ABILENE CITY COMMISSION - REGULAR MEETING AGENDA
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
June 22, 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 22, 2015 City Commission Meeting
5. Meeting Minutes: June 8, 2015 Regular Meeting
6. Acceptance of the First Quarter, 2015 Financial Reports and Utilization Statistics from Memorial Health System, Inc., on behalf of the Public Building Commission of the City of Abilene, Kansas

Public Comments and Communications

7. **Public Comments.** Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court are not permitted. Speakers are limited to three minutes. Any presentation is for informational purposes only. No action will be taken.

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

Proclamations and Recognition

9. **None**

Public Hearings

10. **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

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 vacating a portion of a Right-of-Way and Street within the city limits of 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.**

New Business

14. **Consideration of a Resolution of the City of Abilene, Kansas, authorizing and providing for the underwriting and offering for sale of the City's (I) General Obligation Bonds, Series 2015-A in the approximate principal amount of $375,000 and (II) General Obligation Refunding Bonds, Series 2015-B in the approximate principal amount of $1,365,000.**

15. **Motion to accept a bid of $69,730.00 from J.V. Manufacturing, Inc. for a horizontal material baler for the Recycling Center.**

Reports

16. **City Manager's Report**
17. **Expenditures Report**

Adjournment

18. **Consideration of a motion to adjourn the June 22, 2015 City Commission meeting.** *(The City Commission will conduct a Budget Work Session following the June 22, 2015 regular meeting.)*

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

- Convention & Visitor's Bureau Board, June 23 at 2 pm (Civic Center)
- CANCELLED: Budget Work Session, June 23 at 7:00 pm
- Budget Work Session, June 30 at 7:00 pm
- Commission Study Session, July 7 at 7:00 pm
- City Commission meeting, July 13 at 4:00 pm
- Planning Commission, July 14 at 4:30 pm

Abilene City Commission Minutes
Abilene Public Library
June 8, 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, Convention & Visitors Bureau Director Purkis, Parks & Recreation Director Foltz, Community Development Administrative Assistant Hiatt and Fire Chief Sims.

Others Present: Gary Hanson-Flint Hills Grain/Gavilon, Rick Benware-Flint Hills Grain/Gavilon, Beth Weibert-Flint Hills Grain/Gavilon, LaVeda Montgomery- Dickinson County Health Department, Charles Ault-Duell-Norton Wasserman Jones & Kelly, LLC, Eddie Balluch, Vicki Gieber-Quality of Life Coalition, Bruce Dale-Quality of Life Coalition, Michelle Stephens, Quality of Life Coalition, Hank Royer, Mary Carson-Triplett Woolf & Garretson, LLC, Dustin Avey-Piper Jaffray and Tiffany Ramey-Senior Citizen Center.

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

Consent Agenda

4. Agenda Approval for the June 8, 2015 City Commission Meeting
5. Meeting Minutes: May 11, 2015, Regular Meeting

Motion by Commissioner Marshall, seconded by Commissioner Ray to approve the Consent Agenda with the addition of item No. 17, sewer re-alignment bids. 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, spoke regarding transparency in government.

Transparency in Government has been the buzz phrase for quite some time now. Cities,
Counties and even State Governments continue to try to find ways to inform the general public how their tax dollars are being collected and spent. Even within our state statutes there are certain requirements which must be met in an effort to be a transparent government. An example of this is Kansas Statute 12-1608 which states: Cities of the First or Second Class shall publish the Quarterly Treasurer's Report within 30 days after the quarter ending in March, June, September and December. Last year (at least through July), I felt, Abilene was maintaining a fairly high level of transparency with regard to financial reporting. The City Commission was informed monthly on the financial performance of the city through reports provided to them within their meeting packets, and by being in the packets; it made these reports available to the general public for review.

Those reports included: The Monthly Receipts and Expenditures Report of each Fund comparing it to last year's data, as well as predictions on End of Year balances based upon the data. Also, the Monthly Sales Tax report to show how sales tax collections were progressing compared to last year and against budget. The third report was the Quarterly Treasurer's Report. It was published in the City's official newspaper as required by State Statute 12-1608. And a fourth report that was given to the Commission was a Key Revenues Report to show how all revenues (not just the Sales Tax Revenue) was fairing against the budget. Again, I felt transparency was there not only for the City Commission, but also for the general public. Since July of last year, I feel that transparency has become much more opaque. Today I still am able to review the monthly Sales Tax Report. The monthly Revenues and Expense Reports to the City Commission have gone by the wayside (at least from what I can tell) as well as the Key Revenue Report. In October last year I thought things were going to improve as a new procedure was established that the Quarterly Treasurer's Report was going to be briefed and accepted by the City Commission prior to publishing it in the newspaper. That procedure didn't last long as the City Commission never accepted the end of the year Treasurer's Report even though it was briefed in the Study Session on February 17th (which is past the 30 day requirement of the state statute). That end of the year report showed 3 Funds with negative balances, which, I believe to be a violation of Kansas Cash Basis Law. I know they were unaudited figures but they should have been closer to reality than they were. What was your confidence level in the figures that were provided, because I know what lack of confidence gets you? What I saw in the Quarterly Treasurer's Report were figures completely askew because I don't believe the budgeted Transfers between Funds had been performed, and I believe a budget amendment was required to approve transfers from the General Fund to the Debt Service Fund, and Special Highway Fund to rectify the negative balances they were showing. But no budget amendment was performed as of end of the year Commission meeting was held, where this type of action is normally taken. So far I have not been able to find the first quarter of 2015 report even being given to the Commissioners, and here it is June (3 months after the end of the quarter). Not only is transparency to the public a problem, but keeping the City Commission properly informed of the financial affairs of the City, in my opinion is lacking. I know one solution is being worked on to correct the situation, which I will touch upon later, plus your new finance director is just getting his feet on the ground. Since I have not seen many financial reports, I have been paying particular attention to the bills being paid each month, as shown in the Commission packets, to try to keep abreast on how things are progressing for the City. Four specific transactions have troubled me since November 2014. The most recent transaction was last month where the May 5, 2015 Summary Voucher Listing showed a payment of $2,100 to Socialmentum, LLC for another year's subscription of MindMixer Online Community Engagement. This is the Engage Abilene feature on the website (only found on the City Manager's Blog page) where citizens can be polled on various issues and topics facing the city. It was first used in February 2013 with the topic of Improving Municipal Services, which received no interactions from the public. Eight more topics were posted in 2013 ranging from Economic Development to Recycling. There were a total of 51 responses received from the public about those various eight topics.

Mayor Weishaar asked Mr. Balluch to wrap up his comments as he was past his three minutes.

Mr. Balluch concluded by saying: Transparency in Government is what I keep hearing about, but I am seeing it practiced less and less within the City of Abilene. I ask the City Commission to once again request regular financial reports from staff, so that you will be more prepared to render informed decisions on the affairs of the City. By reviewing regular reports and having those reports in your packets, transparency will once again be restored for the general public.

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. World Elder Abuse Awareness Day Proclamation

Commissioner Shafer read a proclamation for June 15, 2015 as World Elder Abuse Awareness Day and presented it to the representatives present.

Vicki Gieber, Quality of Life Coalition explained some warning signs and behaviors that could indicate an elderly person is being abused.

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 Resolution No. 061013-2 and 030915-2 of the City of Abilene, Kansas.

City Manager Dillner explained the special assessments proposed are for public improvements for Dawson's Cottage Addition and Prairie Hills Addition in the City of Abilene.

Dustin Avey, Piper Jaffray and Mary Carson, Triplett Woolf & Garretson explained the financial commitment regarding the proposed special assessments.

Mary Carson explained it is a statutory requirement to hold a public hearing.

Mayor Weishaar opened the public hearing at 4:19 p.m.

Charles Ault-Duell, attorney for Greg Huston and Terry Swearingen owners of the Eagles Lodge which is part Dawson Cottage Addition and Prairie Hills Addition, spoke regarding his clients concerns about the special assessments that are proposed for their property.

Mary Carson recommended that the Commission adjourn the public hearing and table the issue until the next meeting so that they can re-evaluate the figures and present them at the next City Commission meeting.

Mayor Weishaar closed the public hearing at 4:24 p.m.

Old Business

10. There was no old business.

New Business

11. Consideration of an Ordinance approving a Conditional Use Permit for 109 S. Elm, 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.

City Manager Dillner explained the Conditional Use Permit requested by Flint Hills Grain, LLC. The location of the grain storage bin duplex is in the public right-of-way.

Commissioner Shafer said that with all that's went on with this he is not comfortable voting on this issue without the City Attorney present.

Motion by Commissioner Shafer, seconded by Commissioner Marshall to table agenda items No. 11 and No. 12 regarding the Conditional Use Permit request for Flint Hills Grain until the next City Commission meeting. Motion passed 4-1, Mayor Weishaar voting no.

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.

This item was tabled in the previous motion.

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 benefitting such real properties; providing notice and collection of such Special Assessment Taxes.

This item was recommended during the public hearing to be tabled until the next City Commission meeting.

Motion by Commissioner Shafer, seconded by Commissioner Marshall to table this item until the next City Commission meeting. Motion carried 5-0.

14. Consideration of a Resolution approving an appropriation of $5,000 from the Special Alcohol and Drug Fund to the Cedar House Foundation.

City Manager Dillner explained that this Resolution would allow the City to allocate $5,000 to the Cedar House Foundation from the 2015 budget. It would also request 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. It also authorizes the City Manager to develop a process to allow other agencies to submit proposals for use of the Special Alcohol and Drug Funds administered by the City of Abilene, Kansas which would be implemented for the preparation of the 2017 Budget.

Motion by Commissioner Ray, seconded by Commissioner Payne to approve Resolution No. 060815-1 **A RESOLUTION APPROVING AN APPROPRIATION OF $5,000 FROM THE SPECIAL ALCOHOL AND DRUG FUND TO THE CEDAR HOUSE FOUNDATION.** Motion carried unanimously 5-0.

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.

City Manager Dillner presented information regarding a request from the Central Kansas Free Fair Association to allow a beer garden on the grandstand grounds during fair week. He explained the requirements set forth in the Memorandum of Understanding between the City of Abilene and the Central Kansas Free Fair Association.

Chad Markley and Tim Strunk with the Central Kansas Free Fair Association spoke regarding the request. There have been no issues during events in the past when they have held the beer garden and additional security has been hired for the events.

Motion by Commissioner Payne, seconded by Commissioner Marshall to adopt 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.** Motion carried unanimously 5-0.

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.

Motion by Commissioner Payne, seconded by Commissioner Marshall to approve **Resolution No. 060815-2 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-ONWED PROPERTY**. Motion carried unanimously 5-0.

17. Consideration of bids received for sewer re-alignment work in the City of Abilene, Kansas.

Public Works Director Schrader explained the bids received for the sewer re-alignment work. He recommended awarding the bid to Layne In liner, LLC at $31.00 per foot for a total cost of $49,671.30.

Motion by Commissioner Ray, seconded by Commissioner Payne to approve the bid for sewer re-alignment to Layne In liner for a total cost of $49,671.30. Motion carried unanimously 5-0.

18. City Manager Dillner requested an executive session to discuss non-elected personnel.

Motion by Commissioner Marshall, seconded by Commissioner Payne to move into executive session at 4:47 p.m. for a period of fifteen minutes. Motion carried unanimously 5-0.

Motion by Commissioner Ray, seconded by Commissioner Marshall to return from executive session at 5:02 p.m. Motion carried unanimously 5-0.

No action was taken.

Reports

19. City Manager Reports

City Manager Dillner said seventeen people attended the town hall meeting regarding the Highlands. The general consensus of the group was to get the property in the land bank and do nothing with it for the next sixteen years. More information will be given at a future study session.

The property tax lid is included in the legislation. One of the chambers did approve a bill that did include a property tax lid and if it is continued and adopted by the other chamber it will become law. This could make it interesting for local governments to adjust budget issues. It this is approved it would be effective July 1st.

Last Friday a citizen panel and the City Manager interviewed five people for the Community Development Director position. We will be offering the position to one candidate that we feel will be very beneficial to the community.

Tim Shafer will be out of town next Tuesday.

City Manager Dillner will be out of the office this Thursday and Friday.

20. Expenditure Report

Adjournment

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

Motion by Commissioner Payne, seconded by Commissioner Marshall to adjourn at 5:07 p.m. Motion carried unanimously 5-0.

(Seal)

Dennis P. Weishaar, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

MEMORIAL HEALTH SYSTEM
BALANCE SHEET

ASSETS	3/31/2015	12/31/2014
CURRENT ASSETS		
Cash and Invested Cash	$ 392,815	$ 966,760
Patient Accounts Receivable, Net	4,054,067	3,968,995
Accounts Receivable - Other	254,227	458,204
Interest Receivable	16,113	22,205
Advances due from 3rd party payors	711,896	540,000
Assets whose use is limited - indenture agreement	318,771	439,845
Inventories	270,502	279,209
Ad Valorem Taxes Receivable	162,378	258,064
Prepaid Expenses and Deposits	479,455	342,460
Total Current Assets	$ 6,660,224	$ 7,275,742
ASSETS WHOSE USE IS LIMITED		
By Board of Directors	15,826	15,826
By Contributors	3,728	3,728
By indenture agreement	2,450,057	2,181,894
Less amount required for current liabilities	(318,771)	(439,845)
Non Current Assets Whose Use is Limited	$ 2,150,840	$ 1,761,603
OTHER INVESTMENTS	$ 6,880,704	$ 6,688,173
PROPERTY AND EQUIPMENT-AT COST		
Land & Land Improvements	$ 2,074,161	$ 2,074,161
Buildings & Fixed Equipment	24,091,197	24,288,130
Movable Equipment	9,739,947	9,707,481
Construction in Progress	6,288,856	5,815,937
Total Property and Equipment-At Cost	$ 42,194,161	$ 41,885,709
Less Accumulated Depreciation	13,913,224	13,445,343
Net Book Value - Property & Equipment	$ 28,280,937	$ 28,440,366
OTHER ASSETS	$ 18,235	$ 18,235
TOTAL ASSETS	$ 43,990,940	$ 44,184,119
LIABILITIES AND FUND BALANCE		
CURRENT LIABILITIES		
Accounts Payable	$ 910,473	$ 951,009
Construction Payable	318,771	485,023
Salaries & Wages Payable	419,332	655,684
Payroll Taxes & Payroll W/H Payable	25,912	117,138
Accrued Vacation Payable	554,799	511,074
Est. Settlements Due 3rd Party Payors	143,060	190,000
Accrued Interest Payable	310,888	77,722
Current Installments-Long Term Debt	730,000	730,000
Current Portion-Deferred Revenue	159,054	52,563
Total Current Liabilities	$ 3,572,289	$ 3,770,213
LONG TERM DEBT	$ 21,600,000	$ 21,600,000
AGENCY FUNDS	$ 18,235	$ 18,235
TOTAL LIABILITIES	$ 25,190,524	$ 25,388,448
Deferred ad valorem tax revenue	$ 162,378	$ 258,064
FUND BALANCE		
Balance at Beginning of Year	$ 18,537,607	$ 18,366,125
Increase in Net Assets	100,431	171,482
Total Fund Balance	18,638,038	18,537,607
TOTAL LIABILITIES AND FUND BALANCE	$ 43,990,940	$ 44,184,119

Memorial Health System
Income Statement

For the Period January 1 to March 31, 2015

		Year to Date Actual
Operating Revenue		
Net Patient Service Revenue	$	7,152,164
Other Operating Revenue		686,992
Total Operating Revenue	$	7,839,156
Operating Expenses		
Salaries	$	3,441,440
Employee Benefits		839,167
Supplies & Other		2,659,650
Depreciation		690,311
Total Operating Expenses	$	7,630,568
Net Income (Loss) From Operations	$	208,588
Non-Operating Revenues (Expenses)		
Tax Levy	$	72,000
Food Subsidy		2,662
Investment Income		20,537
Interest Expense		(233,166)
Contributions		25,939
Grants & Other Income		4,069
Gain/Loss on Asset Disposal		(198)
Non-Operating Rev (Exp) Net	$	(108,157)
Change in Net Assets	$	100,431

Hospital District No. 1 of Dickinson County, Kansas dba Memorial Health System	
YTD ending 03/31/2015	
	3/31/2015
Acute care Med/Surg licensed beds	25
Behavioral Health licensed beds	84
Long Term Care Facility licensed beds	81
Discharges	
Acute care - Medical/Surgical	143
Acute care - Behavioral Health	84
Swingbed	84
Average length of stay	
Acute care - Medical/Surgical	3.22
Acute care - Behavioral Health	12.82
Swingbed	7.71
Patient days	
Acute care - Medical/Surgical	449
Acute care - Behavioral Health	395
Swingbed	143
Long Term Care Facility	6,704
ER visits	1,386
Outpatient visits	4,628
Hospital Services Offered	
Occupational Therapy	804
Physical Therapy	3,355
Radiology	2,757
Respiratory Therapy	2,639
Surgery	122
Home Health & Hospice Visits	6,011
Laboratory	21,827
Pharmacy	108,067

Memorial Health System, Inc. Utilization Statistics - Quarterly

June 10, 2015

	1Q, 2013	1Q, 2014	1Q, 2015
Discharges			
Acute Care - Medical/Surgical	124	138	143
Acute Care - Behaviorial Health	40	33	34
Swingbed	71	66	84
Average Length of Stay			
Acute Care - Medical/Surgical	3.99	3.31	3.22
Acute Care - Behaviorial Health	12.38	12.82	12.82
Swingbed	8.96	9.11	7.71
Patient Days			
Acute Care - Medical/Surgical	485	465	449
Acute Care - Behaviorial Health	491	432	395
Swingbed	636	601	648
Long Term Care Facility	6,806	6,769	6,704
ER Visits	1,178	1,261	1,386
Outpatient Visits	4,071	4,374	4,628
Hospital Services Offered			
Occupational Therapy	541	695	804
Physical Therapy	2,464	2,437	3,355
Radiology	2,486	2,441	2,757
Respiratory Therapy	2,533	2,301	2,639
Surgery	114	117	122
Home Health and Hospice Visit	4,751	5,464	6,011
Laboratory	18,802	22,159	21,827
Pharmacy	116,741	148,784	108,067

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-I, 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 LOCATEO IN THE NORTHWEST QUARTER OF SECTION 21, AND IN THE NDRTHEAST QUARTER OF SECTIDN 20, BOTH IN TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH PRINCIPAL MERIDIAN, DICKINSDN COUNTY, KANSAS, AND ALSO PARTS OF BLDCKS 6, 7, B, 9 AND 10, ORIGINAL TDWN OF ABILENE, DICKINSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREDF, BEING PART OF THE TRACTS DESCRIBED IN THE WARRANTY OEED RECORDED IN BDOK 217 AT PAGE 696, AND PART OF TRACTS DESCRIBED BY THE QUITCLAIM OEED RECOROED IN BDOK 208 AT PAGE 694, BOTH OF THE DICKINSON COUNTY RECOROS, AND BEING MORE PARTICULARLY DESCRIBED AS FDLLOWS:

COMMENCING AT THE NDRTHWEST CORNER OF SAID SECTION 21; THENCE ALONG THE WEST LINE OF VACATED VINE STREET AND THE WEST LINE OF SAIO SECTION 21, SOUTH 00°D1'S2" WEST, S62.04 FEET TO A POINT ON THE EASTERLY LINE OF THE FLOOD CONTROL RIGHT-OF-WAY, AS DESCRIBED IN MISC. BOOK 136 AT PAGE S76 DF 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 B9°19'3B" 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 SDUTH S2°16'47" WEST, A DELTA ANGLE OF 35°37'S2", A RADIUS OF 362.42 FEET AND A CURVE LENGTH DF 225.3B FEET, TO A S/8" BAR AND CAP; THENCE LEAVING SAID FLOOD CONTROL RIGHT-OF-WAY, SOUTH 00°14'34" EAST, 22.36 FEET, TO A S/B" BAR AND CAP; THENCE NORTH 64°54'12" EAST, 63.73 FEET, TD A 1/2" BAR AND CAP; THENCE SOUTH B9°50'0S" 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 ANO CAP (0.2' WEST); THENCE SOUTH B9°S0'0S" 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 B9°4S'S2" EAST, 134.62 FEET TO A S/B" BAR AND CAP; THENCE NDRTH B9°S9'3S" EAST, 110S.63 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CEDAR STREET, AS NOW ESTABLISHED, MARKED WITH A S/8" BAR; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 00°0S'14" WEST, 17.99 FEET TO A POINT ON THE SOUTH LINE DF AN ALLEY IN SAID BLOCK 10, MARKED WITH A S/8" BAR AND CAP; THENCE ALDNG THE SOUTH LINE OF SAID ALLEY, THROUGH SAID BLDCKS 10, 9 AND 8, SOUTH B9°S7'19" WEST, 144S.08 FEET TO A POINT DN THE WEST RIGHT-OF-WAY LINE OF ELM STREET, AS NOW ESTABLISHED; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 00°01'DS" EAST, S28.80 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 6, MARKED WITH A 1/2" BAR; THENCE ALONG THE NORTH LINE DF SAID BLOCK 6, SOUTH 89°S0'0S" WEST, 154.11 FEET TO A POINT ON THE EAST LINE OF SAID FLDOD CONTROL RIGHT-OF-WAY, MARKED WITH A 1/2" BAR AND CAP; THENCE ALONG SAID FLDOD CDNTRDL RIGHT-OF-WAY LINE THE FOLLOWING CALLS AND DISTANCES: ALONG A NDN-TANGENT CURVE TO THE LEFT, HAVING A CHORD BEARING OF SOUTH 36°42'SB" 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 ALDNG A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF SOUTH 28°17'06" WEST, A DELTA ANGLE OF 03°08'49", A RAOIUS OF 1939.27 FEET AND A CURVE LENGTH OF 106.S1 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 FLODD CONTROL RIGHT-OF-WAY LINE AND ALONG THE EAST LINE OF VACATED VINE STREET, SOUTH 00°01'S2" WEST, B6.24 FEET TO A PDINT DN THE NORTH LINE OF A VACATED ALLEY; THENCE SOUTH B9°S7'31" WEST, 11.00 FEET TO THE CENTERLINE OF VACATED VINE STREET, MARKEO WITH A 1/2" BAR AND CAP; THENCE SOUTH 01°16'0B" WEST, 4.34 FEET TO A S/B" BAR AND CAP; THENCE NORTH 89°19'3B" WEST, 10.91 FEET TO THE POINT OF BEGINNING AND CONTAINS S.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	*R-3 High Density Residential District occupied by residential structures.*
	South	*I-1 Light Industrial District; BNSF Rail Road Right of way.*
	East	*I-1 Light Industrial District; residential structures (owned by Applicant).*
	West	*I-1 Light Industrial District; Mud Creek*
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 e change to the current condition of en existing use, which has been in place prior to the adopted reguiations, is modified (in this case, the potential acquisition of additional iand on the west right-of-way line on S. Elm Street by the Applicant).
8. The Conditionei Use Permit will also enable the Applicant to address environmental concerns raised by the public and releted to the operation of the grain bin. Staff hes received comments and concerns from Kerie Golden regarding dust end noise concerns.

Recommendation and Findings:

Staff is recommending ***approval*** of the Conditional Use permit with the following findings as outlined in Article 28-110:

e) **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 felth 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 ware 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 e larger operation which includes other properties owned by Gavilon/Flint Hills Grain.

e) **Length of time the property has remained vacant** – The property has been continuously operated es a grain storage operation since the late 1980s.

f) **Competibility 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 Lend 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.

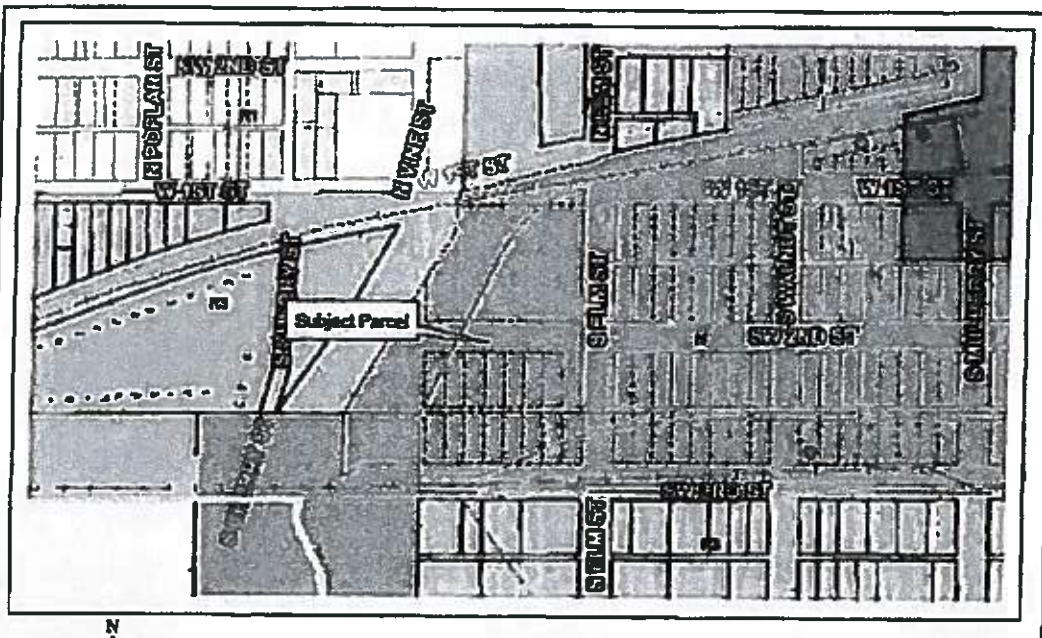
e. The Applicant shall comply with all applicable federal and state environmental air quality laws.

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.

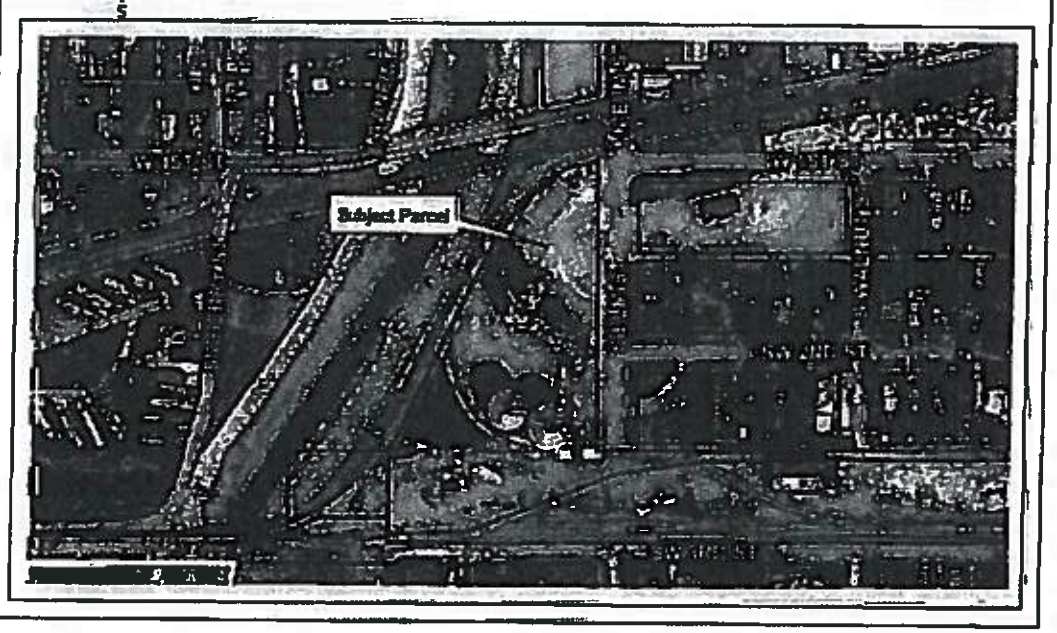
g. The City will enforce the provisions of the Conditional Use Permit as provided in Article 30 of the Zoning Regulations. Such enforcement may include revocation of the Conditional Use Permit.

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.



PC 15-4 Conditional Use Permit



Received
APR 15 2015
CITY OF ABILENE

CITY OF ABILENE, KANSAS

DEVELOPMENT APPROVAL APPLICATION FORM

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

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

PART I: TO BE COMPLETED BY APPLICANT

APPLICATION INFORMATION

APPLICATION FOR (CHECK APPROPRIATE BOX):

- ☐ ADMINISTRATIVE APPEAL
- ☐ ANNEXATION
- ☐ CERTIFICATE OF APPROPRIATENESS
- ☐ COMPREHENSIVE PLAN AMENDMENT
- ☒ CONDITIONAL USE PERMIT
- ☐ DEVELOPMENT CODE AMENDMENT
- ☐ FINAL PLAT
- ☐ HOME OCCUPATION PERMIT
- ☐ LANDMARK DESIGNATION
- ☐ LOT SPLIT
- ☐ 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
Appl. Number: PC15-14
Date Received: 4/15/15
Received By: [illegible]

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: Gavilon Grain Fax: ( )
Address: 1331 Capitol Ave
City: Omaha State: NE Zip Code: 68102
E-mail:

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
E-mail:

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: NA

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:	☒	☐	☐
Wastewater Service:	☒	☐	☐
Roadway Access:	☒	☐	☐

FLOODPLAIN INFORMATION: NA
Floodway: ☐Yes ☒No PIRM 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. Kan VP-Ops — Applicant Signature — 4-14-15 Date

Gregg O Kansas — 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**

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

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.

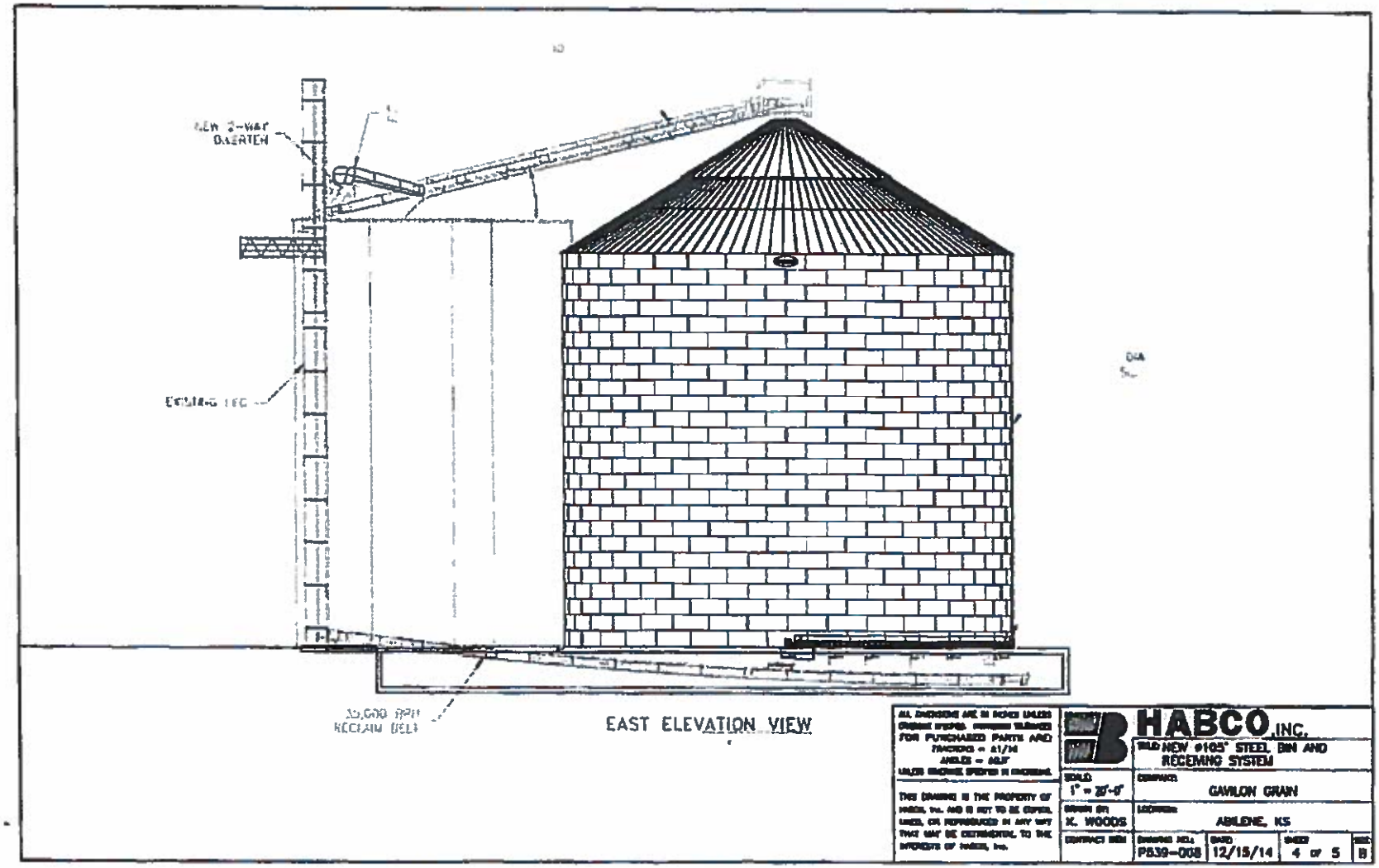
Tim Hamilton — Name
Comm. Dev. Director — Title
Signature
4/15/15 — Date

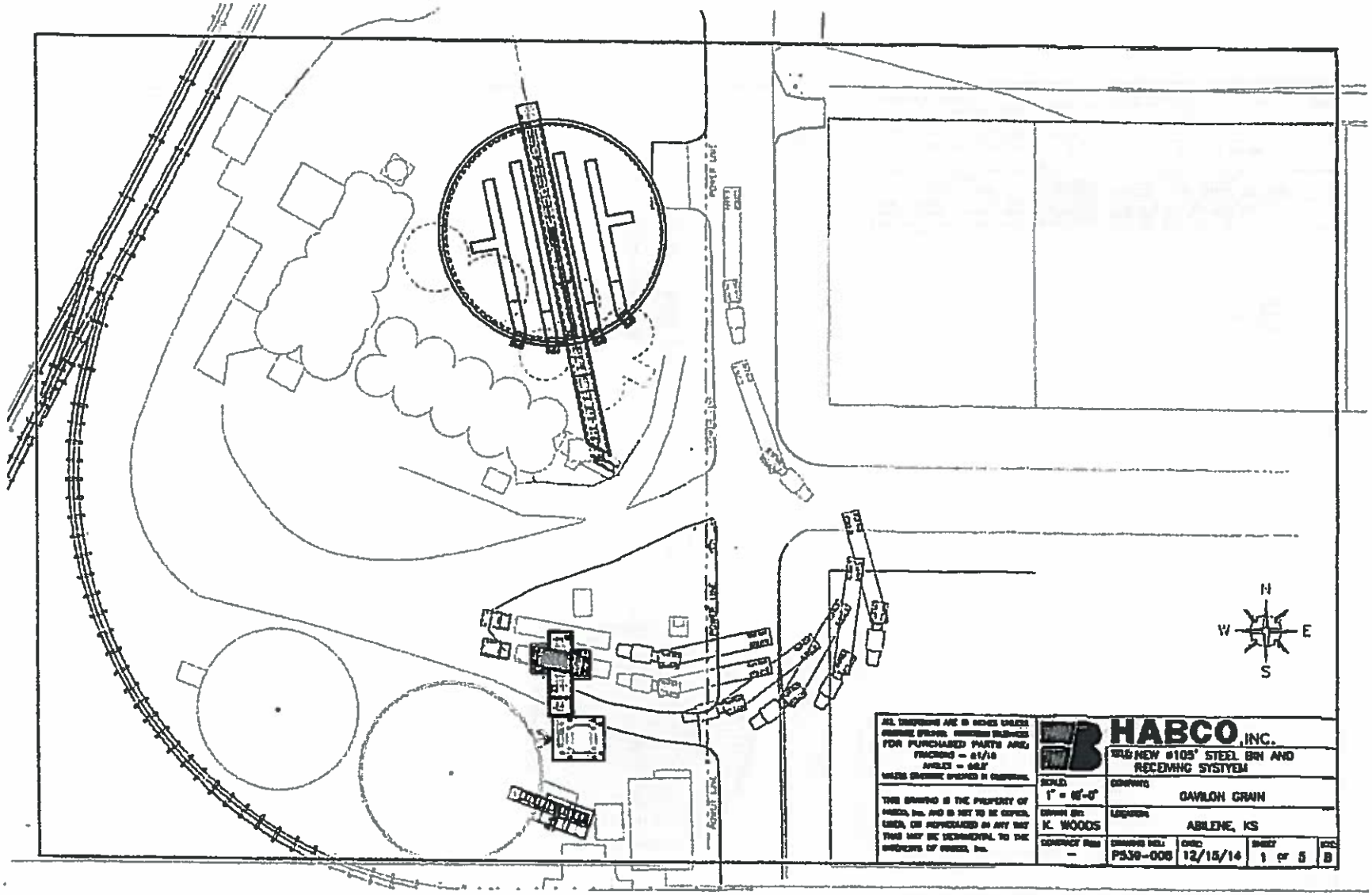
APR 17 2015
CITY OF ABILENE

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.


NEW 2-WAY DIVERTER
EXISTING LEG
30,000 BPH RECLAIM BELT
EAST ELEVATION VIEW
HABCO, INC.
NEW #105' STEEL BIN AND RECEIVING SYSTEM
SCALE 1" = 20'-0"
GAVILON GRAIN
DRAWN BY K. WOODS
ABILENE, KS
DRAWING NO. P839-008
DATE 12/15/14
SHEET 4 OF 5
REV B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NEW #105' STEEL BIN AND RECEIVING SYSTYEM
GAVILON GRAIN
ABILENE, KS
1" = 60'-0"
K. WOODS
P536-008
12/15/14
1 of 5
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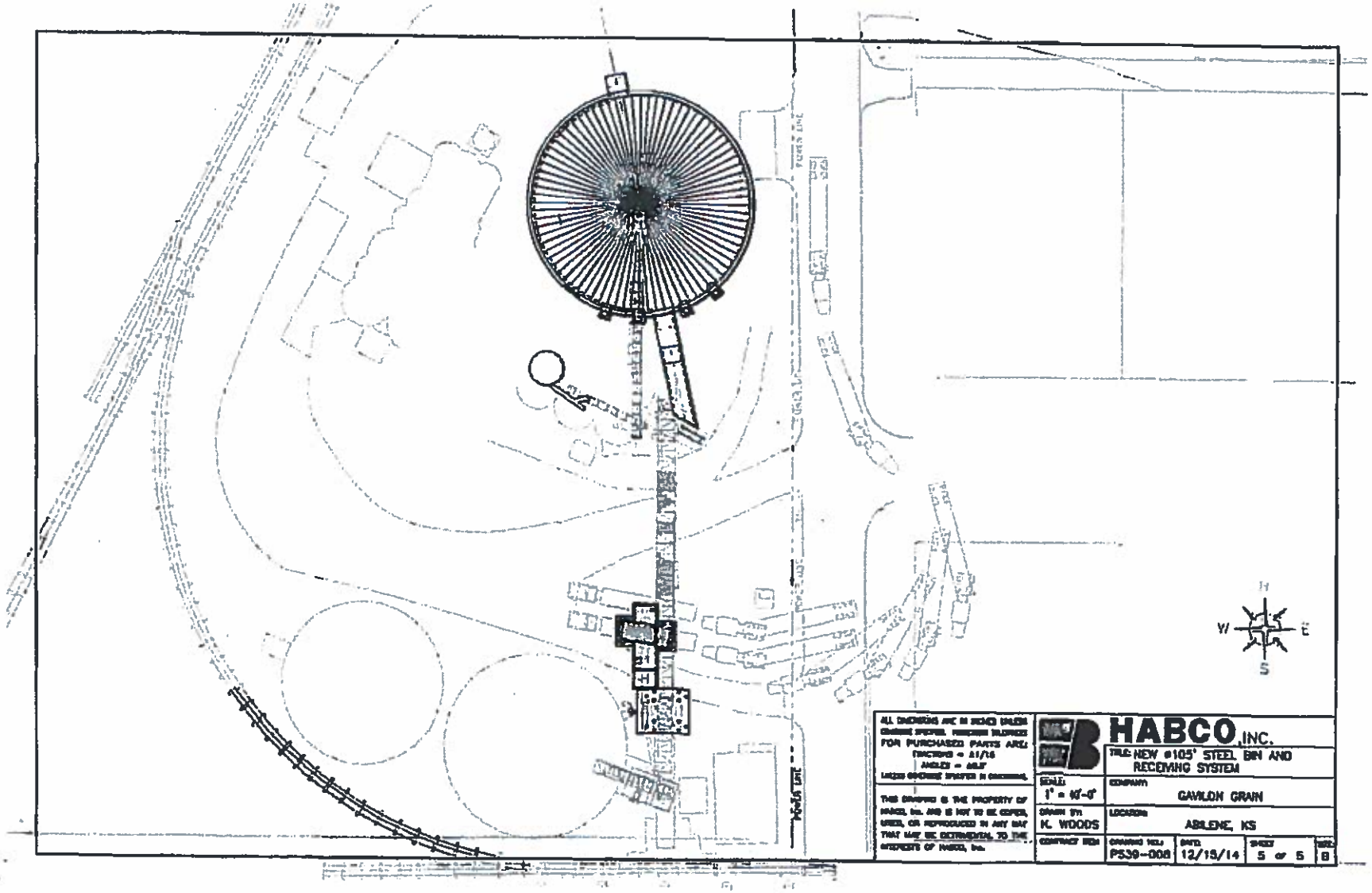
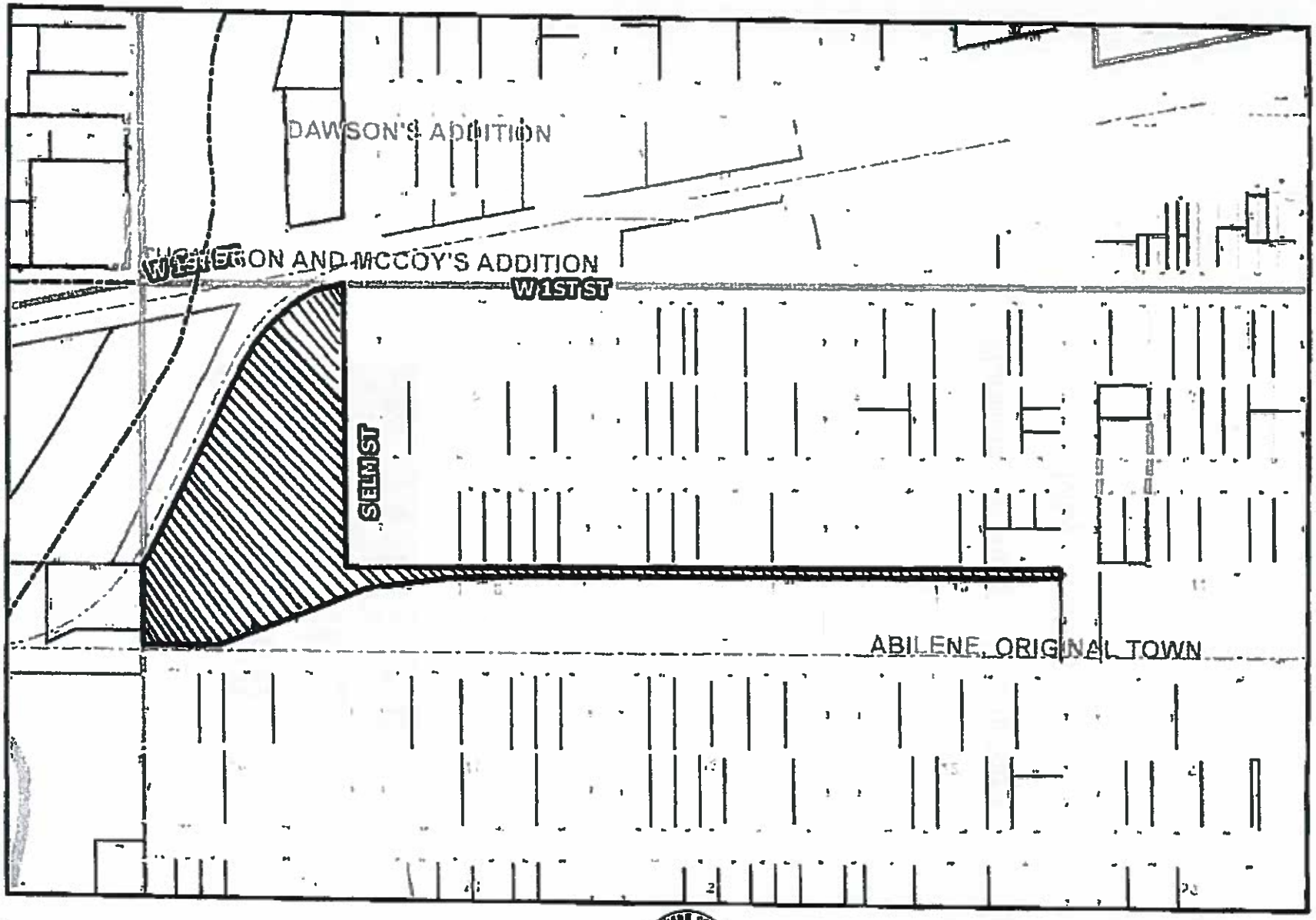


ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. TOLERANCES REQUIRED FOR PURCHASED PARTS ARE:
FRACTIONS = ±1/16
ANGLES = ±0.5°
UNLESS OTHERWISE SPECIFIED IN DRAWING.

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

HABCO, INC.

TITLE:	NEW #105' STEEL BIN AND RECEIVING SYSTEM
SCALE: 1" = 10'-0"	COMPANY: GAVILON GRAIN
DRAWN BY: K. WOODS	LOCATION: ABILENE, KS
CONTRACT NO:	DRAWING NO.: PS39-008 · DATE: 12/15/14 · SHEET: 5 of 5 · REV: 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

FHG Flint Hills Grain LLC

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 tha current owners attention to the environmant and safety
- These two owners hava tha financial resources as wall as tha parsonnal expertisa to maintain tha upgrades end are committed to being a good neighbor.
- We employee 15 full tima employees et FHG including 3 who have been here ovar 30 yeers. We are proud of the value wa bring to the City of Abilene and the surrounding areas as well as our closanass to the community

What does FHG do?

- FHG is en efficient shuttle loader facility- shuttla facilities load grein on trains end sand them to destinations for export.
- A shuttle facility must heve access to railroads- we are fortunate to have access to both the BNSF and the Union Pacific. This railroad eccess 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 then 500 farmers as wall 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 end trailers on the farm
- We are increasing our storage capacity and speed to keep up with the demand of local producers
- We ere 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 end we would miss the grain as well as a lot of thair business they do while in town delivering grain
- Constructing a new bin helps us buy end 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

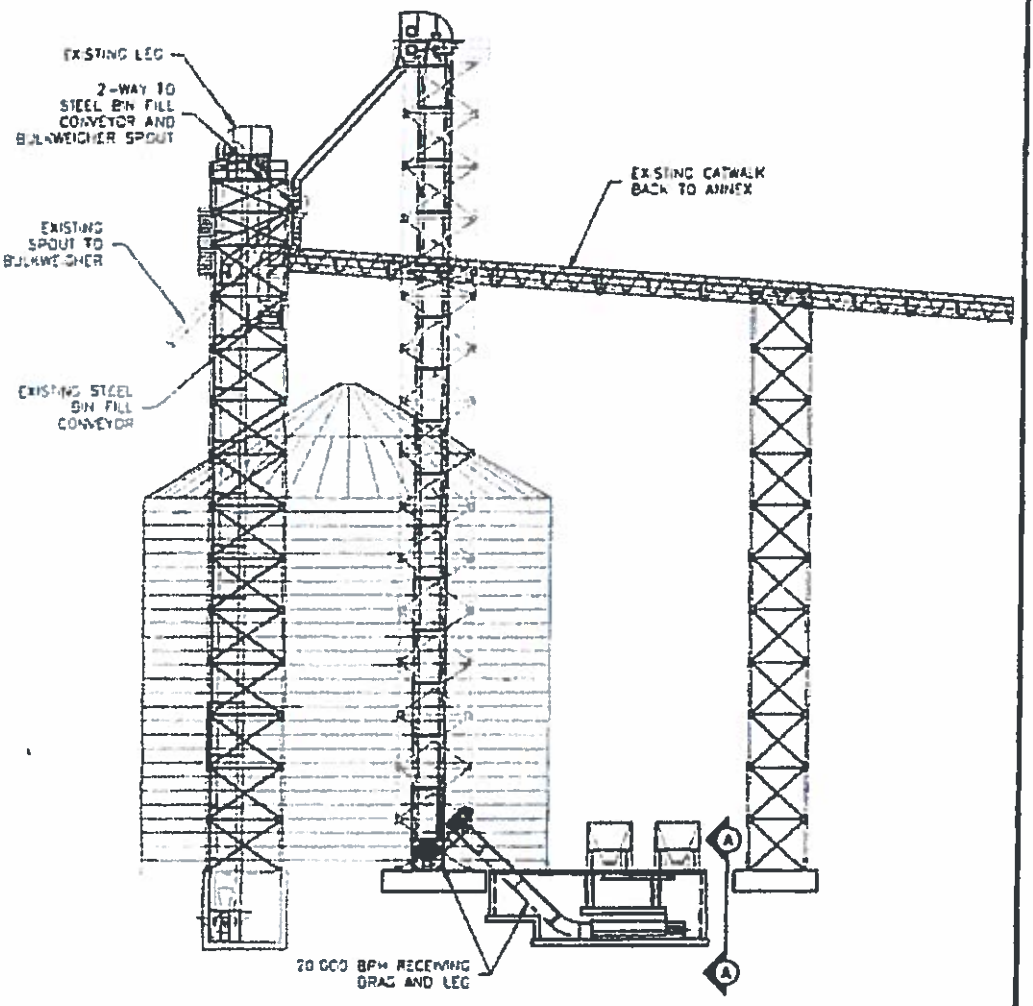
- We appreciate the support that we have received local farmers, businesses and residents of Abilene as well as many coops and the Kansas Grain and Feed Association
- We are honored to received 175 signatures on our petition, as well as 16 letters of support from local businesses
- With this support, 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

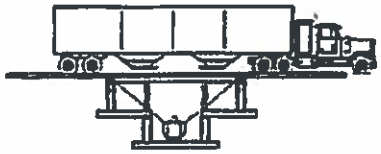
As Beth has explained this project is designed to provide additional storage at the facility and improve efficiencies in the grain handling process for receiving and shipping

- 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 Departmsnt 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.

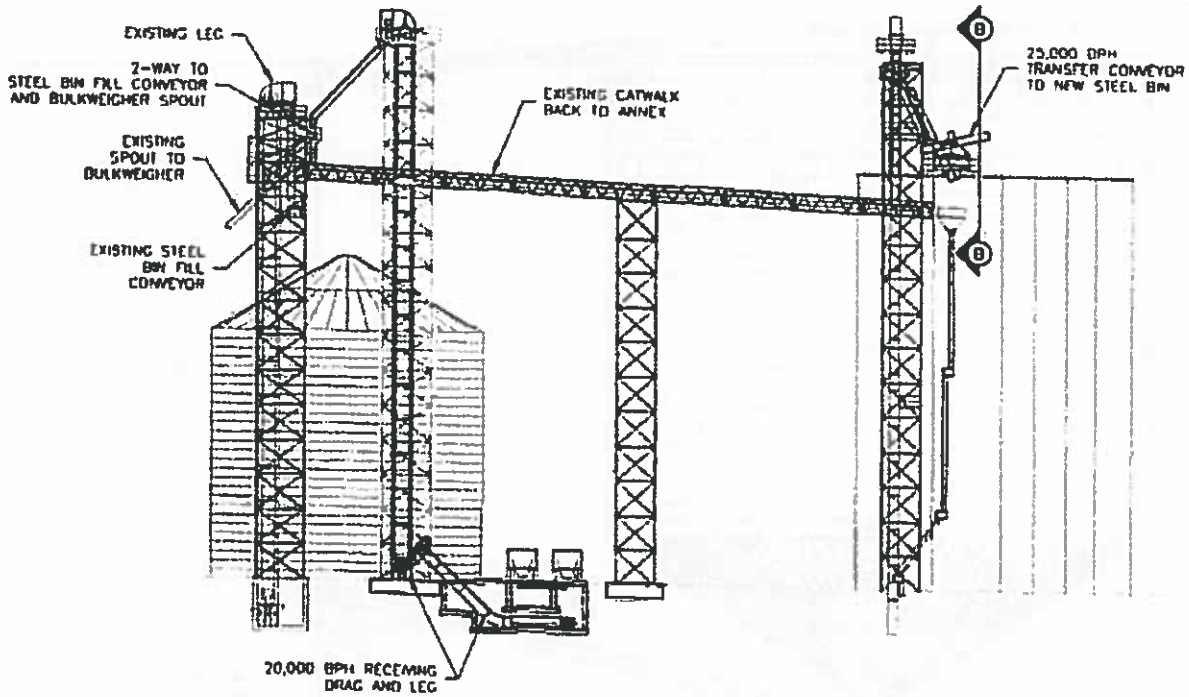


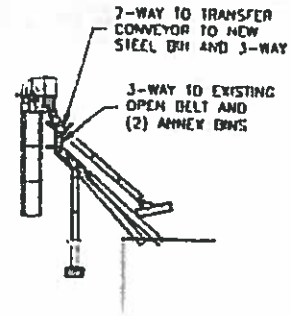
EAST ELEVATION VIEW LOOKING
LOOKING WEST



SECTION A–A

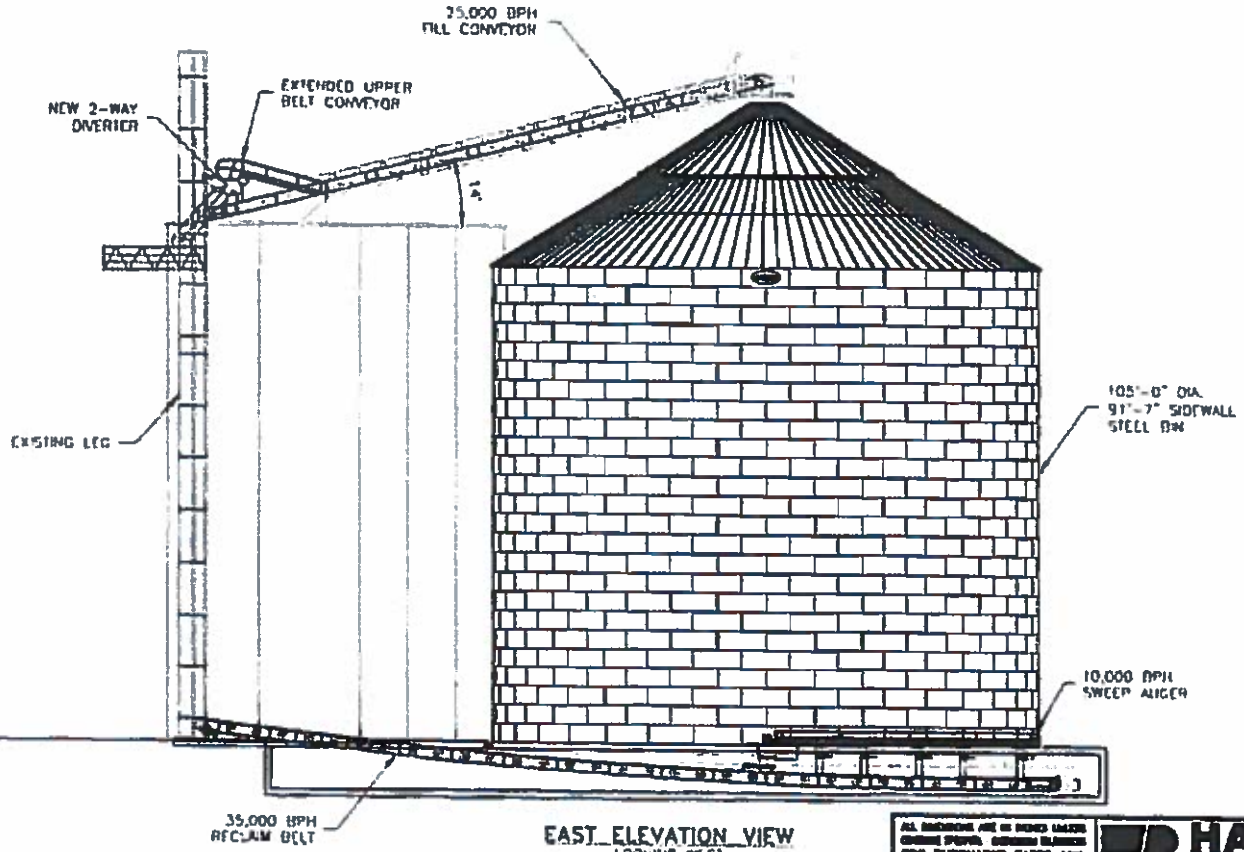
ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE STATED. ALLOWED TOLERANCE FOR PURCHASED PARTS AND FINISHING = ±1/32 ANGLES = ±0.5° UNLESS OTHERWISE STATED IN DRAWING.	HABCO, INC.		
	TITLE: NEW #105' STEEL BIN AND RECEIVING SYSTEM		
THIS DRAWING IS THE PROPERTY OF HABCO, Inc. AND IS NOT TO BE COPIED, USED, OR REPRODUCED IN ANY WAY THAT MAY BE DETRIMENTAL TO THE INTERESTS OF HABCO, Inc.	SCALE: 1" = 25'-0"	COMPANY: GAVILON GRAIN	
	DRAWN BY: K. WOODS	LOCATION: ABILENE, KANSAS	
	CONTRACT ITEM	DRAWING NO.: P539-008	DATE: 12-15-14	SHEET: 2 of 5	REV: B





SECTION B-B

ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. MINIMUM BLENDED FOR PURCHASED PARTS ARE: FRACTIONS = ±1/16 ANGLES = ±0.5° UNLESS OTHERWISE SPECIFIED IN DIMENSIONS.	HABCO, INC.			
	WELD 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" = 30'-0"	COMPANY: DAVILON GRAIN		
	DRAWN BY: K. WOODS	LOCATION: ABILENE, KANSAS		
	CONTRACT DEM	DRAWING NO.: P539-008	DATE: 12-15-14	SHEET: 3 of 5



EAST ELEVATION VIEW
LOOKING WEST

ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. DIMENSION TOLERANCES FOR PURCHASED PARTS AND FRACTIONS = ±1/16 ANGLES = ±0.5° UNLESS OTHERWISE SPECIFIED IN DIMENSIONS.	HABCO, INC.			
	TITLE: 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" = 20'-0"	COMPANY: GAVILON GRAIN		
	DRAWN BY: K. WOODS	LOCATION: ABILENE, KS		
	CONTRACT ITEM	DRAWING NO.: P539-006	DATE: 12/18/14	SHEET: 4 of 5

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.

DSH Brochure DSH Flyer
DustSuppressionHopper.com

DSH TESTED PRODUCTS:

FERTILIZERS
Blue T super, Bourucaa 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, Pepsoygen, Rapeseed meal, Sorghum, Soybeans, Soybean meal, Soybean hulls, Soybean pellets, Wheat

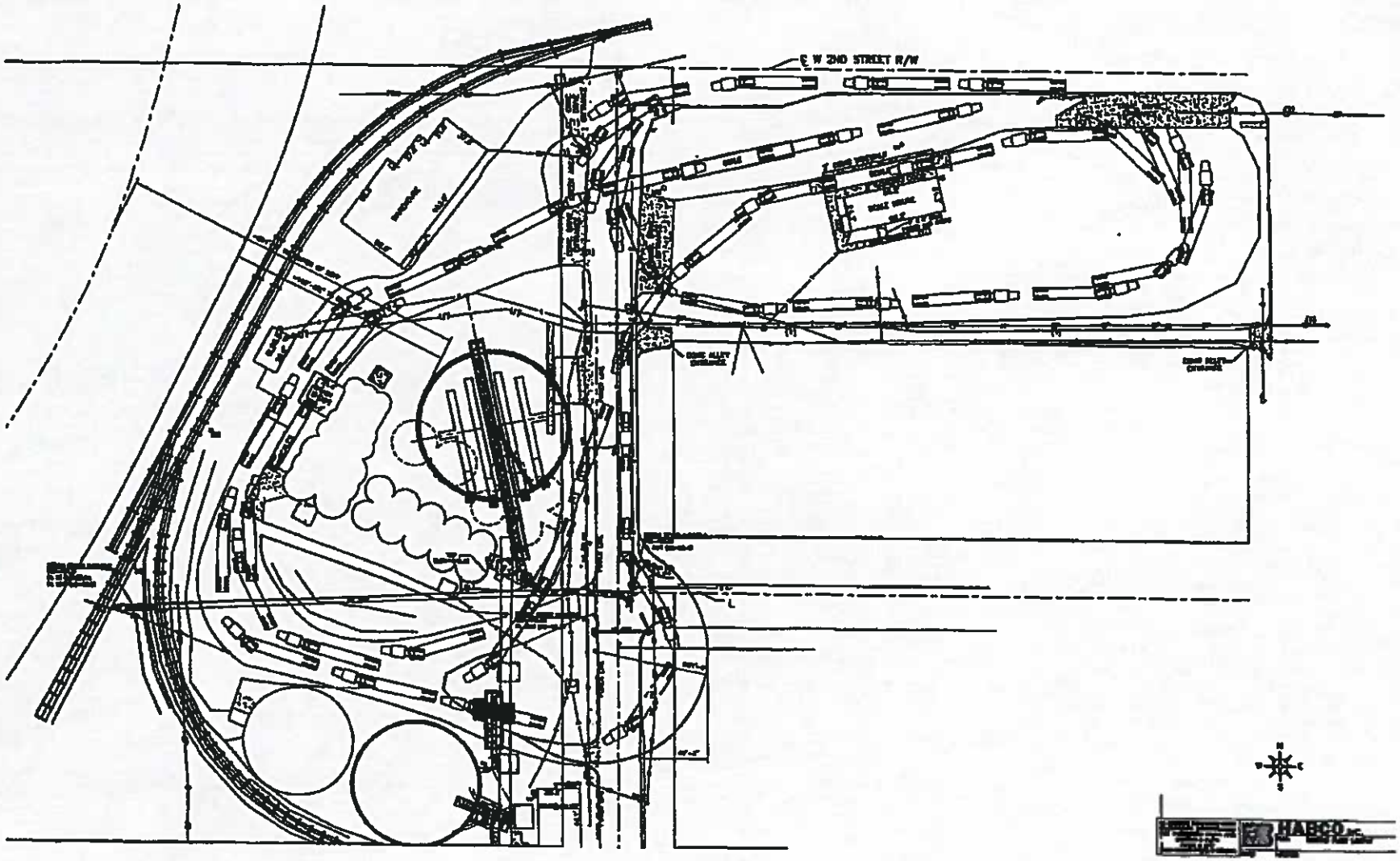
SAVINGS & BENEFITS:

- 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.dshsystems.co for more details.
Easily add a Dust Suppression Hopper to your Pro'ly Grain Storage

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


℄ W 2ND STREET R/W
HABCO

HARDPAC

ROAD STABILIZATION & DUST CONTROL

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,

Ken Wallace 620-669-7594

George Brown 620-899-6812

LOOMIX®

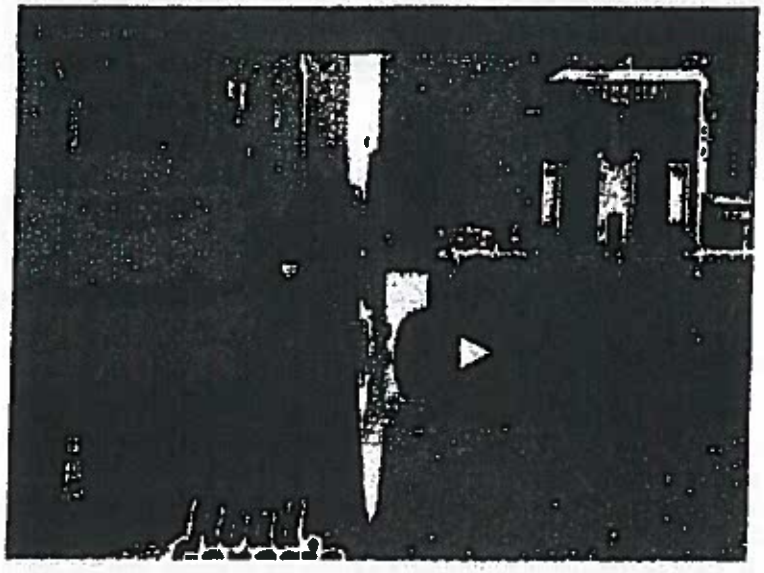
PHONE: 800-870-
0356
FAX: 970-587-2402

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 ashpalt 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 topetroleum-based products; providing non-toxic ingredients.
- No unpleasant arome 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.

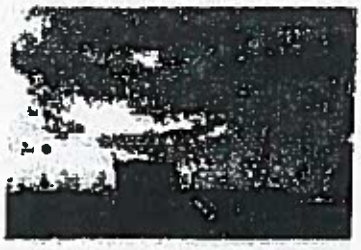


Application for Dust Control

1. Road dust control requires two to three passes staggered out over several hours, or days,depending on climate.
2. Ensure complete saturation before applying the next coat. This will allow for e 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 e wind row effect, allowing the product to be mixed in thoroughly. If possible, use e 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 passesshould 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 Lesnik® 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.
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Application for Dust Control

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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.

Your brand can find success here.

Application for Road Stabilization

1
- Apply to the road using a maintainer or similar tool to implament 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 eggregate

2
- After reshaping the road, make another pass with Road Ganasis using the same wind-row tachnique
- A total of threa passes should be made using this method

3
- After the third pass has been made, the road should be shapad and rolled with a rubber/metal whealed roller

4
- Onca the road is shaped and/or rollad, the fourth and final "saal coat" should be applied to the hardaned surface
- This fourth coat can be applied prior to rolling or efter the road is completely finished

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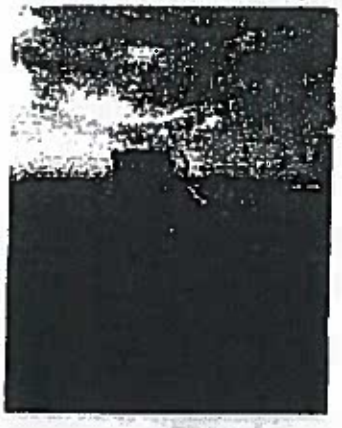
- 3,000 gallon storage tanks
- Blade/Gradar
- Ripper (for road atabilization)



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.

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. Sorrows	
Beth Wiebert	746 2500 Ave Abilene
Gary Hanson	2887 SW MacVicar Ave, Topeka
Rick Benware	1331 Capitol Omaha, NE
Stan Berner	1303 NW 5th St. Abilene Ks
Jean J. Stout Sr.	600 E Cottage
Jerry Batchelder	600 NW. 3rd St Abilene
Gary Liby & Betty	1001 N. Kuney, Abilene
Hank Rayer	309 N. Vine, Abilene
Rick VanNess	507 SW 2nd Abilene.
Ron Barbieri	110 N Buckeye Abilene
Rod Markley	720 S Cedar Abilene
Pat Robson	1900 Beekman Abilene
Sue Robson	1900 Beekman Pl. Abilene
Jon Koffman	125 N Elm Abilene
Phil Mulanex	2828 Indy Rd. Abilene
Tim Hamilton	212 NE 4th St. Abilene
Scott Ost	415 Brice Ct Abilene
Greg H Wilson	2201 S Washington, Abilene
David [illegible]	412 SW 2nd Abilene, Ks
[illegible]	511 NW 2nd St. Abilene
Dale Hayes	2465 Hiway 15

Planning Commission Meeting

Sign-In Sheet

May 12, 2015

Name ~ PLEASE PRINT	Address
Michela Brown	504 SW 2nd Abilene
Larry A. Kottman	1426 1800 Ave Enterprise
Floyd Danner	615 S.W 3rd ABilene
Mark T. Wilson	2097 Fair Rd. Abilene, K
Melvin Leckron	1319 Brady
[illegible]	1216 Brady
Timothy B. Shafer	1714 NW 10th
Lisa Seiser	ABilene R C

Planning Commission Meeting

Sign-In Sheet

May 12, 2015

Name ~ PLEASE PRINT	Address
Dennis Wiese	2991 Eden 67410
David A Collman	1300 W. 1st Abilene

Clerk

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 sbow 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 sbould be located 26.7 feet further west to have it constructed on their property and comply with setback rules. (For purposes of today's bearing, 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. Sucb speculation is not appropriate and under the current laws, the City is not permitted to make sucb a transfer for the benefit of a single organization. You don't have to consider this fact as you only bave 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 preveot 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 sbare 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 <u>not</u> 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, wheo handling grain, is unavoidable. Air displacement into the dump pit, grain breakdown, etc., will always cause toxic and explosive grain dust to be geoerated and unless 100% shrouded, to be dispersed into the eovironment.

Both my childreo 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 screeoed-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 wbenever any of these elevators surfaces are traveled by <u>any type</u> of motor vehicle. When last asked about this roadway dust at a City Commission meeting, about six weeks ago, the curreot 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 bome, and the homes of many of my clients, do have central air conditioning. Hence, an inquiring mind migbt 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 completed crudded up with accumulation of dust coming from this site. We don't need to window air cooditioners 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., wben 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 bas 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, whicb 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 bas 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 weigbt 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-meotiooed problems and other folks will bave 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 pertioeot, 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 ooe 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 <u>not granted</u> for this site. There is a specific state statute whicb states the City is not liable for administrative errors of its staff in wrongfully issuiog 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 cooditional use permit by the City and the elevator is cbarged with that knowledge. They were wrong to begin, and theo continue construction, with knowledge elevators are not allowed in this zoniog area.

<u>This is not a theoretical problem</u>. We have already seen the damages caused by the present operation of the two steel elevators and the illegal location of the train-loadiog 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 coovincing evidence, that the allowance of yet another massive elevator at this site will not create <u>any problems</u> is a prerequisite to the issuance of a cooditional use permit. The facts are clear and a cooditional use permit should oot be issued for this proposed oew elevator at the site. Please eoforce the existing zoning laws for the beoefit of we citizens of Abileoe 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 creatioo 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 oot be issued).

5. Tbe 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 oot keep area resideots up all night long.

6. The applicant sbould be required to construct the planned improvements on their own land, not in the City right-of-way, disregardiog 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 coovinced that the applicant can meet the above-standards, the conditiooal use permit sbould be issued only for a six month period, with requirement that it lapse at that time unless extended after a new public hearing to documeot actual operatioo. (Since they have esseotially created the structure they desire before coming to this hearing, this coodition 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 buildings 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].

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 property, see the instructive comment note in 141 ALR 1447–1462.

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Measurement of particulate matter emissions from corn receiving operations with simulated hopper-bottom trucks (2004)

by R. O. Billate , R. G. Maghirang , M. E. Casada

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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 at 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 (0.5 to 8.1 g/t) decreased with increasing grain flow rate and decreasing drop height.

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@ARTICLE{Billate04measurementof,
    author = {R. O. Billate and R. G. Maghirang and M. E. Casada},
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UNITED STATES DEPARTMENT OF LABOR

Occupational Safety & Health Administration We Can Help

SAFETY AND HEALTH TOPICS

Grain Handling

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 Elevatars
(Adopted 12/4/07; Revisions adopted 7/15/14)

Applicability
The BMPs listed in this dacument 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 Iawa 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 af Performance for Grain Elevators," as adopted in 567 IAC 23.1(2)"oao," 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 emissians 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 pollutian 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 duratian of excess emissians.
-Air pollution cantrol equipment shall be operated when the air emission source is in operation and shall be checked daily for proper operatian. 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, scalpers, 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

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]

Environmental Health Perspectives
Vol. 66, pp. 183-184, 1986

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 TAII; 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 50 g/m^3 (*1*).

The dispensibility 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

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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.

http://www.researchgate.net/a/ne285g/javascript/lib/pdfjs/web/viewer.html?file=http%3A 5/10/2015

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

Researcher	Techniques	Dusts	Mass mean diameter, µm
Plemons (8)	Coulter Counter Wet sieving Dry sieving	Rice Corn Soybean Wheat Sorghum	21.75* 19.57* 25.17* 32.97* 36.92*
Martin (4)	Coulter Counter Wet sieving Dry sieving Capture velocity	Soybean	30.00*
Wade (3)	Coulter Counter	Corn Soybean	13.70* 15.50*

*Mass mean diameter of whole grain dusts as determined by Coulter Counter techniques with a 400 µm apparatus.
*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 (8) 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/cm³ for wheat and soybean dust, respectively. Martin found the particle density of whole "grain" dust to be 1.49 g/cm³.

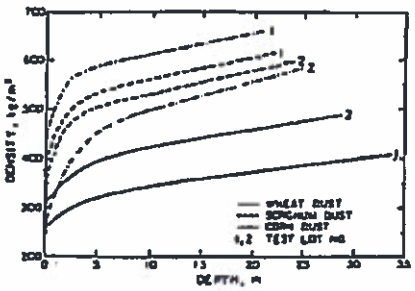

Figure 1. Vertical density distribution of grain dust in a self-packed dust column (7).

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 (8) 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).

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

Dust	Ash content (dry basis), %	
	Plemons and Parnell (8)	Martin (4)
Soybean	32.68	12.1–40.6
Corn	1.88	4.1– 6.1
Wheat	12.20	7.9–23.8
Sorghum	7.6	
Rice	31.45	

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.

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:

$$PLT100 = \frac{W(p)}{W(w)} \times 100\% \qquad (1)$$

ticle densities. 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 30 cm³ 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 particle densities of each of the five 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	4.33
Rice	30.6	0.414	1.36
Corn	12.0	0.172	1.40
Wheat	7.19	0.195	0.89
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/cm^3; particle density, 1.43–1.69 g/cm^3; % < 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

Like 0

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.

Download our Capability Statement (assets/Insecure/CombustibleDustExplosions.pdf)

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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Perimeter Defense Design and Analysis

() Structural Engineering Design

() Research/Development

()

CASE STUDIES BY INTEREST

STAKEHOLDERS

SECURITY SUPERVISOR

ENGINEERS & ARCHITECTS

ASK AN EXPERT

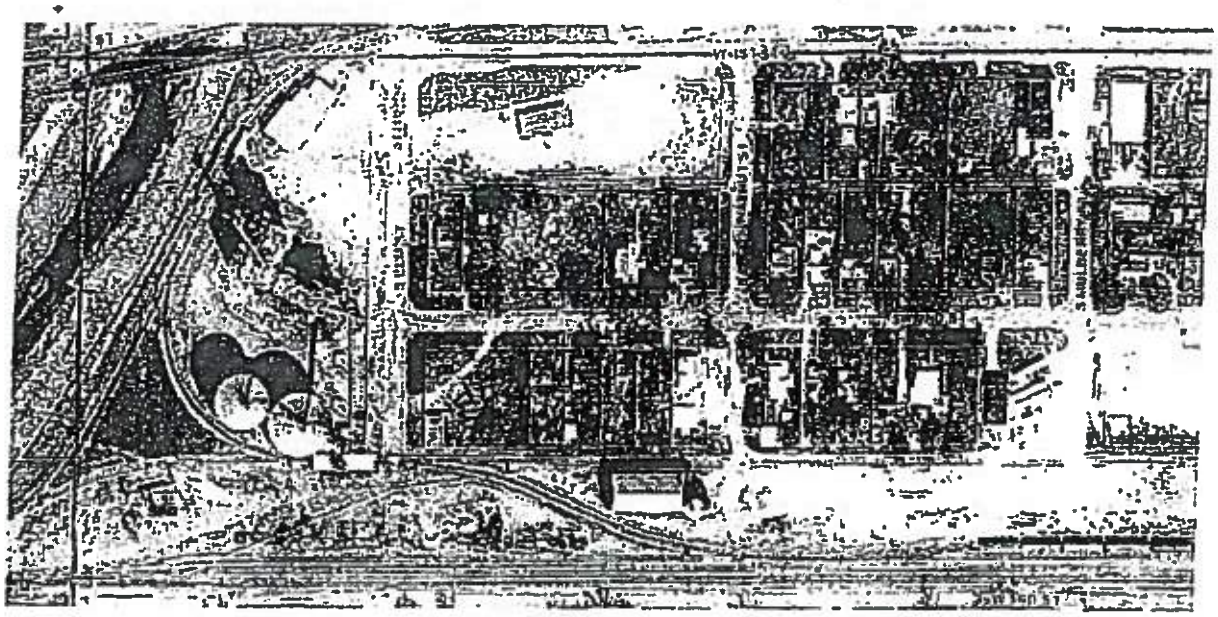
Our experts are ready to help you answer your questions. Ask A Question (ask-an-expert)

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 - 021115210300600 1000



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 rubel	$ 50,000.00
2/4/2015	Buliding	Construct 750,000 Bushel Grain Bin w/Conveyors	$3,500,000.00

FEB-01-2000 09:21 CITY OF ABILENE, KANSAS 1 785 263 2552 P.02

Building Inspection Department - 419 N. Broadway

PERMIT

APPLICATION

PERMIT NO. 2000-23

☒ Building ☒ Electrical ☐ Temporary Electrical ☒ Plumbing ☐ Mechanical ☐ Other

Method of Payment ☒ Cash ☐ Charge

1. DEBRUCE GRAIN ELEVATOR 513 W. FIRST ABILENE KS — Parcel ID No.
2. SEE ENCLOSED DESCRIPTION
3. DEBRUCE GRAIN INC P.O. BOX 34621 KANSAS CITY MO 64116 — 816-421-8182
4. PATRIOT MILLWRIGHT 9541 WOOPSON OVERLAND PARK KANSAS 66207 — 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 — List Contractors

Electrical: NISSEN ELECTRIC 1115 B ROAD HAMPTON NE 68843 402-723-5277

Plumbing

Mechanical

I certify that I have read this application and that the above information is correct, and that as owner or builder, I agree to comply with all laws relevant 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

Building		Base	$15.00
Each Additional $1000.00 X $3.00 =			6,123.00
Additional Inspections:	$5.00		
Footings	$5.00		5.00
Foundation Wall	$5.00		5.00
Framing	$5.00		5.00
Final	$5.00		5.00
Electrical	Unit	Base	$10.00
Service Entrance	$4.00ea.		4.00
Temp. Service	$1.00ea.		
Dryer Unit	$3.00ea		
Switches	$ .15ea.		
Receptacles	$ .15ea.		
~~Range~~ Motors	~~$5.00ea.~~ See List Attached		27.35
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 BASES PLUS UNITS EACH $ 6199.25

Pd. Mar 6, 2000

CITY OF ABILENE
PLANNING COMMISSION
MEETING MINUTES

May 12, 2015
Study Session at 4:00 p.m.
Meeting at 4:30 p.m.
Abilene Public Library
209 NW 4th Street

Members Present: Gene Bielefeld, Rod Boyd, Steven Olson, Travis Sawyer (Vice-Chair) and Michelle Stephens

Members Absent: Kyle Campbell (Chair) and Bruce Dale

Staff Present: David Dillner, Jane Foltz and Jennie Hiatt

Others Present: Commissioners Dee Marshall, Tim Shafer and Dennis Weishaar (see attached list for others present)

Call to Order & Roll Call.

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

Hiatt took roll call with five commissioners present and two absent.

Approval of Agenda.

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

Approval of Meeting Minutes – April 14, 2015.

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

Business.

1. Election of Officers.

Bielefeld made a motion to elect Campbell as Vice-Chair. The motion was seconded by Olson. The motion passed unanimously. (5-0)

Boyd made a motion to elect Sawyer as Chair. The motion was seconded by Stephens. The motion passed unanimously. (5-0)

2. **Public Hearing, PC 15-4**, a request for a Conditional Use Permit to construct a 105' steel storage bin & truck receiving system at 109 N. Elm Street, Abilene, KS.

Dillner reminded the commissioners to talk into their mike so that everyone can hear, also if you come up to make public comments the mike is on so please talk into it and state your name and address. He then presented the staff report in its entirety.

Olson asked Guilfoyle about enforcement possibilities and what process.

Guilfoyle said if there is a failure on part of the applicant to follow through with the CUP requirements there can be a cease and desist order until such time that they come in compliance, it would be an injunction basically.

Sawyer asked if there were any further questions, seeing none he asked if the applicant was present.

Gary Hanson stated I'm a lawyer from Topeka here on behalf of Flint Hills Grain, LLC. With me here today to make presentations are Rick Benware, Senior Director of Operations for the Gavilon Group in Omaha, Gavilon is one of owners in the joint venture of Flint Hills Grain and also Beth Weibert, the manager of the facility here in Abilene. Thank you for the opportunity to support this application for Conditional Use Permit this afternoon. In just a moment Beth is going to talk generally about Flint Hills Grain's operations here in Abilene, followed by Rick who will talk about some of the more technical aspects of the project and in particular those aspects that address some of the environmental aspects that have been brought to our attention throughout the course of this application. Before introducing Beth and letting her begin her presentation there is one thing matter that I would like to address and that is from what I've read that there is a perception by some that the City and the applicant have not followed the regulations and that perception is because the facility is under construction and the CUP has not been granted. That is not the case. There was no such attempt by either party. The company has been in early and regular contact with the City on this project and through the course of that there have been numerous discussions about the preceding and how to do so. Actually in my view of the law and of my firm, a CUP was not required. That as an allowed non-conforming use Kansas has adopted a modern instrumentalities doctrine that allows the natural growth and development of the non-conforming use and in all fairness this could fall under this doctrine. Fortunately we don't have to deal with that today because when questions were raised about the appropriateness of the procedures, as those were raised, the City requested that the owner file a CUP application and it did so and it has been dealing in good faith thru that CUP application process and in the mean time the City had issued a building permit for this construction and the owner through their contractors have been building under that duly issued and authorized building permit. Now what we have today just as Mr. Dillner has reported is a very thorough report by staff on this CUP and result of this process very appropriately it recommends a set of

conditions to be attached to that permit. We have studied those conditions and they are very reasonable, they're fair, they're doable and the company is prepared to comply, fully with that set of conditions that were just provided to you. With that we urge you to give your favorable decision and that the governing body issues the CUP and with those conditions that have been described. With that I would like to turn it over to Beth and then after Rick speaks we would entertain any questions you might have.

Beth Weibert, I am the location manager at Flint Hills Grain and in the industry for last 9 years and in Abilene for 8 of those years. A little background on the facility here in Abilene, the current concrete elevator that you can see there has been on this location since 1950 and an even older elevator structure stood on this ground previously. So for more than 65 years through various ownerships a grain elevator has operated on this facility. In February the facility became known as Flint Hills Grain a joint venture between a local owned Kansas Coop AgMark and Gavilon Grain. Having been employed here for 8 years through various owners of this facility I can personally attest to the current owner's attention to the environment and safety. I have seen tremendous advancements made in these areas during my tenure at the Abilene facility. These two companies AgMark & Gavilon both have the financial resources as well as the personnel expertise to maintain the upgrades and are committed to being a good neighbor. We currently employee 15 full time employees at Flint Hills Grain three of which have been with the facility for over 30 years. We are proud of the value we bring to the City of Abilene and the surrounding arcas as well as our closeness to the community. What does Flint Hills Grain do? I've had a number of people say what is a shuttle facility? Flint Hills Grain is an cfficient shuttle loader facility. Shuttle facilities load grain on trains and send them to dcstinations for export. One of the unique competitive advantages that this facility offers to both our farm and coop customers are the fact that we are serviced by the BNSF and the UP railroad. The railroads give us access to global markets and so we are able as a result to offer our customers both farmers and coop customers higher prices than they would receive otherwise from local truck markets. We are proud that we trade with over 500 farmers in the state as well as many local coops. Our trade territory covers a draw area of approximately 150 miles around Abilene area. So this brings us to the point of why we are 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. To keep up with our customers' needs we recognize the importance of increasing our storage capacity and including our speed. As our farmers get faster and their equipment gets faster we need to be able to accommodate them at our facility. We have been working with the City of Abilene to operate within the city requirements for an upgrade to the facility. Some of you may know that Salina operates 3 large shuttle shippers similar to ours. If Abilene didn't have such a facility that we operate it is very likely that many of our customers, not certainly all, but many of them in attendance today, who have numerous semis, would go to Salina with their grain as well as coops who are currently bringing grain to us for export. And that would represent 10-20 million bushels of grain that would go right over this town of Abilene and we would miss out on opportunities to feed those truck drivers, to fuel them, to replace their tires and any other activities that they might take part in while in the City of Abilene. The new bin helps us buy and store more grain. We have installed a receiving pit and scale to get trucks through our facility more quickly and also to address some of the traffic and flow issues and that should help expedite that as well. This upgrade helps us stay competitive which is critical in an industry

such as this a commodity based industry. To be competitive and terms of prices and to get more local grain out to the food, feed and fuel customers who need it. What does this bring or how does this affect the city? Naturally we bring value to the city by tax revenue. Last year we paid over $55,000 in taxes, with the addition obviously this tax base will grow. I was also pleased to find that last year we spent nearly $200,000 locally in Abilene, when we went thru we looked at businesses that operate in Abilene and how many dollars spent and $200,000 in a town the size of Abilene I think is very commendable. What's harder for any of us to conceptualize, but a semi holds approximately 1,000 bushels. Our facility typically uses 12-20 million bushels a year. This grain is brought in almost exclusively on trucks and those are the trucks that are stopping to buy fuel, buying meals and the dollars those trucks spend while they are in town is a magnitude far and above what Flint Hills Grain spends just in this town. This doesn't include the construction workers who have been working at our facility who have been purchasing hotel stays as well as food and drink and other items while they are in town. So, I think that paints a pretty clear picture of what we are doing for the City of Abilene. How does our improvement affect the local population and Rick is going to discuss this more specifically. But, obviously whenever a company be it AgMark and Gavilon choose to make a major capital improvement project such as we have done here, we look at better ways to control dust and noise. The scope of this project also includes a number of steps aimed directly at controlling and reducing dust emissions and noise from our facility. Which Rick will discuss in detail. We would like to thank our supporters. We appreciate the support that we have received local farmers, businesses in Abilene and residents of Abilene that are in no other way connected to agriculture as well as many coops and the Kansas Grain and Feed Association. We feel really honored to have received 175 signatures on our petition, as well as 16 letters of support from local businesses. With this support, we feel will continue to be strong business for Abilene while we conduct ourselves in a way that complies with local laws and benefits the Abilene community. I'll turn it over to Rick Benware.

Gary Hanson handed out a packet of information to the commissioners and staff.

Rick Benware, Flint Hills Grain, Sr. Director of Operations, Omaha, Nebraska. I want to thank everyone for your time this afternoon. Beth has explained a little bit about this project and the benefits of it and why we are trying to improve the facility and improve our grain handling process for receiving and shipping at our facility. Just a little bit of detail about the project itself, the project entails basically two parts. We are going to put the new bin up in this area right here 750,000 storage bin that most people have been able to see as it's not hard to see as you drive by the facility. We put in a new truck receiving facility right in this area here that will allow us to dump trucks at our new receiving system. Part of that grain storage facility we have made the decision to install fan silencers on the aeration fans, so the silencers will address the noise level of those fans when we have to operate those aeration fans on that new bin. So, silencers will be installed as part of this project to help address the noise concerns of the fans. On the new receiving pit that we are installing there it is designed to increase our receiving capacity. One of the reasons that we need to increase our receiving capacity is so that we can get the trucks in and out faster. As Beth explained the farmers have much larger equipment, are farming on a much larger scale and dead time down for them is time that they are losing in the field and being able to get their crop out of the field based on weather conditions etc. So will be able to run the trucks through the facility at quicker rate, so they are in and back out of our

facility, so it's an efficiency stand point. We will also be able to take grain straight from the trucks and we'll be able to put them in what we call our rail shipping bins right here on the drawing and this allows us to reduce some of the internal handling we have to do right now. Currently when we bring in grain we'll dump it out here on the receiving gear or maybe this outside pit here. When we dump grain here we have to convey into what we call our concrete house. We have one, two, three house here, we have to elevate up to convey into the house and then to get it back over so that we can load it out on the trains we have to convey it back up again and convey across through the bins and then elevate again and convey to rail load out. So, by putting in this outside receiving pit we are going to be able to dump more grain straight to the rail bins which will allow us to reduce the amount of handling. When you handle grain you can break up the grain and cause dust. By reducing the handling you are going to reduce some of the dust that this facility produces by reducing handling. One of the other things that we are doing over on the new receiving pit is we are installing what's called baffles and what a baffle is, is under where you dump the grain into the receiving pit it's just a mechanical device, basically it's a metal plate that just hangs vertically down and it's in a closed position at normal operation when the grain actually dumps through the pit and goes through the baffles it opens up the baffles where the grain is and the rest of the baffles will stay closed and so that reduces any type of dust emissions that would try to what we call boil out or roll out receiving pit. So the mechanical baffles are being installed in this receiving pit. One of the concerns that have been voice is the roads, the truck roads that are on our facility. We went out and dug down just to find out what the existing base is on our gravel road and we found, we dug down in six different places across our property and we found out we've got over 6 inches of existing gravel bed on our truck road and actually found that part of it has up to 12 inches of gravel as a bed on our existing truck road, so we've got a good foundation out there, but we've made the decision that we are going to use a product called road genesis. It's a dust control product and the way you do that is, we will actually go into our property. We will actually do a little bit of ripping of the existing gravel up. This is an organic product that ADM Alliance Company has developed it and we will go in and spray that product into the existing gravel bed and then grade and work that product into the gravel bed. It helps form a seal on that gravel bed and helps to control dust. This product lasts approximately three years, so you don't have to treat but once every three years. It's a product that's being used elsewhere in Kansas and in your packet there are some letters that we provided that shows this product being used. It is our understanding that the Corps has approved this product, we have not been able to track that letter down, but the Corps has approved this product as a dust control product on gravel roads. That is one thing that we are doing to address the dust on the roads. Another thing that we are doing is changing the truck pattern on our property itself. Where before they've come in and the trucks would come in and weigh and then make a sharp turn around to get to the south side pit. All of our traffic is still going to come in off of 1st or Elm Street and do the same pattern as before, but now they will come in and they'll go to this pit here, and then come through and go to this pit here and then everybody will go straight back out to the new scale and then come back out. We've reduced this turning that we were doing before here, where the trucks were basically making a 180° spin and just any time you have trucks running on gravel is a tendency to possibly chew up that gravel, so we've reduced that 180° radius and made that truck pattern through our property more efficient. We are modifying, this is one of the things I think that we mentioned in our application, and we are modifying the belt loader. This belt here conveys from the concrete over to the metal bins and there is what we call a belt loader with a spout that

discharges the grain onto the belt and so we are modifying the belt motor to seal that area up better, so that we can reduce dust emissions in that area. We are doing this in a couple of different ways, we are adding some sheet metal, we are adding some rubber belting to enclose that area off, rubber belting down off the spout to the actual conveyor belt to seal that area off, so that the grain goes onto and stays on the belt. There's an existing dust aspiration system right there and by enclosing that area off with the belting and with the sheet metal it will allow that dust pickup system to actually aspirate better in that area and help control the dust in that area and more efficiently. We had a third party contractor come in, one of the things that we are looking at is maintenance repair operation of our equipment so we hired a third party contractor to come in and look at or dust filters and what a dust filter is, is basically in the aspiration system when you draw air off of the equipment, off of storage etc. it goes through a mechanical device where it has fabric filters, bags that are inside this device and so it filters the air so it knocks the dust out of the air before the air is discharged back out into the atmosphere. So, we hired this contractor to come in and look at the dust filters to see if we could find any issues with it number one and make any efficiency improvements that would make it operate more properly. We have, since they've been there, replaced three of the airlocks, that's the discharge mechanism on the bottom of the filters and all the airlock does is it forms a seal, because you have air going through there and you need to have a sealed container so this airlock discharges the dirt and keeps the air from discharging out the bottom of the filter so it forms a seal. If the airlock gets worn out you get a gap and you get air bleeding around it so it reduces the efficiency. We've done that, and we are in the process of tracking down a new air compressor, we've determined that there is not enough air supplied to properly purge the bags. The way a filter works is that you have a pulse of air from an air compressor that purges these bags on a time sequence and so we've determined that we don't actually have enough air compressor air to purge properly to maintain an efficient operation. So, we are in the process of buying a new air compressor that will provide enough air so that the bags will purge properly. The big efficiency issue with the filter is making sure you keep the bags clean. So we are addressing that problem with the filters. We are modifying our truck load out. We have a truck load out right here where we have, what we call a side mount with an extra spout off of the bins and we have a gate there where we will actually pull a truck up alongside the bin and then we discharge grain out of the bin into the truck. We are purchasing what is called a DSH spout. It is a mechanical device that works off of a choke feed. Steel manufactures this and in the packet we just handed you there's some information in the back about that DSH spout. But, the way it works is, the grain comes out of the bin and drops through the spout and drops it into the DSH spout which has springs on it and when the spout is loaded the springs drop down and the product discharge out and it transfers the grain and dust together and you get control of the discharge of the grain into the truck to reduce the dust when you are loading the truck. It's very efficient and reduces dust when you are loading out by 98%. So it's a very efficient piece of equipment and they will install it on the load out spouts. One of the things that were mentioned was preventative maintenance. We have preventative maintenance procedures at our facilities where we do annual inspections on our equipment; we do monthly inspections and some things we do on a daily basis. We will be supplying as a condition the annual inspections of our equipment, but this allows us to make sure that our equipment is operating properly, because if we find an issue with it, then we address that issue, so we do have that preventive maintenance. As mentioned earlier we are governed by the Kansas Department of Health and Environment. We have an air permit that we have to abide by; there are EPA regulations that we have to abide

by and there are OSHA regulations that we have to abide by and this facility was actually inspected, the last inspection KDHE was completed on 7/28/14 with no issues noted. The last thing, I think there was a question about the existing rail load out, the existing conveyor on the rail load it is not changing, so the load out system here is not changing, but the thing we are working on is the dust filter on the load out and that's one of things we are addressing is the efficient operation of that dust filter, we actually have a dust aspiration hood on our load out system and by addressing the efficiency issues we will be able to aspirate more properly on the grain load out, so we are addressing that part of it. The last comments that I would like to make are leadership overall. There is new ownership at this facility and with the new ownership comes new expectations. I've been in the grain business for 35 years and we've got the highest expectations that I've seen ever in my 35 years. So we have a pretty high bar. We have new leadership from the corporate office and the corporate office leadership has very high expectations for every facility that we are involved in. We got new location leadership in Beth and Brandon; he's a new who started with us two weeks ago. So we have new leadership here to change the expectations of this facility and they understand cooperate expectations and they understand the leadership expectations. So, everything the bar has been raised for this facility and not only this facility, but every facility across the board that we are involved in. We are very committed to be a good neighbor, very committed to doing what is right, very committed to follow the rules and regulations and we want to continue to support Abilene and the local agriculture needs in this facility and I appreciate you all's time.

Sawyer asked if the commissioners had any questions for the applicant at this time.

Bielefeld asked Benware if there are any local, reasonably close elevators that use this product on the gravel.

Benware replied, the Road Genesis? I'll have to find out where the closest one is Sir. I can't answer that off the top of my head. I know that there is a facilities that are using it presently in Kansas, but I just don't know how close they are, but I could get that information to you.

Olson asked if the two existing pits were going to be modified in any way with baffles or do they already exist.

Benware replied long term, yes they will be addressed.

Bielefeld asked how long.

Benware stated within the next year.

Sawyer asked about the noise suppression you were talking about with the fans. Can you explain a little bit about how that works and if there's any information that actually quantifies how much suppression takes place?

Benware replied we can get documentation from the fan manufacturer that shows they are called silencers and basically it's a piece of duct work with insulation that's installed inside, but

we can get that documentation for you. They are saying that we'll reduce the noise level by 15 decibels by using these silencers.

Bielefeld commented, you said it was going on the new bin, is it going on the two other old bins as well?

Benware replied these two existing bins do not have any aeration fans on them at the present time.

Bielefeld, how about the concrete bins?

Benware there are no aeration fans on those either.

Sawyer asked if there were any other questions. He then opened the public hearing and explained protocol.

Floyd Danner, 615 SW 3rd Street, I live within 150-200 feet from the elevator in question. I have dealt with problems, dust and noise for years and years. My family as well as other families has dealt with this for years. I have worked with the KDHE as well as the state in trying to correct some of these problems that have occurred in the past. I worked with Mr. Guilfoyle, he knows me, and he knows his history of what I've tried to get accomplished to no avail. The dust problems have continued and I feel with this project they will continue. I helped with the dust filtrations at AcuBlast Corporation and Abrasive Blast systems in Abilene which manufactures dust filtration systems. I would like to ask these gentlemen if they have explosive vents on their dust outlets, do they have any kind of safety, if one of these filters or cartridges that it shuts the system down until repaired. I would also like to ask you if there is any kind of spark resistant handling devices to eliminate any kind of dust explosion. We all know that dust will create explosion. I served as fire rescue for eight years in the military and I took training in structural apparatus firefighting as well as crash rescue and I have dealt with this type of situation before. I ask the Planning Committee to kind of review this and I won't take up much of your time. As Mr. Royer stated it appears that the violation to the City Zoning Code which allowed construction to this bin to halted, which they were allowed to continue. We have a building and zoning code that are good if they are enforced. We as taxpayers rely on the people, the City Manager, the Commission, and Planning Commission to make good decisions in the interest of the people of the community. It appears to me that has not been done, by allowing these people to go ahead and construct the building, without a legal permit. I must say to you today that I personally feel that once again the City of Abilene has let the people down, by allowing Flint Hills Grain to continue to erecting this building or bin. So I would say to the Planning Commission lets eliminate this eye sore and get back to working for what's best for the safety of the people of Abilene, thank you.

Guilfoyle stated that before we go any further I would like to clarify that I did not represent Mr. Danner personally regarding this facility. I did represent the City on issues that we had when I first came on board as City Attorney in about the year 2000. We were trying to get some dust issues settled and KDHE was involved.

Danner, I would like to ask these gentlemen to put in writing in response to some of the questions I asked about these safety requirements on the removal of the dust and the safety and shutdown of the system if the filters or cartridges should feel. I would like for them to present to the City or the Planning Commission if these have been done and complied with.

Hank Royer, Attorney here in Abilene and I live upstream from this elevator at 309 N. Vine. I have some remarks that I definitely want to share with you. I represent a lot of people who are affected down there, as well as neighbors in the immediate proximity as well as my neighbors. I really think I could sit down after these first two statements, but I won't. The first one is that you don't have the authority to shut down the two steel bins they have there for the outside operation which is causing our problem. It was grandfathered in 2004, it wasn't well thought out, but it was grandfathered in. Today we are not talking about shutting down anything and I'm glad to hear that they are going to make these great improvements on what we've already got there. The only issue you have today is whether you are going to allow them to double or triple or whatever this massive structure will do in their operation now. So, anybody here that's here that thinks I'm anti-agriculture, I own lots of farms, and I'm not against agriculture. We're not shutting it down, we have enough capacity there already, and they're going to keep running what they've got there whether you give them this one or not. It's just a function of increasing an admitted problem that they've talked to. The second part of this is everything that they've talked to today is says that were going to reduce the dust, we're going to improve this; we know that the filters haven't worked down there before; we've owned it all these years. This young lady, Beth has worked down there for 8 years, the filters haven't been working. Why haven't they replaced them before? They say don't worry in the next year or so we'll get around to fixing some of this stuff. Well they've been here all these years and they haven't fixed it. Everything they've said is we're going to try and reduce the dust. Well your Zoning Code says that they cannot create dust in an I-1 Zoning. In Zoning I-2, which is Heavy Industrial, they can create things that produce vibration, odor, glare, dust and other problems that travel off site. This is not an I-2 Zoning. They basically are admitting that what they cause in problems there is I-2 Zoning and they can't come into I-1 Zoning and create that dust. You can't approve it, by their own admission, their going cause more problems by adding more capacity, running things that they may fix, if you believe them in the future. I probably should sit down after that, but I won't. I am going to probably going to read a lot of my remarks, because the way this works is we're making a record right now, this is for the City Commission if you approve it or disapprove it either way, this is a record for them, no new evidence can be introduced at the City Commission meeting. If someone feels aggrieved after the City Commission meeting then it goes to the District Court this again is the record, were not allowed to introduce new evidence, so what I'm going to say I'm providing copies to the clerk and I provided some of them to you all ahead of time. I'm going to read, because I want it in the record, just like David read his comments for the record, twice for us today. I do 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 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 Wednesday at 9:30 am two weeks ago, we were prepared to share our point of view, but per other commitments he didn't show up. He

called at 5:00 pm and said he was sorry he didn't show up, but that didn't help us much. Hence, our point of view is not shared in any of the material he sent to you before this meeting. He didn't hear from us, because he didn't come to the meeting, so he couldn't tell you what we've said, that's why I'm going to be here today to tell you what we would've told him if he'd come to the meeting we had for him. 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. You have to consider like that thing isn't there, although it is there. Had the proper protocol been followed, that would have been the situation, that wouldn't be there and you would be having this discussion on raw ground. The suggestion by Mr. Hanson that they didn't even have to ask to put this in this, that it's an expansion of a non-conforming use, is hogwash. The ordinances in the City of Abilene they grandfathered us in 2004 specifically said you cannot expand a non-conforming use. Anything you've got here in 2004, we'll let you keep it, this had to do with a trash hauling service in east Abilene, but it covered everything, including their two grain bins down there. But, it said specifically you can't expand, so they could not come to you or could not deal with this as a non-conforming use, despite his statement that state wide this is a policy. Well we have a law that says you can't, so they had to come to you with this conditional use permit and they did not do that and they are charged with knowledge of that. So, as I go on to expand on my following comments, from the face of the conditional use permit, that they have submitted, 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 and I provided you copies if any of you forgot them I've got more copies. That shows 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 and actually has been built now, should be located 26.7 feet further west to have it constructed on their property and comply with our setback rules. When they came to town to do this, they needed to know what the laws were; they're on record for failing to find out this law is their own fault, not the City's fault. They should have known what they were doing before they came here and planned this. 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 part of this problem. In my opinion, I'm not a City Attorney like Mark is, I'm not well versed in municipal law, but as I read the law this morning after I read what Mr. Dillner sent out to all of you, I do not think the City is permitted to make such a transfer for the benefit of this organization. Reading from Am Jur on this subject and I didn't provide copies of that to you because I didn't have it until this morning. I'm quoting from 56 Am Jur second section 551 Exchange of Property, "Municipal Corporations do not have inherent power to exchange municipal real property, generally speaking, such exchange power as a municipal corporation may have with respect to any municipality owned realty can be exercised only for a legitimate public or municipal purpose. The value of the property to be received by the municipality is 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." 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, since the City of Abilene owns 6 feet of where they want to build this. The City didn't join with them and apply for this Conditional Use Permit, so you don't even have one of the owners of land before you today. Flint Hills doesn't own all of the land that they want to build on and they say maybe someday in

the future, if my reading of the law is wrong, where it says that the City can't exchange ground with them, they might someday try to work something out. But the irony of that is that even if the City was informed to swap ground with them, which I don't think by law that they can, it will not solve the problem. If you look at the survey their elevator is presently located 18.87 feet west of the curb line, that's where it starts. They have to have a 20 foot setback, the City is going to have to swap them this 18.87 feet, plus another 1.3 feet of the road right-of-way to get the 20 foot setback, so you are going to have to actually give them part of the street, if it's legal, which I don't think it is. Anyway they don't own the land and you can't grant a permit to somebody that doesn't own the land. I might want to build a steak house up there in the Highland Addition, but I can't apply for it unless I own the land up there. I can't come in and get a Conditional Use Permit for a steak house in a residential area unless I own it. It's so basic; I won't discuss it any further. 2. The zoning laws designed to protect the community adjoining this facility were changed in 1995 and they 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 minutes. Even the City's report to you does state that normally required screening cannot be used down there, the City has a requirement for that and they say opps we aren't going to be able to do it down here, just hope they don't create too much dust. 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 do some type of road dust control. The zoning laws of the City of Abilene require them to have the surfaces paved. Any deviation from that requirement does require a separate hearing before you, after notice and you cannot consider such deviation today, because they've not applied for it or given notice of the hearing. The say they're just going to put something on the rock down there that deteriorates and this wonderful product might last three years, they have to replace it in three years. I don't know whether it gets bad in six months, one year or whatever, but they're going to have to replace it every three years to get any efficiency. If you look at their map they're incorporating even new areas, they are making a turnaround after second onto raw ground down there and at a minimum they would have to pave this new ground. In my opinion they have to pave it all, because they cannot expand a non-confirmative use, they are actually allowing them to change the use of the property with this new truck rigging and all of this. In my opinion they have to pave the whole area and they have said they're not going to do that, so at some rate in my initial remarks there, the application, from its face, indicates they don't own the land on which they are seeking to obtain a permit, they don't 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 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 on now, the conditional use permit should be denied. My other comments here, that I did share with you, I tried to deliver to all of you yesterday, I hope you got it and if you didn't, I apologize. I was running a little late, my secretary and I had a miscommunication and it just got done yesterday, anyway, 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 of us who live in the vicinity of this site and are unable to afford to relocate to get away from the problems that this elevator creates for us and those problems are real. 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, we've got track record down there folks and physical impossibility, which they've even admitted today, prevents the applicant from being able to meet those burdens. Even under their best case scenario, if they start upgrading equipment, we're still going to have dust coming from that site and it's not supposed to happen in this type of zoning area, in an I-1 zoning they are not supposed to create toxic dust. 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 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, I think it's 2000, David not 2004 when they actually built them and that's confirmed with what Mark said with the dust problems and everything created then. They created it in violation of existing zoning laws back in 2000. Later, in 2005, the City also erroneously allowed the creation of a railroad loading dock in the area of these two steel elevators. They didn't come before you for a conditional use permit for that either. They were required to in 2005, they were grandfathered in on the other, but in 2005 they had to come. The City allowed them to do it. 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 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 this 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, which had to come from Salina incidentally, couldn't be available and the opacity meter wouldn't work in the dark. This pattern of deception has continued. If KDHE can't get here and they're loading in the dark, it doesn't help much. The demonstrated grain dust problem occurs both when trucks are off-loading at those open sites, when you're dumping that grain in there the air displacement comes back up with the grain dust and when the auger system is working to load the rail cars. They admitted the filter wasn't working over at the rail cars, so we were getting dust. They were dumping it in there and it was blowing everywhere. A south wind disburses the grain dust blocks to the north, and the north wind distributes the grain dust blocks to the south. So the fact that a little bit of that around there is I-1 doesn't mean much if

you live two blocks away like I do and you have the mess there. You can just think 20-50 feet away; you have to think because the wind in Kansas does move that grain dust, which is very light. I shared with you, I provided it before, I won't hash through it, numerous scientific studies which document, dust release, when handling grain, is unavoidable. There is no technology in existence that will not allow grain dust to escape when it's being handled by an elevator, there's none. Air displacement into the dump pit, grain breakdown, etc., will always cause the toxic, explosive grain dust to be generated and unless 100% shrouded, to be dispersed into the environment. There's no proposal to shroud anything, they've got these open pits out there. They're going to use the presently inoperable equipment out there. 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, we have to rinse of 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 elevators and the grain-loading operations. The concrete elevators where fine, we didn't have that problem, they were there for years, we didn't have that problem with them, but we have had ever since they put those steel bins down there. 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 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. That was something that was addressed by the gentleman preceding me. 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 you allow them to expand their operation at this site. 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 that site during the early morning hours when rail cars are being loaded, under present arrangement. I had to replace two of these air conditioners, last week, as they were completed crudded up with accumulation of dust coming from their site. We don't need 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 to go down there about 2:00 A.M., when they are loading 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 the train concussions. It is difficult to get a good night's sleep when this facility is in general operation. The 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. So we have a problem now, if you allow them to increase, double their capacity for these trains to be loaded and let the grain sit there, were going to have these problems exacerbate. We can't shut down what we've got, but we can sure stop it from getting worse. 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. That's why we have these laws. 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 in Abilene 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 and 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 blockings 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 could 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 shouldn't be allowed to expand, if they effectively double the size of the operation of this regional plant. If you look at that, that's only 12 rail cars circling the whole thing. Once you get another two cars there you start blocking Elm, if you come down you block Cedar, Buckeye all the way along there. You can't have a train of any length without blocking crossings. I know it takes a while to load those up, but blocking the crossings for well over an hour is absurd and creates a public safety issue. A new bridge was built on Third Street recently. It does have a weight limit to protect its longevity. Semi-tractor/trailers operated from this elevator facility to do travel, in a loaded condition, from the west, across the 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 the 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 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 while 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, which won't ever be shut down have more than enough capacity to serve all of our area farmers, even during peak harvest times. The only

purpose for this expanded elevator is to allow this foreign corporation to make yet 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 they City might have some liability for admittedly wrongfully issuing a building permit for this site. City Attorney Mark Guilfoyle has shared with me that the City has not potential liability, when a conditional use permit is not granted for this site. There is a specific state statue 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 a conditional use permit by the body 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 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 permit. They've said that it will create additional problems, they'll be more dust. They might try to clean it up, but they're going to have more trucks dumped there, they're going to have more train cars loaded and they cannot control the dust 100%.The facts are clear and a conditional use permit should not be issued for this proposed new elevator at this site. Please enforce the existing zoning laws for the benefit of we citizens of Abilene and don't be bullied by 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. Thank you for bearing with me, but I felt I needed to get the community, the neighbor's point of view relayed too.

David Joyce, 412 SW 2nd Street, you can see it right there on the map. I can see the where the trucks come in and the scales from my backyard and standing on my back porch. You can't have a clean car in that neighborhood, I wash our vehicles and within an hour the dust is back on there, to the point you can't tell it was ever washed. The health issues, the dust is so great that my Father-in-Law a little over a year ago died in that very house that we live in now from lung cancer and I had to go to extra expense to do everything I could to seal the house to keep the dust out and that was during the winter months when there's not as much truck traffic, but it was from the grain bins that was being generated. The grain dust, I mean peoples allergies and I've spoken to just about all my neighbors within those four blocks there. Plus nine, eleven year ago I use to live over there at 413 W. 1st just up the street, even closer to the elevator than I am now, the problem existed then and they refused to acknowledge there was even a problem they would go out there and wet down the rock. We all know how our heat is here in Kansas, you wet down the rock, I don't care how much you wet it down, it don't take 15 minutes and that dust is flying again. I've been in the trucking industry myself for the last 15 years, before I lost my medical card. I've driven grain trucks and I've hauled driven rock trucks down to the

oil fields in Oklahoma and that product they're talking about they used in the oil fields down there and in the rock quarries that I hauled out of and it was not efficient and it did not work. So, I know firsthand about the product that they are talking about, because I drove the truck on it and these are the issues that people are talking about. We are all in favor of economic development, but not at the expense of all of us, all of our health. We live in that part of town because it's the cheapest part to live in rent wise, okay and my wife's a disabled vet and like I said I can't drive a truck anymore, you see what I do for a living, I work part time at Auto Zone. It's not sound for the City to disregard the people that live there and are directly affected health wise and safety wise by the expansion of this. If they want to do more safe guards, I mean for what they are proposing to do it's more costly than putting a 4-5 inch layer of asphalt over an admitting good bed that they already have of 6-12 inches of bedding. It's less expensive, I worked years in the construction field, and asphalt hot mix is cheaper than concrete and it don't require the steel reinforcement that concrete does. So, why can't they just lay a 4 inch layer of asphalt over there and then they would comply with Mr. Royer's point about the use of pavement on all traveled areas and it would actually be less expensive than what they are proposing. I appreciate your time, I appreciate you listening, like I said I'm speaking on behalf of, I went out last night and spoke with all of my neighbors. I walked around the neighborhood just to get their input and they all feel the same way I do and these are the concerns we have living in direct vicinity of the elevators. Thank you.

Michela Brown, 504 SW 2nd Street, directly behind the elevator. Listening to everyone say that they talked to all the neighbors, nobody has ever come to talk to me. I was born and raised in Abilene, Kansas and moved to our current house in 2008. Our home has been in the family since 1965, my father-in-law and his parents moved there and he lived there until he was in his 20's and 30's. It sat empty for a while then we children started moving in. We had seen the elevator was there and we choose to live there and we love the facility. We share the alleyway with the elevator and don't have any issues. My family and I do suffer from severe allergies and asthma, the dust has nothing to go against that, it does not cause it to be any worse, then it was when we lived north of town. I have a child that plays out doors and on many nights has friends over and have never been affected by anything from the elevator. We don't have any issues with any sort of smoke, odor, vibration or glare from the elevator, nothing more than what you would have from any other facility in town. We do have our windows and doors open as much as we can to keep the heat and a/c costs down. We do not have any more extreme dust then we did when we lived up north. Our vehicles are not fully covered in grain dust, there is a little bit, but you are going to have that no matter where you live at in town, that's part of small town living. The trains are not bothersome to us, again no more noise than anything else around town. The local truck drivers are friendly and courteous, they look out for others as they come through the elevator and I feel that the elevator should be allowed to continue to build and use the bin. This itself shows the town is in need of growth, we do need that growth and that profit coming in.

Rick VanNess, 507 SW 2nd Street, I've got bruised lungs, so I will try to talk get through. The grain dust is really bad done there; I don't care what anybody says. Of course maybe it's because I live a block and a half closer. One the things I won't to point out is I don't live on the south side of town because it's cheap down there, that's home. I've lived in that house since 1969. When my Mom couldn't take care of it anymore I bought it and still live there.

I've been pretty well with the grain elevator. I haven't been over there calling names or fighting or nothing. My biggest point is, in the beginning, if everything would have been done legally, what's the problem. If they legally had this built the way it is, I wouldn't have a problem, you know. I was told I can't build my six foot fence to the sidewalk, can't go past the front of the house. So, if I go home and do that, somebody's going to be beating on my door saying you're tearing that down or we will. So, my point is they would just start off legally from the ground up. A building permit was gotten until Mr. Royer brought it up. My point is I think you need to look at it from a legal stand point. I know one thing, the elevator; once they get it built they aren't going to tear it down. Right across the street from them is a garage that was the where the tore the house down. That garage is legal. If you go down there and look it's a long, long ways from where they're at to where that garage is at. I just think that if this thing goes through their way it's just pretty much opening up, I think the City of Abilene, hey rules, regulations, zoning who cares, they got away with it, and we'll do just whatever we want. I don't want that. I just think the whole thing should be looked at more on a legal matter than on a good or bad. Thank you.

Jon Koffman, Koffman Electric, 125 N. Elm, I own the property just north of the railroad tracks from Gavilon facility. I've been there for several years and over the years I have experienced grain dust just like everyone else has, but today you look out the door of my shop and you look over there and see construction going on and I can personally attest to, as Koffman Electric have been working to install and repair some of that dust collection system. I don't know all the ins and outs on your conditional use permit and regulations and how you can mandate with this permit, but I would like to see things better and everybody else would too and I think with this permit and with them installing the equipment, we need to give them the opportunity to do that. Like I said nobody wants the grain dust, allergies, just a mess, but at the same time they are trying to do it and we're trying to stop them. So, I think that we need to listen to them. Like I said I can attest, we've been involved in installing this equipment and repairing old equipment that's been there for years under the old DeBruce and Gavilon, but it seems like with the new ownership, with Flint Hills Grain there's a little bit different attitude towards repairs and the need for community approval I should say, but they are making steps towards that and I've seen that first hand, so I would like to see this conditional use work for everybody and I believe that there's equal ground there to be gained. Like I said nobody wants to see any problems, but I think we can use this permit to help them move on with their facility and we can also have a better facility there for us to live with. Thank you.

David Joyce, can I just say one more thing; I just want to say a lot of us aren't trying to stop the construction or anything like that. Our biggest concern is we want to see the problems that currently exist fixed, before these new problems are even completed. You know we want to see the old fixed first, that way it at least shows good faith that they are actually going to do something.

Donna Brown, 510 NW 4th, which is only four blocks from the spot that we're talking about. I have run a daycare in that home for numerous years. My children go outside to play, the trains are not bothering them, they take naps every day, they are not woke up from the trains, the dust is not bothering them, they have a good time and I don't believe that building this building to use for our agricultural community is going to cause any more problems health wise or any

other way for the children that I take care of in this community. I have had many children in the last 35 years of childcare in that home that they didn't die from the grain dust, ya some of them have got allergies, but there's not one person that doesn't have some kind of allergies of some kind that's not necessarily associated with grain dust. I'm going to make mine short and sweet, because I don't understand all of that legal stuff, I just know that like I said for the 35 years that I've run a daycare there's children that are adults now out in our community that are striving productive adults, so the grain dust and the train noise did not corrupt them in any way. Thank you.

David Collman, Collman Trucking, 1300 W. 1st, two blocks west of the elevator. We employ 10 people and plan to employ 3 more with this expansion. All of our people are local, so all of that money stays here and goes right back into our community. So, this project is huge for my companies' growth and it's good for the economy of Abilene.

Gary Liby, 1001 N. Kuney, I know I'm a little bit out of the zone here, but I've been having a breathing problem for quite some time and even my doctor says we are getting a little concerned about the air quality in Abilene. The thing I'd like to find out is, these folks they got a business going and they've got to be allowed to expand that business, but they should still stay within whatever the zoning regulations say. They've already got a building permit, it's been issued, and they've got that, so they need a conditional use permit to build this elevator it's apparently already there. Has anybody been down there in this area to look at that area down there? Have you all been down there? All the commissioners stated yes. Well, if you haven't I'd invite anybody down there to take a look. They may have already decided about whether or you're going to close the street or not. Have you already done that? That's been brought up. I think that's another option is to close that street. They've been talking about doing some of that too, that might solve part of the problem. These folks here aren't the problem, what I wonder is the folks say they're going to put this equipment in that's going to take care of the dust and so forth, hey that sounds like a good explanation to me. I've been involved with some of that electronic stuff like that over the years and hey they've got the stuff that can do that. My question is, when are they going to do it and after they get it in, who with the City is going to inspect it or keep up with them to see that they are adhering to what they say. I don't know if the City's doing that and we haven't done it for years. I think it's something that we need to examine. We've got a good City staff and we've always have had, but it's something that we need to address and look at. I think the City is a large part of this problem, whether its communications or whatever it is, I plan on going to the commission meeting to, so I'll bring this up there, but I think that has a lot to do with what's going on. They really need to clean up their act if they give out a permit, I read all that stuff on my little screen computer with the permit that, the two different permits that they applied for and got. You know there's some of that stuff on there that I couldn't even hardly read and I will tell you I couldn't figure out who signed for and approved it, it's just things like that, that need to be addressed I think. I thank you very much.

Dillner stated if you are going to leave please use the south entrance as the library is locked up downstairs.

Sawyer asked if there were any more public comments before closing the public hearing.

Dillner stated the City did receive some petitions in support of the project that I do need to state as part of the public record. I'm not going to name all of the names, but I am going to do is state that 147 signatures were obtained the petition states "
Sawyer stated, before I ask the commissioners if they have any questions, I would like to thank everybody that showed up today. It makes a huge difference when you have the public input, so I really appreciate everybody that took the time to come out here and speak. Are there any more questions?

Guilfoyle stated, Travis you need to close the public hearing.

Sawyer stated, I apologize, sorry I had closed the public portion before David spoke, but didn't slam my gavel, so that's my fault. Any more questions?

Boyd stated, it looks to me like even without this new structure, the grain bin, so the they're going to have to eliminate the dust whether this new structure is completed or not or if we accept the conditional use permit.

Bielefeld stated I don't know if I have any questions, but have some comments. I'm a farm boy, farmed for 10 years after college. I visited a couple of coop managers, I was surprised to find out that the old type of concrete elevator, the old way of storing grain compared to the open access to the grain bin. The old concrete structures are far more dangerous than the new grain bins that they use, because of the well head up there at the top of the elevator is concentrated dust. When they dissipate the dust it becomes much safer, the problem is catching that dissipated dust and I am concerned about, not that I don't trust you people, but I'm concerned about maintaining the rules of what we are saying we want done. I think that the aeration fans should go on all of those bins with the silos treatment on it. I think they could do it now and in my opinion, I don't think everybody agrees with me, but in my opinion everyplace an 18 wheeler goes, it should be asphalt. I don't think it would be that much cost to you. I know it would be a lot from what we think, but I think for a grain facility of this size I don't think it would be that much cost. I do think that they could precede, but I think these people have got a lot of legitimate complaints. The problem is, is whenever it was built, it was built in the wrong place. It should have been on the north side of town, because every town in Kansas has grain elevators, it's the wheat state. We've got to deal with it. Not only do we have wheat and grain sorghum like we use to, we've got Milo, we've got a lot of different grains that we're dealing with now and corn has doubled its yield. So, the environmental hazards of the grain dust and the gravel are legitimate and I think that we need to monitor that and maintain and keep a firm grip on it and the regulation. That's all I have to say.

Olson as I may comment on the servicing, is with the way I read 22.305 in the second paragraph, this would be grandfathered in, because it was existing prior as far as the gravel. Am I correct on that?

Guilfoyle replied, yes.

Olson continued, so as much as adding the treatment in, I think that would a huge step forward as long as it's monitored as well.

Sawyer added, there were some comments made as far as doubling the capacity, what does that mean to you, is it doubling?

Weibert, currently were about 1.25 million bushels and this adds 750,000 bushels of capacity.

Sawyer replied, ok so not quite. Thank you.

Boyd asked are your trains the length that they are now, will this increase the length of the train?

Weibert replied it will not change. With the new directional facility you are utilizing the trains from the BN and UP railroad and those are from 100-110 cars depending on what the railroad issues and we load these trains when the railroad sends them and that's per our requirement, so we're not manipulating in anyway the timing. The railroad gives you a set period of time, so it's to our advantage to load them the minute that they get there as efficiently as possible, with as little crossover of the streets as possible.

Bielefeld asked how many hours do they give you?

Weibert replied we get 15 hours.

Olson asked how long does it take to load a car or the train.

Weibert replied we will typically load the entire 100-110 cars in 12-15 hours.

Stephens asked when will these steps be implemented to help with the ones that are listed here, the steps that are being undertaken for us to be able to control the dust and the noise. Was there a time frame on that?

Benware replied, some of those steps have already been completed or are in the works. The road treatment will be done as soon as we obtain approval. The air compressor issues filter issues we've addressed with the DSH spout. I talked about the truck load out is in the works of being ordered. We had a contractor out today measuring up for the spout changes, so the pit baffles are installed, air locks have been changed, so were probably 50 % of it completed already.

Stephens asked is this on good faith or will the City check up on this.

Dillner replied that's a good question, so the way that works is, they will progress with their meeting the conditions of the conditional use permit, assuming it's approved. However, they will not receive a certificate of occupancy, in other words they will not be allowed to use the facility for its intended purpose until such time the City completes a final inspection, which would be an inspection of all of the conditions to make sure that in fact all of the fans have

been installed as they've informed us, the ground application has been installed etc. and once that final inspection is completed and they've obtained their certificate of occupancy and they would then be able to operate as a grain storage facility for that particular bin, that's how the process would work.

Benware added the fan silencers will done by June 1st so the only piece that won't be completed will be the road treatment.

Sawyer asked if there were any more questions or comments.

Bielefeld asked before harvest or after harvest?

Benware replied as far as the road treatment or?

Bielefeld replied the road treatment.

Benware replied we had the contractor already scheduled, but we put him on hold. We will contact him as soon as we receive approval and then we'll have to work out a schedule with him.

Bielefeld stated I was thinking the first part of June for harvest, that's pretty close.

Guilfoyle stated I'm assuming you would like some legal advice on this. The applicant's Attorney Mr. Hanson had brought up just briefly the issue whether or not they had to have the Conditional Use Permit application even to operate. There is some case law that says maybe not, the advantage to going through this process is that the City actually has the right to issue some conditions, which would be enforceable and provides better protection for the citizens and the City itself, because you control what happens there, the intensity of use, dust, control anything like that. So, it's an advantage for the City to have this process that we are doing today. As to the comment that Mr. Olson made, he's correct in 22-305, as far as surfacing gravel areas in existence prior to the effective date of the regulation, which would be the Off Street Parking, Loading and Unloading Regulations of the Abilene City Code, prior to the effective date of these regulations it may be maintained with six (6) inches of gravel, including base, as an alternative to these surfacing requirements, so they are in compliance if they've got that 6 inches of gravel or better. It sounds to me like they're ready to add some more dust control or whatever, but for now they would be in compliance. The Conditional Use Permit could be approved by either an extension of the use or as an enlargement of the use. We've got 21-4, C-1 of the Zoning Code talking about extensions that are prohibited as to a structural or land area, which is the whole area that they're located, other than that actually physically occupied by the non-conforming use. Well, that's, that entire area, that's not that certain structure, that's the entire area where they're located, so if it's a non-conforming use there, they can continue that non-conforming use as to the whole area. An enlargement of an existing structure should not create any additional nonconformity or increase the degree of existing nonconformity, and I know that Hank also cited Am Jur. Well there's 101 CJS Zoning, pages 955-956, general speaking, the rule forbidding the enlargement or extension of nonconforming use does not prevent an increase in the amount of use within the same area, so that a

nonconforming use may be not only continued, but also increased in volume and intensity. A nonconforming use is not limited to the precise the magnitude thereof in which it existed at the date of the ordinance, which would be the zoning ordinance, may be increased by natural expansion. A nonconforming use is not unlawfully enlarged or extended, although the number of employees has almost doubled. Natural growth of a business or an increase in the amount of the business done is not a change from the nonconforming use permitted by the zoning ordinance. So legally speaking I think that you can grant the Conditional Use Permit based on these legal interpretations, my interpretations, I know Hank has a difference of opinion, but based on my interpretation of what we have in the law, I think you would be right in your interpretation as I have given it to you there and again going back to whether or not a Conditional Use Permit even had to be obtained. With a Conditional Use Permit you retain control of issues involving dust, etc. The issue about whether or not if they encroach on City land, whether or if we can do any kind of land swap or anything like that, that's a legal issue not before this board. You should not consider that, that's something between the City, Attomey, Hank and Mr. Hanson. We're going to be the ones who work on that, we won't decide on it, the City Commission will address that issue, but we'll be handling the legal end of that and you don't even have to consider it.

Sawyer asked if there were any further comments. Seeing no more questions or comments, the Chair would entertain a motion.

Bielefeld made a motion to recommend approval of PC 15-4, with the following conditions to the City Commission.

- The property owner shall dedicate sufficient real property to the City to address, to the satisfaction of the City Attomey, 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.

- 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.

- 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.

- 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.

- The Applicant shall comply with all applicable federal and state environmental air quality laws.

- 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.

- 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.

The motion was seconded by Boyd. The motion passed unanimously. (5-0)

Dillner stated that the next step in the process is the City Commission meeting, they will actually review the item in their June 2nd Study Session and on the will review and consider for action at the June 8th Regular Meeting at 4:00 pm in this room at the Abilene Library. Please exit from the south entrance, thank you.

Comments.

The next meeting is scheduled for June 9, 2015.

Adjournment.

The meeting was adjourned by consensus.

Minutes Submitted,

David Dillner
City Manager

Minutes Approved,

Travis Sawyer, Chair
Kyle Campbell, Vice-Chair

ROBERT H. ROYER, JR.

JOHN C. ROYER (1853-1940)
PAUL H. ROYER (1890-1987)
ROBERT H. ROYER (1924-1978)

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, <u>does not have grain elevators as a permitted use within I-1 zoning</u>. 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 <u>should be terminated</u> 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.

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 ao 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	
2.	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 geoeral 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 Zoning

ZONING REGULATIONS	ZONING DISTRICTS														
LAND USE CATEGORY	A	AR	RS	R1	R2	R3	R4	MHP	B1	B2	B3	B4	B5	I1	I2
INDUSTRIAL (CONTINUED)															
Electricity regulating substations	C	C		C	C	C	C		C	C	C	C	C	C	C
Electrometallurgical products and processing - manufacturing															C
Electronic equipment - manufacturing														P	P
Engines and turbines - manufacturing														C	P
Explosives - manufacturing and storage	C														C
Fabric product - manufacturing														C	P
Farm machinery and equipment - manufacturing														C	P
Fertilizers and chemicals - manufacturing and storage															C
Firearms - manufacturing															P
Food processing and packaging														P	P
Footwear - manufacturing															P
Foundries, iron, steel and non-ferrous															P
Freight warehouses														P	P
Furniture - manufacturing														P	P
Glass products - manufacturing														C	P
Grain and feed processing and sales	C													P	P
Grain mill products - manufacturing and storage	C													C	P
Industrial and commercial machinery, equipment and supplies - wholesale and storage														P	P
Industrial waste disposals															C
Leather products - manufacturing	C													P	P
P PERMITTED USE C CONDITIONAL USE	A	AR	RS	R1	R2	R3	R4	MHP	B1	B2	B3	B4	B5	I1	I2

☒ Building ☐ Electrical ☐ Temporary Electrical ☐ Plumbing ☐ Mechanical ☐ Other

PERMIT TYPE

☒ Commercial ☐ Residential ☐ Industrial

ABILENE KANSAS

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 Capitol Ave. Omaha, NE 68102
3. General Contractor: HABCO 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 Bin + 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 %: >50 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: HABCO

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 _____ Date 2-18-15

☐ Builder/Contractor ☐ Owner ☒ Agent for Owner ☐ Agent for Contractor

Building Inspection Department

Zoning District: I-1 H.C. District: ☐ YES ☒ NO Flood Zone: X

Set Backs: Front Yard 20' Rear Yard Ø L. Side Yard Ø R. Side Yard Ø

Special Conditions:

Zoning TH Engineering _____ Fire Dept. _____

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

WorkSheet

	Unit	Base	$15.00
Building			
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			$ Paid 02-09-15

*requires additional worksheet

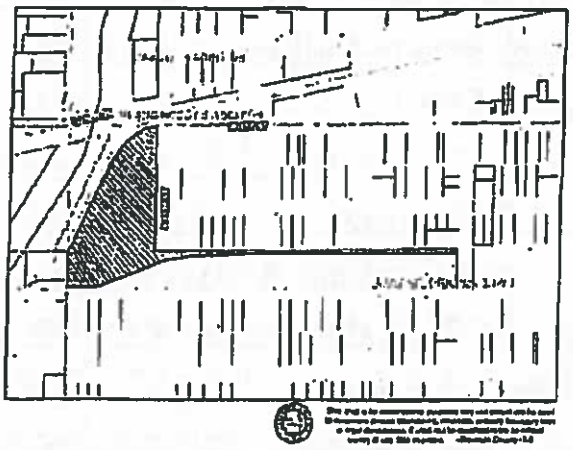
(First Published in the Abilene Reflector Chron' le Tuesday, April 21, 2015)

NOTICE OF PUBLIC HEARING

The Abilene Planning Commission will conduct e 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 e Conditional Use Permit to construct e 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 he 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 o 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 e ½" Bar and Cap; Thence along said flood control right-of-way, North 89°19'38" West, 20.46 feet to a ½" bar; thence along said flood control right-of-way line and along e non tangent curve to the right, having o chord bearing South 52°16'47" West, a Delta Angle of 35°37'52", e radius of 362 47 feet and a curve length of 225.38 feet to o 5/8" bar and cap; Thence leaving said flood control right of way, South 00°14'34" East, 22 36 feet, to o 5/8" bar and cap; thence North 64°54'12" East 63.73 feet to a ½" bar and cap; thence South 89°50'05" East, 138 00 feet to o point of the West line of vacated Vine Street and on the West line of said Section 21, marked with o ½"bar and cap (0.2' West); thence South 89°50'05" East, 151.73 feet to a ½" bar end cap; thence North 73°02'00" East, 319.97 feet to a ½" bar and cap; thence North 84°53'13" East, 170.46 feet to e ½" bar and cap; thence North 89°45'52" East, 134.62 feet, to e 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 en alley in said Block 10, marked with a 5/8" bar end 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 ½" bar; thence along the North line of said Block 6, South 89°50'05" West, 154.11 feet to e point on the East line of said flood control right-of-way, marked with e ½" bar and cap; thence along said flood control right-of-way line the following calls and distances, along e non-tangent curve to the left, having a chord bearing of South 36°42'58" West, e Delta angle of 20°00'31", e radius of 360 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 e bar and cap; Thence along e 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 e point on the East line of vacated Vine Street, also being the West line of said Block 7, marked with a ½" 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 o point on the North line of e vacated alley; thence South 89°57'31" West, 11.00 feet to the centerline of vacated Vine Street, marked with e ½" 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.



This hearing is open to the public and comments are welcome. Upon conclusion of the public hearing, the Planning Commission will render e 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

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RECEIVED 5/12/2015
CITY OF ABILENE
OFFICE OF THE CITY CLERK
BY: [signature]

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. Pat Robson	1900 Beekman	5-5-15	263-1554	[signature]
2. Tim Pack	1320 Meadowlane	5-6-15	280-1162	[signature]
3. Katie Barrett	2163 Fair Road	5.07.15		[signature]
4. Sue Robson	1900 Beekman	5-08-15	263-1554	Sue Robson
5. Bruce Hettenbach	1602 Hickok	5-12-15	263-7277	Bruce Hettenbach
6. Michael Robson	2000 N. Mulberry	5-12-15	263-3897	[signature]
7. Janice Spillane	904 N Cedar	5-12-15	200-4174	Janice Spillane
8. Cordis Holt	1915 W. 1st	5-12-15	263-2663	Cordis Holt
9. Susan Sheldon	410 NE 13th St	5-12-15	200-0174	Susan D Sheldon
10. Diane Ferris	111 S. Madison	5-12-15	280-0377	Diane Ferris
11. Michelle Riffel	906 Maple St.	5/12/15	787-9475	Michelle Riffel
12. Robert Burns	301 Wheatmore Dr	5/12/15	263-7498	[signature]
13. Anna Robson	2000 N. Mulberry	5-12-15	263-3897	A Robson
14. Robert Robson	504 NE 12th	5-12-15	263 4553	Robert M Robson
15. Anne Robson	504 N.E. 12th	5-12-15	263 4553	Anne Robson
16. Amanda O'Neal	1007 Spruceway	5.12.15	6434930	[signature]
17. Jessie Pelfrey	307 N VanBuren St	05-12-15	785-2010824	Jessie Pelfrey
18. [signature]	1001 N. Van Buren	5-12-15	785-263-6116	[signature]
19. Elisha Husselman	719 N. Elm	5.12.15	7852635988	Elisha Husselman
20. Andrew Kijowski	416 Ridge Rd	5-12-15	7854790777	[signature]

21.

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Name (Please Print)	Address	Date	Phone	Signature
1. Loran Lefever	1689 3400 Ave Abilene	5-11-15	785-461-5515	Loran Lefever
2. Rex Craig	2960 Main St Talmage KS	5-11-15	785-479-1873	Rex Craig
3. Waldo Long	1761 Fair Rd	5-12-15	479-2246	Waldo Long
4. Steven Long	1637 Flag Rd	5-12-15	479-5596	Steven Long
5. Cameron Long	1637 Flag Rd	5-12-15	479-5596	Cameron Long
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OFFICE OF THE CITY CLERK
BY: [illegible]

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Name (Please Print)	Address	Date	Phone	Signature
1. David A. Collmann	1300 W. 1st	5-5-15	785-479-1545	David A Collmann
2. Shannon Henry	351 Hwy 40	5-5-15	7854793014	Shannon Henry
3. Thomas C. Howard	8291 Fair Rd	5-5-15	479-0555	[illegible]
4. Tom Nold	1303 W. 1st	5-6-15	263-3105	Tom M. Nold
5. Rick L Black	1006 W 1st	5-6-15	280-0316	Rick L Black
6. Eldon Sims	1515 S.W. 2nd	5-6-15	263 4016	Eldon Sims
7. Evelyn A Johnson	301 Opal Ave	5-6-15	263 2030	Evelyn A Johnson
8. Tabitha Area	1506 NW 4th	5-6-15	203-1314	[illegible]
9. Stan Foltz	932 1900 Ave	5-6-15	263-6310	Stan Foltz
10. Ken Manning	607 NW 3	5-6-15	263-7083	[illegible]
11. MARK A PICKING	1208 Overhill	5/6/15	263 3653	[illegible]
12. Sarah Picking	2006 W. First	5-16-15	263-7812	S. Picking
13. Jolitt Rash	1226 W 1st	5-6-15	479-5707	[illegible]
14. Maurice E Dreiling	333-2800 Solomon	5-6-15	479-0832	[illegible]
15. Dennis L. Everett	1800 Overhill Rd	5/6/15	4796931	Dennis L. Everett
16. Morris Nash	402 S. 6th	5/7/15	280-2026	[illegible]
17. Steve Overturf	510 E 1st	5/7/15	263-5814	[illegible]
18. Michael Parson	307 SW 4th	5-7-15	200 7658	Michael Parson
19. Kevin Hoekman	410 NE 15th	5-7-15	4790257	[illegible]
20. John Shaffett	2969 Flag Rd	5-7-15	280-0577	[illegible]
Dusty Emig	102 Skipper Rd	5-7-15	534-3202	[illegible]
John Brady	2144 ELL Rd	5-7-15	785-479-3963	[illegible]
DAVID BERNER	1402 NW 5th	5-7-15	7854796674	[illegible]

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Name (Please Print)	Address	Date	Phone	Signature
1. Jeremy Garza	303 SW 2nd St	5-5-14	785-2007142	[signature]
2. Michael Ash	109 E 9th	5-5-14	200-4243	[signature]
3. Laura Farley	310 W 3rd	5-5-14	200-6050	[signature]
4. Brandon Legg	110 E Lafayette Ave	5-6-15	868-8221	Brandon Legg
5. Jason L. Swank	403 Walnut Solomon	5-6-15	785-493-5041	[signature]
6. Chad Shantzer	2651 Hwy 15	5-7-15	785-200-4026	[signature]
7. Rex McMahan	205 Quail Rd Hope Ks	5-6-15	785-258-4313	[signature]
8. Robert V. Larson	1378 500 Ave Hope Ks	5-6-15	785-258-0004	[signature]
9. George W Davis Jr	Abilene KS 591 1700 Ave	5-6-15	785-479-2119	George W Davis Jr
10. Ed Gatowsky	214 E. 3rd Ave. Hope	5/6/15	785-366-7291	[signature]
11. Lucas Hicks	509 Quail Rd Herington KS	5/6/15	785/360/0531	[signature]
12. Winslow Goodwin	912 N Vine St	5-6-15	785 4790803	[signature]
13. Zack Helvecke	2014 Eden Rd	5-6-15	7844790976	[signature]
14. Rosetta A Houser	1607 N.W. 4th	5-6-15	7852263235	[signature]
15. April Houser	107 Madison	5-6-15	577-6050	[signature]
16. Murl Garver	904 N. Buckeye	5-7-15	263-7189	[signature]
17. Judy Luthi	1349 2700 Ave	5-8-15	598-2497	Judy Luthi
18. Raymond Luthi [signature]	2475 Hwy 43 Abilene	5-8-15	785-4790354	Raymond Luthi
19. Linda Chase	1974 Hawk Rd Abilene	5-8-15	785-280-0754	Linda Chase
20. Frankie D Hottman	300 Grand Blvd	5-8-15	7852635733	[signature]

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Name (Please Print)	Address	Date	Phone	Signature
1. SAM ZOOK	917 2700 ave	5-5-15	263 6208	Sam Zook
2. Phil Mulanax	2828 Indy Rd	5-5-15	263 6309	Phil Mulanax
3. Jon Koffman	125 Elm St	5-5-15	263-3401	Jon Koffman
4. Alyse Urbanek	200 E 1st	5-5-15	577-3150	Alyse Urbanek
5. Mark Berns	304 wheatridge	5/5/15	263-1255	Mark Berns
6. Donald Raab	101 South Cedar	5/5/15	479-1898	[illegible]
7. Chuck Hansen	501 N Brady	5/5/15		Chuck Hansen
8. Jeff Wilkens	2678 Indy Rd	5/5/15	200-0252	[illegible]
9. Leon Sanders	2191 Eden Rd	5-15-15	280-9669	[illegible]
10. Eric J. Wilson	1120 S. Buckeye	5/5/15	200-0580	E J. Wilson
11. Matt McAsey	2284 Fort Rd	5/5/2015	565-4113	[illegible]
12. Nick Craig	2208 N. Brady	5/5/2015	280-0763	[illegible]
13. Nathan Dietmann	309 W. 6th	5/5/2015	366-3454	Nathan Dietmann
14. Jeremiah Woods	2322 Jane Dr	5/5/15	770-7272	[illegible]
15. Tim Berggren	1249 1100 Ave	5/5/15	785 565 3669	[illegible]
16. Luas Wilson	541 Old 40	5/5/15	785-280-0203	[illegible]
17. Michael Hurmeunk	300 N Cedar St.	5/5/15	402-770-0803	[illegible]
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 6104	[illegible]
20. Samantha Lefert	1689 3400 Ave	5/5/15	785 477 4544	Samantha Lefert

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Name (Please Print)	Address	Date	Phone	Signature
1. Kody Chase	569-2700	5-5-15	388-2770	[illegible]
2. Kerby Chase	569 2700 Ave	5-5-15	388-2770	Kerby Chase
3. Ross Freeman	2928 Gulf RD	5-5-15	280-0263	Ross A Freeman
4. Darin Wiley	571 2700 Ave	5-5-15	280-3150	Darin Wiley
5. Tom Haslouer	1768 2100 Ave	5-5-15	556-0552	Tom Haslouer
6. Raymond Brown	510 NW 4th Ave	5-5-15	223-7802	Raymond Brown
7. Jack Cammarr	307 Charles Rd	5-5-15	209.0327	[illegible]
8. Terra Hummel	522 W 4th	5-5-15	223-7260	Terra Hummel
9. Larry Karl	1443 3rd Detroit	5-5-15	200 1109	Larry Karl
10. Bob Riggin	2351 W Detroit	5-5-15	479 6505	Bob Riggin
11. Harold Mohr	1592 2600 Ave	5-5-15	5982470	Harold Mohr
12. Jared Hoover	1569 2800 Ave.	5-5-15	598-2446	Jared O. Hoover
13. Dennis Chartier	2658 Mink Rd	5-5-15	598-2391	Dennis Chartier
14. Nicholas M Hubert	746 2500 Ave	5-5-15	479-FEED	[illegible]
15. Rick Van De Creek	1209 1900 Av.	5-6-15	217-5947	[illegible]
16. Cody Jenne	1700 NW 14th	5-6-15	280-0602	Cody Jenne
17. Walter Holt	1085 1935 LN	5-6-15	200-4762	Walter Holt
18. John R. Mayes Jr	2787 Lark Rd	5-6-15	200 0330	John R Mayes Jr
19. Jim Bottorff	718 N Mulberry	5-6-15	200-0696	Jim Bottorff
20. Larry Senner	102 Westwood	5-6-15	263-4741	Larry Senner

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Name (Please Print)	Address	Date	Phone	Signature
1. Beth Weibert	746 2500 Ave Abilene	5-5-15	785-280-2370	[illegible]
2. TRISH DAVIS	1010 N Cedar Ave	5-5-15	785 479-0543	Trish Davis
3. Kim Hanson	411 West First	5-5-15	785 280-1154	Kim Hanson
4. Lawrence Greenwood	411 West First	5-5-15	785 263-6416	L. Greenwood
5. Kenny Kohman	842-1900 ave	5-5-15	479 1740	Kenny Kohman
6. D. Neff	1372 Key Rd, AB	5-5-15	785-280-1259	D. Neff
7. Brian Lantz	125 N Elm	5-5-15	785-280-0231	Brian K Lantz
8. Scott Leister	304 Grand Blvd	5-5-15	785 479 1036	Scott Leister
9. Chris Hauser	108 N Madison	5-5-15	785-479-7553	[illegible]
10. Max Kohman	201 NE 12th	5-5-15	785 200 7338	[illegible]
11. Kristyana Kohman	201 NE 12th	5-5-15	785-200-7112	Kristy A Kohman
12. Curtis W. Stoffer	1904 Faith Ave	5-5-15	785-200-6185	Curtis W. Stoffer
13. Duane C. Zook	2117 Linden Dr	5-5-15	785 819 2329	Duane C Zook
14. Dale Koop	2465 Hwy 15	5-5-15	785-263-1412	Dale Koop
15. Dylan Luthi	907 NW 2nd	5-5-15	785-280-2142	[illegible]
16. Cody Markley	1010 N. Cedar	5-5-15	785-280-1465	Cody Markley
17. Tarcut Teviz	110 E Lafayette Ave	5/5/15	316-214-0396	[illegible]
18. Glenn Cole Jr.	913 W 1st	5/5/15	785-280-1820	Glenn Cole Jr.
19. William Cullen	110 W 5th	5/5/15	785 200 4254	[illegible]
20. Rich Farley	504 Schneider	5/5/15	785 200 6250	[illegible]

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Nama (Pleasa Print)	Address	Date	Phone	Signature
1. Gregg Wilson	2201 S Washington	5/6/15	785-200-0580	Gregg Wilson
2. Kale Strunk	883 1900 Ave	5/6/15	479-1231	Kale Strunk
3. Ken Book	400 N. Mulberry	5-6/15	280-1825	Ken Book
4. Chris Wilson	2097 Fair Rd.	5/6/15	200-0585	Chris Wilson
5. Bryan Wilson	410 NW 5th	5/6/15	200-0589	Bryan Wilson
6. Aaron Strunk	1596 Hawk RD	5/6/15	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. Ilee Rodda	2230 Camp Rd	5/8/15	655-3537	Ilee Rodda
10. Gail Rodda	2230 Camp Rd	5/8/15	655-3537	Gail Rodda
11. LARRY YOUNG	114 E 1st	5-8-15	263-7813	Larry Young
12. Tara Wagner	501 N Brady	5-8-15	571-7010	Tara Wagner
13. Larry Pipes	2391 Indy Rd	5-8-15	263-1508	LARRY PIPES
14. Linda Pipes	2391 Indy Rd	5-8-15	263-1508	Linda Pipes
15. Sherry Leister	304 Grandhill	5-8-15	263-9883	Sherry Leister
16. Steven L. Hoover	2976 Hwy 15	5-8-15	479-1601	Steven L Hoover
17. Paula J Young	114 E 1st	5-8-15	263-7813	Paula J. Young
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Name (Please Print)	Address	Date	Phone	Signature
1. Rebecca Collman	1320 W. 1st Abilene	5/7/15	479-6502	Rebecca Collman
2. Mike Martin	829 Sherman Chapel	5/7/15	816-785-1819	[illegible]
3. Jeff Stephens	1405 Ninth St.	5/7/15	(785)643-7973	[illegible]
4. Mike Barlee	207 W 4th Solomon	5/7/15	785-577-1465	[illegible]
5. Margo Fulton	Abilene KS 411 S.W. 2nd	5-7-15	479-1751	Margo Fulton
6. Mike Fulton	Abilene KS 411 S.W 2nd	5-7-15	280-3822	[illegible]
7. Stan Parson	701 N Kenbrook	5-7-15	479-1182	[illegible]
8. D.E. Lenford	1380 W. 1st, Abilene	5-7-15	479-3778	[illegible]
9. Greg Huston	1650 Indy Rd	5-7-15	280-0260	[illegible]
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Name (Please Print)	Address	Date	Phone	Signature
1. Angela Shurnik	510 NW 4th	5-6-15		Angela Shurnik
2. Donna Brown	510 NW 4th	5-6-15		Donna Brown
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. Kansas	5.5.15	785.280.2[illegible]	[illegible]
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Name (Please Print)	Address	Data	Phone	Signature
1. Larry A. Hottman	1426 1800 Ave Enterprise	5-6-15	479-0556	Larry A. Hottman
2. C Lyle Zook	2977 NAIL RD ABILENE KS	5-6-15	5982231	C Lyle Zook
3. [illegible]	510 W 4th Abilene KS	5-6-15	2000937	[illegible]
4. Barbara Greenwood	840 S 5th Salina	5-6-15	823-9531	Barbara Greenwood
5. Rachel Bean	2651 Hwy 15	5-7-15	200-4203	Rachel Bean
6. Loren Luthi	1349 2700 Ave Abilene	5-7-15	598-2497	Loren Luthi
7. Melanie Luthi	1349 2700 Ave	5-7-15	598-2497	Melani Luthi
8. Bob Leister	2610 Mink Rd Abilene	5-8-15	598-2344	[illegible]
9. Eric Riffel	819 N Mulberry Abilene KS	5-8-15	317-5628	[illegible]
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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. Verbelle Bonge	541 [illegible] Abilene KS	5-11-15	785 [illegible]	[illegible]
2. Ted Kobetich	Wakefield	5-11-15	785-447-1553	Ted Kobetich
3. Kyle Kobetich	247 Limestone Rd Wakefield KS	5-11-15	785-44[illegible]	[illegible]
4. [illegible] Jon Scripter	1463-3325 Ave	5-11-15	785-280-0248	[illegible]
5. Marcus Cox	2645 1700 Ave Woodbine	5/11/15	785-477-[illegible]	Marcus Cox
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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 Leister Sr	2510 OAT RD	5-8-15	785 410-0955	Gary C Leister Sr.
2. Ron Scripter	1463-3325 Ave	5-11-15	461-5504	Ron Scripter
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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: [illegible]

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 17th	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,

Don Nebelsick

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: Kerry Dunlap

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	[illegible]
2 John Dunlap	425 N Buckeye	5/7/15	785 263 5030	John Dunlap
Ralph W. Reese	1607 Brown	5/7/15	785-263-2709	Ralph W Reese
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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

Abilene
Area Chamber Of Commerce

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 io 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 oo 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 coocentrated on business expansioo 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 Abileoe 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 Berndt, 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,

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,

E S Wilson

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. Ist street, Abliene 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

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

Dale Koop

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

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,

David Collman

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 374
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: David Dillner.

Dear Mr Dillner,

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 Flint Hills Grain at 513 W 1st.

Thanks!

Marty Adam

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,

Shannon Henry

cc: Flint Hills Grain, LLC

Coleman Rentals, 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,

Rebecca L Coleman

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, pres.

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
(785) 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,

RHV DO IT BEST HARDWARE
305 N. BUCKEYE
ABILENE, KS 67410
(785) 263-1951

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 thet 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,

ORDINANCE NO. 3275

AN ORDINANCE VACATING A PORTION OF A RIGHT-OF-WAY AND STREET WITHIN THE CITY LIMITS OF THE CITY OF ABILENE, KANSAS

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

WHEREAS, the Governing Body of the City of Abilene, Kansas, has the power to vacate streets and rights-of-way if it finds it is necessary or expedient, pursuant to K.S.A. 14-423; and

WHEREAS, the Governing Body finds that it is necessary or expedient to vacate a portion of Elm Street and adjoining right-of-way;

NOW THEREFORE, the Governing Body declares that a portion of Elm Street and adjoining right-of-way shall be vacated as set forth in Section 1, below:

SECTION 1. Pursuant to K.S.A. 14-423, the following right-of-way and street located in the City of Abilene, Kansas, which is described below, is hereby vacated:

SEE ATTACHED EXHIBIT "A"

That there be reserved to the city and the owners of lesser property rights for public utilities, rights-of-way, and easements for public facilities in said alley for present uses, if any.

This vacation of right-of-way and street is subject to a Land Use Agreement and Easement by and between the City of Abilene, Kansas, and Flint Hills Grain, LLC, attached hereto as EXHIBIT "B" and incorporated as a part of this Ordinance.

SECTION 2. This ordinance shall become effective and in full force 30 days after its publication in the official city newspaper unless an interested party shall file a written protest in the office of the Abilene City Clerk before the expiration of such 30 day period.

SECTION 3. That the City Clerk certify a copy of this order to the Dickinson County Register of Deeds and the Dickinson County Clerk for appropriate action pursuant to K.S.A 14-423.

PASSED AND ADOPTED this 22nd day of June, 2015.

_____
DENNIS P. WEISHAAR
MAYOR

ATTEST:

_____
PENNY SOUKUP
CITY CLERK, CMC

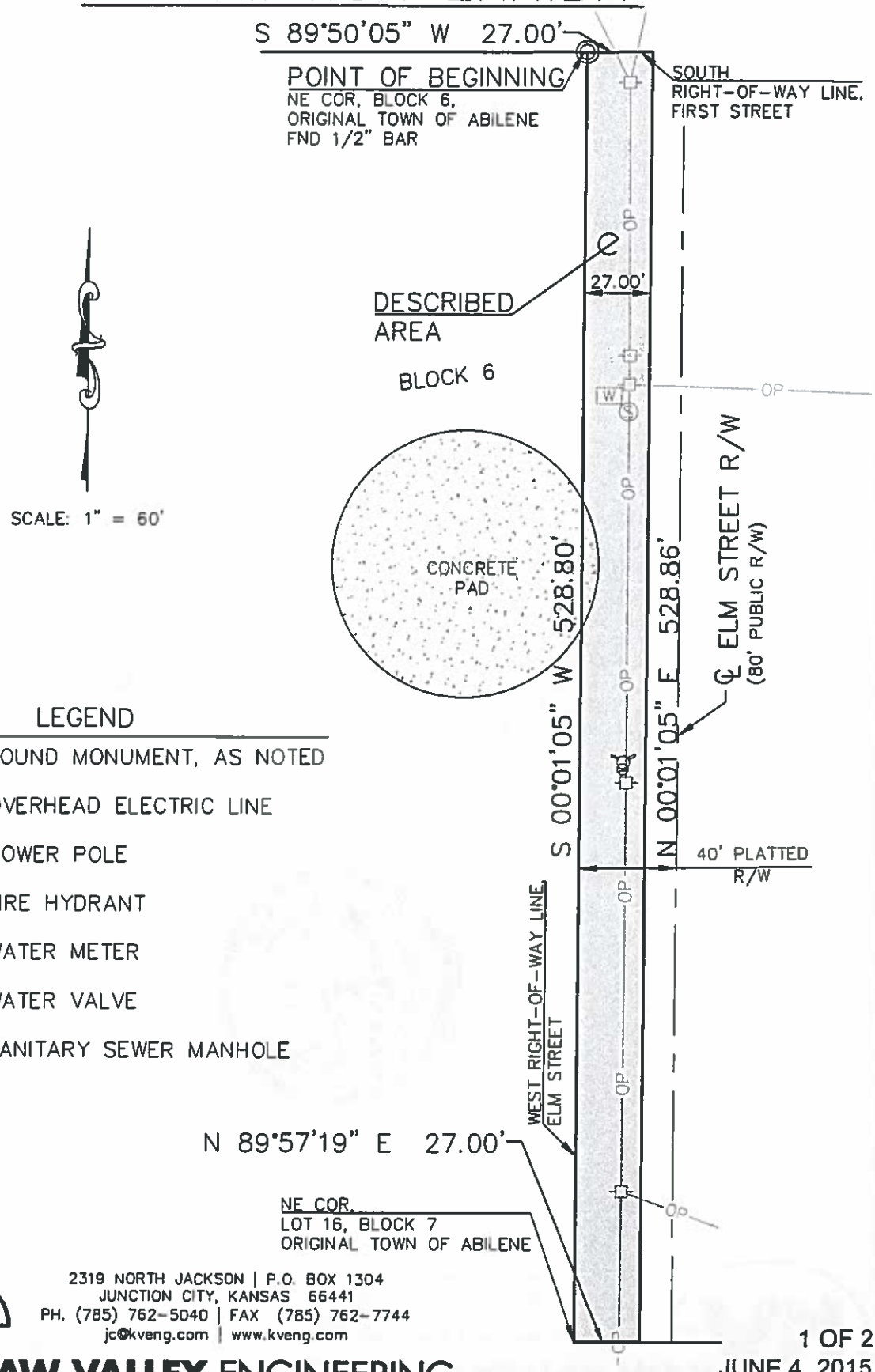
EXHIBIT A

Legal Description

S. Elm Street Vacation

June 22, 2015

DESCRIPTION EXHIBIT



SCALE: 1" = 60'

LEGEND

◎	FOUND MONUMENT, AS NOTED
—— OP ——	OVERHEAD ELECTRIC LINE
-□-	POWER POLE
	FIRE HYDRANT
W	WATER METER
⊗	WATER VALVE
Ⓢ	SANITARY SEWER MANHOLE

2319 NORTH JACKSON | P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
PH. (785) 762-5040 | FAX (785) 762-7744
jc@kveng.com | www.kveng.com

KAW VALLEY ENGINEERING

JUNE 4, 2015

7187EXBH_RW_ESMT

DESCRIPTION EXHIBIT

PROPERTY DESCRIPTION:

THAT PORTION OF ELM STREET RIGHT-OF-WAY AS PLATTEO IN THE PLAT OF THE TOWN OF ABILENE, COUNTY OF OICKINSON, STATE OF KANSAS, BEING OESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF BLOCK 6 OF SAID PLAT OF THE TOWN OF ABILENE; THENCE WITH AN ASSUMEO BEARING ON THE WEST RIGHT-OF-WAY LINE OF SAIO ELM STREET, S 00°01'05" W 528.80 FEET TO THE NORTHEAST CORNER OF LOT 16 BLOCK 7 OF SAID PLAT OF THE TOWN OF ABILENE; THENCE N 89°57'19" E 27.00 FEET; THENCE PARALLEL WITH SAIO WEST RIGHT-OF-WAY LINE, N 00°01'05" E 528.86 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FIRST STREET; THENCE ON SAIO SOUTH RIGHT-OF-WAY LINE, S 89°50'05" W 27.00 FEET TO THE POINT OF BEGINNING. CONTAINS 14,278.29 SF, 0.33 ACRES MORE OR LESS.

ENO OF DESCRIPTION

BASIS OF BEARINGS:

BEARINGS ARE BASEO ON WEST LINE OF SECTION 21-13-2. SOUTH 00°01'52" WEST.

SURVEYOR'S NOTES:

1. BEARINGS, OISTANCES, MONUMENTS, AND UTILITIES SHOWN ARE PER ALTA/ACSM LANO TITLE SURVEY PERFORMED BY POWELL AND ASSOCIATES, LLC, WITH JOB NO. P10-394, DATED MARCH 1, 2011.

JASON R. LOADER
LICENSED
LS 1462
6/4/15
KANSAS
LAND SURVEYOR

2319 NORTH JACKSON | P.O. BOX 1304
JUNCTION CITY, KANSAS 66441
PH. (785) 762-5040 | FAX (785) 762-7744
jc@kveng.com | www.kveng.com
KAW VALLEY ENGINEERING

JUNE 4, 2015
7187EXBH_RW_ESMT

EXHIBIT B

Land Use Agreement and Easement

S. Elm Street

June 22, 2015

LAND USE AGREEMENT AND EASEMENT

THIS LAND USE AGREEMENT AND EASEMENT is made by and between the City of Abilene, Kansas ("City") and Flint Hills Grain, LLC ("FHG").

WHEREAS, in 2015 FHG constructed certain improvements consisting of a grain bin and related grain handling and storage facilities pursuant to a valid building permit issued by the City; and

WHEREAS, FHG and the City agree that a portion of the grain bin encroaches 6.7 feet on the City's right-of-way on the west side of South Elm Street located in the City; and

WHEREAS, FHG and the City have determined that it is necessary and expedient to the City that such encroachment and front yard set-back encroachment of an additional twenty feet (20') be resolved by vacation of a portion of the adjoining right-of-way of South Elm Street, subject to the parties entering into this Agreement and Easement setting forth the respective rights and obligations of the parties relative to that vacated land.

NOW, THEREFORE, the parties hereto agree as follows:

1. The City has or will vacate certain land consisting of a portion of South Elm Street located in the City, and described as follows:

   THAT PORTION OF ELM STREET RIGHT-OF-WAY AS PLATTED IN THE PLAT OF THE TOWN OF ABILENE, COUNTY OF DICKINSON, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:
   BEGINNING AT THE NORTHEAST CORNER OF BLOCK 6 OF SAID PLAT OF THE TOWN OF ABILENE; THENCE WITH AN ASSUMED BEARING ON THE WEST RIGHT-OF-WAY LINE OF SAID ELM STREET, S 00°01'05" W 528.80 FEET TO THE NORTHEAST CORNER OF LOT 16 BLOCK 7 OF SAID PLAT OF THE TOWN OF ABILENE; THENCE N 89°57'19" E 27.00 FEET; THENCE PARALLEL WITH SAID WEST RIGHT-OF-WAY LINE, N 00°01'05" E 528.86 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF FIRST STREET; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE, S 89°50'05" W 27.00 FEET TO THE POINT OF BEGINNING. CONTAINS 14,278.29 SF, 0.33 ACRES MORE OR LESS.

   as more particularly described in the plat of survey attached, hereinafter referred to as the "Land".

2. FHG grants to the City a perpetual easement over the east twenty feet (20') of the Land for right-of-way (the "Easement Area"), including the right of the City, its officers, employees, contractors and consultants to use, inspect, repair and maintain any part of the Easement Area; for fire, police, ambulance and other emergency services, as well as the public to traverse the portion of the Easement Area used for public street as the same presently exists or may exist in the future by motorized vehicle or otherwise; and for public utilities, including but not limited to those owned and operated by the City, to use, locate, inspect, repair, remove and replace utility lines, pipes, cable and poles and related equipment for public utility purposes.

3. In the event that FHG or the City desire to repair, maintain, improve or replace any part of the street, curb and/or gutter located on the Easement Area, the parties shall confer regarding such work and the terms and conditions to apply to any such work, including the share of the cost of the same to be paid by each party. FHG shall not perform any repair, maintenance, improvement or replacement of any part of the street, curb and/or gutter on the Easement Area without prior approval by the City. FHG will not install any underground facilities on the Easement Area without prior approval by the City. FHG shall not construct any improvements on the Easement Area without a valid building permit issued by the City, when applicable, and will not otherwise build or place any improvements on the Easement Area, nor otherwise use the Easement Area, in any manner that would materially interfere with the use of the Easement Area for the purposes for which this easement is granted.

4. It is the intent of the parties that concurrent with the approval and execution of this Agreement, the City shall adopt an ordinance pursuant to K.S.A. § 14-423 vacating the Land. This Agreement shall become effective thirty (30) days after publication of that ordinance unless a protest is made pursuant to K.S.A. § 14-423 prior to the expiration of that time; and in that event this Agreement shall become effective following hearing duly held, adoption of a resolution confirming the vacation ordinance and filing of the same with the Dickinson County, Kansas Clerk and Register of Deeds, all in accordance with applicable law.

5. The City agrees to indemnify and hold FHG harmless from and against any and all liability for personal injury or property damage when such injury or damage shall occur from activities on the Easement Area resulting from use by the City, its employees, contractors, consultants, agents, business invitees and licensees, and which is not the result of, or arise out of, or be attributable to use by FHG to the extent that such injury or damage was caused by FHG, its officers, employees, contractors, consultants, business invitees and licensees.

6. FHG agrees to indemnify and hold the City harmless from and against any and all liability for personal injury or property damage when such injury or damage shall occur from activities on the Land resulting from use thereof by FHG, its officers, employees, contractors, consultants, business invitees and licensees, and which is not the result of, or arise out of, or be attributable to use by the City to the extent that such injury or damage was caused by the City, its officers, employees, contractors, consultants, business invitees and licensees.

7. This Agreement shall be binding on the parties, their successors and assigns. It is permanent and perpetual, and may be modified or terminated only on the written agreement executed by the parties and making reference to this Agreement. Either party may cause this Agreement to be recorded in the office of the Register of Deeds of Dickinson County, Kansas so that the easement granted herein shall run with the Land.

IN WITNESS WHEREOF, the parties have executed this agreement on the date below.

[THIS SPACE INTENTIONALLY LEFT BLANK]

"CITY" **CITY OF ABILINE, KANSAS**

Dated: _____ By: _____
DENNIS WAISHAAR, Mayor

ATTEST:

_____
PENNY SOUKUP, City Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2015, before me, the undersigned, a notary public in and for the county and state aforesaid, came **Dennis Waishaar, Mayor, and Penny Soukup, City Clerk, of the City of Abilene, Kansas**, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

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

_____
NOTARY PUBLIC

"FHG" **FLINT HILLS GRAIN, LLC**

Dated: _____

By: _____
Printed Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2015, before me, the undersigned, a notary public in and for the county and state aforesaid, came _____, _____ **of Flint Hills Grain, LLC**, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

_____
NOTARY PUBLIC

(Published in *The Abilene Reflector-Chronicle* on June 26, 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. 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:

Legal Description (Property to be Assessed)	ASSESSMENT AMOUNT
Dawson's Cottage Addition:	
Lot 1, Block 1	$12,645.56
Lot 2, Block 1	$12,088.56
Lot 3, Block 1	$11,149.33
Lot 4, Block 1	$11,726.66
Lot 5, Block 1	$12,089.46
Lot 6, Block 1	$11,709.04
Lot 1 Block 2	$12,612.86
Lot 2 Block 2	$12,054.63
Lot 3 Block 2	$11,125.70
Lot 4 Block 2	$12,607.26
Lot 5 Block 2	$12,049.27
Lot 6 Block 2	$10,750.06
Lot 7 Block 2	$14,824.92
Lot 8 Block 2	$12,600.22
Lot 9 Block 2	$12,041.23
Lot 10 Block 2	$13,706.44
Lot 11 Block 2	$14,074.80
Lot 12 Block 2	$12,406.21
Lot 13 Block 2	$12,219.23
Lot 14 Block 2	$14,987.46

Legal Description (Property to be Assessed)	ASSESSMENT AMOUNT
Lot 1	$ 7,848.58
Lot 2	$18,306.68
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.	$50,654.75

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 period until 12:00 Noon on Tuesday, July 7, 2015 (the "prepayment period"), during which the special assessments may be paid 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 City authorizes the payment by the City at large of costs of certain sanitary sewer improvements made in connection with the project and the payment of a portion of the costs of the water line improvements, in a total amount of $48,721.09. The Mayor, City Clerk and Deputy 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.

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 22, 2015.

CITY OF ABILENE, KANSAS

[Seal]

By_____
Dennis Weishaar, Mayor

ATTEST:

By_____
Shayla Mohr, Deputy City Clerk

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

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Salina, KS 67401

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

Email: cad@nwjklaw.com

June 18, 2015

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

RE: Letter In Support of Proposed Agreement on Assessments on Eagles Lodge Properties

Ladies and Gentleman:

Mr. Huston and Mr. Swearingen have accomplished an agreement with City Staff and Bond Counsel which has successfully resolved the objection and protest previously filed under cover letter of June 1, 2015, regarding Dawson's Cottage assessments on the Eagles Lodge Properties. That agreement calls for the City of Abilene to pay for 100 percent of the Dawson's Cottage water line construction costs on Prairie Hills Lot 1 and the Eagles Lodge Lot, which are the far west lot and the center lot of the Eagles Lodge Properties in the Prairie Hills Addition to the City of Abilene, Kansas. The agreement further assumes that the Commission adopts Staff's recommendations to exclude the sanitary sewer costs from the Dawson's Cottage assessments.

The rationale for this agreement is as follows. Existing water service on Lot 1 and the Eagles Lodge Lot predated the construction of the water line during the Dawson's Cottage Addition Project. Mr. Huston and City Staff have both confirmed that Prairie Hills Lot 1 and the Eagles Lodge Lot both draw water service from the existing water main to the west of those properties along or near Buckeye Avenue in Abilene, Kansas, and not from the water main constructed to the south of those properties during the Dawson's Cottage Addition Project. Furthermore, no meters or taps were constructed along the southern edge of either Lot 1 or the Eagles Lodge Lot during the construction of the Dawson's Cottage Project. Therefore, while

Prairie Hills Lot 2, the eastern parcel of the Eagles Properties, directly benefits from the newly-constructed water main, the western two parcels of the Eagles Properties derive no benefit from the Dawson's Cottage water main. Therefore, while Lot 2 carries 100 percent of the water main costs appointed to it, Lot 1 and the Lodge Lot bear non of the water main costs they would if no pre-existing services were in place. Should further development of the Lodge Lot require a water meter or tap to be constructed accessing the Dawson's Cottage water main, the City will have the ability to charge a tapping fee or source other special fee as may be necessary to recoup any construction costs at such later date.

With the recommendation from City Staff to remove the sanitary sewer costs from the assessments for this project, as well as the Staff's recommendation for the City to bear 100% of the waterline construction cost on the western two Eagles parcels, Mr. Huston's and Mr. Swearingen's objections and protests raised in the letter of June 1, 2015, have been successfully resolved and addressed. These property owners therefore ask the Commission to approve the proposed assessment roles and proposed ordinance submitted by Staff and enclosed with this letter. These property owners further request that the City Clerk file this letter and distribute the same to the City Commission ahead of the June 22, 2015, Commission Meeting for consideration at the Public Hearing on this matter during that setting.

Respectfully Submitted,

C. Charles Ault-Duell

CAD/sjs
Enclosure(s)
cc: Greg Huston (via e-mail)
Terry Swearingen (via e-mail)
Mary Carson (via e-mail)

Dawson Cottage Addition Cost Breakdown (estimated)
June 17, 2019

		Sq Ft	Water Line With City at Large [1]	Adjustment for Tract 1 and Eagles Lot [2]	Street and Drainage Without City at Large [3]	Engineering	Legal	Administration	Water Line	San. Sewer	Street	Drainage	Interest	Rounding and Accrued Interest	Bond Costs	Est. Pre-Pay Amount
BLOCK 1																
Lot 1	Lot 1, Block 1	9,203.80	3.413%		3.760%	1,484.12	174.97	161.43	1,660.10	-	6,523.21	1,622.49	197.29	207.57	644.39	12,645.56
Lot 2	Lot 2, Block 1	8,799.40	3.266%		3.595%	1,418.79	108.80	173.43	1,584.97	-	6,255.00	1,591.08	175.04	198.43	919.00	12,086.56
Lot 3	Lot 3, Block 1	8,114.80	3.013%		3.316%	1,308.52	705.56	159.96	1,463.67	-	5,769.05	1,430.52	195.13	183.01	568.14	11,149.33
Lot 4	Lot 4, Block 1	9,533.00	3.168%		3.483%	1,176.29	106.61	168.24	1,539.46	-	6,067.75	1,504.59	178.86	192.49	597.56	71,726.86
Lot 9	Lot 5, Block 1	8,799.05	3.266%		3.595%	1,419.86	109.91	173.45	1,587.05	-	6,255.47	1,581.14	179.05	198.44	919.05	72,089.48
Lot 9	Lot 6, Block 1	8,522.17	3.168%		3.482%	1,974.21	108.45	167.99	5,567.19	-	6,058.63	1,502.33	173.41	192.20	596.68	11,709.04
Total		31,976.26	19.294%		21.235%	$ 8,588.75	$ 649.21	$ 1,024.60	$ 9,874.43	$ -	$ 36,949.07	$ 5,562.11	$ 1,057.39	$ 1,172.74	$ 3,638.80	$ 71,408.61
BLOCK 2																
Lot 1	Lot 1, Block 2	9,180.00	3.408%		3.751%	1,480.29	174.67	780.96	1,655.80	-	6,526.29	1,618.30	186.80	207.05	642.75	12,612.86
Lot 2	Lot 2, Block 2	9,773.70	3.253%		3.585%	1,114.77	109.59	175.99	1,582.52	-	4,237.44	1,546.67	178.53	797.97	670.27	12,054.63
Lot 3	Lot 3, Block 2	9,087.60	3.008%		3.909%	1,305.75	101.15	159.62	1,460.57	-	5,756.75	1,427.49	164.78	182.62	566.54	11,125.70
Lot 4	Lot 4, Block 2	9,775.92	3.406%		3.749%	1,179.63	114.62	180.88	1,655.07	-	6,523.39	1,617.58	186.75	206.94	642.43	12,607.26
Lot 5	Lot 5, Block 2	8,769.60	3.256%		3.563%	1,114.14	109.55	173.87	1,581.87	-	6,234.67	1,585.39	179.45	797.78	614.05	12,049.27
Lot 6	Lot 6, Block 2	7,824.20	2.905%		3.193%	6,265.56	97.73	154.23	1,411.26	-	5,562.42	1,179.29	150.21	176.46	547.80	10,750.06
Lot 7	Lot 7, Block 2	10,790.00	4.006%		4.409%	1,739.80	734.78	213.69	1,946.20	-	7,670.88	1,902.12	219.56	243.54	759.86	78,824.92
Lot 9	Lot 8, Block 2	9,170.80	3.408%		3.743%	1,478.80	114.55	180.78	1,654.14	-	6,519.75	1,619.68	186.61	208.83	642.08	12,500.22
Lot 9	Lot 9, Block 2	8,753.99	3.253%		3.561%	1,473.20	109.47	175.75	1,580.78	-	6,230.31	1,544.95	178.33	197.65	913.59	12,041.23
Lot 10	Lot 10, Block 2	9,975.94	3.703%		4.076%	1,608.93	124.61	196.65	1,799.37	-	7,092.13	1,758.91	203.05	224.96	698.49	13,208.43
Lot 11	Lot 11, Block 2	10,244.04	3.803%		4.186%	1,581.87	727.96	201.93	1,847.75	-	7,282.75	1,805.87	208.45	231.05	717.22	14,074.80
Lot 12	Lot 12, Block 2	9,029.59	3.352%		3.689%	1,456.03	112.78	179.99	1,628.67	-	6,419.86	1,591.78	183.74	203.64	932.19	12,406.21
Lot 13	Lot 13, Block 2	9,873.50	3.301%		3.634%	1,434.09	111.09	175.31	1,604.13	-	6,322.61	5,567.75	180.97	200.57	622.56	71,919.23
Lot 14	Lot 14, Block 2	10,908.30	4.049%		4.453%	1,758.93	136.26	219.05	5,567.54	-	7,754.99	1,921.97	221.97	246.01	763.72	18,897.48
Total		129,597.94	48.110%		51.931%	$ 20,897.74	$ 1,118.83	$ 2,554.63	$ 23,575.56	$ -	$ 92,134.82	$ 22,841.09	$ 2,537.14	$ 2,522.78	$ 9,073.50	$ 178,060.29
Tract 3	Tract 1	6,758.00	0.000%	2.254%	2.754%	978.83	75.56	119.67	-	-	8,798.75	1,189.93	123.53	186.61	425.04	7,848.58
Tract 2	Tract 2	12,863.50	3.257%		3.257%	2,283.33	175.56	279.12	2,554.87	-	9,146.41	1,168.00	288.14	919.35	991.39	18,304.68
EAGLES	EAGLES	43,564.50	0.000%	14.545%	17.800%	5,518.00	489.42	772.34	-	-	30,971.10	7,679.73	797.28	883.64	2,743.19	58,834.75
Total		63,186.00	3.257%		23.811%	$ 9,580.29	$ 742.13	$ 1,171.13	$ 2,554.87	$ -	$ 44,916.26	$ 11,137.70	$ 1,208.96	$ 1,139.91	$ 4,159.61	75,510.02
City at Large	City at Large	24,628.00				$ 4,378.89	$ 354.78	$ 559.74	$ 18,281.93	$ 26,797.50	$ -	$ -	$ 577.82	$ 640.41	$ 1,908.09	$ 48,721.00
TOTAL		269,875.56				$ 40,457.65	$ 3,364.86	$ 5,510.00	$ 48,588.00	$ 26,797.50	$ 173,999.39	$ 42,165.90	$ 5,491.50	$ 6,075.24	$ 18,860.00	$ 379,000.00

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

[1] The percentage rates for this column represents the assessment rates for the Water Line only calculated from square footage, after reducing the total project amount by the sanitary sewer project amount.

[2] The percentage rates for this column represents the assessment rates for Engineering, Legal, Administration, Interest, Rounding and Bond Costs after being adjusted for the appropriate allocation based on the amounts being paid by the City at Large (100% Tract 1, 0% Tract 2; 100% Eagles)

[3] The percentage rates for this column represents the assessment rates for the Street and Drainage calculated from square footage, excluding any payment made by the City at Large

RESOLUTION NO. 062215-1

A RESOLUTION OF THE CITY OF ABILENE, KANSAS AUTHORIZING AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE OF THE CITY'S (I) GENERAL OBLIGATION BONDS, SERIES 2015-A IN THE APPROXIMATE PRINCIPAL AMOUNT OF $375,000 AND (II) GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015-B IN THE APPROXIMATE PRINCIPAL AMOUNT OF $1,365,000.

WHEREAS, the City of Abilene, Kansas (the "City") has previously issued its Temporary Notes, Series 2013 (the "Notes") for the purpose of paying the costs of constructing water, streets and related storm sewer/drainage improvements in and adjacent to the Dawson's Cottage Addition; and

WHEREAS, the City has previously issued its General Obligation Bonds, Series 2008 (the "2008 Bonds"); and

WHEREAS, the governing body of the City finds it necessary and desirable to issue approximately (i) $375,000 of its General Obligation Bonds, Series 2015-A (the "2015-A Bonds") for the purpose of paying the costs of redeeming the Notes, permanently financing the project financed by the Notes, and paying the cost of issuing the 2015-A Bonds and (ii) $1,365,000 of its General Obligation Refunding Bonds, Series 2015-B (the "2015-B Bonds") for the purpose of refunding and redeeming a portion of the 2008 Bonds maturing on or after June 1, 2016 (the "Refunded Bonds"); and

WHEREAS, the City desires to authorize the offering of the 2015-A Bonds and 2015-B Bonds (collectively, the "Bonds") for sale and take such other actions as are necessary to offer the Bonds.

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

SECTION 1. Authorization of Bond Offering. The City is authorized to proceed with offering for sale of approximately not to exceed (i) $375,000 of its 2015-A Bonds (as defined above) for the purpose of paying the costs of paying the Notes (as defined above) and the cost of issuing the 2015-A Bonds and (ii) $1,365,000 of its 2015-B Bonds for the purpose of refunding and redeeming a portion of the Refunded Bonds and paying the costs of issuing the 2015-B Bonds.

SECTION 2. Authorization of Additional Actions as Required. The Mayor, Vice Mayor, the City Clerk, Deputy City Clerk, Piper Jaffray, Inc., as Financial Advisor to the City, and Triplett, Woolf & Garretson, LLC, as Bond Counsel to the City, are each authorized and directed to take all such other actions as are necessary to complete the offering of the Bonds, including, but not limited to, publication of any necessary notice of intent to seek private placement of the 2015-A Bonds, to the extent the same may be required by K.S.A. 10-106(b), and preparation of a term sheet or other offering material for each series of Bonds.

SECTION 3. The Mayor, Vice Mayor, City Clerk and Deputy City Clerk are authorized and directed to take all other actions consistent with this Resolution 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 (i) Temporary Notes, Series A, 2013 dated July 24, 2013 and (ii) General Obligation Bonds, Series 2008 dated October 1, 2008.

SECTION 4. Effective Date. This Resolution shall be in force and take effect from and after its adoption and approval.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the City of Abilene, Kansas on June 22, 2015.

CITY OF ABILENE, KANSAS

[Seal]

By_____
Dennis Weishaar, Mayor

ATTEST:

By_____
Shayla Mohr, Deputy City Clerk

ABILENE
KANSAS

Lon - City Commission meeting 6/22/15

June 16, 2015

David,

I invited three companies to provide a horizontal material baler for the Recycling Center. One of these companies has ceased producing horizontal balers. We received two good bids. Nisly Brothers Inc. of Hutchinson Ks. submitted a bid that meets our specifications of $78,031.00. We also received a bid from Cram-A-Lot, J.V. Manufacturing Inc. of Springdale, AR for $69,730.

The current baler is also a Cram-A-Lot and was installed when the Recycling Center originated in late 1994. According to the manufacturer, the average life span is about 20 years. I am recommending that we accept the bid from J.V. Manufacturing, Inc.

Lon

rect: 479.872.7320
ell: 479.601.1045

00.678.7320
x 479.872.7321
O. Box 229
pringdale, AR 72765

www.cram-a-lot.com

Balers
Compactors
Service

Doug Hardman
Regional Sales Manager

CRAM-A-LOT
J.V. Manufacturing, Inc.
Solid Waste & Recycling Equipment

415 N. Broadway
Abilene, Kansas 67410-0519
Phone: 785-263-2550
Fax: 785-263-2552
www.abilenecityhall.com

MAY 27 2015

May 21, 2015

The City of Abilene, Kansas is requesting bids to furnish the equipment listed below and specified in the attached specifications. The bid is for equipment delivered, installed and made fully ready for operation to the Abilene Recycling Center. Bid must also include all associated freight charges and the removal of the existing equipment. The City of Abilene reserves the right to reject any or all bids and to wave technicalities under these specifications.

Equipment
One current production, full penetrating ram type, compactor/baler for multiple materials.

Bids are due to the City Clerk's office at the address listed in the heading above by Thursday, June 11, 2015 at 2:00pm. Any exceptions, deletions or additions to the specifications must be clearly noted for our examination and consideration. City Commission will consider the bids at 4:00pm, Monday June 22, 2015.

Total Cost $69,730.00

Name of Dealer JV MFG / CRAM-A-LOT

Signature Doug Hardman Date 6-9-15

NISLY BROTHERS, INC.
Local Family Owned
We Keep You Looking Good!

5212 South Herren Road
Hutchinson, KS 67501
Toll Free: 866-662-6561
Phone: 620-662-6561
Fax: 620-662-6833
www.nislybrothers.com
steve@nislybrothers.com

Steve Ellingboe
Manager
699-0536

EQUIPMENT INC.

Steve Ellingboe
REGIONAL SALES MANAGER

3609 North Kent Road
Buhler, KS 67522
www.SummitEq.com

Office: (620) 664-5888
Cell: (620) 899-0536
aajoele@yahoo.com

Abilene, Kansas 67410-0519
Phone: 785-263-2550
Fax: 785-263-2552
www.abilenecityhall.com

May 21, 2015

The City of Abilene, Kansas is requesting bids to furnish the equipment listed below and specified in the attached specifications. The bid is for equipment delivered, installed and made fully ready for operation to the Abilene Recycling Center. Bid must also include all associated freight charges and the removal of the existing equipment. The City of Abilene reserves the right to reject any or all bids and to wave technicalities under these specifications.

Equipment
One current production, full penetrating ram type, compactor/baler for multiple materials.

Bids are due to the City Clerk's office at the address listed in the heading above by Thursday, June 11, 2015 at 2:00pm. Any exceptions, deletions or additions to the specifications must be clearly noted for our examination and consideration. City Commission will consider the bids at 4:00pm, Monday June 22, 2015.

Total Cost 78,031.00

Name of Dealer NISLY BROTHERS / SUMMIT EQUIPMENT

Signature Steve Ellingboe Date 5-27-15

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
ABILENE PUBLIC LIBRARY - 209 NW FOURTH STREET
June 22, 2015
(Following Regular Meeting)

1. **ITEMS FOR PRESENTATION AND DISCUSSION**
   a. **Proposed 2016 Budget** (The following funds will be presented: Airport, Capital Improvement, Fire Apparatus, Debt Service, Special Revenue - Library/Pool, Special Revenue - Community Center, Special Revenue - Local Streets, Special Highway, Special Alcohol and Drug, Special Parks and Recreation, Recreation Commission, and Tourism and Convention.)

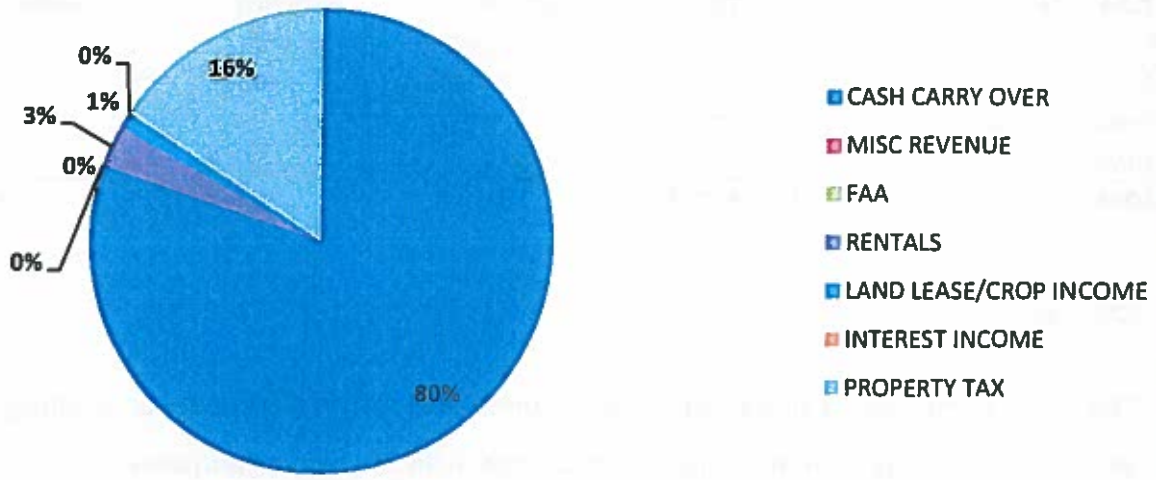
2. **ANNOUNCEMENTS** *(Meetings at Abilene Public Library unless otherwise provided)*
   a. Convention & Visitor's Bureau Board, June 23 at 2 pm (Civic Center)
   b. CANCELLED: Budget Work Session, June 23 at 7:00 pm
   c. Budget Work Session, June 30 at 7:00 pm
   d. Commission Study Session, July 7 at 7:00 pm
   e. City Commission meeting, July 13 at 4:00 pm
   f. Planning Commission, July 14 at 4:30 pm

2016 BUDGET SUMMARY

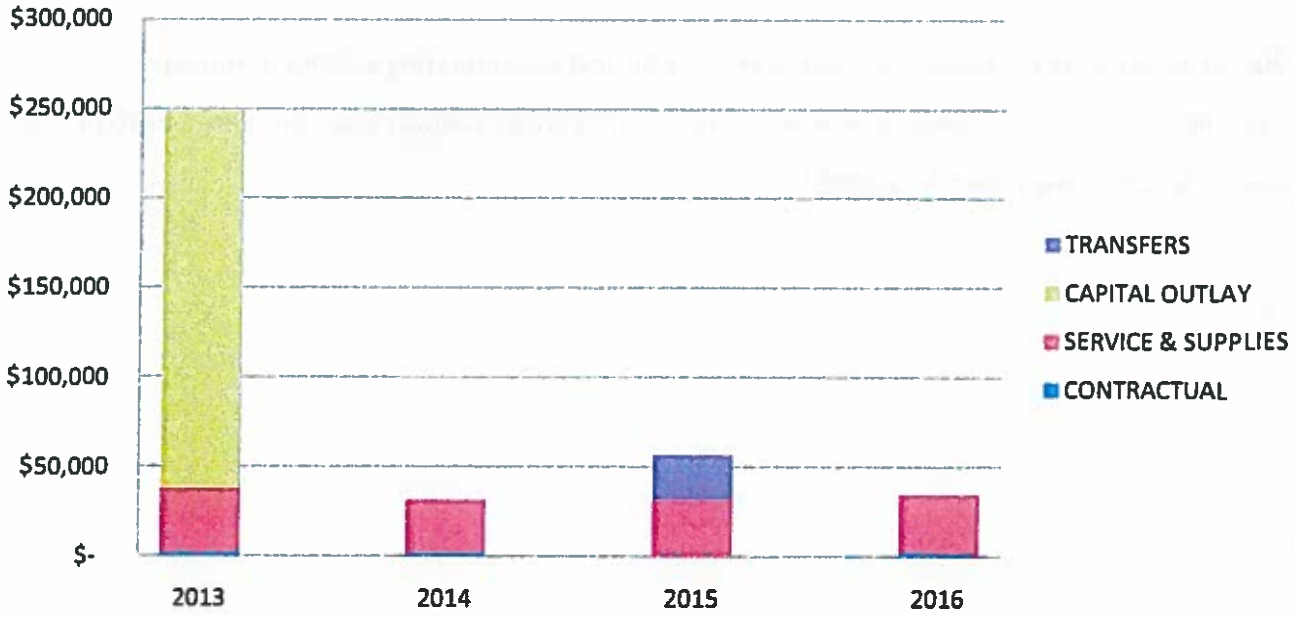
HIGHLIGHTS:

1. Total Revenue: $440,386 Total Expenditures: $34,500 Cash Balance: $405,886
2. Primary revenue sources are property taxes and hangar rentals.
3. Primary expense is service and supplies related to the operation of the Abilene Municipal Airport. Major expense of $212,000 in 2013 was local match for Taxiway Project. Transfer of $25,000 in 2015 reimbursed General Fund for runway project expenses.

REVENUE



EXPENDITURES



AIRPORT FUND

2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 167,292	$ 185,509	$ 323,914	$ 353,286
MISC REVENUE	$ 4,022	$ 100	$ -	$ -
FAA	$ 123,339	$ 83,352	$ -	$ -
RENTALS	$ 12,807	$ 12,111	$ 12,800	$ 12,800
LAND LEASE/CROP INCOME	$ 5,080	$ 2,540	$ 5,080	$ 5,000
INTEREST INCOME	$ 54	$ 49	$ 30	$ 50
PROPERTY TAX	$ 122,572	$ 73,324	$ 68,112	$ 69,250
TOTAL	$ 435,166	$ 356,985	$ 409,936	$ 440,386

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CONTRACTUAL	$ 1,450	$ 1,500	$ -	$ 1,500
SERVICE & SUPPLIES	$ 36,207	$ 29,880	$ 31,650	$ 33,000
CAPITAL OUTLAY	$ 212,000	$ 1,691	$ -	$ -
TRANSFERS	$ -	$ -	$ 25,000	$ -
TOTAL	$ 249,657	$ 33,071	$ 56,650	$ 34,500

Notes:

The City is authorized to levy an annual tax upon taxable tangible property for acquiring, improving and maintaining any municipal airport or municipal field for aviation purposes.

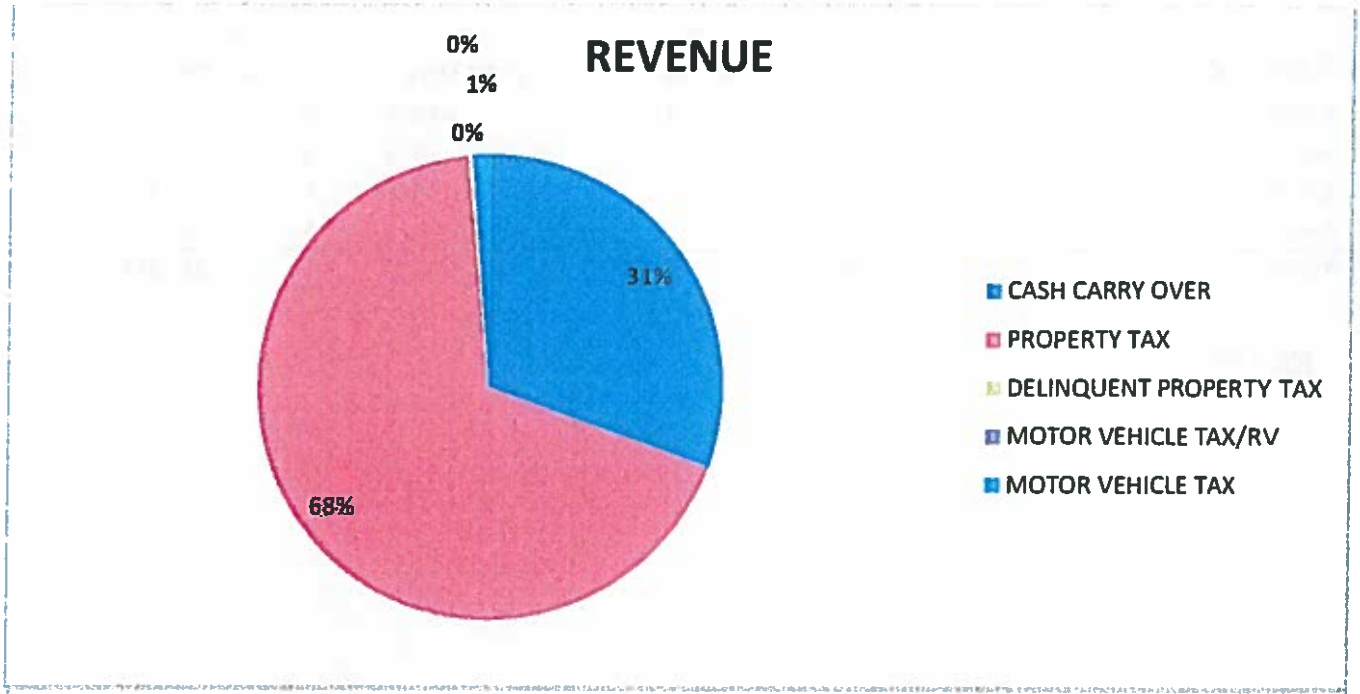
The projected mill levy for this fund is 1.3 mills.

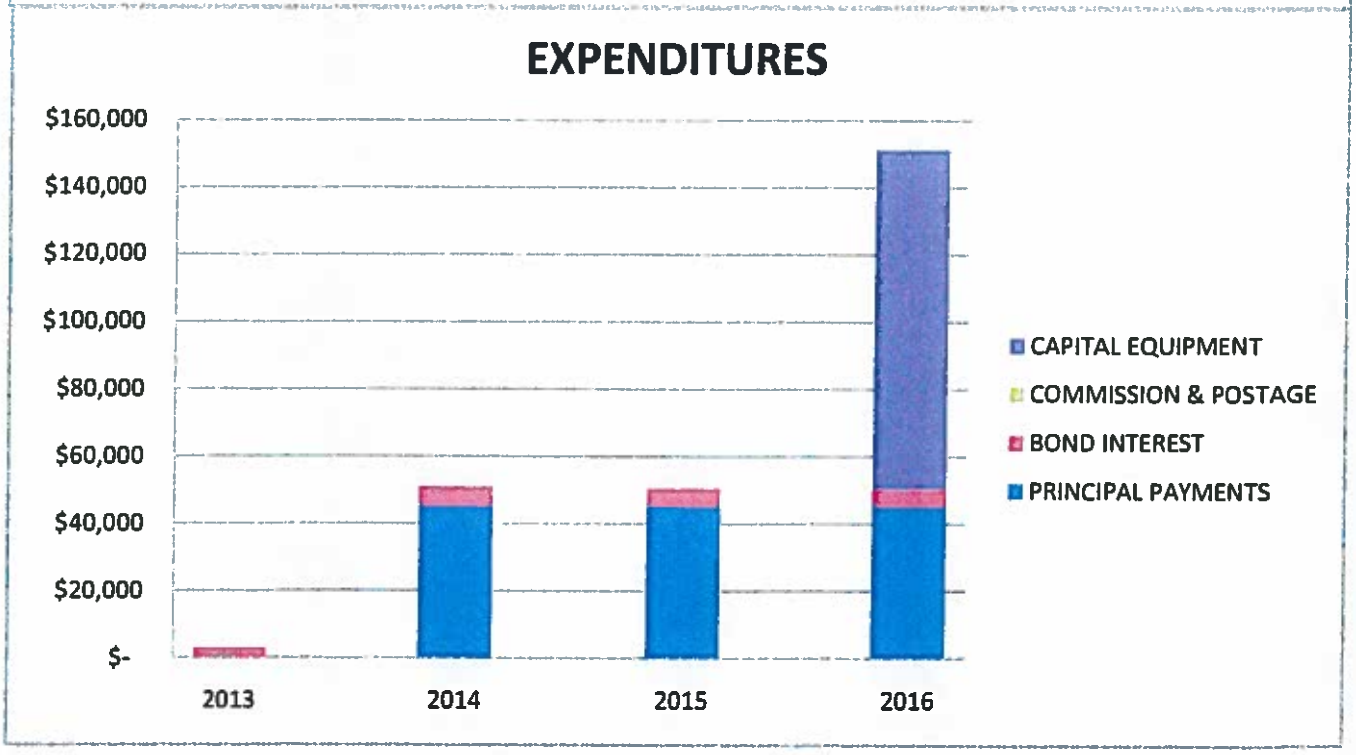
No major projects scheduled for next year. The Airport is completing a $2.48 m runway rehabilitation project funded at 90% by the FAA. The parallel taxiway was completed in 2013 at a cost of $3.24 m with the FAA paying 90%.

2016 BUDGET SUMMARY

HIGHLIGHTS:

1. Total Revenue: $156,567 Total Expenditures: $151,373 Cash balance: $5,194
2. Primary revenue source is property tax.
3. Debt service for aerial ladder truck purchased in 2014 is $50,000 approximately.
4. 16 Scott Airpaks @ $6300/unit upgrading to new model which has expected life of 15 years. Remaining 9 funded out of general fund. Fire Apparatus has a cap of 2 mills.





FIRE APPARATUS FUND

2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 14,865	$ 45,270	$ 47,786	$ 47,776
PROPERTY TAX	$ 28,737	$ 49,563	$ 43,891	$ 106,252
DELINQUENT PROPERTY TAX	$ 716	$ 477	$ 200	$ 500
MOTOR VEHICLE TAX/RV	$ 54	$ 42	$ 92	$ 25
MOTOR VEHICLE TAX	$ 3,793	$ 3,356	$ 6,380	$ 2,014
TOTAL	$ 48,165	$ 98,708	$ 98,349	$ 156,567

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
PRINCIPAL PAYMENTS	$ -	$ 45,000	$ 45,000	$ 45,000
BOND INTEREST	$ 2,895	$ 5,922	$ 5,473	$ 5,473
COMMISSION & POSTAGE	$ -	$ -	$ 100	$ 100
CAPITAL EQUIPMENT	$ -	$ -	$ -	$ 100,800
TOTAL	$ 2,895	$ 50,922	$ 50,573	$ 151,373

NOTES:

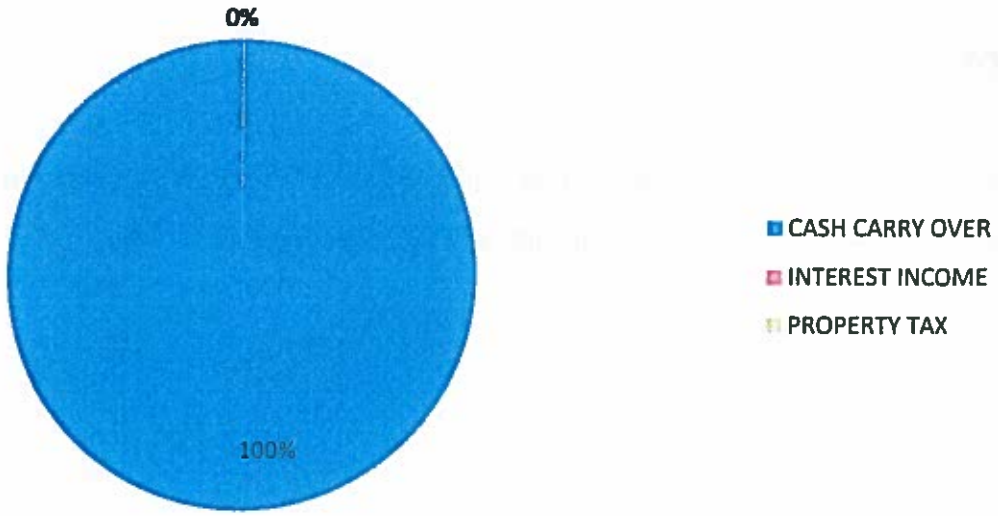
2016 BUDGET SUMMARY

HIGHLIGHTS:

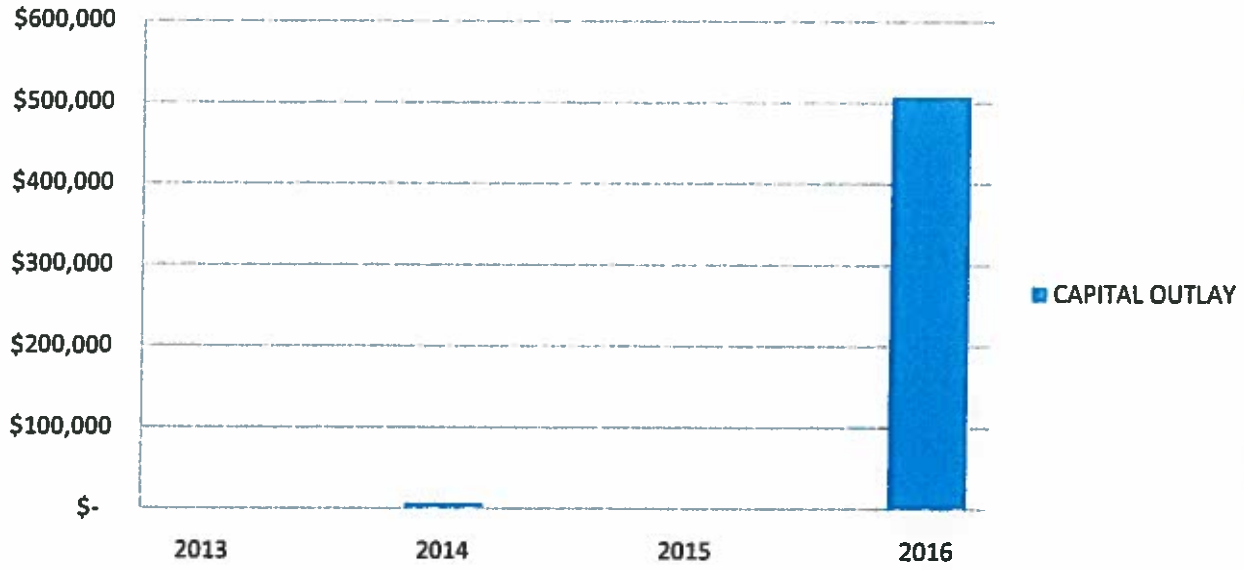
1. Cash Balance: $507,269

2. No current plans for this fund in 2016. Budgeting expense in the event the City elects to move forward with a specific capital project. Funds have informally been programmed for facility improvements.

REVENUE



EXPENDITURES



CAPITAL IMPROVEMENT FUND

2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 480,919	$ 508,930	$ 506,419	$ 506,769
INTEREST INCOME	$ 229	$ 137	$ 150	$ 150
PROPERTY TAX	$ 27,782	$ 3,409	$ 200	$ 350
TOTAL	$ 508,930	$ 512,476	$ 506,769	$ 507,269

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CAPITAL OUTLAY	$ -	$ 6,057	$ -	$ 507,269
TOTAL	$ -	$ 6,057	$ -	$ 507,269

Notes:

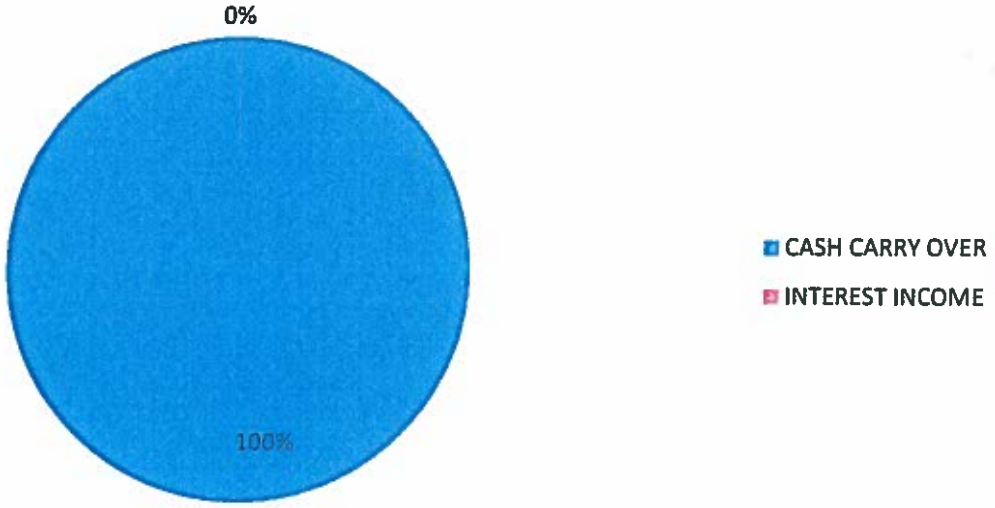
Funds in the Capital Improvement Fund may be used to finance public improvements including the repair, construction, restoration and rehabilitation of public facilities.

2016 BUDGET SUMMARY

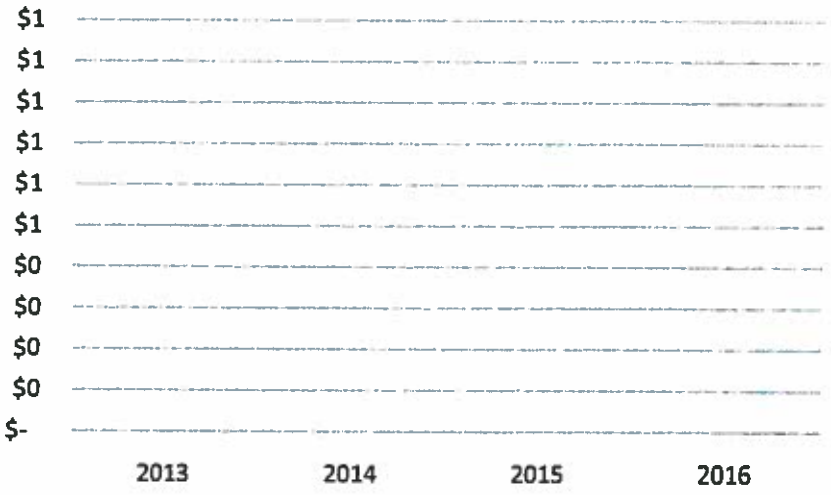
HIGHLIGHTS:

1. Cash Balance: $153,967
2. No expenditures planned for this fund in 2016. Use of cash balance would require a vote from the public for a specific capital project related to the community center or otherwise authorized use.

REVENUE



TOTAL EXPENDITURES



SPECIAL REVENUE COMMUNITY CENTER FUND

2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 153,847	$ 153,847	$ 153,847	$ 153,907
INTEREST INCOME	$ -	$ -	$ 60	$ 60
TOTAL	$ 153,847	$ 153,847	$ 153,907	$ 153,967

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CONTRACTUAL	$ -	$ -	$ -	$ -
SERVICE & SUPPLIES	$ -	$ -	$ -	$ -
TOTAL	$ -	$ -	$ -	$ -

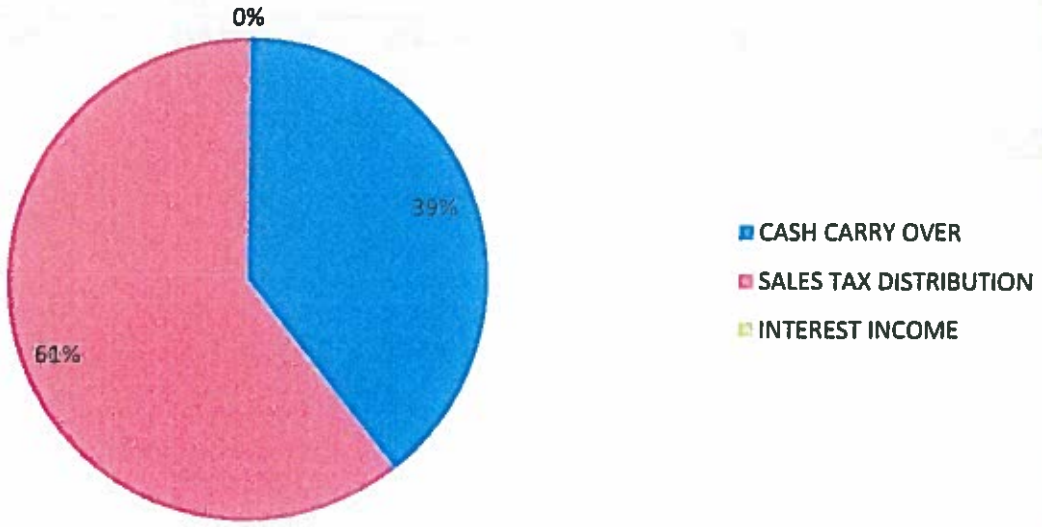
Notes:

2016 BUDGET SUMMARY

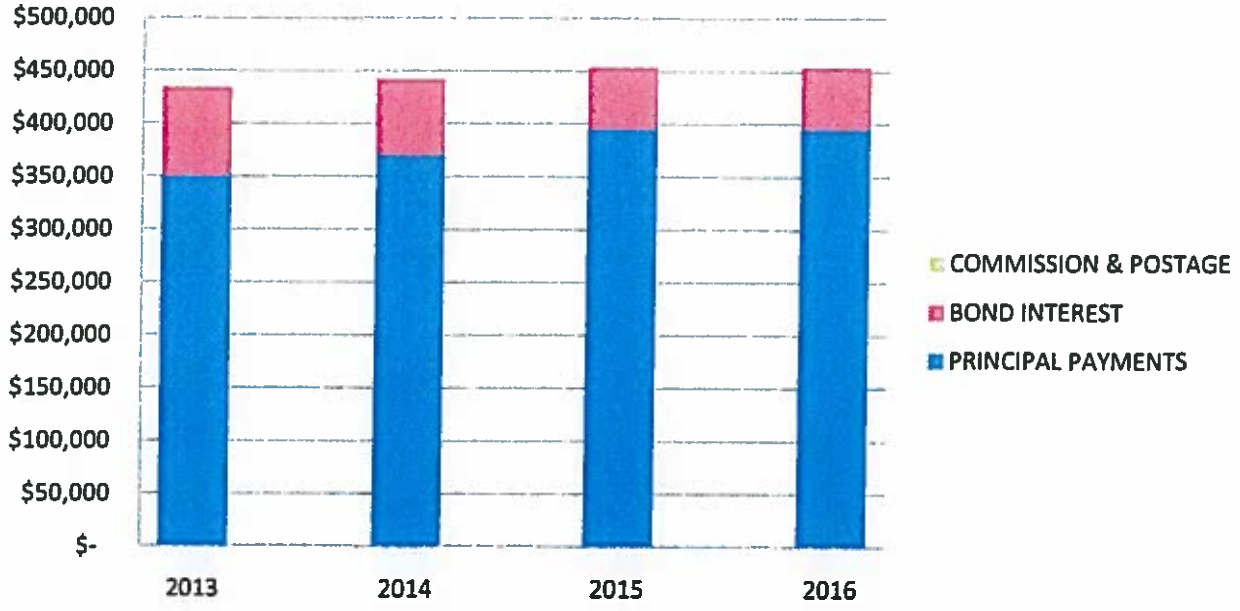
HIGHLIGHTS:

1. Total Revenue: $778,900 Total Expenditures: $454,325 Cash Balance: $324,575
2. Only revenue source is 0.35% sales tax scheduled to sunset in 2018.
3. Primary expenditure is from debt service related to library and pool improvements authorized in 2008. Annual debt service of about $450,000.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 281,818	$ 298,731	$ 314,715	$ 305,490
SALES TAX DISTRIBUTION	$ 451,308	$ 458,554	$ 445,000	$ 473,310
INTEREST INCOME	$ 120	$ 55	$ 100	$ 100
TOTAL	**$ 733,246**	**$ 757,340**	**$ 759,815**	**$ 778,900**

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
PRINCIPAL PAYMENTS	$ 350,000	$ 370,000	$ 395,000	$ 395,000
BOND INTEREST	$ 84,515	$ 72,625	$ 59,225	$ 59,225
COMMISSION & POSTAGE	$ -	$ -	$ 100	$ 100
TOTAL	**$ 434,515**	**$ 442,625**	**$ 454,325**	**$ 454,325**

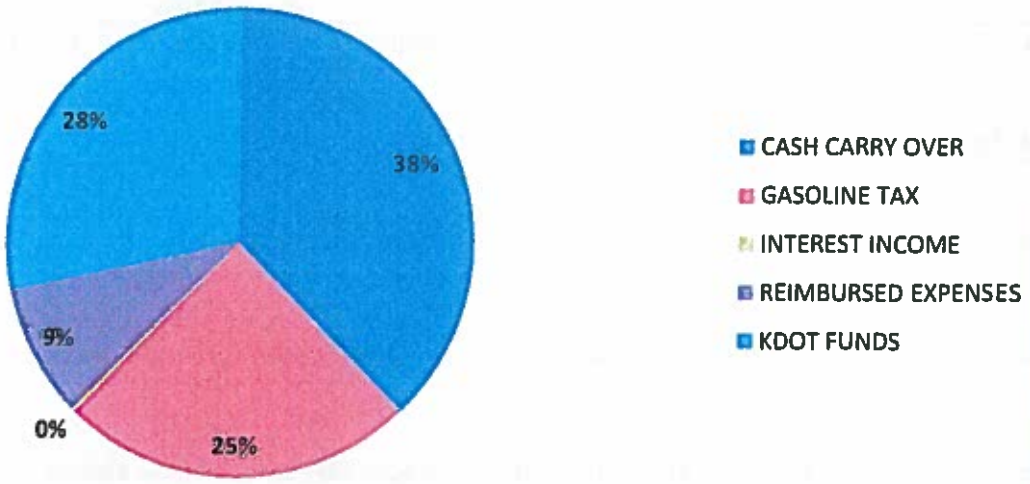
Notes:

2016 BUDGET SUMMARY

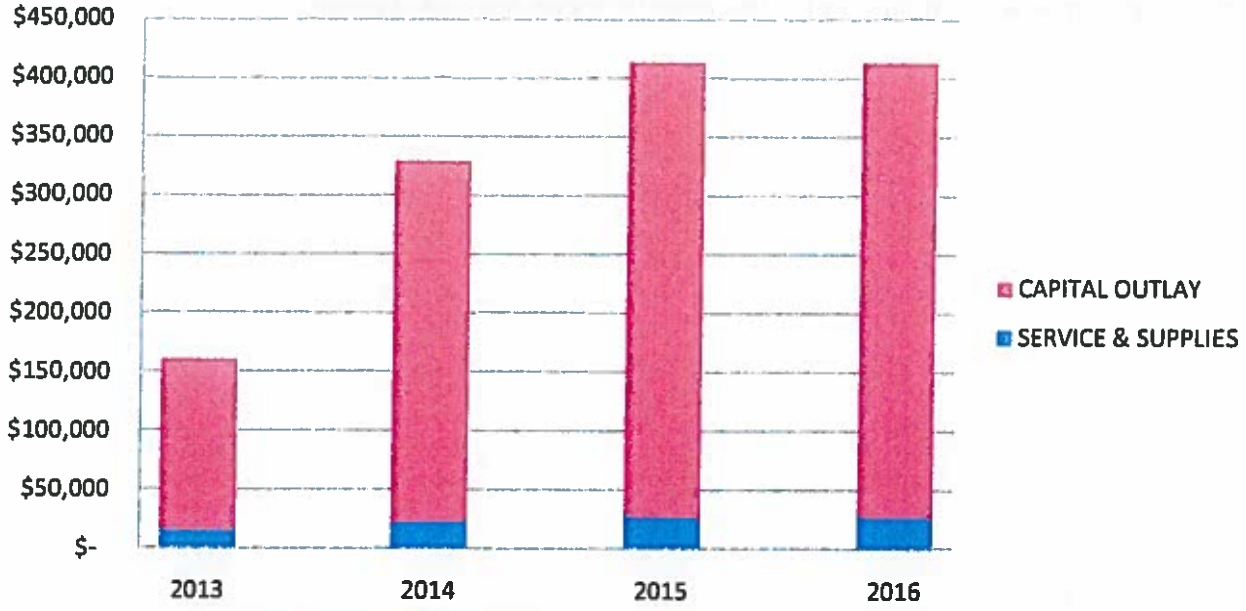
HIGHLIGHTS:

1. Total Revenue: $705,935 Total Expenditures: $413,500 Cash Balance: $292,435
2. Primary revenue source is proceeds from Kansas gas tax.
3. Primary expenditure is capital outlay projects such as the local match for KDOT funded projects (KLINK, Geometric Improvements) or local other projects.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 130,330	$ 392,886	$ 238,775	$ 265,605
GASOLINE TAX	$ 171,439	$ 173,862	$ 174,130	$ 174,130
INTEREST INCOME	$ 1,406	$ 993	$ 1,200	$ 1,200
REIMBURSED EXPENSES	$ -	$ -	$ 65,000	$ 65,000
KDDT FUNDS	$ 250,010	$ -	$ 200,000	$ 200,000
TOTAL	$ 553,185	$ 567,741	$ 679,105	$ 705,935

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
SERVICE & SUPPLIES	$ 14,159	$ 22,227	$ 26,500	$ 26,500
CAPITAL OUTLAY	$ 146,140	$ 306,739	$ 387,000	$ 387,000
TOTAL	$ 160,299	$ 328,966	$ 413,500	$ 413,500

Notes:

State gas taxes are the source of revenue for the Special Street Fund.

Quarterly distributions made in January, April, July and October.

Motor vehicle fuel tax funds transferred to the Special Street Fund may also be used for sidewalks.

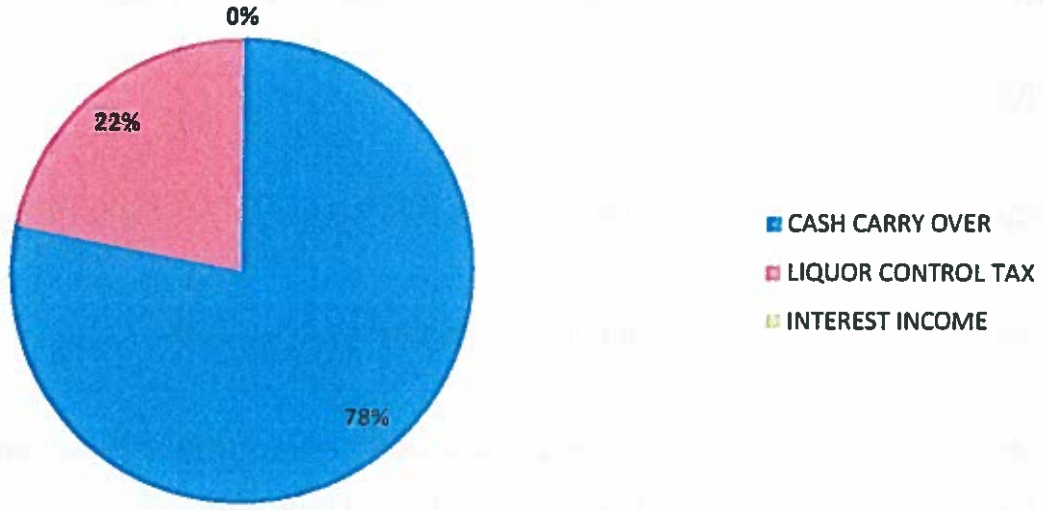
Major projects include: next phase of KLINK resurfacing on Buckeye Avenue.

2016 BUDGET SUMMARY

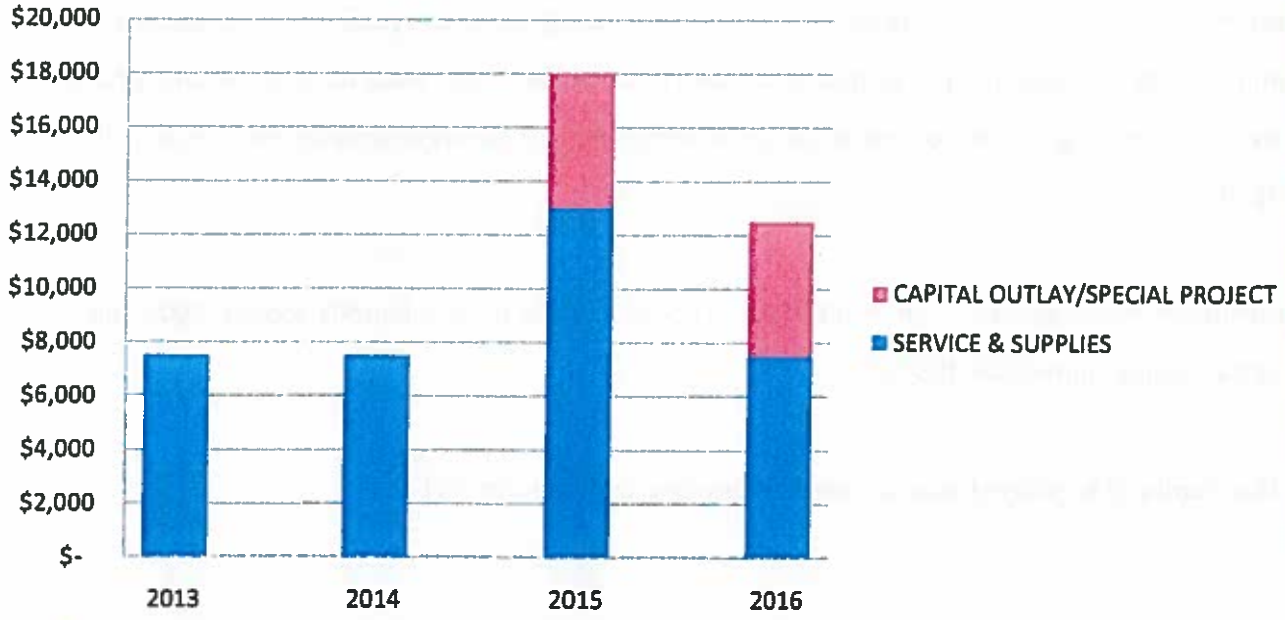
HIGHLIGHTS:

1. Total Revenue: $73,077 Total Expenditures: $12,500 Cash Balance: $60,577
2. Primary revenue source is from the Liquor Control Tax of about $16,500 per year.
3. Primary expenses are appropriations for Safe Night After Prom, Central Kansas Foundation and Cedar House Foundation.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 50,037	$ 59,740	$ 58,345	$ 57,067
LIQUOR CONTROL TAX	$ 17,183	$ 6,091	$ 16,712	$ 16,000
INTEREST INCOME	$ 20	$ 14	$ 10	$ 10
TOTAL	$ 67,240	$ 65,845	$ 75,067	$ 73,077

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
SERVICE & SUPPLIES	$ 7,500	$ 7,500	$ 13,000	$ 7,500
CAPITAL OUTLAY/SPECIAL PROJ	$ -	$ -	$ 5,000	$ 5,000
TOTAL	$ 7,500	$ 7,500	$ 18,000	$ 12,500

Notes:

Quarterly distributions recieved March 15, June 15, September 15, and December 15.

Source of revenue is state private club and liquor drinking places tax.

The City is required to credit the moneys received as follows: 1/3 to General Fund; 1/3 to Special Parks and Recreation fund; 1/3 to Special Alcohol and Drug Fund.

Fund shall be expended only for 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. -K.S.A. 79-41a04

Proposed expenses: Safe Night after Prom ($1,500), Central Kansas Foundation ($6,000), and Cedar House Foundation ($5,000).

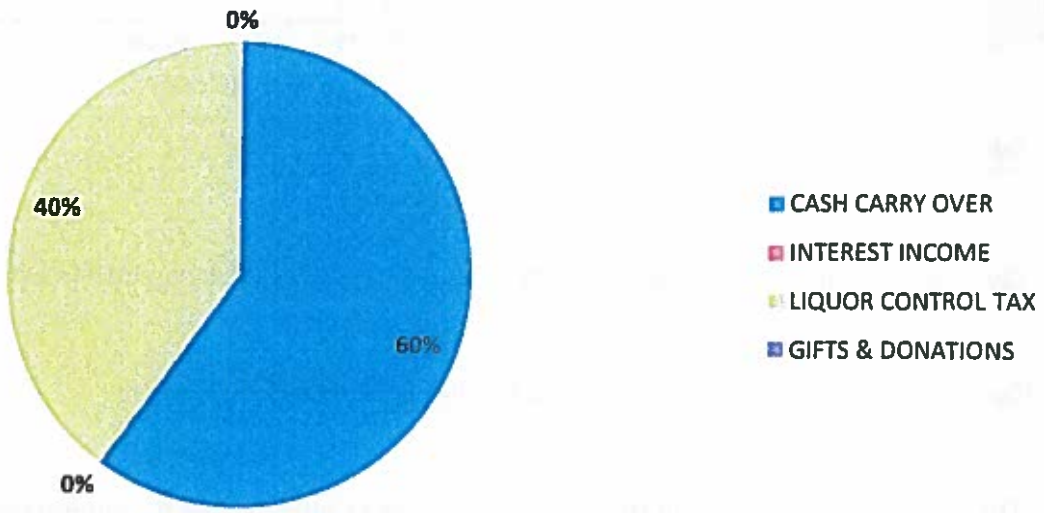
This Fund will be subject to a competitive process beginning in 2017.

2016 BUDGET SUMMARY

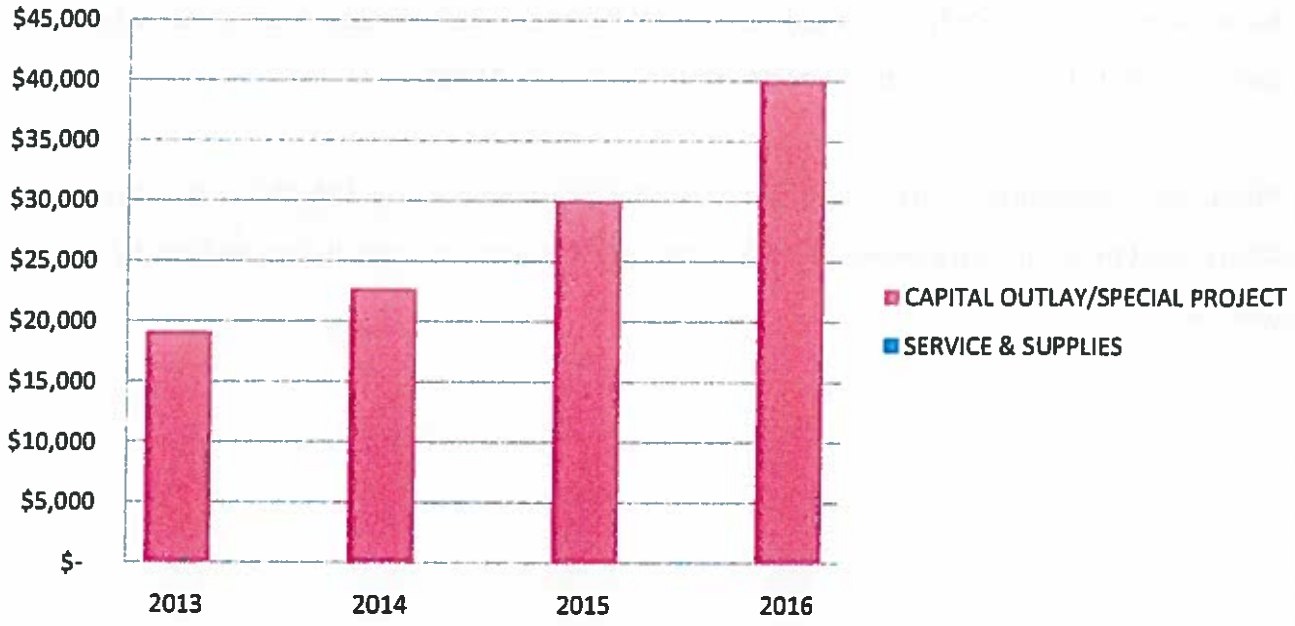
HIGHLIGHTS:

1. Total Revenue: $41,890 Total Expenditures: $40,000 Cash Balance: $1,890
2. Primary Revenue source is Liquor Control Tax of about $16,500 per year.
3. Primary expense is capital improvement projects related to the Parks and Recreation Department.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 51,821	$ 50,477	$ 38,416	$ 25,153
INTEREST INCOME	$ 25	$ 11	$ 25	$ 25
LIQUOR CONTROL TAX	$ 17,183	$ 9,742	$ 16,712	$ 16,712
GIFTS & DONATIONS	$ 587	$ 905	$ -	$ -
TOTAL	$ 69,616	$ 61,135	$ 55,153	$ 41,890

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
SERVICE & SUPPLIES	$ -	$ -	$ -	$ -
CAPITAL OUTLAY/SPECIAL PROJ	$ 19,139	$ 22,719	$ 30,000	$ 40,000
TOTAL	$ 19,139	$ 22,719	$ 30,000	$ 40,000

Notes:

Quarterly distributions received March 15, June 15, September 15, and December 15.

Source of revenue is state private club and liquor drinking places tax.

The City is required to credit the moneys received as follows: 1/3 to General Fund; 1/3 to Special Parks and Recreation Fund; 1/3 to Special Alcohol and Drug Fund.

Fund can be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. K.S.A. 79-41a04.

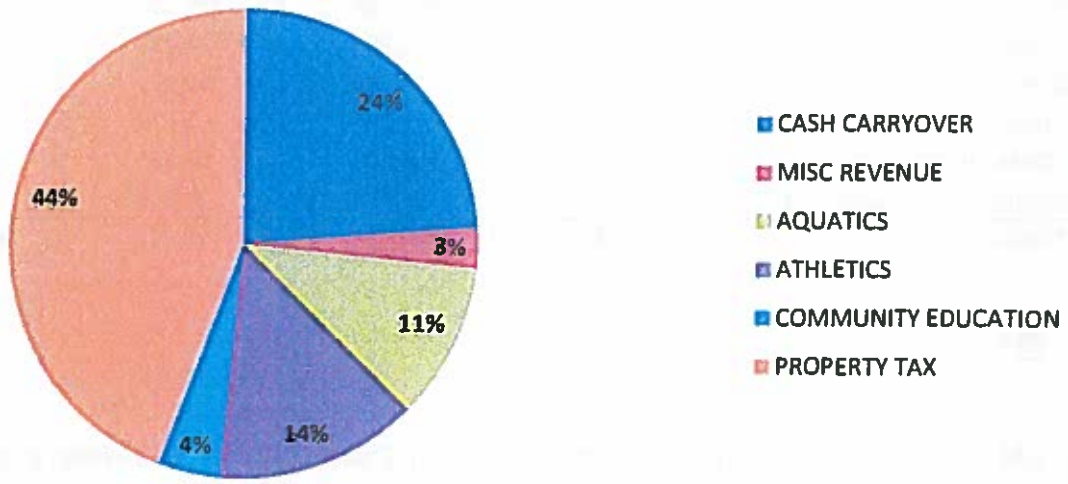
Proposed expenditures include: resurface basketball and tennis courts ($25,000), rotary broom attachment for John Deere mower ($4,500) and refurbish backstop and dugout on field 3 or 4 ($20,000).

2016 BUDGET SUMMARY

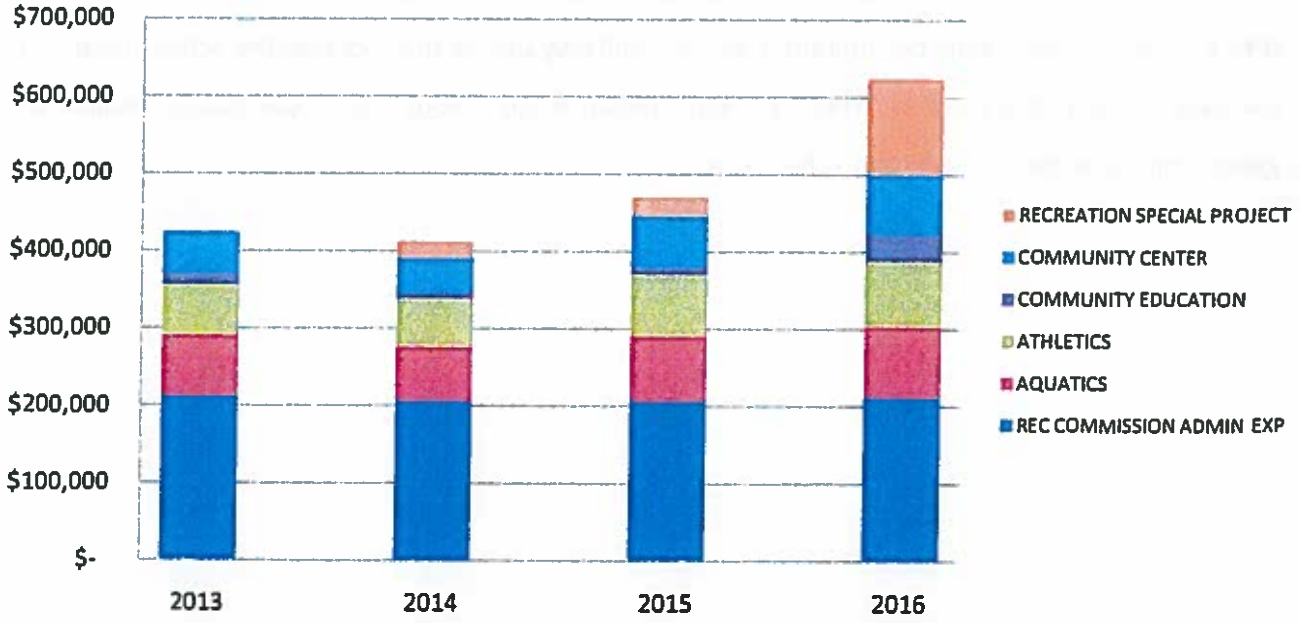
HIGHLIGHTS:

1. Total Revenue: $638,865 Total Expenditures: $624,973 Projected Cash Balance: $138,892
2. Primary revenue source comes from property taxes and user fees.
3. Primary expenditure is from administration expense of salaries and benefits.
4. Community education increased with the addition of a new dance program.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRYOVER	$ 161,408	$ 144,963	$ 169,693	$ 152,336
MISC REVENUE	$ 13,887	$ 15,031	$ 13,610	$ 17,600
AQUATICS	$ 63,892	$ 67,328	$ 69,700	$ 69,000
ATHLETICS	$ 76,019	$ 85,740	$ 91,500	$ 89,800
COMMUNITY EDUCATION	$ 20,886	$ 13,763	$ 19,500	$ 27,000
PROPERTY TAX	$ 235,351	$ 255,558	$ 259,125	$ 283,129
TOTAL	$ 571,443	$ 582,383	$ 623,128	$ 638,865

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
REC COMMISSION ADMIN EXP	$ 211,753	$ 205,769	$ 206,100	$ 211,562
AQUATICS	$ 78,975	$ 70,296	$ 84,437	$ 92,015
ATHLETICS	$ 65,618	$ 62,788	$ 80,151	$ 84,643
COMMUNITY EDUCATION	$ 13,201	$ 5,252	$ 8,439	$ 33,753
COMMUNITY CENTER	$ 54,409	$ 46,536	$ 66,665	$ 78,000
RECREATION SPECIAL PROJECT	$ 2,524	$ 22,049	$ 25,000	$ 125,000
TOTAL	$ 426,480	$ 412,690	$ 470,792	$ 624,973

Notes:

USD 435 approves the mill levy for the Recreation Commission for recreation programming and employee benefits.

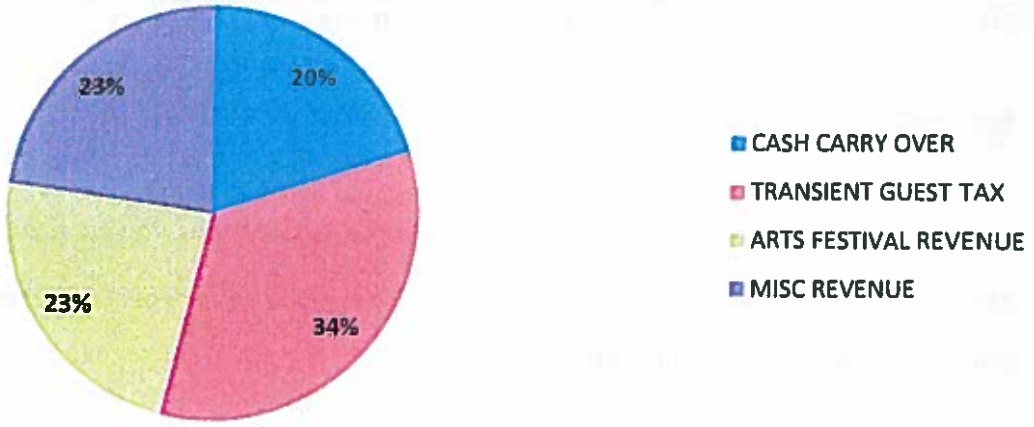
The Recreation Commission uses the same assessed valuation as the school district, which allows it to generate more dollars per mill then the City mill levy due to the fact that the School District's tax base is larger than the City. This is primarily because the School District boundaries include a geographic area that is larger than the City's.

2016 BUDGET SUMMARY

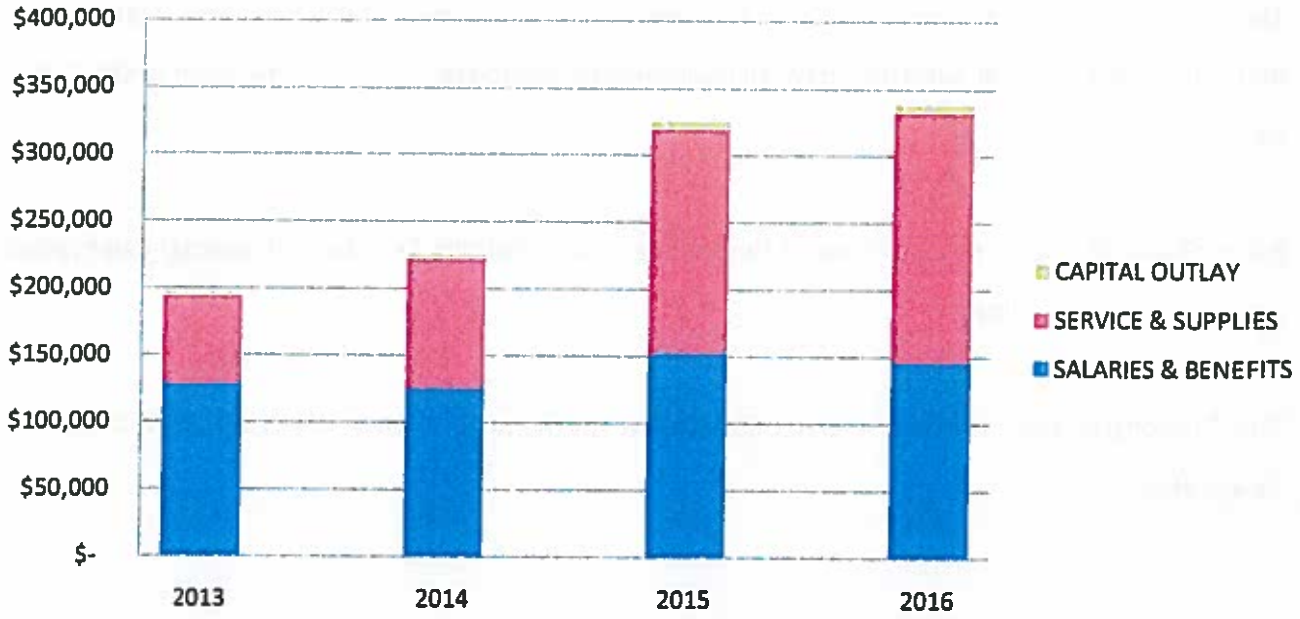
HIGHLIGHTS:

1. Total Revenue: $409,370 Total Expenditures: $337,979 Cash Balance: $71,391
2. Primary revenue source is Transient Guest Tax generated from overnight stay gross receipts.
3. Primary expenditure is service and supplies to support convention and tourism.
4. Arts Festival is largest budgeted expense, but this event generates some revenue to help offset its expenses. Revenue is generated from the event and grants received from the Community Foundation.

REVENUE



EXPENDITURES



2016 BUDGET SUMMARY

REVENUE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
CASH CARRY OVER	$ 41,867	$ 79,218	$ 73,511	$ 77,219
TRANSIENT GUEST TAX	$ 138,618	$ 131,758	$ 130,000	$ 130,000
ARTS FESTIVAL REVENUE	$ -	$ 30,970	$ 90,000	$ 90,000
MISC REVENUE	$ 70,283	$ 57,057	$ 84,151	$ 87,151
TRANSFERS	$ 25,000	$ -	$ 25,000	$ 25,000
TOTAL	$ 275,768	$ 299,003	$ 402,662	$ 409,370

EXPENSE	2013 ACTUAL	2014 ACTUAL	2015 ESTIMATE	2016 BUDGET
SALARIES & BENEFITS	$ 128,229	$ 125,211	$ 152,043	$ 145,579
SERVICE & SUPPLIES	$ 65,710	$ 96,666	$ 167,400	$ 186,400
CAPITAL OUTLAY	$ 2,611	$ 3,615	$ 6,000	$ 6,000
TOTAL	$ 196,550	$ 225,492	$ 325,443	$ 337,979

Notes:

In order to provide revenues to promote tourism and conventions, the governing body of any city is authorized to levy a transient guest tax not to exceed 2% of the gross receipts paid by transient guests for sleeping accommodations.

The City of Abilene's current transient guest tax rate is 6.5%.

The General Fund contributes $25,000 to the Convention & Tourism Fund for tourism-related marketing. The General Fund also pays all maintenance associated with the operation of the Civic Center.

Major Events/Projects include: Taste of the Arts Festival, Chisholm Trail Sesequentenial Celebration promotion and planning.

The City contributed an additional $20,000 last year for the promotion of the Chisholm Trail 150th Celebration.