



Abilene City Commission Meeting Minutes
Abilene Public Library – 209 NW Fourth Street
August 28, 2023, @ 4:00 pm.
Abilene, Kansas

1. Call to Order

2. Roll Call – City Commission Present: Mayor Witt, Commissioners, Kollhoff, Rein, Miller (via Zoom) and Marshall.

Staff Present: City Manager Marsh, City Clerk Mohr, Finance Director Johnson, City Attorney Martin, Parks and Recreation Director Timbrook, Fire Chief Strunk, Police Chief Hatter, Community Development Director Zook, Streets and Utilities Superintendent Hawk, Facilities Maintenance Specialist Alvarez, Assistant Fire Chief Stuck, Municipal Court Clerk/Office Manager Briand, City Inspector Steerman, and Administrative Manager-Public Works Hiatt.

3. Pledge of Allegiance

Agenda

4. Approval of the Agenda for the August 28, 2023, City Commission Meeting

Motion by Commissioner Rein, seconded by Commissioner Marshall, to approve the agenda with the addition of item 6b, discussion of legal issues involving use of electronic devices during meetings. Roll call vote: Rein YES, Marshall YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

Consent Agenda

5. Consent Agenda - Consent Agenda items are considered routine business items. The consent agenda can be acted upon by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.

a. Meeting Minutes for August 14, 2023, Regular Meeting

Motion by Commissioner Marshall, seconded by Commissioner Rein, to approve the consent agenda as presented. Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

6. Public Comments and Communications

- a. Public Forum: Persons who wish to address the City Commission regarding items outside the agenda may do so when called upon by the Mayor. Speakers will be allowed a three-minute time limit.

Bill Marshall, 510 NW 7th Street, presented the Mayor with a gift from the Mayor of Abilene's Sister City, Omitama, Japan. He also thanked the City for allowing scholarships to be given to students to travel to Japan as part of the Abilene Sister City Delegation; some of the students would not have been able to go without the scholarships.

- b. Discussion regarding the use of electronic devices during City meetings

City Attorney Martin spoke regarding the use of electronic devices to communicate with other commissioners during city meetings.

7. Business Items

- a. Continuation of Public Hearing from August 14, 2023, to show cause why the structure at 604 S. Cedar should not be condemned and ordered repaired or demolished.

Mayor Witt continued the public hearing at 4:15 pm.

City Inspector Steerman gave an update on the property; not much has changed since the last meeting.

Mayor Witt closed the public hearing at 4:18 pm.

- b. Consider approval of Resolution No. 082823-2, **A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 604 S. CEDAR ST., ABILENE, KANSAS, IS UNSAFE AND DANGEROUS AND DIRECTING THE STRUCTURE BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE.**

Motion by Commissioner Rein, seconded by Commissioner Marshall, to amend Resolution No. 082823-2 to change the commencement of work on the property to September 5, 2023, to allow proper time for publication. Roll call vote: Rein YES, Marshall YES, Miller YES, Kollhoff YES, Witt Yes. The motion carried unanimously 5-0.

Motion by Commissioner Rein, seconded by Commissioner Marshall to approve Resolution No. 082823-2, **A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 604 S. CEDAR ST., ABILENE, KANSAS, IS UNSAFE AND DANGEROUS AND DIRECTING THE STRUCTURE BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE.** Roll call vote: Rein YES, Marshall YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

- c. Public Hearing for the purpose of hearing and answering objections of taxpayers relating to the Revenue Neutral Rate and proposed tax rate, as required by 2021 Kansas Senate Bill 13.

Mayor Witt opened the public hearing at 4:23 pm.

Mayor Witt closed the public hearing at 4:24 pm.

- d. Consider approval of Resolution No. 082823-1, **A RESOLUTION OF THE CITY OF ABILENE, KANSAS, APPROVING THE LEVY OF A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE.**

Motion by Commissioner Marshall, seconded by Commissioner Rein, to approve Resolution No. 082823-1, **A RESOLUTION OF THE CITY OF ABILENE, KANSAS, APPROVING THE LEVY OF A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE.** Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff NO, Witt YES. The motion carried 4-1.

- e. Public hearing for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and amount of Ad Valorem Tax for the proposed 2024 Budget.

Mayor Witt opened the public hearing at 4:26 pm.

Diane Miller, 1601 Jayhawk, thanked the commission for holding the line on the revenue-neutral rate and budget. She expressed concerns about street maintenance and the concerns that the sales tax increase had not gone to the upkeep of existing streets.

Don Nebelsick, 308 NW 17th, expressed concerns about property valuations on commercial property continuing to rise. Dickinson County determines the valuation for residential and commercial properties.

Mayor Witt closed the public hearing at 4:31 pm.

- f. Consider approval of Ordinance No. 23-3435, **AN ORDINANCE ADOPTING AND APPROPRIATING THE 2024 ANNUAL BUDGET OF THE CITY OF ABILENE, KANSAS.**

Motion by Commissioner Rein, seconded by Commissioner Kollhoff, to approve Ordinance No. 23-3435, **AN ORDINANCE ADOPTING AND APPROPRIATING THE 2024 ANNUAL BUDGET OF THE CITY OF ABILENE, KANSAS with a decrease of the proposed Cost-of-Living (COLA) increase from 3% to 2%.** Roll call vote: Rein YES, Marshall NO, Miller NO, Kollhoff NO Witt YES. The motion failed 2-3.

Motion by Commissioner Kollhoff, seconded by Commissioner Rein, to table the approval of Ordinance No. 23-3435 to the September 11, 2023, City Commission meeting. Roll call vote: Kollhoff YES, Rein YES, Marshall NO, Miller NO, Witt YES. The motion carried 3-2.

- g. Consider approval of Ordinance No. 23-3432, **AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-401 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY ADOPTING AND INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 50TH EDITION (2023); AND REPEALING EXISTING SECTION 5-401.**

Motion by Commissioner Rein, seconded by Commissioner Kollhoff to approve Ordinance No. 23-3432, **AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-401 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY ADOPTING AND INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 50TH EDITION (2023); AND REPEALING EXISTING SECTION 5-401.** Roll call vote: Rein YES, Kollhoff YES, Marshall YES, Miller YES, Witt YES. The motion carried unanimously 5-0.

- h. Consider approval of Ordinance No. 34-3433, **AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-101 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY ADOPTING AND INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 39TH EDITION (2023), WITH CERTAIN OMISSIONS AND AMENDMENTS THERETO; AND REPEALING EXISTING SECTION 5-101.**

Motion by Commissioner Rein, seconded by Commissioner Kollhoff, to approve Ordinance No. 34-3433, **AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-101 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY ADOPTING AND INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 39TH EDITION (2023), WITH CERTAIN OMISSIONS AND AMENDMENTS THERETO; AND REPEALING EXISTING SECTION 5-101.** Roll call vote: Rein YES, Kollhoff YES, Marshall YES, Miller YES, Witt YES. The motion carried unanimously 5-0.

- i. Consider approval of Ordinance No. 23-3434, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE ELEMENTARY SCHOOL AT TRINITY LUTHERAN CHURCH, 320 N. CEDAR ST., IN THE C-4, CENTRAL BUSINESS DISTRICT, IN THE CITY OF ABILENE, KANSAS.**

Motion by Commissioner Marshall, seconded by Commissioner Rein, to approve Ordinance No. 23-3434, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE ELEMENTARY SCHOOL AT TRINITY LUTHERAN CHURCH, 320 N. CEDAR ST., IN THE C-4, CENTRAL BUSINESS DISTRICT, IN THE CITY OF ABILENE, KANSAS.** Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

- j. Consider approval of a bid from Solid Rock Roofing in the amount of \$95,410.00 for repairing and coating the Community Center roof.

Motion by Commissioner Kollhoff to table this item until the original construction documents can be presented. The motion failed due to lack of a second.

Motion by Commissioner Marshall, seconded by Commissioner Rein, to approve the bid from Solid Rock Roofing in the amount of \$95,410.00 for repairing and coating the Community Center roof. Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff NO, Witt YES. The motion carried 4-1.

8. Items for Discussion

- a. Consider approval of financing with Community Leasing Partners, Manhattan, Kansas, for the purchase of a Rosenbauer Pumper/Tender fire truck from Hays Fire Company.

Motion by Commissioner Marshall, seconded by Commissioner Rein, to approve financing of a seven-year term with Community Leasing Partners, Manhattan, Kansas, for the purchase of a Rosenbauer Pumper/Tender fire truck from Hays Fire Company. Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

- b. Consider approval of Resolution No. 082823-3, **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A COMMERCIAL FACILITY TO BE LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS.**

Dominic Eck, Gilmore and Bell, PC, explained the Industrial Revenue Bond proposal for sales tax exemption for the Golden Belt West Multifamily, LLC development.

Motion by Commissioner Rein, seconded by Commissioner Marshall, to approve Resolution No. 082823-3, **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A COMMERCIAL FACILITY TO BE LOCATED IN THE CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS.** Roll call vote: Rein YES, Marshall YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

9. Reports

a. City Manager's Report

The next Comprehensive Plan Steering Committee meeting is Tuesday, September 5 at 6:00 pm at the library.

The 14th Street construction project is about 3 weeks behind. This is due to other projects running over, leading to a shortage of crews. Smoky Hill expects to be able to catch up over the next few weeks. We will meet with the school district to look at possible timeline changes.

The City Connecting Link Improvement Program (CCLIP) is out for bid with opening on September 28th. This is for the portion of Buckeye from SW 6h to the UPRR.

The new woodchipper for the Recycling Center has been delivered and is working great.

The Recycling Center was awarded a solid waste grant from KDHE for a new composter. The grant amount is \$46,516.00 and pays up to 75% of the composter cost.

Flu shots will be available Tuesday, September 26, from 9:30–10:00 am in City Hall. This includes Commissioners.

Commissioner Kollhoff formally requested that the city manager's report be included in the agenda packet sent out before the meeting.

10. Recess of Regular Meeting

a. Consider a motion to recess the August 28, 2023, City Commission Meeting.

Motion by Commissioner Marshall, seconded by Commissioner Rein, to recess the August 28, 2023, City Commission Meeting at 5:04 pm. Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0. The City Commission Study Session will begin at 5:19 p.m.

11. Call to Order – August 28, 2023, City Commission Study Session

The City Commission Study Session was called to order at 5:19 p.m.

12. City Commission Study Session Agenda

- a. Property Tax Request for Golden Belt Heights West Multifamily, LLC
- b. Tobacco-Free Resolution Areas – BC/BS Pathways Grant
- c. Letters of support – Rural Rental, LLC, Kansas Housing Investor Tax Credits (HITC) and Moderate Income Housing (MIH) grants
- d. Solar PV Design & Installation RFP

13. Adjournment

- a. Consider a motion to adjourn the August 28, 2023, City Commission Meeting

Motion by Commissioner Marshall, seconded by Commissioner Rein, to adjourn the August 28, 2023, City Commission Meeting at 6:15 p.m. Roll call vote: Marshall YES, Rein YES, Miller YES, Kollhoff YES, Witt YES. The motion carried unanimously 5-0.

(Seal)

Trevor D. Witt, Mayor

ATTEST:

Shayla L. Mohr
City Clerk