

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
DWIGHT D. EISENHOWER MUNICIPAL BUILDING - 419 N. BROADWAY STREET
November 3, 2015 - 7:00 pm

1. **PUBLIC COMMENTS.** Persons who wish to address the City Commission may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court are not permitted. Speakers are limited to three minutes. Any presentation is for informational purposes only. No action will be taken.
2. **STRATEGIC DISCUSSION**
 - a. Strategic Planning Process
3. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
 - a. An Ordinance granting to Westar Energy, Inc. an electric franchise including the right to construct, operate, and maintain electric transmission, distribution, and street lighting facilities within the corporate limits of the City of Abilene, Kansas
 - b. An Ordinance establishing an Impact Fee for the purposes of recovering the cost of certain sanitary sewer improvements in the Dawson Cottage Addition to the City of Abilene, Kansas
4. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
 - a. Meeting Minutes: October 26, 2015 regular meeting
5. **ITEMS FOR PRESENTATION AND DISCUSSION**
 - a. Active Transportation Proposal
 - b. STAR Bond Project Ad Hoc Committee
 - c. OpenAbilene Transparency Portal
6. **REPORTS**
 - a. City Manager's Report
 - i. Sales Tax Report
7. **ANNOUNCEMENTS** (*Meetings at Abilene Public Library unless otherwise provided*)
 - a. Board of Zoning Appeals, November 6 at 4:00 pm
 - b. City Commission Meeting, November 9 at 4:00 pm
 - c. Sister City, November 10 at 7:00 pm (CVB)
 - d. Economic Development Council, November 17 at 4:00 pm
 - e. Commission Study Session, November 17 at 7:00 pm (City Hall)
 - f. Heritage Commission, November 19 at 4:00 pm

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Westar Energy Franchise Agreement
DATE: October 15, 2015

The current franchise agreement with Westar Energy, Inc., approved by Ordinance No. 3168, is set to renew at the end of the year. A franchise agreement governs the terms and conditions, including payment of a franchise fee, for use of the City's public right-of-way for placement of electric utilities. The City also has franchise agreements with Kansas Gas Service, Inc. and several telecommunications companies.

Representatives from Westar recently inquired about any changes that may be needed to the current agreement. Staff has reviewed the agreement and have prepared the following considerations for the City Commission's review.

1. **Term** - The current agreement was originally set up for a five year period that would automatically renew for five, one year terms. Westar typically has a term of ten to twenty years with many other communities in its service area. Staff is proposing a twenty year term with the ability to review the agreement every five years. It should also be noted that the agreement may be opened for negotiation at any time subject to the following conditions:
 - a. Change in federal, state, or local law, regulation, or order which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or
 - b. Change in the structure or operation of the electrical energy industry which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or
 - c. Any other material and unintended change or shift in the economic benefit to the City or a change the Company did not anticipate upon accepting the grant of the Franchise.
2. **Compensation to the City** - The current franchise fee is 5% of the gross receipts received from such distribution of electric energy. Staff is proposing to increase the franchise fee to 6% of gross receipts, which would generate approximately \$110,000 of additional revenue to the City each year. The City Manager proposes using the new revenue for the following programs:
 - a. \$65,000 (59% of the new revenue) to the Business Investment Grant Program for use as an economic development tool for businesses located in or desiring to locate to Abilene; and
 - b. \$45,000 (41% of the new revenue) to be used for the implementation of the Abilene Cowboy Trail in the form of sidewalk or trail improvements and bike lanes.

The City Manager has received input from a variety of stakeholders with interest in both of these programs. Several businesses have inquired about future grant opportunities, and active transportation initiatives have been supported by community stakeholders such as the Health and Wellness Coalition, USD 435, and the general public. Without the increased franchise fee rate, the City Manager does not have a plan to provide revenue to continue to implement these programs.

ORDINANCE NO. _____

AN ORDINANCE GRANTING TO WESTAR ENERGY, INC. AN ELECTRIC FRANCHISE INCLUDING THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRIC TRANSMISSION, DISTRIBUTION AND STREET LIGHTING FACILITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, KANSAS.

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

Section 1. Definitions.

For purposes of this Franchise, the following words and phrases shall have the meanings given herein:

City as the Grantor – shall mean the City of Abilene, Kansas.

Company as the Grantee – shall mean Westar Energy, Inc., a Kansas Corporation.

Distributed or Distribution – shall mean all sales, distribution, or transportation by the Company or by others through the Facilities of the Company in the Right-of-Way to any consumer for use within the City.

Facilities – shall mean all electric distribution lines, substations, works, and plants together with all necessary appurtenances thereto.

Gross receipts – shall mean any and all compensation and other consideration derived directly by the Company from any Distribution of electric energy to a consumer for any use within the City, including domestic, commercial and industrial purposes, through charges as provided in tariffs filed and approved, and including without limitation interruptible sales and single sales; except that such term shall not include revenues from any operation or use of any or all of the Facilities in the Right-of-Way by others nor shall such term

include revenue from certain miscellaneous charges and accounts, including but not limited to delayed or late payment charges, connection and disconnection fees, reconnection fees, customer project contributions, returned check charges, and temporary service charges.

Public Improvement – shall mean any existing or contemplated public facility, building, or capital improvement project, financed by the City, including without limitation, streets, alleys, sidewalks, sewer, water, drainage, Right-of-Way improvement, and Public Projects.

Public Project – shall mean any project planned or undertaken and financed by the City or any governmental entity for construction, reconstruction, maintenance, or repair of public facilities or improvements, or any other purpose of a public nature paid for with public funds.

Public Project for Private Development – shall mean a Public Project, or that portion thereof, that primarily benefits a third (3rd) party.

Right-of-Way – shall mean present and future streets, alleys, rights-of-way, and public easements, including easements dedicated to the City in plats of the City for streets and alleys but not including any Utility Easement.

Street Right-of-Way – shall mean the entire width between property lines of land, property, or an interest therein of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular traffic, including street, avenue, boulevard, highway, expressway, alley, or any other public way for vehicular travel by whatever name.

Utility Easement – shall mean an easement owned by or dedicated to the City for the purpose of providing the Company and other utilities access to customers and users of any utility service.

Section 2. Grant.

There is hereby granted to Company, the non-exclusive right, privilege, and franchise to construct, maintain, extend, and operate its Facilities in, through, and along the Right-of-Way of the City for the purpose of supplying electric energy to the City and the inhabitants thereof for the full term of this Franchise; subject, however, to the terms and conditions herein set forth. Nothing in this grant shall be construed to franchise or authorize the use of the Company's Facilities or the Right-of-Way by the Company or others, for any purpose not related to the provision of electric energy. The Company may not allow a subsidiary, affiliate, or a third (3rd) party to acquire rights to occupy the Rights-of-Way under this Franchise; provided, that nothing in this section shall prevent Company from allowing the use of its Facilities by others when such use is compensated to the City under the provisions of a franchise granted by the City to any such third party.

Section 3. Term.

- a. The term of this Franchise shall be twenty (20) years from the effective date of this Ordinance.
- b. Upon 60 days advance written notice by the City, the franchise fee percentage rate may be changed on the fifth, tenth or fifteenth anniversary of the effective date of this Ordinance.

c. Upon written request of either the City or the Company, the franchise shall be reopened and renegotiated at any time upon any of the following events:

1. Change in federal, state, or local law, regulation, or order which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or

2. Change in the structure or operation of the electrical energy industry which materially affects any rights or obligations of either the City or the Company, including but not limited to the scope of the grant to the Company or the compensation to be received by the City; or

3. Any other material and unintended change or shift in the economic benefit to the City or a change the Company did not anticipate upon accepting the grant of this Franchise.

d. Amendments under this section, if any, shall be made by ordinance as prescribed by statute. The franchise shall remain in effect according to its terms pending completion of any review or renegotiation pursuant to subsection (c).

Section 4. Compensation to the City.

a. In consideration of and as compensation for the franchise hereby granted to the Company by the City, the Company shall make an accounting on a monthly basis to the City of all electric energy that has been Distributed within the City. The Company shall pay the City:

A sum equal to six percent (6%) of the Gross Receipts received from such Distribution of electric energy; and the above sum shall be adjusted for uncollectible receivables and for receivables which are later collected.

b. Payment of the compensation above shall be effective on the first day of the first month after final passage and approval by the City and acceptance by the Company. Prior to that date, payments shall continue to be calculated and be paid in the manner previously provided in Ordinance 3168. Such payments shall be made to the City under procedures, which are mutually agreed to by the Company and the City within thirty (30) days of the last day of the month to which such accounting shall apply.

c. Notwithstanding anything to the contrary in this Franchise, the fee provided for in this Section 4 shall not become effective within any area annexed by the City until 30 days after the City provides the Company with a certified copy of the annexation ordinance, proof of publication as required by law and a map of the city detailing the annexed area.

d. Company will use commercially reasonable efforts to ensure the accuracy of its records and of the determination of the amount of Gross Receipts subject to the fee provided for in this Section 4. In the event and to the extent the accounting rendered to the City by the Company is found to be incorrect due to Company's failure to use commercially reasonable efforts as provided herein, then payment shall be made on the corrected amount, it being agreed that the City may accept any amount offered by the Company, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in

dispute or later found to be incorrect. The Company agrees that all of its books, records, documents, contracts and agreements as may be reasonably necessary for an effective compliance review of this Ordinance shall upon reasonable notice and at all reasonable times be opened to the inspection and examination of the officers of the City and its duly authorized agents, auditor, and employees for the purpose of verifying said accounting. Notwithstanding the obligation herein, the Company shall have the right to require the reasonable protection of proprietary information of the Company.

Section 5. Payment and Charges.

The payments and compensation herein provided shall be in lieu of all other licenses, taxes, charges, and fees, except that the usual general property taxes and special ad valorem property assessments, sales and excise taxes, or charges made for privileges which are not connected with the electric energy business, will be imposed on the Company and are not covered by the payments herein.

Section 6. Use of Right-of-Way.

a. The use of the Right-of-Way under this Franchise by the Company shall be subject to all rules, regulations, policies, resolutions, and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police power relating to use, placement, location, or management of utilities located in the City's Right-of-way. In addition, the Company shall be subject to all laws, rules, regulations, policies, resolutions, and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police power relating to permits, fees, sidewalk and pavement cuts, utility location,

construction coordination, screening, and other requirements on the use of the Right-of-Way; provided, however, that nothing contained herein shall constitute a waiver of or be construed as waiving the right of the Company to oppose, challenge, or seek judicial review of, in such manner as is now or may hereafter be provided by law, any such rules, regulation, policy, resolution, or ordinance proposed, adopted, or promulgated by the City. Further, the Company shall comply with the following:

b. The Company's use of the Right-of-Way shall in all matters be subordinate to the City's use of the Right-of-Way for any public purpose. The Company shall coordinate the installation of its Facilities in the Right-of-Way in a manner which minimizes adverse impact on Public Improvements, as reasonably determined by the City. Where installation is not otherwise regulated, the Facilities shall be placed with adequate clearance from such Public Improvements so as not to conflict with such Public Improvement.

c. All earth, materials, sidewalks, paving, crossings, utilities, Public Improvements, or improvements of any kind located within the Right-of-Way damaged or removed by the Company in its activities under this Franchise shall be fully repaired or replaced promptly by the Company without cost to the City, however, when such activity is a joint project of utilities or franchise holders, the expenses thereof shall be prorated among the participants, and to the reasonable satisfaction of the City in accordance with the ordinances and regulations of the City pertaining thereto. Nothing in this Franchise shall require the Company to repair or replace any materials, trees, flowers, shrubs,

landscaping or structures that interfere with the Company's access to any of its Facilities located in a Utility Easement.

d. Except in the event of an emergency, as reasonably determined by the Company, the Company shall comply with all laws, rules, regulations, policies, resolutions, or ordinances now or hereinafter adopted or promulgated by the City relating to any construction, reconstruction, repair, or relocation of Facilities which would require any street closure which reduces traffic flow. Notwithstanding the foregoing exception all work, including emergency work performed in the traveled way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected.

e. The Company shall cooperate promptly and fully with the City and take all reasonable measures necessary to provide accurate and complete information regarding the location of its Facilities located within the Right-of-Way when requested by the City or its authorized agents for a Public Project. Such location and identification shall be promptly communicated in writing to the City without cost to the City, its employees, agents, or authorized contractors. The Company shall designate and maintain an agent, familiar with the Facilities, who is responsible for providing timely information needed by the City for the design and replacement of Facilities in the Right-of-Way during and for the design of Public Improvements. At the request of the Company, the City may include design for Facilities in the design of Public Projects. Also at the request of the Company, the City and/or its contractor(s) or agent(s) shall provide accurate and timely field locations of proposed Public Projects in the event the Company is required to install new and/or relocate its Facilities.

f. The Company shall promptly locate, remove, relocate, or adjust any Facilities located in the Right-of-Way if reasonably necessary and requested by the City for a Public Project. Such location removal, relocation, or adjustment for a particular Public Project shall be performed by the Company without expense to the City, its employees, agents, or authorized contractors, and shall be specifically subject to rules and regulations of the City pertaining to such. If additional location, removal, relocation, or adjustment is the result of the inaccurate or mistaken information of the Company, the Company shall be responsible for costs associated with such without expense to the City. Likewise, if additional location, removal, relocations or adjustment is the result of inaccurate or mistaken information of the City, the City shall reimburse the Company for any additional expense necessarily incurred by the Company directly due to such inaccurate or mistaken information. The Company shall only be responsible for removal, relocation, or adjustment of Facilities located in the Right-of-Way at the Company's sole cost once each five (5) years for that particular facility. The City shall reimburse the Company for the removal, relocation, or adjustment of the Company's Facilities located in the Right-of-Way if required before the expiration of five (5) years from the date of the last relocation, removal, or adjustment of that particular facility.

g. The Company shall not be responsible for the expenses of relocation to accommodate any new Public Project for Private Development initiated after the effective date of this Ordinance. The expenses attributable to such a project shall be the responsibility of the third (3rd) party upon the request and appropriate documentation of the Company. Before such expenses may be

billed to the third (3rd) party, the Company shall be required to coordinate with the third (3rd) party and the City on the design and construction to ensure that the work required is necessary and done in a cost effective manner. The Company may require payment in advance of estimated costs or relocation prior to undertaking any work required to accommodate any new Public Project for Private Development initiated after the effective date of this Ordinance.

h. The City may continue to provide a location in the Right-of-Way for the Company's Facilities as part of a Public Project, provided that the Company has cooperated promptly and fully with the City in the design of its Facilities as part of the Public Project.

i It shall be the responsibility of the Company to take adequate measures to protect and defend its Facilities in the Right-of-Way from harm or damage. If the Company fails to accurately locate Facilities when requested, it shall have no claim for costs or damages against the City. The Company shall be responsible to the City and its agents, representatives, and authorized contractors for all damages including, but not limited to, delay damages, repair costs, down time, construction delays, penalties or other expenses of any kind arising out of the failure of the Company to perform any of its obligations under this Ordinance. The above general provisions notwithstanding, the City and its authorized contractors shall take reasonable precautionary measures including calling for utility locations through Kansas One Call and exercising due caution when working near the Company's Facilities.

j. All technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of the Facilities

in the Right-of-Way shall be in accordance with applicable present and future federal, state, and City laws and regulations, including but not limited to the most recent standards of the Kansas Corporation Commission and U.S. Department of Transportation. It is understood that the standards established in this paragraph are minimum standards and the requirements established or referenced in this Franchise may be additional to or stricter than such minimum standards.

k. The City encourages the conservation of the Right-of-Way by the sharing of space by all utilities. Notwithstanding provisions of this Franchise prohibiting third (3rd) party use, to the extent required by federal or state law, the Company will permit any other franchised entity by an appropriate grant, or a contract, or agreement negotiated by the parties, to use any and all Facilities constructed or erected by the Company.

l. Permission is hereby granted to the Company to trim trees upon and overhanging the right-of-way and utility easements. The Company shall perform line clearance work in accordance with regulations established under OSHA 29 CFR 1910.269. All pruning operations shall be performed by personnel qualified to perform the work and in accordance with the latest versions of ANSI Z133.1 (Safety Requirements for Pruning, Repairing, Maintaining and Removing Trees, and Cutting Brush) and ANSI A300 (Part 1) (Standard Practices for Tree, Shrub, and Other Woody Plant Maintenance). For routine trimming operations, customers shall be contacted at least one (1) week in advance by either personal contact or by informational door hanger.

Section 7. Indemnity and Hold Harmless.

The Company shall indemnify and hold and save the City, its officers, employees, agents, and authorized contractors, harmless from and against all claims, damages, expense, liability, and costs including reasonable attorney fees, to the extent occasioned in any manner by the Company's occupancy of the Right-of-Way. In the event a claim shall be made or an action shall be instituted against the City growing out of such occupancy of the Right-of-Way by Facilities of the Company, then upon notice by the City to the Company, the Company shall assume responsibility for the defense of such actions at the cost of the Company, subject to the option of the City to appear and defend.

Section 8. Right of Assignment.

This Franchise shall be assignable only in accordance with the laws of the State of Kansas, as the same may exist at the time when any assignment is made.

Section 9 Acceptance of Terms by Company.

Within thirty (30) days after the final passage and approval of this Ordinance, the Company shall file with the City Clerk of the City its acceptance in writing of the provisions, terms and conditions of this Ordinance. This Ordinance shall constitute a non-exclusive contract between the City and the Company.

Section 10. Conditions of Franchise.

This non-exclusive franchise, grant, and privilege is granted under and subject to all applicable laws and under and subject to all of the orders, rules, and regulations now or hereafter adopted by governmental bodies now or hereafter having jurisdiction.

Section 11. Invalidity of Ordinance.

If any clause, sentence, or section of this Ordinance shall be held to be invalid, it shall not affect the remaining provisions of this Ordinance.

Section 12. Effective Date of Ordinance.

This Ordinance shall take effect and be in force on the first day of the first month after its passage and approval by the City, acceptance by the Company, and publication in the official city newspaper.

Section 13. Repeal of Conflicting Ordinances.

Ordinance No. 3168, which heretofore granted a non-exclusive franchise to the Company, and which became a contract between the City and the Company in accordance with its terms, and all other ordinances and resolutions or parts thereof inconsistent or in conflict with the terms hereof, are hereby canceled, annulled, repealed, and set aside.

PASSED and APPROVED by the Governing Body on the ____ day of _____, 20__.

Mayor

ATTEST:

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Dawson Cottage Addition Impact Fee
DATE: October 30, 2015

With the adoption of Ordinance No. 3273, the City Commission levied special assessments on the Dawson Cottage Addition to provide a revenue source for the G.O. debt issued to finance public improvements constructed within the subdivision and adjacent to several nearby lots.

The public improvements included in the petition for public improvements included a water main extension and storm drainage appurtenances. A sanitary sewer main was not included in the petition because a sanitary sewer main had previously been constructed to serve the area.

Sanitary sewer taps for private sewer services were constructed as part of the construction, although the cost of the services could not be spread against the benefitting properties because the taps were not included in the original petition. As such, the City agreed to pay for the sanitary sewer taps as an at-large contribution when the special assessments were levied against the properties with the idea that the City would seek to be reimbursed for the cost of the services by establishing an impact fee to collect when building permits would be issued for properties with a sanitary sewer service.

In addition, a portion of a water main was also included as an at-large contribution by the City for unrelated reasons. All told, the City's total at-large contribution for the project was \$48,721.09.

The City Attorney has prepared an ordinance to establish an impact fee to collect the City's at-large contribution at the time building permits are issued for properties identified in the ordinance. The total square footage to be assessed the impact fee includes 163,538 square feet, more or less. The impact fee would be allocated on a per-square-foot basis equalling \$0.147257 per square foot.

The ordinance would also charge an interest rate of 1.97% per year, which is equal to the interest rate of the bonds issued to finance the public improvements. The interest charge allows the City to be reimbursed for the time value of money equal to the interest rate on the bonds as the subdivision develops over a period of years.

Property owners of record will be notified at least ten days prior to a public hearing that will provide them an opportunity to raise objections to the proposed impact fee.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING AN IMPACT FEE FOR THE PURPOSE OF RECOVERING THE COST OF CERTAIN SANITARY SEWER IMPROVEMENTS IN THE DAWSON'S COTTAGE ADDITION TO THE CITY OF ABILENE, KANSAS.

BE IT ORDAINED by the governing body of the City of Abilene, Kansas:

Section 1. Authority. This ordinance is adopted pursuant to Ordinance No. 2846 ("Infrastructure Impact Fee Ordinance") and the City's home rule authority under Article 12, Section 5 of the Kansas Constitution, all in accordance with K.S.A. 12-137.

Section 2. Legislative Findings. The governing body finds that:

A. The City has caused certain water, sanitary sewer, street and storm drainage improvements to be installed for the benefit of the Dawson's Cottage Addition to the City of Abilene, Kansas (the "Project"); the Project was completed as a property owner-initiated project under the Kansas General Improvement and Assessment Law (K.S.A. 12-6a01 *et seq.*).

B. In Resolution Number 061013-2, as amended by Resolution Number 030915-2, the governing body identified the area it deemed to be benefited when identifying the improvement district for the Project (the "Improvement District"); in Resolution No. 061013-2, the governing body further determined that 100% of the Project costs should be assessed to the Improvement District.

C. The Improvement District includes, among other tracts, the following described real property (collectively, the "Benefit Area"):

Lots 3, 4, 5 and 6, Block 1 and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 2, Dawson's Cottage Addition to the City of Abilene, Kansas

D. A component of the overall Project included the installation of sanitary sewer taps to serve the Benefit Area, which improvements cost a total of \$24,086.55 ("Sewer Tap Costs").

E. By Ordinance No. 3273 (the "Assessment Ordinance"), the governing body levied special assessments against the various tracts within the Improvement District for the purpose of paying certain Project costs totaling \$326,278.91.

F. The City installed the sanitary sewer tap improvements as part of the overall Project, but the Sewer Tap Costs were not included in the total amount of special assessments levied against the Improvement District; the Sewer Tap Costs have therefore been incurred by the City-at-large.

G. The City of Abilene Improvement Policy Manual, adopted July 12, 1993 by the governing body, established the City's development policy for the financing of public improvements within the City. The policy provides, in part:

Section 4. DEVELOPER OR USER IMPROVEMENTS: The developer or user shall pay for the installation of all sanitary sewer lines and appurtenances. A benefit district may be established for the purpose of assessing the cost of such improvements. The City may accept petitions for special assessment to finance the cost of such improvements unless otherwise accepted in this policy.

H. In addition, the City's Infrastructure Impact Fee Ordinance provides for the establishment and assessment of an impact fee on all new development found by the governing body to benefit from specific city infrastructure improvements.

I. New development within the Benefit Area will benefit from the City's installation of the sanitary sewer tap improvements.

J. Consistent with the City's policy regarding the distribution of costs for financing public sanitary sewer systems, as set forth in the Improvement Policy Manual, and consistent with the requirements of the City's Infrastructure Impact Fee Ordinance, the public interest is most fairly served by the assignment of the Sewer Tap Costs to the Benefit Area, rather than the City-at-large, as such costs would be assigned to similarly situated properties located elsewhere within the City.

K. The Benefit Area includes 163,568.36 square feet, more or less. Consequently, the Sanitary Sewer Costs allocated on a per-square-foot basis equals \$0.147257 per square foot.

Section 3. Policy Objective. The policy objective of this ordinance is to provide for the reimbursement of the City for the cost of assessments paid by the City-at-large attributable to the Sanitary Sewer Costs.

Section 4. Imposition of Impact Fee. After the effective date of this ordinance, any owner of land who seeks to develop property located within the Benefit Area shall be required to pay a fee of \$0.147257 per square foot, plus interest at the compound rate of 1.97% per annum (which equals the average rate of interest paid by the City under its most recent general obligation bond issue in August, 2015) calculated from the effective date of this ordinance until the date the fee is paid (the "Impact Fee").

Section 5. Payment of Impact Fee. Payment of the Impact Fee to the City shall be made as a condition of the issuance of a building permit for construction of any development project within the Benefit Area. The amount of the Impact Fee shall be based upon the developable square footage of the legally described parcel for which the permit is being issued. All Impact Fees collected shall be used exclusively to reimburse the City for the Sanitary Sewer Costs incurred by the City-at-large as a component of the Project.

Section 6. Effective Date. In accordance with K.S.A. 12-137, this ordinance shall be published once each week for two (2) consecutive weeks in the official city newspaper and shall be effective sixty (60) days after its final publication, unless within sixty (60) days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election shall be filed with the county election officer of Dickinson County demanding that such ordinance be submitted to a vote of the electors, in which case it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Section 7. Recording of Notice. Following the effective date of this ordinance, the City Clerk is directed to record with the Office of the Dickinson County Register of Deeds a Notice of Impact Fee with a certified copy of this ordinance and a legal description of the Benefit Area attached.

PASSED AND APPROVED by the governing body of the City of Abilene, Kansas, on November ____, 2015.

CITY OF ABILENE, KANSAS

By: _____
Dennis Weishaar, Mayor

[SEAL]
ATTEST:

Penny L. Soukup, CMC, City Clerk



**Abilene City Commission Minutes
Abilene Public Library
October 26, 2015 @ 4:00 p.m.
Abilene, Kansas**

1. Call to Order

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

Staff Present: City Manager Dillner, Human Resources Director/City Clerk Soukup, Finance Director Rothchild, City Attorney Martin, Parks & Recreation Director Foltz, Community Development Director Shea, and Fire Chief Sims.

Others Present: Mike Heronemus, Erica Gensicke, Luella Elliott, Drake Webster, James Holland, Linda Vincent, Phyllis Wilson, Betty Bowser and Jennifer Pretz.

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

Consent Agenda

4. Agenda Approval for the October 26, 2015 City Commission Meeting
5. Meeting Minutes: October 13, 2015, Regular Meeting
6. A Resolution providing for Cost-of-Living Adjustment to the Pay Plan for the City of Abilene, Kansas
7. A Resolution approving Longevity Pay per Chapter 12, Section 16 of Personnel Policy of the City of Abilene, Kansas
8. Acceptance of the Third Quarter, 2015 Financial Report for the City of Abilene, Kansas

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

Public Comments and Communications

9. 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.

There were no comments and communications from the public.

10. 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

11. American Legion Auxiliary Buddy Poppy Proclamation

Commissioner Shafer read a proclamation for American Legion Auxiliary's 2015 Poppy Program Campaign proclaiming November 11, 2015 as Buddy Poppy Day in Abilene, Kansas and presented it to representatives from the American Legion Auxiliary.

Public Hearings

12. There were no public hearings.

Old Business

13. There was no old business.

New Business

14. Consideration of a Resolution approving a Real Estate Donation Agreement with Abilene Highlands, LP concerning the conveyance of certain real property commonly known as the Abilene Highlands Addition to the Land Bank of the City of Abilene, Kansas.

City Manager Dillner presented information regarding the donation of the Abilene Highlands Addition to the City of Abilene Land Bank. The agreement sets for the terms and conditions of the property to be transferred to the City's Land Bank in accordance with state law and local ordinance. A few points of consideration follow:

- The property will be donated at no cost to the City of Abilene. The property owner intends to claim the value of the property as a non-cash charitable contribution, although it is understood by both parties that the property owner is responsible for seeking legal and tax advice to fully capitalize on this intent.
- The Land Bank will pay the following costs associated with the transaction: 1) 50% of the title insurance premium; 2) 50% of the escrow and closing fee, if any; 3) the cost of recording the deed; 4) the cost of obtaining an appraisal pursuant to Section 4 of the agreement, subject to Donor's reimbursement obligation as set forth therein; and 5) any attorney's fees and expenses incurred by the Land Bank in the preparation and performance of this agreement.
- The donor will pay the following costs associated with the transaction; 1) 50% of the title insurance premium; 2) 50% of the escrow and closing fee, if any; and 3) any attorneys' fees and expensed incurred by the Donor in preparation and performance of this agreement.
- The City is preparing an appraisal of the property to be delivered to the Donor five days prior to the closing date. The City has contracted with Simmons Company of Manhattan, Kansas to prepare the appraisal at a cost of \$4,500. If the donor is unable to provide title to the property, the Land Bank may terminate the Agreement and the donor will reimburse the cost of the appraisal to the City.

- First American Title Insurance Company of Abilene will serve as the escrow agent.
- The Land Bank will be provided owner's title insurance in an amount not to exceed the appraised value of the property.
- Closing date of the agreement will be on or before November 19, 2015, and includes the delivery to the Land Bank of a warranty deed in proper recording form so as to transfer property to the Land Bank fee simple title free of all encumbrances as provided in the Agreement. The Land Bank shall take possession immediately following closing.

City Manger Dillner said the Economic Development Council is in the process of reviewing a policy setting forth the conditions by which property will be administered by the Land Bank. The proposed policy will be forwarded to the Land Bank governing body following recommendation by the Economic Development Council.

Motion by Commissioner Shafer, seconded by Commissioner Marshall to approve Resolution No. 102615-3 A RESOLUTION APPROVING A REAL ESTATE DONATION AGREEMENT WITH ABILENE HIGHLANDS, LP CONCERNING THE CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE ABILENE HIGHLANDS ADDITION TO THE LAND BANK OF THE CITY OF ABILENE, KANSAS. Motion carried unanimously 5-0.

Reports

15. City Manager Report

a. Expenditure Report

City Manger Dillner said the Fire Department and Community Development Department have been working on a pilot initiative for building inspections. The Fire Department has been doing inspections. A meeting was held to discuss how things have been working and there are a few tweaks that need to be made. The process will be reviewed again in two weeks.

There will be a public meeting November 11th to discuss the NW 11th Street project. Three options will be presented for the design and an engineer will prepare a preliminary design for the option chosen.

City staff is working on Dawson Cottage impact fees for the water and sewer connections.

City staff met regarding the closing of Third Street on Halloween this Saturday. North West Third Street will be closed from Mulberry to Pine for public safety.

City Manager Dillner gave a clarification regarding the payroll items on the Consent Agenda. The 27th payroll was to be scheduled for 2016 was moved into 2015. The increase in the mill levy for 2016 does include the COLA and merit increase for the employees for 2016.

City Clerk Soukup said we knew that this payroll was coming in 2016. We decided to move it into 2015 to keep the mill levy low when we were in budget discussions for 2016. In looking at the numbers we will probably need a budget amendment for 2015 since it was not intended for 2015.

City Manager Dillner read a letter from the Omitama Mayor regarding their last visit to Abilene.

Adjournment

16. Consideration of a motion to adjourn the October 26, 2015 City Commission meeting.

Motion by Commissioner Marshall, seconded by Commissioner Payne to adjourn at 4:18 p.m. Motion carried unanimously 5-0.

(Seal)

Dennis P. Weishaar, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

MEMORANDUM

To: Abilene City Commission
From: Mary Marrow and Michelle Hersh, Public Health Law Center
Re: Safety, health, and economic benefits of Complete Streets/bicycle/pedestrian initiatives
Date: May 27, 2015

The HCI Leadership Team and Health & Wellness Coalition for Dickinson County, Kansas, is working to integrate active transportation in Abilene.

The Dickinson County Leadership Team requested information regarding the benefits of developing safer walking and bicycling routes. The Public Health Law Center reviewed existing research and found information supporting the development of complete streets (such as the development of sidewalks and bike lanes) to promote community safety, health, and economic benefits.

In sum, realtors, planners, public health officials, and other experts believe areas with bicycling and walking infrastructure (such as sidewalks and bike lanes) are more attractive to homebuyers, can increase safety, and promote health for residents. Specifically, investing in bicycling and walking infrastructure has been found to create jobs, raise property values, and increase local and state spending. Further, infrastructure improvements such as sidewalk implementation or resurfacing will keep Barton County poised to successfully implement its safe routes (bicycling and walking) and walking school bus initiatives. The following discussion provides a summary of the key safety, health, and economic benefits supporting the development of complete streets for your coalition members.

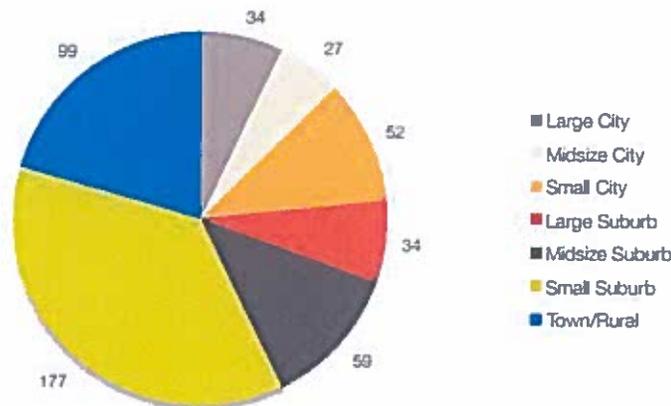
Please let us know if you have any questions or need any additional information.¹

I. Background

Local governments across the United States are implementing Complete Streets policies to promote bicycling and walking. Small cities, small suburbs, and rural communities account for a large percentage of the communities implementing these policies.

Figure 1: Smart Growth America, 2013

Municipalities with Complete Streets policies by size, 1971–2013



II. Economic Benefits

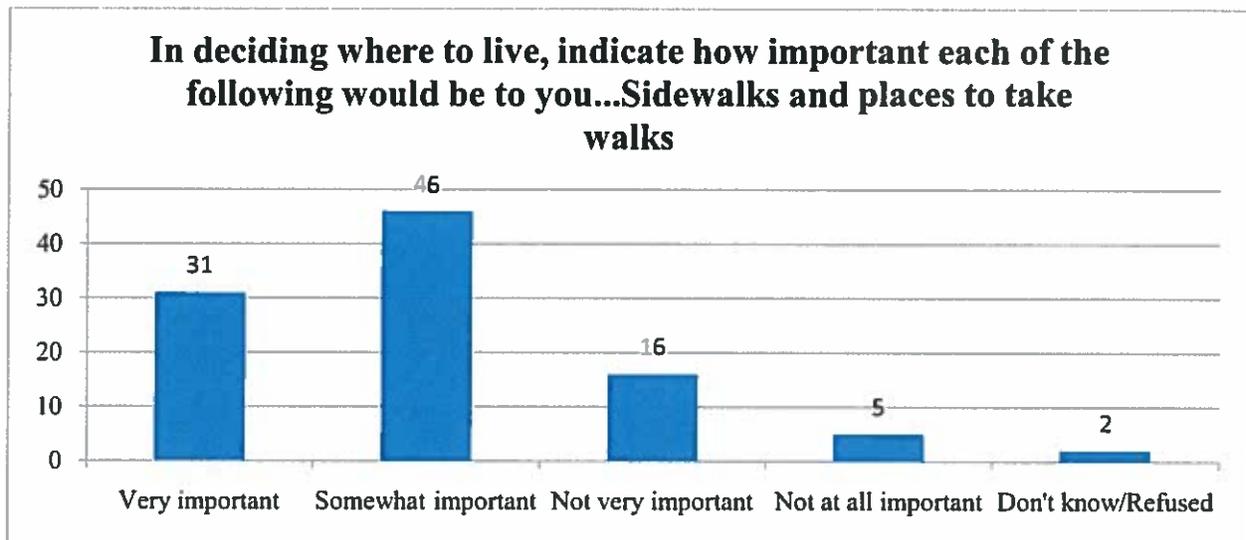
A. Investing in walking and bicycling infrastructure creates jobs

- A study of 11 cities and 58 separate bicycling and walking projects (including the building of multi-use trails and the widening of roads to include bicycle lanes and sidewalks) found the designing and building of infrastructure for walking and bicycling increases employment, especially for engineers, construction workers, and workers that produce asphalt, signs, and other construction materials.²

B. Homebuyers want and prefer to have sidewalks.

- In a Community Preference survey of 2,071 randomly-selected adults conducted by the National Association of Realtors in 2011, more than $\frac{3}{4}$ of respondents ranked having sidewalks or places to take walks as very important or somewhat important in deciding where to live (figure 2).

Figure 2: National Association of Realtors, 2011



Source: Roper Center, National Association of Realtors

C. Walkability and walking/bicycling infrastructure (such as trails) adds value to homes.

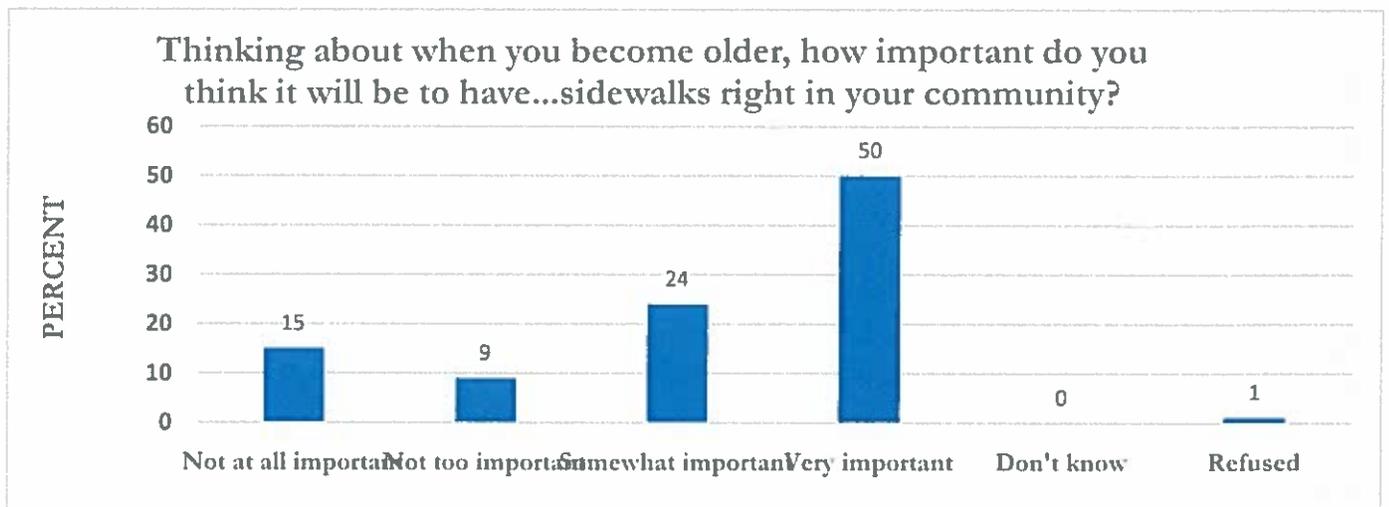
- The National Association of Realtors’ “Houselogic” website cites a study that shows that houses in neighborhoods with good walkability are worth between \$4,000-\$34,000 more than houses in neighborhoods that require more driving.³
- In a survey⁴ published in 2009 of 15 metropolitan areas demonstrated that a one-point increase in the walkability of a neighborhood as measured by WalkScore.com increased home values by \$700 to \$3,000.⁵
- The Federal Highway Administration (FHWA) states that “walkable” neighborhoods often have higher property values because homes in locations where residents can safely walk to schools and other nearby destinations are desirable.⁶
- A study analyzing the impact the multi-use Little Miami Scenic Trail had on nearby property values found that the trail positively impacted single-family residential property values with sale prices increasing by \$7.05 for every foot closer a property is located to the trail.⁷
- A Knoxville, TN newscast states: “Neighborhoods with sidewalks may actually have higher housing values. An Urban Land Institute study showed homebuyers were willing to pay a \$20,000 premium for homes in pedestrian-friendly communities...”⁸

- According to a report by California’s Local Government Commission Center for Livable Communities, “A 1999 study by the Urban Land Institute of four new pedestrian-friendly communities determined that homebuyers were willing to pay a \$20,000 premium for homes in them compared to similar houses in surrounding areas.”⁹

D. Homebuyer desires are generally gravitating toward walkability.

- A Community Preference Survey published by the National Association of Realtors in September 2013 demonstrates that 60 percent of respondents favor a neighborhood with a mix of houses and stores and other businesses to which residents can easily walk.¹⁰
- Walkability is desirable among older populations as well as first-time homebuyers and families. Sidewalks and other infrastructure which promotes walking allows homebuyers to age in place,¹¹ rather than forcing them to relocate. This is of particular importance in Mitchell County, given that the percentage of persons age 65 or over in in this area is significantly higher than the Kansas average (21.6% versus 14% respectively).¹²
 - The Boomer Housing Survey,¹³ conducted by the American Association for Retired Persons (AARP) in 2012 of 2060 Boomers¹⁴ indicates that presence of sidewalks is somewhat or very important to homebuyers (figure 3).

Figure 3: AARP, 2012 (Source: Roper Center, AARP)



- Findings from a 2011 Urban Land Institute study titled “Walkable Communities Surveys”¹⁵ (note: all emphasis is added):

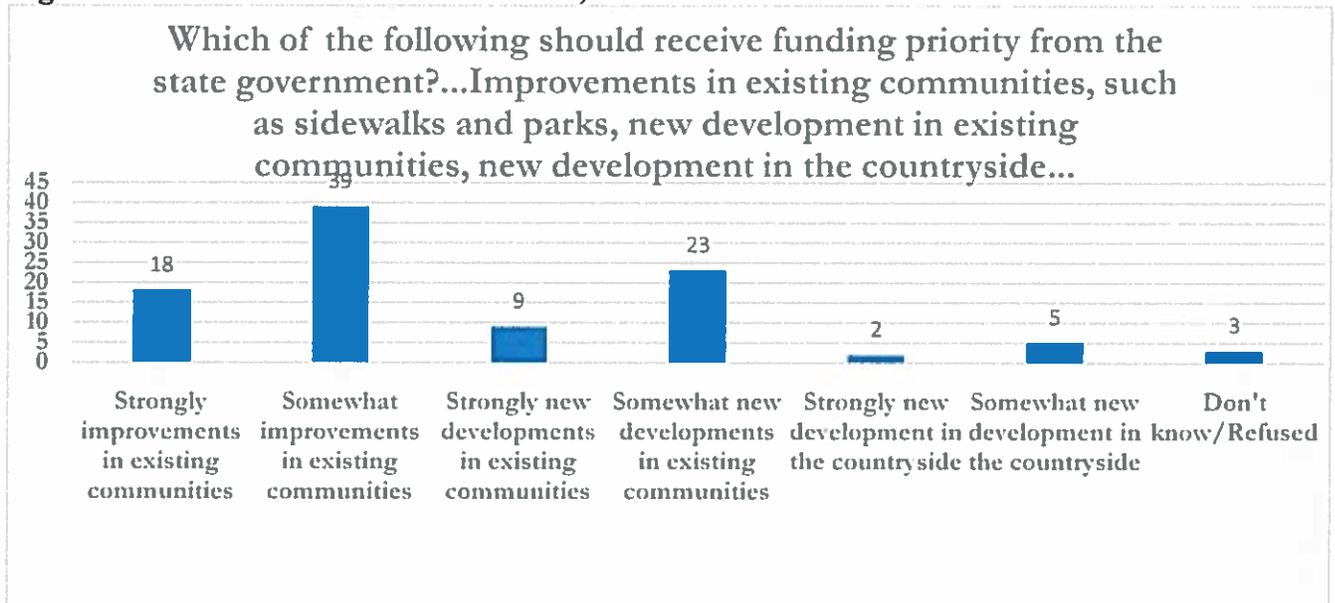


- “Walkable communities and some of their smart growth characteristics appear to be growing in popularity among the general public and even among some segments of prospective homebuyers, according to a series of recent surveys.”¹⁶
- “Surveys of 1,100 to 2,000 U.S. adults were conducted by Belden Russonello & Stewart, a Washington, D.C.–based research firm, and attempted to gauge Americans’ preferences about the types of communities they live in and want to live in. One theme that emerged from the 2011 survey was an increasing interest in walkability: ‘The importance of “sidewalks and places to take walks’ rose from 72 percent of respondents in 2004 to 77 percent in 2011.”¹⁷
- Rudy Kadlub, chairman of ULI’s Residential Neighborhood Development Council (Blue Flight) and chief executive of Costa Pacific Communities, a Portland, Oregon–based developer of new urbanist, transit-oriented housing projects, said, “We have found that homebuyers are willing to pay 20 percent to 30 percent more for homes in our transit-oriented walkable communities. People who live in our walkable communities feel they have more friends than in previous communities where they have lived, and they also feel safer, because the neighborhood is friendlier and more active, with more people on the streets and in the parks and open spaces.”¹⁸
- “Other recent consumer surveys suggest that some prospective homebuyers will be increasingly considering walkability when they make their next move. In Smart Growth America’s survey, which polled 1,200 people in late 2010, 58 percent of respondents said that being able to walk to stores or restaurants would have a strong impact on their next decision about where to live. That level was significantly higher than the 20 percent of respondents who reported considering walkability in their last move.”¹⁹
- Citing a 1998 study on emerging trends in real estate, a report by California’s Local Government Commission Center for Livable Communities states that “real estate values over the next 25 years will rise fastest in “smart communities” that incorporate traditional characteristics of successful cities including a mix of residential and commercial districts and a “pedestrian-friendly configuration.”²⁰

E. Sidewalk Construction Appropriate Use of Government Funds

- People see improvements to existing communities, including infrastructure enhancement (such as sidewalk construction), as an advantageous use of government funds.
 - A poll conducted by the American Association of Realtors in 2011 indicated that the majority of those polled felt as though improvements made to existing communities was a better use of government funds than development of new communities (figure 4). (Note: While this poll focused on state funds, this information may indicate a trend regarding general use of public funds at both the state and local level for funding sidewalk infrastructure in Kansas).

Figure 4: National Association of Realtors, 2011



Source: Roper Center, National Association of Realtors. 2011

- Strategic infrastructure planning can allow government bodies to implement Complete Street policies during road repair and other necessary infrastructure projects
 - During a reconstruction project in Brown County, Wisconsin, the Highway Department converted a four-lane highway to a three-lane street with two bike lanes. The construction of three-lane street with two bike lanes ended up costing 16.5% less (\$347,515) than the project estimate to repair the four-lane highway.²¹

F. Bicycling and walking infrastructure can spur economic development and tourism; support from local businesses

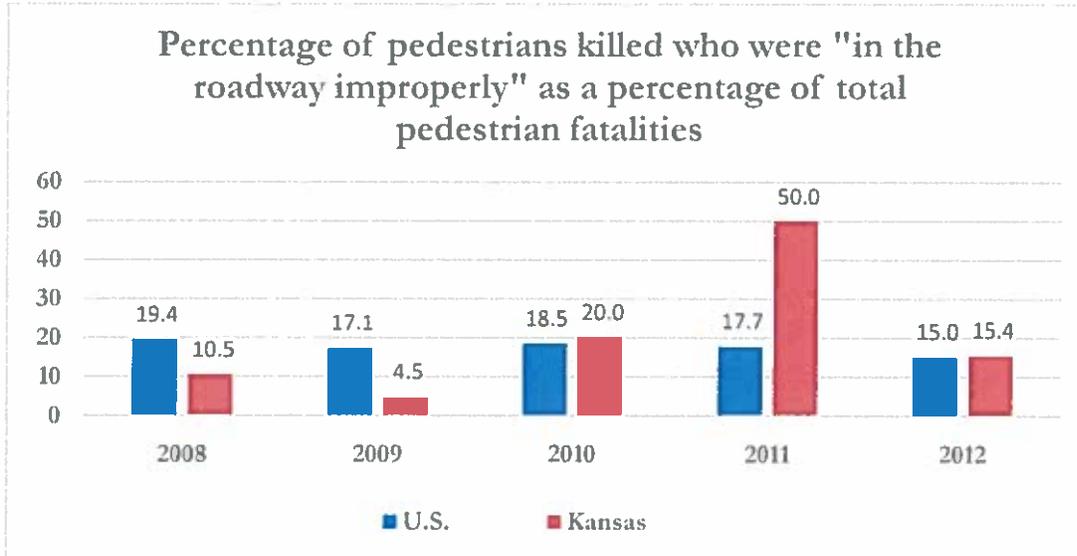
- In 2003, the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation commissioned a study to assess the value of their investment in bicycle facilities (approximately \$6.7 million of public funds to construct paths and paved shoulders). The study found that the bicycling activity in the northern Outer Banks region provided substantial economic benefit to the area – approximately \$60 million annually.²²
- According to the Travel Industry Association of America, more than 27 million travelers in the United States have taken a bicycling vacation in the past five years. Further, those vacationers are spending money.
 - To illustrate, it is estimated that the Iowa bicycling event called the RAGBRAI (Register’s Annual Great Bicycle Ride Across Iowa) accounts for direct spending from the over 8,800 race participants and travelers - with spending of \$16,908,642.²³
 - It is estimated that the economic impact from bicycle tourists in Maine is over \$66.8 million annually.²⁴
- While surveys have shown that business owners can be apprehensive about nearby road and infrastructure construction, those surveys have also shown that once the complete streets infrastructure changes have been implemented, those businesses see an increase in sales and become supporters of future enhancements.²⁵

III. Safety and Health Benefits

A. Sidewalks increase safety for pedestrians.

- From 2008 – 2012, the percentage of pedestrians killed who were in the roadway improperly²⁶ has increased from below to above the national average in Kansas (figure 1). “Walking along the roadway” crashes can be prevented by providing walkways which are separate from travel lanes.²⁷
- Pedestrian crashes are more than twice as likely to occur in places without sidewalks; streets with sidewalks on both sides have the fewest crashes.²⁸

Figure 5: Pedestrians killed who were in the roadway improperly, 2008-2012



Source: Fatality Analysis Reporting System

B. Walking has substantial health benefits.

- Brisk walking (≥ 3.5 mph) has been shown to reduce body fat, lower blood pressure, increase high-density lipoprotein, and even reduce risks of bone fracture.²⁹
- Brisk walking has also been associated with lower mortality rates from cardiovascular disease and cancer.³⁰

C. Safe Routes to School

Parents are more likely to permit their children to walk to school if they perceive sidewalks along the route to be available and well-maintained, which has positive implications for children’s safety and health.

- Elementary-aged children who walk or bike to school generally obtain more daily physical active compared to those who do not. Children who walk or bike to school are also more likely to engage in other forms of physical activity outside of school, and are more likely to walk or bike to other destinations.³¹
- In a survey completed among parents in an Austin, Texas suburb, the likelihood of walking was greater for students whose parents reported that there were sidewalks on most of their neighborhood streets. Additionally,

there was an increased likelihood of walking among students whose parents reported that sidewalks were well-maintained in their neighborhood.³²

- The majority of parents feel that it is too dangerous for their child(ren) to walk or bicycle to school because of traffic, rather than because of crime.³³
 - “Parents may weigh the safety of the specific route a child will travel over the safety of the neighborhood or school environment when deciding whether to allow their child to walk to school”.³⁴

D. People are drawn to areas where they see other people walking.

- In a 2010 survey, 67% of the respondents stated they “would like more transportation options to they have the freedom to choose how to get where they want to go.” 73% of the respondents stated they felt like they “have no choice but to drive.”³⁵
- In a 2009 report titled “Walking the Walk: How Walkability Raises Home Values in U.S. Cities,” Joe Cortright of Impresa, Inc., writing for CEOs for Cities, stated that “More people walking...is a signal that an area is safe and interesting.”³⁶
- Crime Prevention Through Environmental Design (CPTED) is an internationally-recognized set of design principles for designing the built environment in a way which makes it less conducive to crime.³⁷
 - CPTED advocates for the use of “territorial reinforcement”: the way that spaces are used can give a welcoming feel to wanted users, or an unwelcoming feel to undesired users.³⁸ Sidewalks are considered public space, and as such, are generally open and visible, which may make them less conducive to those intending to commit a crime.³⁹

The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health, but does not provide legal representation or advice. This correspondence should not be considered legal advice or a substitute for obtaining legal advice from an attorney. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.

Citations

¹ Most of the references cited are publicly available, however all public opinion data was obtained from a restricted use database. Please contact the Public Health Law Center for more information if you have questions regarding any of this restricted data that is referenced

² Heidi Garrett-Peltier, Pedestrian and Bicycle Infrastructure: A National Study of Employment Impacts,” (June 2011), http://www.peri.umass.edu/fileadmin/pdf/published_study/PERI_ABikes_October2011.pdf.

³ National Association of Realtors “Houselogic” website, available at <http://www.houselogic.com/home-advice/green-living/does-walkability-raise-property-values/#>.

⁴ The study, which was funded by a grant from the [Richard H. Driehaus Foundation](#), included 15 metropolitan areas, finding a statistically significant positive relationship between walkability and home values in 13 areas: Arlington, Virginia; Austin, Texas;; Charlotte, North Carolina; Chicago, Illinois; Dallas, Texas; Fresno, California; Jacksonville, Florida;; Phoenix, Arizona; Sacramento, California; San Francisco, California; Seattle, Washington; Stockton, California, and Tucson, Arizona. In one metro area, Las Vegas, walkability was correlated with lower housing values, and in Bakersfield, California, there was no statistically significant connection between walkability and housing values. From: <http://www.ceosforcities.org/research/walking-the-walk>

⁵ CEOs for Cities, Walking the Walk: How Walkability Raises Home Values in U.S. Cities (2009), available at <http://www.ceosforcities.org/research/walking-the-walk>

⁶ Engineering Solutions to Promote Pedestrian Safety. Federal Highway Administration, available at http://safety.fhwa.dot.gov/ped_bike/ped_cmunity/ped_walkguide/resource7.cfm

⁷ Duygu Karadeniz, The Impact of the Little Miami Scenic Trail on Single Family Residential Property Values, (2008), <http://www.livablebuckhead.org/wp-content/uploads/2012/04/The-Impact-of-Trail-on-Single-Family-Residential-Property-Values.pdf>.

⁸ Website for Knox County News, available at <http://www.knoxnews.com/news/2008/jun/08/sidewalks-offer-city-a-variety-of-benefits/>

⁹ Local Government Commission Center for Livable Communities, The Economic Benefits of Walkable Communities, citing Mark J. Eppli and Charles C. Tu, Valuing The New Urbanism, The Impact of the New Urbanism on Prices of Single-Family Homes, (1999), available at http://www.lgc.org/freepub/docs/community_design/focus/walk_to_money.pdf

¹⁰ National Association of Realtors “2013 Community Preference Survey” Press Release, available at <http://www.realtor.org/sites/default/files/reports/2013/2013-community-preference-press-release.pdf>

¹¹ The Center for Disease Control defines aging in place as “The ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level.”

¹² U.S. Census Bureau, State and County Quickfacts. Available at <http://quickfacts.census.gov/qfd/states/20/20123.html>. Accessed 11/25/14.

¹³ The Boomer Housing Survey is conducted to shed light on the current, emerging, and future housing concerns of the baby boomer population. It is administered to gain a sense of this population’s opinions, attitudes, and experiences in the areas of retirement migration, aging in place, and decisions regarding real estate purchases. Reported statistics are weighted using Census data (AARP).

¹⁴ “Baby boomers” or “boomers” are defined as persons born in the post-World War II era between the years of 1946 and 1964. The term is also frequently used in a cultural context.

¹⁵ Website for the Urban Land Institute, available at <http://urbanland.uli.org/Articles/2011/June/SpivakWalkable>

¹⁶ Website for the Urban Land Institute, available at <http://urbanland.uli.org/Articles/2011/June/SpivakWalkable>

¹⁷ Website for the Urban Land Institute, available at <http://urbanland.uli.org/Articles/2011/June/SpivakWalkable>

¹⁸ Website for the Urban Land Institute, available at <http://urbanland.uli.org/Articles/2011/June/SpivakWalkable>

¹⁹ Website for the Urban Land Institute, available at <http://urbanland.uli.org/Articles/2011/June/SpivakWalkable>

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- ²⁰ Local Government Commission Center for Livable Communities, *The Economic Benefits of Walkable Communities*, citing ERE Yarmouth and Rea Estate Research Corporation, *Defining New Limits: Emerging Trends in Real Estate*, (1998), available at http://www.lgc.org/freepub/docs/community_design/focus/walk_to_money.pdf
- ²¹ National Complete Streets Coalition, <http://www.smartgrowthamerica.org/complete-streets/implementation/factsheets/costs> (last visited January, 22, 2015).
- ²² A Case Study of the North Carolina Northern Outer Banks, Technical Report (July 2004), http://www.ncdot.gov/bikeped/download/bikeped_research_EIAfulltechreport.pdf.
- ²³ “Economic and Health Benefits of Bicycling in Iowa,” (Fall 2011), http://www.peoplepoweredmovement.org/site/images/uploads/Economic_and_Health_Benefits_of_Bicycling_in_Iowa.pdf.
- ²⁴ “Bicycle Tourism in Maine,” MAINE DEPT. OF TRANS., http://live-active.org/yahoo_site_admin/assets/docs/ME_biketourismexecsumm.172150329.pdf.
- ²⁵ “The Economic Benefits of Sustainable Streets,” New York City Dept. of Trans., <http://www.nyc.gov/html/dot/downloads/pdf/dot-economic-benefits-of-sustainable-streets.pdf> (referencing Emily Drennen, “Economic Effects of Traffic Calming on Urban Small Business,” San Francisco State University Department of Public Administration, 2003; Carmen Hass-Klau, “Impact of Pedestrianization & Traffic Calming on Retailing,” *Transport Policy*, Volume 1, Number 1, 1993, pg. 21-31; ECOTEC Research & Consulting, Ltd., *Economic Impact of the Public Realm: A Final Report to the East Midlands Development Agency*, Birmingham, UK, October, 2007.).
- ²⁶ “In the roadway improperly” is defined by the National Highway Traffic Safety Administration (NHTSA) as walking, lying, standing, or playing in the roadway or in the immediate vicinity of the roadway.
- ²⁷ Safety Benefits of Walkways, Sideways, and Paved Shoulders; FHWA Safety Program at page 2, available at <http://permanent.access.gpo.gov/gpo13943/walkways-trifold.pdf>
- ²⁸ Campbell, B., et al. (2004). “A Review of Pedestrian Safety Research in the United States and Abroad.” Federal Highway Administration Publication # FHWA-RD-03-042
- ²⁹ Dunton, G., et al., 2006, *Perceived Barriers to Walking for Physical Activity*, Preventing Chronic Disease
- ³⁰ Eyster AA, et al., 2003, *The epidemiology of walking for physical activity in the United States*.
- ³¹ Oluyomi, A.O et al. “Parental safety concerns and active school commute: correlates across multiple domains in the home-to-school journey”. *International Journal of Behavioral Nutrition and Physical Activity*, 2014, 11:32
- ³² Oluyomi, supra.
- ³³ Cho, CM et al. “The effect of resident-perceived neighborhood boundary on the equity of public parks distribution: using GIS”. *We. Geographic Information Systems*, 2005: 296-307
- ³⁴ Oluyomi, supra.
- ³⁵ Future of Transportation National Survey (2010), <http://t4america.org/maps-tools/polling/2010survey/>.
- ³⁶ CEOs for Cities, *Walking the Walk: How Walkability Raises Home Values in U.S. Cities* (2009), available at http://www.ceosforcities.org/pagefiles/WalkingTheWalk_CEOsforCities.pdf
- ³⁷ Chapter 9: Crime Prevention Through Environmental Design, available at http://www.brooklynpark.org/assets/1/25/Chapter_9_Crime_Prevention_Through_Environmental_Design.pdf
- ³⁸ Chapter 9: Crime Prevention Through Environmental Design, available at http://www.brooklynpark.org/assets/1/25/Chapter_9_Crime_Prevention_Through_Environmental_Design.pdf
- ³⁹ Chapter 9: Crime Prevention Through Environmental Design, available at http://www.brooklynpark.org/assets/1/25/Chapter_9_Crime_Prevention_Through_Environmental_Design.pdf

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: STAR Bond Project
DATE: October 30, 2015

Sales Tax Revenue (STAR) Bonds provide Kansas municipalities the opportunity to issue bonds to finance the development of major commercial, entertainment and tourism areas and to use the sales tax revenue generated by the development to pay off the bonds.

STAR Bonds are meant to be a strategic economic development tool. In order to be considered a major commercial entertainment and tourism area, a proposed project must be capable of being characterized as a statewide and regional destination. Projects should include high quality, innovative entertainment and tourism attractions, as well as contain unique features that will increase tourism, generate significant positive economic impacts and be capable of sustainable development over time.

There is a multi-step process involving the State, municipalities and developers before STAR Bonds are approved. Those include, but are not limited to:

- A City identifying potential STAR Bond district boundaries.
- The local governing body setting public hearings to discuss creating the STAR Bonds district.
- The Secretary of Commerce approving the potential district.
- The local governing body holding public hearings and adopting ordinances to actually create the district.
- Feasibility studies completed and delivered to the City.
- Project planning prepared and delivered to the City.
- The local planning commission reviewing the project.
- The local governing body setting and holding public hearings to adopt the project plan.
- The local governing body adopting the project plan.
- The Secretary of Commerce approving the project plan.
- Bond documents developed.
- STAR Bonds issued for project.
- Project begins.

STAR Bonds would allow the City to capture the state's portion of sales tax on all retail transactions occurring within the designated STAR Bond district boundaries. Presently, the City's sales tax rate is 9.1% with 6.5% going to the State of Kansas. If a STAR Bond project is developed in Abilene, the City would be able to capture the 6.5% of sales tax that would otherwise go to the State and use it to assist with the financing of eligible projects to include the development of a new tourism destination or the potential renovation of an existing tourism destination or destinations. The funds could also be used for eligible public improvements that would enhance the district and the community.

STAR Bond projects may also be "married" with tax increment financing (TIF) and community improvement districts (CID) to allow additional revenue to be collected from the incremental increase in property taxes within the district and from a district-specific sales tax collected in addition to the general sales tax.

If the City Commission desires to move forward with exploring the feasibility of a STAR Bond project, the City Manager recommends appointing an ad hoc committee to prepare a recommendation for a potential STAR Bond district(s) and to recommend to the City Commission a scope for a STAR Bond project(s).



STATE OF KANSAS
Ron Estes
 TREASURER

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

TELEPHONE
 (785) 296-4151

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

October 26, 2015

Dear Ms Efurd

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

You will receive an EFT to settle 10/29/2015. The details are as follows:

Detail Description	County	Amount
Oct 2015 Compensating Use Tax		
City Tax File	Dickinson	10,273.37
City Share From County Tax	Dickinson	5,424.18
Total for Oct 2015 Compensating Use Tax:		\$15,697.55
Oct 2015 Sales Tax		
City Tax File	Dickinson	107,310.33
City Share From County Tax	Dickinson	43,888.17
Total for Oct 2015 Sales Tax:		\$151,198.50
Grand Total Amount:		\$166,896.05

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

Sincerely,

Lucinda Anstaett
 Director Of Cash Management

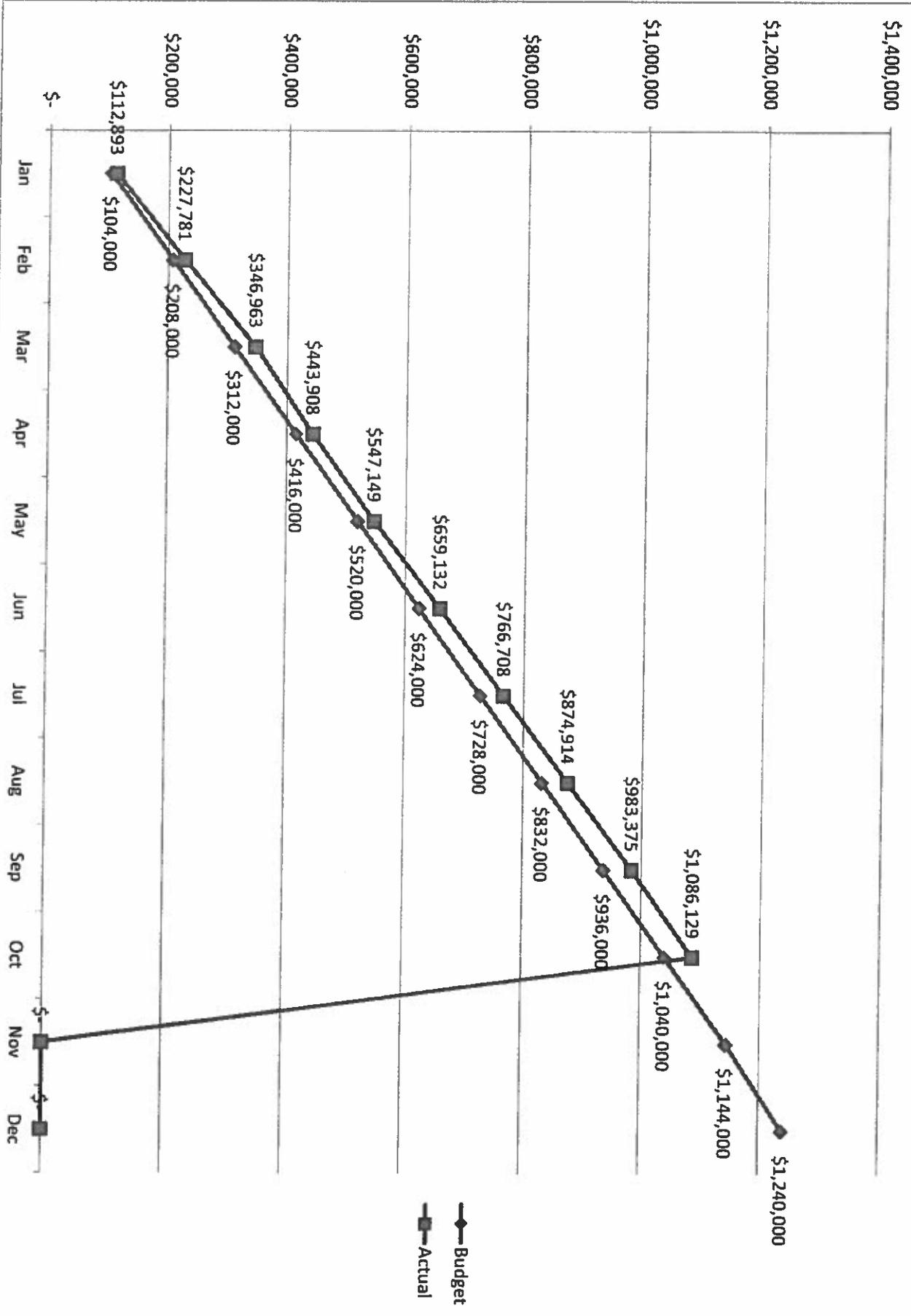
SALES TAX WORKSHEET 2015		SALES (CITY)	SALES (CITY SHARE OF COUNTY)	COMPENSATION (CITY)	USE TAX	COMPENSATION (CITY SHARE OF COUNTY)	TOTAL
TOTAL		\$ 107,310.33	\$ 43,888.17	\$ 10,273.37	\$ 5,424.18	\$ 166,896.05	
GENERAL FUND (58.82% OF CITY SALES AND CITY CU TAX)		\$ 48,772.54	\$ 43,888.17	\$ 4,669.25	\$ 5,424.18	\$ 102,754.14	
001 430070							
GENERAL FUND STREET (22.73% OF CITY SALES AND CITY CU TAX)		\$ 24,391.64		\$ 2,335.14		\$ 26,726.78	
037 430070							
LIBRARY/POOL PROJECT (41.18% OF CITY SALES AND CITY CU TAX)		\$ 34,146.15		\$ 3,268.99		\$ 37,415.13	
036 430070							
		\$ 107,310.33	\$ 43,888.17	\$ 10,273.37	\$ 5,424.18	\$ 166,896.05	\$ 166,896.05

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

		City - .50 (June, 1983)		County - 1.25 (Jan., 1996)		County - 1.00 (July, 1997)				
2015		2015	2015	2014	2014	2014	2014	%		
DATE	MONTH	CITY	COUNTY	CITY	COUNTY	MONTHLY	YEAR	OF PRIOR		
RECD	COLLECT					TOTAL	TOTALS	YEAR		
1/30	November	\$60,857.27	\$52,035.89	\$112,893.16	\$112,893.16	\$51,684.52	\$47,639.40	\$99,323.92	113.662%	
2/27	December	\$59,875.33	\$55,012.64	\$114,887.97	\$227,781.13	\$53,283.65	\$48,720.44	\$102,004.09	113.139%	
3/30	January	\$62,510.21	\$56,671.89	\$119,182.10	\$346,963.23	\$59,524.47	\$51,015.86	\$110,540.33	111.253%	
4/29	February	\$49,345.79	\$47,599.04	\$96,944.83	\$443,908.06	\$54,351.92	\$47,904.45	\$102,256.37	\$414,124.71	107.192%
5/28	March	\$53,272.61	\$49,968.67	\$103,241.28	\$547,149.34	\$53,371.27	\$52,367.31	\$105,738.58	\$519,863.29	105.249%
6/29	April	\$61,141.76	\$50,841.00	\$111,982.76	\$659,132.10	\$53,769.06	\$54,794.96	\$108,564.02	\$628,427.31	104.886%
7/30	May	\$56,880.26	\$50,696.57	\$107,576.83	\$766,708.93	\$56,140.74	\$55,231.94	\$111,372.68	\$739,799.99	103.637%
8/28	June	\$57,610.46	\$50,595.16	\$108,205.62	\$874,914.55	\$54,035.27	\$50,713.77	\$104,749.04	\$844,549.03	103.595%
9/29	July	\$55,973.57	\$52,487.09	\$108,460.66	\$983,375.21	\$50,654.03	\$49,940.16	\$100,594.19	\$945,143.22	104.045%
10/29	August	\$53,441.79	\$49,312.35	\$102,754.14	\$1,086,129.35	\$61,431.35	\$51,664.61	\$113,095.96	\$1,058,239.18	102.636%
11/28	September	\$0.00	\$0.00	\$0.00	\$0.00	\$51,710.92	\$48,386.89	\$100,097.81	\$1,158,336.99	0.000%
12/24	October	\$0.00	\$0.00	\$0.00	\$0.00	\$51,174.81	\$45,198.74	\$96,373.55	\$1,254,710.54	0.000%
	TOTALS	\$570,909.05	\$515,220.30	\$1,086,129.35	\$651,132.01	\$603,578.53	\$1,254,710.54			
	ANNUAL BUDGET			\$1,240,000.00			\$1,200,000.00			
	PERCENTAGE OF BUDGET RECEIVED			87.591%			104.559%			
	PERCENTAGE OF BUDGET YEAR			83.333%						

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

2015 SALES TAX COLLECTIONS VS. BUDGET



CITY OF ABILENE
SALES TAX COLLECTIONS
POOL & LIBRARY PROJECTS
2015

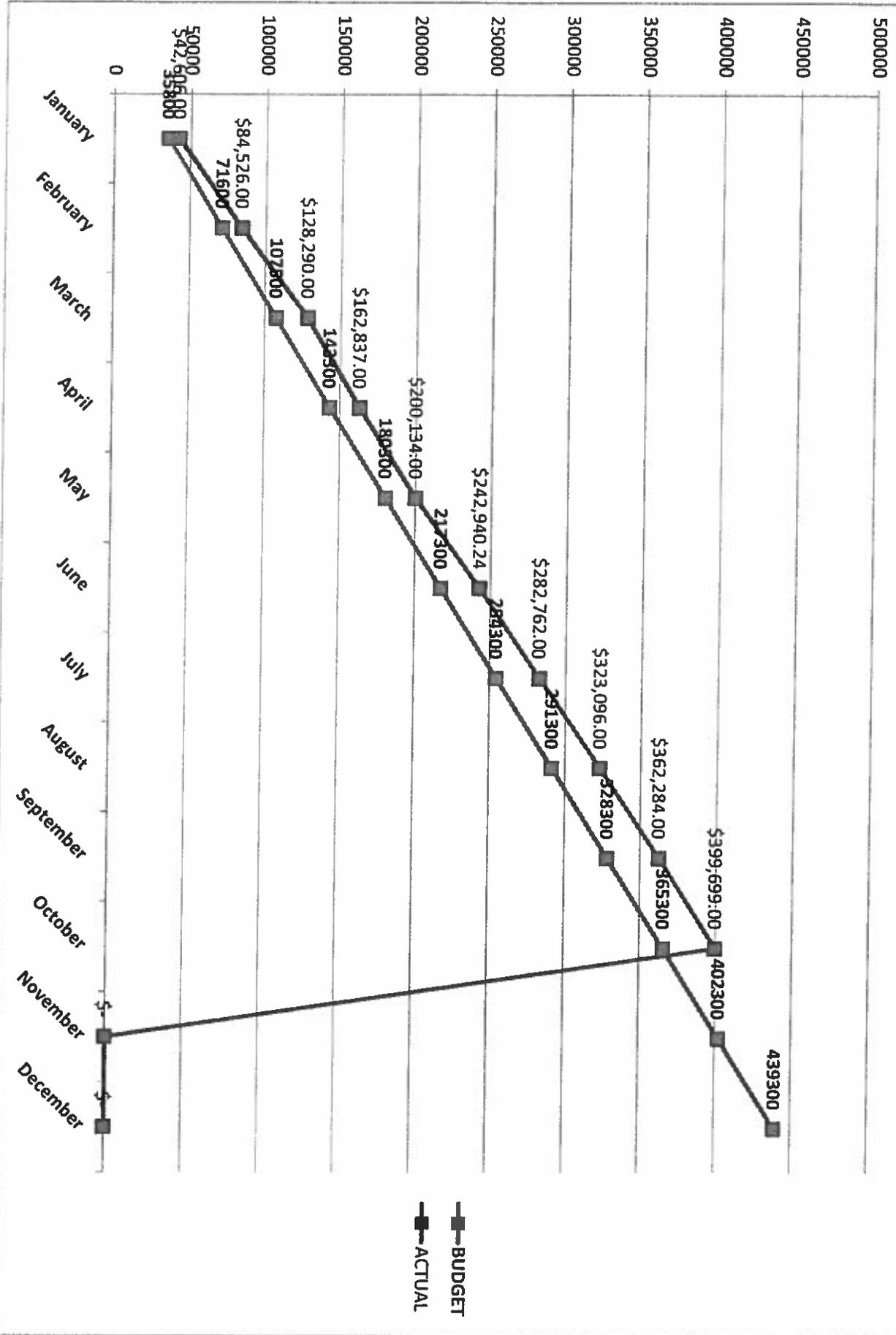
.35% SALES TAX (PASSED NOV 2007) COLLECTIONS STARTED APRIL 1, 2008 (Sunsets in 2018)

2015 DATE REC'D	MONTH COLLECTED FOR	2015 AMOUNT COLLECTED	2015 TOTALS YEAR	2014 DATE REC'D	2014 AMOUNT COLLECTED	2014 TOTALS YEAR	% OF PRIOR YEAR
1/30	November	\$ 42,606.78	\$ 42,606.78	1/31	\$ 36,184.85	\$ 36,184.85	117.75%
2/27	December	\$ 41,919.32	\$ 84,526.10	2/25	\$ 37,304.41	\$ 73,489.26	115.02%
3/30	January	\$ 43,764.02	\$ 128,290.12	3/25	\$ 41,673.68	\$ 115,162.94	111.40%
4/29	February	\$ 34,547.48	\$ 162,837.60	4/26	\$ 38,052.33	\$ 153,215.27	106.28%
5/28	March	\$ 37,296.68	\$ 200,134.28	5/30	\$ 37,365.76	\$ 190,581.03	105.01%
6/29	April	\$ 42,805.96	\$ 242,940.24	6/25	\$ 37,644.26	\$ 228,225.29	106.45%
7/30	May	\$ 39,822.44	\$ 282,762.68	7/29	\$ 39,304.70	\$ 267,529.99	105.69%
8/28	June	\$ 40,333.66	\$ 323,096.34	8/29	\$ 37,830.63	\$ 305,360.62	105.81%
9/29	July	\$ 39,187.66	\$ 362,284.00	9/26	\$ 35,463.39	\$ 340,824.01	106.30%
10/29	August	\$ 37,415.13	\$ 399,699.13	10/30	\$ 43,008.70	\$ 383,832.71	104.13%
11/28	September	\$ -	\$ -	11/25	\$ 36,203.33	\$ 420,036.04	0.00%
12/24	October	\$ -	\$ -	12/30	\$ 38,518.35	\$ 458,554.39	0.00%
	TOTALS	\$ 399,699.13			458,554.39		

ANNUAL BUDGET \$ 454,325.00
 PERCENTAGE OF BUDGET RECEIVED 87.98%
 PERCENTAGE OF BUDGET YEAR 83.33%

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

2015 SALES TAX LIBRARY/POOL PROJECT ACTURAL VS. BUDGET



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

2015

April 2013 .25-Street (Sunsets in 2023)

2015 DATE REC'D	MONTH COLLECT	2015		2014		% OF PRIOR YEAR
		CITY	TOTALS	CITY	TOTALS	
1/30	November	\$30,435.33	\$30,435.33	\$25,847.94	\$25,847.94	117.748%
2/27	December	\$29,944.25	\$60,379.58	\$26,647.68	\$52,495.62	115.018%
3/30	January	\$31,261.98	\$91,641.56	\$29,768.78	\$82,264.40	111.399%
4/29	February	\$24,678.32	\$116,319.88	\$27,181.94	\$109,446.34	106.280%
5/28	March	\$26,642.16	\$142,962.04	\$26,691.51	\$136,137.85	105.013%
6/29	April	\$30,577.61	\$173,539.65	\$26,890.45	\$163,028.30	106.448%
7/30	May	\$28,446.39	\$201,986.04	\$28,076.55	\$191,104.85	105.694%
8/28	June	\$28,811.57	\$230,797.61	\$27,023.58	\$218,128.43	105.808%
9/29	July	\$27,992.94	\$258,790.55	\$25,332.59	\$243,461.02	106.297%
10/29	August	\$26,726.78	\$285,517.33	\$30,722.43	\$274,183.45	104.134%
11/28	September	\$0.00	\$0.00	\$25,861.15	\$300,044.60	0.000%
	October			\$27,514.83	\$327,559.43	0.000%
	TOTALS	\$285,517.33		\$327,559.43		
	ANNUAL BUDGET		\$ 300,000			
	PERCENTAGE OF BUDGET RECEIVED		95.17%			
	PERCENTAGE OF BUDGET YEAR		83.33%			

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