Competitive Process. The City Commission further authorizes the City Manager to develop a process to allow other agencies to submit proposals for use of Special Alcohol and Drug Funds administered by the City of Abilene, Kansas. Such process shall be implemented for the preparation of the 2017 Budget.

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

[REMAINDER OF PAGE LEFT BLANK]

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 8th day of June, 2015.

CITY OF ABILENE, KANSAS

By: _____
Dennis P. Weishaar, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Proposed CKFF Beer Garden
DATE: June 5, 2015

The Central Kansas Free Fair Association has requested use of City-owned property within Abilene Stadium for use as a beer garden during Central Kansas Free Fair events in the stadium. The proposed events are scheduled to take place during the Central Kansas Free Fair scheduled for July 29 through August 3 2015.

Section 5-202 of the City Code currently only allows the consumption of alcohol on City-owned property to include the Civic Center, Abilene Municipal Airport, Senior Center, and designated areas at the Fairgrounds except during the Central Kansas Free Fair. The section would require an amendment in order for the consumption of alcohol to be allowed at the proposed location.

Staff has also prepared a proposed Memorandum of Understanding that would be executed by the Central Kansas Free Fair Association and the City. The Memorandum of Understanding provides terms and conditions pertaining to such things as police patrol expectations, security, signage, regulations, hours of operation, inspections, and penalties. Upon review, the City Commission may request other additions to the Memorandum of Understanding.

Special Considerations: The Central Kansas Free Fair Association has requested the ability to sale and consume alcohol during the Central Kansas Free Fair before, although each time the request has been denied. The City Commission has approved the sale and consumption of alcohol at demolition derby events not affiliated with the Central Kansas Free Fair. The Abilene Police Department reports that these events have been well managed.

Budgetary Considerations: The proposed Memorandum of Understanding requires the Association to pay for expenses associated with bringing police officers to the event. The hourly rate for such services has been calculated at \$50.00, which includes salary and benefits and minor equipment depreciation. Beyond the charges for police officers, the City does not expect any other major budgetary considerations as a result of the proposed beer garden. The Association would be required to obtain a temporary alcoholic liquor permit from the City at a nominal cost.

City Manager Recommendation: If the City Commission elects to authorize the consumption of alcohol on City-owned property, the City Manager recommends approval of the Memorandum of Understanding establishing clear expectations for the Central Kansas Free Fair Association with respect to the proposed event.

City Commission Actions: As currently proposed, the City Commission will have to take two actions to authorize the beer garden as follows: 1) approve Ordinance No. 3206 amending Section 5-202 of the City Code to allow the consumption of alcohol at Designated Areas at the Fairgrounds; and 2) approve Resolution No. 0060815-2 approving a Memorandum of Understanding with the Central Kansas Free Fair Association pertaining to the operation of a beer garden on City-owned property during the Central Kansas Free Fair.

ORDINANCE NO. 3274

AN ORDINANCE AMENDING SECTION 5-202 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, PERTAINING TO THE CONSUMPTION OF ALCOHOL ON CITY-OWNED PROPERTY

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

SECTION 1. That Section 5-202 of the City Code of the City of Abilene, Kansas, be amended as follows:

5-202 CONSUMPTION ON CITY PROPERTY. The provisions of Section 5-201 shall not apply to the following city-owned public property as permitted by the City:

- a. Abilene Civic Center located in the Union Pacific Passenger Depot;
- b. Abilene Municipal Airport;
- c. Senior Center, and
- d. Designated areas at the Fairgrounds.

The City Manager shall be empowered to promulgate regulations for public events that may be necessary to ensure the safe consumption of alcohol on City-owned property. Such regulations shall be included in a Memorandum of Understanding to be executed by any party desiring to consume alcohol on City-owned property during a public event, and shall be subject to the review and approval of the Governing Body.

SECTION 2. 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 8th day of June, 2014.

CITY OF ABILENE, KANSAS

By: _____
Dennis P. Weishaar, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

RESOLUTION NO. 060815-2

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CENTRAL KANSAS FREE FAIR ASSOCIATION AND THE CITY OF ABILENE, KANSAS, CONCERNING THE SALE OF CEREAL MALT BEVERAGES ON CITY-OWNED PROPERTY

WHEREAS, the Association proposes the temporary sale of cereal malt beverages on City-owned property for an authorized event, and

WHEREAS, the City seeks to establish certain requirements with respect to the proposed temporary sale of said cereal malt beverages on City-owned property to ensure a safe event for the public.

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

SECTION ONE. Memorandum of Understanding. That a Memorandum of Understanding with the Central Kansas Free Fair Association and the City of Abilene, Kansas, is hereby adopted as attached hereto as **Exhibit A**.

SECTION TWO. Implementation. The Mayor is hereby authorized to execute the Memorandum of Understanding with the Central Kansas Free Fair Association, 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 8th day of June, 2015.

CITY OF ABILENE, KANSAS

By: _____
Dennis P. Weishaar, Mayor

ATTEST:

Penny Soukup, CMC
City Clerk

EXHIBIT A

Memorandum of Understanding
Central Kansas Free Fair Association
and
City of Abilene, Kansas
(2015 Central Kansas Free Fair Beer Sales)

June 8, 2015

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING ("Agreement") is made and entered into this ____ day of June, 2015, between the Central Kansas Free Fair Association ("Association") and the City of Abilene, Kansas, a municipal corporation, (the "City") with respect to the facts and objectives set forth below.

RECITALS

- A. The Association proposes the temporary sale of alcoholic liquor on City-owned property for an authorized event.
- B. The City seeks to establish certain requirements with respect to the proposed temporary sale of certain alcoholic liquor on City-owned property to ensure a safe event for the public.

NOW, THEREFORE, in consideration of the foregoing, the City and Association agree as follows:

1. Purpose. The purpose of this Memorandum is to establish certain requirements for the Association to temporarily sell alcoholic liquor limited to beer on City-owned property.
2. Effective Dates. The terms and conditions outlined in this Memorandum of Understanding shall be effective during the duration of the Central Kansas Free Fair scheduled for July 29, 2015 through August 3, 2015. The Association shall be permitted to sell alcohol as herein specified during all Rodeo and Demolition Derby events at the Abilene Stadium.
3. Permit. The Association shall openly display a copy of its valid temporary alcoholic liquor permit in the Designated Area, pursuant to Article 7 of the City Code, when the Beer Garden is operational.
4. Payment. The Association agrees to compensate the City for any and all expenses of the Abilene Police Department related to law enforcement services necessary to ensure public safety during the event at an hourly rate of Fifty Dollars (\$50.00). Within ten days of the completion of the event, the Police Chief shall meet with representatives of the Association and review the Police Department's expenses directly related to the event. Based on the results of this review, the Association agrees to compensate the City for any Police Department expenses above the initial payment by the close of business on August 16, 2015. All payments described herein shall be remitted to the Finance Director of the City of Abilene at PO Box 519, Abilene, KS 67410.
5. Police Patrol. The Abilene Police Department will provide officers, as deemed appropriate, to directly patrol the event and surrounding grounds. The Association agrees that the Abilene Police Department may establish any number of checkpoints or take such other measures as the City may determine appropriate to enforce alcohol-related laws. The Association agrees that the Abilene Police Department shall have access to all areas of the event at all times. The Association agrees that the Abilene Police Department may terminate alcohol sales at any time if conditions warranting such termination are determined to exist.

6. Designated Area. The Designated Area for the authorized beer garden shall be as provided in **Exhibit A**, attached to this Agreement. The Association will be responsible for ensuring all consumption of alcohol occurs within the boundaries of the Designated Area.
7. Stadium Area. The Association shall work with the City to minimize any unauthorized beverages in the Stadium Area adjacent to the Designated Area. The City agrees to prohibit outside beverages that have been opened from entering Abilene Stadium and authorizes the Association to enforce this prohibition on behalf of the City. The City authorizes the Association to sell non-alcoholic beverages in the confines of Abilene Stadium throughout the event.
8. Security. The Association agrees to provide security to ensure 1) that no outside beverages enter Abilene Stadium at any time during the event; 2) that only those persons of a legal drinking age may purchase and consume alcohol within the Designated Area; 3) that no open or unopened container may leave the Designated Area at any time; 4) that no alcoholic beverages of any type will be allowed into the area located directly east of the Abilene Stadium and commonly known as the Pit Area at any time during the event; and 5) that no open containers of any type are allowed to enter the Pit Area at any time during the event.

All security workers shall be clearly identified with brightly colored shirts that shall have "Security" imposed in readable letters somewhere on the shirt. All security workers shall not consume any alcoholic beverages at any time while so identified as security.

All such security workers shall be approved by the Police Chief at least five days in advance of the commencement of the event. The Association also agrees to provide security to ensure that the terms and conditions of the Beer Garden as provided herein are complied with. The Association agrees not to be reimbursed by the City any amount for the provision of such security services.

9. Regulations. The Association, and any third-party caterer, shall be required to comply, at all times, with all state and local requirements pertaining to the temporary sale of alcoholic liquor. The Association shall only serve alcoholic liquor limited to beer; the Association shall not serve or allow to be served any other alcohol, spirits, wine or any other liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable or being consumed by a human being. Additionally, the Association shall not serve cereal malt beverages.

The Association shall provide a means to monitor the number of drinks an individual has been sold by the beer garden and shall impose a three-drink limit per night for each person.

10. Signage. The Association agrees to post prominent signage around the perimeter of the Designated Area. Such signage shall be placed every ten feet and shall read as follows: "Beer Garden - Must be at Least 21 to Purchase and Consume Beer." The Association agrees to post prominent signage around the perimeter of Abilene Stadium. Such signage shall be prominently placed shall read as follows: "Authorized Event - No Outside Beverages Allowed."

The Association shall post signs at all entrances and exits informing attendees that no outside beverages will be allowed into Abilene Stadium and that all persons are subject to a search upon entering the stadium. All signs shall be produced and posted at the sole cost of the Association.

11. Hours of Operation. The Association may begin serving such permitted beer no earlier than 5:00 pm and all sales shall terminate at 10:30 pm.
12. Inspection. The Association shall have all physical aspects of the Designated Area constructed at least three days in advance of the event. The Association shall allow the City to inspect the Designated Area prior to the event and agrees to make any changes or modifications as may be requested by the City prior to the commencement of operations for the Beer Garden.
13. Administrative Review. Within ten business days following the event, the City Manager and Police Chief shall meet with representatives of the Association to review the event. The City Manager shall, within fourteen business days of such review, prepare a recommendation as to the ability of the Association to obtain any future permits for similar events on public owned property. Such recommendation shall be presented to the City Commission for review.
13. Penalties. The Police Chief, or designee, is authorized to terminate the sale of alcohol or cereal malt beverages for the remainder of the Central Kansas Free Fair if the Police Chief, or designee, determines that the Association has failed to make a good faith effort in complying with the provisions of this Memorandum of Understanding. Further, the Association agrees that failure to comply with any of the provisions of this Memorandum of Understanding may disqualify the Association and its representatives from obtaining approval for future events involving the consumption of alcohol on public owned property for a minimum of five years at the discretion of the City Commission.
14. Insurance. The Association shall provide proof of comprehensive general liability insurance equal to at least One Million Dollars (\$1,000,000) combined single per occurrence for bodily and personal injury or death, injury to or destruction of property, including loss resulting from activities associated with the permitted beer garden. Such proof of insurance shall be provided to the City at least three days prior to the commencement of operations at the Beer Garden and shall name the City as an "additional insured."
15. Indemnification. The Association, and any third-party contractors, agree to hold City harmless from and to indemnify City from any and all liability to third persons for any injuries to persons or property resulting from activities related to the Beer Garden.
16. Entire Agreement. This Agreement, and any attachments, constitute the entire Agreement between the City and the Association.
17. Transferability. The Association agrees that no rights contained herein may be transferred or assigned by Association and that such rights may only be transferred or assigned with the written consent of the City.

[REMAINDER LEFT BLANK]

IN WITNESS WHEREOF, the City of Abilene, Kansas, and the Central Kansas Free Fair Association have caused this Memorandum of Understanding to be executed as of the day and year first above written.

CITY OF ABILENE, KANSAS

CENTRAL KANSAS FREE FAIR ASSOCIATION

By: _____
Dennis P. Weishaar, Mayor

President
Central Kansas Free Fair Association
619 N. Rogers Street
Abilene, KS 67410

ATTEST:

Penny Soukup, City Clerk

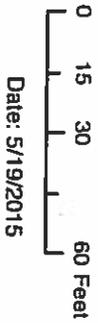
EXHIBIT A

Map of Designated Area

Central Kansas Free Fair Beer Garden

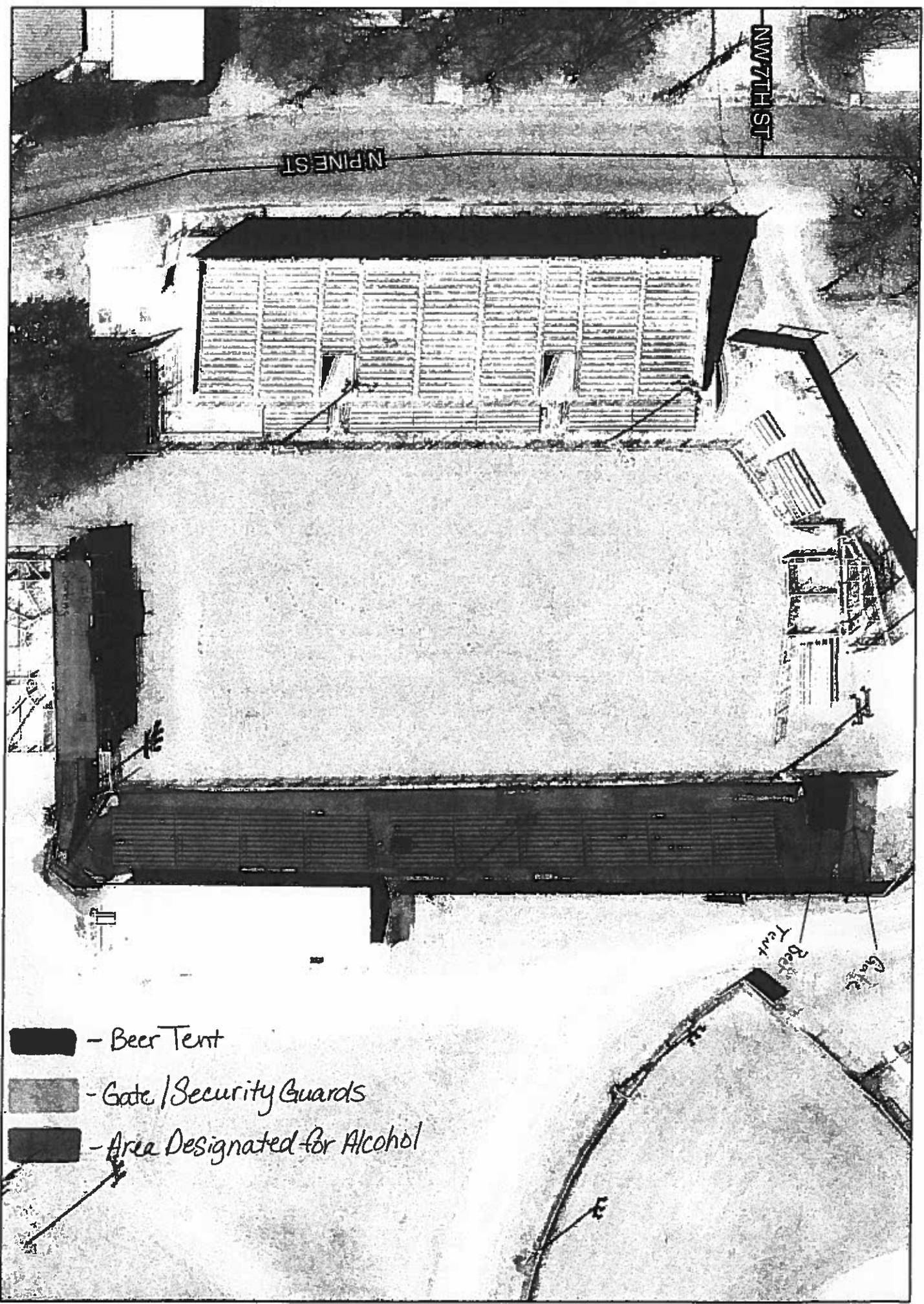
June 8, 2015

Rodeo Arena



This map is for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines or legal descriptions. It shall not be construed to be an official survey of any data depicted.
--Dickinson County GIS

- Beer Tent
- Gate / Security Guards
- Area Designated for Alcohol



City of Abilene
Payroll Expenditures Report
06/05/15

	TOTALS
NET SALARIES	\$ 72,675.82
OASDI - CITY/EMPLOYEE	\$ 12,901.80
MEDICARE - CITY/EMPLOYEE	\$ 3,017.40
FEDERAL WITHHOLDING - EMPLOYEE	\$ 9,634.50
KPERS - CITY/EMPLOYEE	\$ 9,814.52
KPF - CITY/EMPLOYEE	\$ 11,136.59
WADDELL & REED 457 - CITY/EMPLOYEE	\$ 2,086.00
WADDELL & REED SAVINGS - EMPLOYEE	\$ 290.00
STATE TAX - EMPLOYEE	\$ 3,023.30
AFLAC INSURANCE - EMPLOYEE	\$ 556.82
VISION PLANS - EMPLOYEE	\$ 289.76
HEALTH INSURANCE - CITY/EMPLOYEE	\$ 21,574.41
ATHLETIC CLUBS - CITY/EMPLOYEE	\$ 178.22
KS PAYMENT CENTER SUPPORT - EMPLOYEE	\$ 785.64
WAGE GARNISHMENTS - EMPLOYEE	\$ 776.15
FLEXIBLE SPENDING ACCOUNT - EMPLOYEE	\$ 1,035.46
POLICE & FIREMENS INS. - EMPLOYEE	\$ 20.92
TOTAL PAYROLL EXPENDITURES	\$ 149,797.31

City of Abilene
Payroll Expenditures Report
05/08/15

	TOTALS
NET SALARIES	\$ 67,548.91
OASDI - CITY/EMPLOYEE	\$ 12,136.58
MEDICARE - CITY/EMPLOYEE	\$ 2,838.42
FEDERAL WITHHOLDING - EMPLOYEE	\$ 9,239.72
KPERS - CITY/EMPLOYEE	\$ 10,224.84
KPF - CITY/EMPLOYEE	\$ 10,478.80
WADDELL & REED 457 - CITY/EMPLOYEE	\$ 2,086.00
WADDELL & REED SAVINGS - EMPLOYEE	\$ 290.00
STATE TAX - EMPLOYEE	\$ 2,949.62
AFLAC INSURANCE - EMPLOYEE	\$ 556.82
VISION PLANS - EMPLOYEE	\$ 295.29
HEALTH INSURANCE - CITY/EMPLOYEE	\$ 22,741.53
ATHLETIC CLUBS - CITY/EMPLOYEE	\$ 178.22
KS PAYMENT CENTER SUPPORT - EMPLOYEE	\$ 688.72
WAGE GARNISHMENTS - EMPLOYEE	\$ 776.15
FLEXIBLE SPENDING ACCOUNT - EMPLOYEE	\$ 1,035.46
POLICE & FIREMENS INS. - EMPLOYEE	\$ 20.92
TOTAL PAYROLL EXPENDITURES	\$ 144,086.00

MANUAL PAYABLES					
June 8, 2015					
Date	Check Number	Vendor	Line Item	Amount	Description
05/22/15	19718	Apac, Inc - Shears	005-530260	\$ 1,150,741.89	Runway Rehab- APAC base bid April 2015
05/22/15	19719	Olsson Associates	005-530260	\$ 23,481.63	Runway Rehab - Admin April 2015
Total				\$ 1,174,223.52	

CITY OF ABILENE

Summary Voucher Listing

Open, Completed, Printed, Requisitions

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
01065 A-1 WATER WELL SERVICE, INC	20150799	C	06/08/15	ACIDIZE WELL 14 & 17	3,660.00		
01250 ABILENE MUNICIPAL COURT	20150761	C	06/08/15	TERRY PACK 14-0605	335.00		
	20150762	C	06/08/15	JACOB HOWARD 15-0226	180.00		
01290 ABILENE PRINTING & OFFICE	20150763	C	06/08/15	ARTEMIO CARBAJAL CORTEZ 15-0298	390.00		
01350 ABILENE TERMITE & PEST CO	20150795	C	06/08/15	500 ROCKET RUN FLYERS	149.95		
	20150764	C	06/08/15	YEARLY RENEWAL	135.00		
	20150800	C	06/08/15	TREATED OLD BLOCK & WOOD BUILDING FOR INFESTATION	800.00		
19396 APAC, INC - SHEARS	20150801	C	06/08/15	HOT MIX ASPHALT FOR STREET REPAIR	1,906.83		
01696 ARLAN CO INC	20150765	C	06/08/15	POOL CHEMICALS	3,482.43		
03391 ASTRA BANK	20150766	C	06/08/15	PETTY CASH	87.25		
02014 BAYER CONSTRUCTION CO, INC	20150802	C	06/08/15	ROCK & HMA FOR STREET REPAIRS	1,104.11		
03275 CINTAS FIRST AID & SAFETY	20150803	C	06/08/15	IST AID SUPPLIES	83.73		
03417 CONSOLIDATED PRINTING	20150804	C	06/08/15	PRINTING	281.75		
03430 CONTINENTAL ANALYTICAL	20150805	C	06/08/15	LAB SAMPLES	240.20		
18150 COOPER, CHARLES D.	20150767	C	06/08/15	MAY 2015 CLEANING	600.00		
03441 COOPER, KELLY	20150768	C	06/08/15	MAY 2015 CLEANING	1,500.00		
999187 CORTEZ, ARTEMIO CARBAJAL	20150769	C	06/08/15	BOND REFUND 15-0298	60.00		
04244 DK CTY ADMINISTRATION	20150770	C	06/08/15	DIESEL FUEL	904.20		
04370 DON'S TIRE & SUPPLY	20150806	C	06/08/15	FLAT REPAIR CAR 7	18.00		
04450 DUKE'S ROOT CONTROL, INC	20150807	C	06/08/15	APPLICATION OF ROOT CONTROL FOAM IN SELECT SEWER MAINS	1,778.91		
05046 EAGLE COMMUNICATIONS	20150776	C	06/08/15	ETHERNET JUNE 2015	270.00		
06138 FELD FIRE	20150778	C	06/08/15	2 NIPPLE SEALS FOR SCOTT AIR PAK	15.00		
06180 FIRST AMERICAN TITLE CO.	20150771	C	06/08/15	SEARCH FEE	20.00		
06245 FOLTZ JANE	20150772	C	06/08/15	APRIL/MAY 2015 MILEAGE	302.45		
06290 FOUR SEASONS INC	20150773	C	06/08/15	A/C MAINT.	574.50		
07020 GADES SALES CO, INC	20150808	C	06/08/15	A/C SERVICING	477.00		
08020 HACH COMPANY	20150809	C	06/08/15	PUSH BUTTON CROSSWALK ACTUATOR FOR NW 21ST & BUCKEYE	118.31		
08145 HD SUPPLY WATERWORKS	20150810	C	06/08/15	D.O. PROBE & POLE KITS	2,659.36		
999189 HEALTHPORT	20150811	C	06/08/15	METERS, CLAMPS, ETC	3,731.70		
999160 HOOK, MICHAEL	20150812	C	06/08/15	RECORDS FEE	43.00		
999188 HOWARD, JACOB	20150813	C	06/08/15	SETUP CIVIC CENTER	150.00		
	20150775	C	06/08/15	BOND REFUND 15-0226	210.00		

CITY OF ABILENE

Summary Voucher Listing
Open, Completed, Printed, Requisitions

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
09069 IMAGE QUEST	20150777	C	06/08/15	BASE SERVICE MONTHLY MAINT- EXCESS PGS	59.28		
	20150814	C	06/08/15	MAINT FEE 5/20/15-6/20/15	136.95		
	20150815	C	06/08/15	COPIES	42.03		
999653 JOHN E. REID & ASSOC., INC	20150816	C	06/08/15	TRAINING 208 LANDERS	380.00		
11009 KA-COMM, INC.	20150817	C	06/08/15	GUN MOUNT LIGHTS REPAIR	45.00		
11485 KANSAS ALCOHOLIC BEVERAGE	20150779	C	06/08/15	CMB'S MAY 2015	25.00		
11014 KAW VALLEY ENGINEERING	20150818	C	06/08/15	SURVEY ENGINEER FOR 2015-16 KLINK MILLING ON N BUCKEYE	7,168.00		
11254 KINDERKNECHT, MARK	20150780	C	06/08/15	NUISANCE ABATEMENT	945.00		
11351 KS DEPARTMENT OF AGRICULTURE	20150819	C	06/08/15	APPLICATIONS FOR CHANGING POINT OF DIVERSION WATER RIGHT #19,793	200.00		
12070 LAST CHANCE GRAPHICS	20150820	C	06/08/15	PLANNING COMMISSION NAME PLATES	70.00		
12120 LEAGUE KS MUNICIPALITIES	20150781	C	06/08/15	WEBINAR & BUDGET TIPS	25.00		
12125 LINDER ELECTRIC	20150821	C	06/08/15	OVERHEAD LIGHT & WELL #1 REPAIR VFD	2,980.80		
999150 MARK GUILFOYLE, ATTORNEY PA	20150774	C	06/08/15	JUNE 2015 SERVICE	2,083.33		
13147 MCKEE POOLS, INC	20150796	C	06/08/15	START UP POOL/RESURFACE DIVING BOARDS/REPAIR FOUNTAIN	1,150.00		
11227 MIDWEST CONCRETE MATERIALS	20150822	C	06/08/15	STREET REPAIRS/SEWER LINE	724.38		
09090 MILLER, JERRY A.	20150782	C	06/08/15	AWOS MAINT. MAY 2015	300.00		
14190 NEX-TECH RURAL TELEPHONE	20150783	C	06/08/15	NETWORK LABOR	218.75		
14280 NOZZTEQ	20150823	C	06/08/15	SEWER LINE CLEANING NOZZLE	1,875.00		
14845 OCCUPATIONAL PERFORMANCE CO	20150784	C	06/08/15	DRUG SCREEN & PHYSICAL - CALEB WHITE	129.00		
15030 OSBORN PROPERTIES	20150824	C	06/08/15	BILLBOARD	200.00		
16026 PAT'S DOOR SERVICE	20150797	C	06/08/15	FIX MAIN ENTRANCE DOOR @ STADIUM	250.46		
16128 PETERSON MCNETT DRILLING, INC	20150825	C	06/08/15	REPAIRED OVERHEAD DOOR @ CENTER	121.52		
16195 PIONEER FARM INC	20150826	C	06/08/15	MONITORING WELL #22 PER KDHE/KWA REGS	1,740.00		
16300 PRAIRIE FIRE COFFEE	20150827	C	06/08/15	EPOXY, BOLTS & RESIRATOR FOR RENOVATION OF FLOURIDE ROOM	51.38		
16402 PURVIS, JOHN	20150828	C	06/08/15	COFFEE	30.95		
17009 QUILL	20150785	C	06/08/15	CALEB WOODCOX 15-0131	65.00		
18320 ROBSON OIL CO, INC	20150786	C	06/08/15	CALEB WOODCOX 15-0130	162.50		
19180 SALINA SUPPLY CO	20150829	C	06/08/15	FLASH DRIVES	35.94		
	20150787	C	06/08/15	FUEL	5,891.98		
	20150830	C	06/08/15	SEWER PIPE FOR REPAIRS & WATER SERVICE FITTING	260.20		
19195 SAMS CLUB/GECF	20150788	C	06/08/15	BALL DIAMOND CONCESSIONS	897.48		

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#
19195 SAMS CLUB/GEFC	20150789	C	06/08/15	POOL CONCESSIONS	1,005.68		
19310 SCHULTE SUPPLY, INC	20150831	C	06/08/15	RATCHET FOR WATER/SEWER	199.88		
19550 SMART INSURANCE	20150790	C	06/08/15	RENEWAL - AIRPORT LIABILITY	1,548.00		
19629 SOUTHERN UNIFORM & EQUIPMENT	20150832	C	06/08/15	NAME TAG 205 WILSON	19.49		
19892 SUPERIOR SANITATION SERVICE	20150791	C	06/08/15	TRASH SERVICE # CVB, RECYCLING & WWTP	240.00		
19900 SWISHER, ANDREA K.	20150798	C	06/08/15	TRASH SERVICE @ SC, PARKS & CC	230.00		
20244 THOMAS OUTDOOR ADVERTISING	20150792	C	06/08/15	TRASH SERVICE @ SC, PARKS & CC	2,083.33		
999190 THURLOW, THOMAS	20150833	C	06/08/15	JUNE 2015 SERVICE BILLBOARD	130.00		
11724 US BANK EQUIPMENT FINANCE	20150834	C	06/08/15	REIMB. CAR TOW	150.00		
21040 UTILITY MAINTENANCE CONTRACT	20150835	C	06/08/15	COPIER LEASE 5/21-6/21/15	450.74		
	20150836	C	06/08/15	VIDEO INSPECTION OF SELECT SANITARY SEWER MAINS & 5YR INSPECTION OF FLOOD DIKE DRAIN PIPES	6,260.00		
23025 WAITT OUTDOOR	20150837	C	06/08/15	BILLBOARDS	1,810.00		
23129 WEIS FIRE & SAFETY EQUIPMENT	20150793	C	06/08/15	1" PISTOL GRIP FIRE NOZZLE FOR #34	465.00		
	20150838	C	06/08/15	REPLACE B FIRE EXTINGUISHERS IN EQUIPMENT	100.30		
02155 WILKENS, JEFF	20150794	C	06/08/15	CABLE FENCE 1 & 2	3,608.95		
				Report Total	72,834.98		

CITY OF ABILENE

Summary Voucher Listing

Open, Completed, Printed, Requisitions

Scheduled
Partial
Payments

Man
Chk#

Voucher
Total

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
01070 ABILENE ANIMAL HOSPITAL, PA	20150722	C	05/26/15	STRAY ANIMALS	534.15		
01250 ABILENE MUNICIPAL COURT	20150698	C	05/26/15	JARON RAGAS 14-0529	162.50		
01290 ABILENE PRINTING & OFFICE	20150728	C	05/26/15	SUPPLIES	25.90		
01320 ABILENE REFLECTOR-CHRONICLE	20150683	C	05/26/15	APRIL ADS & LEGALS	536.86		
	20150684	C	05/26/15	APRIL ADS FOR VAN	56.70		
	20150729	C	05/26/15	AD IN VISITOR TAB	598.50		
999183 ALLEN, KENNETH	20150685	C	05/26/15	REFUND OVERPAYMENT ON WATER BILL	10.40		
19396 APAC, INC - SHEARS	20150730	C	05/26/15	HMA FOR STREET REPAIRS	1,074.18		
01690 AQUIONICS/PALINTEST	20150731	C	05/26/15	LAMPS, SLEEVES & WIPERS	4,282.03		
03391 ASTRA BANK	20150686	C	05/26/15	POOL & CONSESSIONS START UP	500.00		
01750 AUMA ACTUATORS, INC	20150732	C	05/26/15	AIR VALVE MOTOR	996.66		
02014 BAYER CONSTRUCTION CO, INC	20150733	C	05/26/15	ROAD ROCK	1,424.36		
02040 BENNINGTON STATE LEASING	20150734	C	05/26/15	2 ANNUAL LEASES FOR 5570 SKID LOADERS	2,600.00		
02268 BLIXT C & D LANDFILL	20150735	C	05/26/15	DISPOSE OF OLD PALLETS	30.00		
999469 CAMERON, JEANIE	20150687	C	05/26/15	15 KIDS N POWER	75.00		
	20150688	C	05/26/15	12 SELF DEFENSE	240.00		
03280 CITY ATTORNEYS ASSN KS	20150689	C	05/26/15	SPRING MEETING - M. GUILFOYLE	65.00		
999176 CONFERENCES & NONCREDIT PROGR	20150737	C	05/26/15	3 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR TECHS REGISTRATION	15.00		
999186 COMPACTORS INC	20150736	C	05/26/15	NEW GLASS BREAKER	2,012.00		
03430 CONTINENTAL ANALYTICAL	20150738	C	05/26/15	LAB WORK FOR BOTH WWTP & WTP	287.00		
999184 CRUZ, GERARDO	20150690	C	05/26/15	BOND REFUND 15-0237	390.00		
04005 D S & O RURAL ELECTRIC COOP	20150700	C	05/26/15	ELECTRIC SERVICE @ WATER TOWER & CORNER CLR GARTEN	190.21		
04032 DANKO EMERGENCY EQUIPMENT	20150691	C	05/26/15	2 PR LEATHER FINE BOOTS	552.32		
04244 DK CTY ADMINISTRATION	20150692	C	05/26/15	DIESEL	621.85		
999178 DK CTY BANK	20150693	C	05/26/15	REFUND WATER BILL OVERPAYMENT	29.32		
04320 DK CTY SHERIFF	20150699	C	05/26/15	PRISONER CARE APRIL 2015	1,470.00		
05230 EXPRESS PRINT & SIGNS	20150694	C	05/26/15	14 AVB CHAMP SHIRTS	97.30		
	20150695	C	05/26/15	198 SOCCER SHIRTS - SPRING	1,312.10		
999181 FARRIS, JUDITH	20150696	C	05/26/15	REFUND OVERPAYMENT ON WATER BILL	15.60		
08075 HARRIS, CECILIA	20150740	C	05/26/15	WRITING SERVICES	75.00		
08145 HD SUPPLY WATERWORKS	20150739	C	05/26/15	METERS/RADIOS	16,199.42		
09138 ISG TECHNOLOGY, INC	20150697	C	05/26/15	REMOTE SEP UPGRADE	435.00		
11223 KANSAS ONE-CALL SYSTEM, INC	20150741	C	05/26/15	LOCATES	225.00		

CITY OF ABILENE

Summary Voucher Listing

Open, Completed, Printed, Requisitions

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
11450 KDHE	20150742	C	05/26/15	BRIAN WILLIS OPERATOR RENEWAL	35.00		
06127 KS GAS SERVICE	20150701	C	05/26/15	GAS SERVICE	1,289.19		
11170 KS SAMPLER FOUNDATION	20150743	C	05/26/15	SPEAKER SERVICES ERV SPONSORSHIP	400.00		
12012 LA RUE DISTRIBUTING INC	20150703	C	05/26/15	COFFEE	36.53		
999179 LANG, JILL	20150702	C	05/26/15	REFUND WATER BILL OVERPAYMENT	64.28		
12050 LARDENOIS, DAVID	20150744	C	05/26/15	CHARGE & SERVICE A/C IN TRUCK #06	130.00		
999182 LOVELAND, VINCENT	20150704	C	05/26/15	REFUND OVERPAYMENT ON WATER BILL	14.62		
13200 MEMORIAL HOSPITAL	20150705	C	05/26/15	LAYNETTE SALAZ	227.38		
999185 MEYER, SHARON	20150758	C	05/26/15	ARTS FESTIVAL HOURS	750.00		
09085 MID KS COOPERATIVE ASSOC,	20150745	C	05/26/15	ROUNDUP	400.00		
11227 MIDWEST CONCRETE MATERIALS	20150746	C	05/26/15	FLOWABLE FILL FOR STREET WORK WESTEND OF BRIDGE	140.00		
999392 MR. K'S FARMHOUSE	20150747	C	05/26/15	TOURISM LUNCHEON	300.00		
14840 OCCK INC.	20150706	C	05/26/15	APRIL 2015 SERVICE	6,166.67		
15090 OZ ENDURANCE	20150707	C	05/26/15	MINI TRIATHALON TIMING SERVICES - 1/2 TO RESERVE DATE	700.00		
999091 PATCHEN, JACOB	20150748	C	05/26/15	INTERNSHIP HOURS	120.00		
16120 PMSI	20150750	C	05/26/15	PAINT FOR PAVEMENT MARKING/STENCIL, CRACK SEALER NOZZLE & CRACK SEALING MATERIAL	4,449.93		
16300 PRAIRIE FIRE COFFEE	20150749	C	05/26/15	COFFEE	83.80		
999180 PRUYN, KYLE	20150708	C	05/26/15	REFUND WATER BILL OVERPAYMENT	14.62		
16402 PURVIS, JOHN	20150709	C	05/26/15	HENSEN 15-0196	97.50		
17009 QUILL	20150710	C	05/26/15	SHERRADEN 15-0096	97.50		
19080 SAGE PRODUCTS, INC	20150723	C	05/26/15	BUSINESS CARDS/BACKUPS/SHREDDER BAGS MARKING PAINT	132.21		
19115 SALINA MEDIA GROUP	20150751	C	05/26/15	MARKING PAINT	330.00		
999175 SALINA POLICE DEPARTMENT	20150711	C	05/26/15	KSALLINK AD - COMMUNITY DIRECTOR AD	175.00		
999174 SHAFER, TIMOTHY B.	20150724	C	05/26/15	TRAINING -MOHN, HAAGA & KUPPER	150.00		
19550 SMART INSURANCE	20150712	C	05/26/15	MOTEL & MILEAGE - LKM TOPEKA	214.08		
19551 SMITH HEATING & AIR	20150713	C	05/26/15	AUTO FOR NEW ANIMAL CONTROL TRUCK	364.00		
19629 SOUTHERN UNIFORM & EQUIPMENT	20150714	C	05/26/15	SERVICED A/C - KITCHEN UNIT	103.20		
13130 TIMBROOK, KELLEE	20150725	C	05/26/15	PANTS REYNOLDS 204	105.97		
16260 US POST OFFICE-POSTMASTER	20150752	C	05/26/15	MILEAGE THROUGH 5/2015	64.40		
21070 UV DOCTOR LAMPS, LLC	20150719	C	05/26/15	REGULAR BILLING JUNE 2015	1,100.00		
	20150753	C	05/26/15	LAMPS, SLEEVES & WIPERS	3,779.40		

Summary Voucher Listing
Open, Completed, Printed, Requisitions

Vendor Number & Name	Voucher No	Sis	Date	Memo	Voucher Total	Scheduled Partial Payments	Man Chk#
22020 VAN DIEST CHEMICAL CO	20150754	C	05/26/15	WEED SPRAYING CHEMICALS	1,821.20		
22014 VISA - UMB ADMINISTRATION	20150715	C	05/26/15	SUPPLIES	2,476.96		
22019 VISA - UMB COMMUNITY DEVELOP	20150721	C	05/26/15	SUPPLIES	563.49		
22016 VISA - UMB CVB	20150755	C	05/26/15	SUPPLIES	840.95		
22015 VISA - UMB FIRE DEPT	20150716	C	05/26/15	SUPPLIES	4,352.43		
22012 VISA - UMB MUNICIPAL COURT	20150717	C	05/26/15	SUPPLIES	439.01		
22010 VISA - UMB PARKS	20150718	C	05/26/15	SUPPLIES	4,340.25		
22011 VISA - UMB POLICE DEPT	20150726	C	05/26/15	SUPPLIES	1,474.10		
22021 VISA - UMB PUBLIC WORKS	20150756	C	05/26/15	SUPPLIES	4,675.04		
23020 WAGEWORKS	20150727	C	05/26/15	FSA MONTHLY ADMIN FEES - APRIL 2015	115.00		
23110 WEBB HOME CENTER	20150757	C	05/26/15	MATERIAL FOR BUILDING EQUIPMENT STORAGE SHED OLD CITY LANDFILL	2,218.40		
23159 WESTAR ENERGY	20150720	C	05/26/15	ELECTRIC SERVICE	41,521.26		
				Report Total	124,012.73		