

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
DWIGHT D. EISENHOWER MEMORIAL BUILDING - 419 N. BROADWAY AVENUE
April 4, 2017 - 4:00 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. **ITEMS FOR PRESENTATION AND DISCUSSION**
 - a. Introduction of the Interim City Manager, Jay Newton.
 - b. Discussion regarding Mayoral term. Article 1 of the City Code is included.
 - c. Discussion on Blight Plan presented by Community Development Director James Holland.
 - d. Discussion on fees and usage at Recycling Center by Public Works Director Lon Schrader.
 - e. Request from Police Department to discuss usage of special alcohol funds. City Attorney Aaron Martin will be here to discuss.

3. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
 - a. Meeting Minutes: March 27, 2017 regular meeting

4. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
 - a. Consider a motion to repair the grandstand windows.

5. **MEETINGS OF NOTE** *(Meetings at Abilene Public Library unless otherwise provided)*
 - City Commission Meeting, April 10 at 4:00 pm
 - Planning Commission, April 11 at 4:30 pm
 - Abilene Sister City, April 13 at 7:00 pm (CVB)
 - Recreation Commission, April 17 @ 5:30 pm (Rec Center)
 - City Commission Study Session, April 18 at 4:00 pm (City Bldg)
 - Economic Development Council, April 19 at 4:00 pm
 - Heritage Commission, April 20 at 4:00 pm
 - City Commission Meeting, April 24 at 4:00 pm
 - CVB Board, April 25 at 2:00 PM (CVB)

Article 1. Governing Body

1-101. Governing body; nomination and election.

(a) The Governing Body of the City of Abilene shall consist of a Board of Commissioners, as provided by the laws of Kansas for cities of the second class having the statutory commission-manager form of government, subject to any amendments made by charter ordinance. Reference may be made to the Governing Body in this code as the "Governing Body", "City Commission", or "Board of Commissioners."

(b) The positions of those commissioners with terms that would have expired in April 2017 shall expire on the second Monday in January of 2018 when the commissioners elected in the November 2017 general election take office. The positions of those commissioners with terms that would have expired in April 2019 shall expire on the second Monday in January of 2020 when the commissioners elected in the November 2019 general election take office.

(c) A general election shall take place on the Tuesday succeeding the first Monday in November 2017, and succeeding elections will be held every two years for all such commissioners whose terms will expire.

(d) In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for city office elected at large by having had filed on their behalf a nomination petition, or by filing a declaration of candidacy accompanied by any fee required by law. The nomination petition must be signed by fifty of the qualified electors of the City of Abilene, Kansas.

(Ord. 762; Ord. 3290)

1-102. Powers generally.

All powers exercised by cities of the second class, or which shall hereafter be conferred upon cities of the second class shall be exercised by the Governing Body, insofar as they do not conflict with the provisions of the statutes relating to the commission-manager form of government. The City of Abilene, Kansas continues to operate under the commission-manager form of government, as codified in L. 2015, ch. 88, sec. 10 through 12, and pursuant to all existing ordinances and charter ordinances relating to its form of government.

(Ord. 3290)

1-103. Titles.

No distinction shall be made in title or duties among the City Commissioners, except as the Governing Body shall organize itself for business.

1-104. Mayor.

The Governing Body shall select a Mayor annually, who shall preside at all meetings of the City Commission and shall serve as an official head of the city on formal occasions during the term of office. The Governing Body shall also select a Vice-Mayor annually, who shall preside and serve in the absence of the Mayor.

1-105. Meetings.

The Governing Body shall meet regularly at 4:00 p. m. on the second and fourth Mondays of each month for the purpose of conducting all business of the city. The Governing Body shall hold such adjourned and special meetings deemed necessary from time to time. The Governing Body shall determine the order of business at all meetings.

(Ord. 3016; Ord. 3123)

1-106. City manager.

The City Commission shall appoint a City Manager, as herein provided, and shall be responsible for the efficient administration of the business of the city by such City Manager.

1-107. Departments.

Administrative departments shall be created by the City Commission as the public business may demand. Such departments are created herein by Article 3 of this chapter.

1-108. Non-interference.

No City Commissioner shall directly interfere with the conduct of any department, except at the express direction of the City Commission.

1-109. Governing body compensation.

The salary of the City Commissioner serving as Mayor shall be Two Hundred Fifty Dollars (\$250.00) per month. The salary of all other City Commissioners shall be Two Hundred Dollars (\$200.00) per month. The Governing Body shall not be eligible for other benefits as provided to full-time employees of the City.

(Ord. 2845; Ord. 3177; Ord. 3224; Code 2015)

1-110. Code of procedure.

(a) There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city commission meetings of the City of Abilene, Kansas, that certain model code known as the "Code of Procedure for Kansas Cities," First Edition (2004), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas save and except for such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed.

(b) At least three copies of the "Code of Procedures for Kansas Cities" shall be marked or stamped Official Copy as Incorporated by Ordinance No. 3015, with all sections or portions thereof intended to be omitted or changed clearly marked to show any omission or change and to which shall be attached a copy of this section. All official copies shall be filed with the City Clerk to be open to inspection by the public during all reasonable business hours.

(c) Sections 32, 33, 34, 35, 37, 39 and 40. Of the "Code of Procedure for Kansas Cities" are hereby declared to be deleted.

(d) Section 12 of the "Code of Procedure for Kansas Cities" is hereby changed to read as follows:

- I. Roll Call
- II. Pledge of Allegiance
- III. Consent Agenda
- IV. Approval of Agenda
- V. Public Comments & Communications
- VI. Old Business
- VII. New Business



MEMORANDUM

TO: City Commission
FROM: James D. Holland, Community Development Director
SUBJ: Nuisance Abatement Plan
DATE: March 16, 2017

This memo was requested by the City Commission to describe a plan to effectively abate nuisances. There are a number of code violations that often occur with not all of them being nuisances. Zoning, permitting, construction, floodplain, and nuisances may require enforcement actions, all of which are the responsibility of the Community Development Department. Historically, there had been dedicated staff positions within the department for all inspection and code enforcement activities. However, the scope of this memorandum will focus on the current inspection arrangement with the Fire Department as it related to nuisance abatement.

While there are similarities in the way these items are enforced, cases may be unique based on circumstances. When seeking voluntary compliance communications and time prior to citation may vary. However, once a violation notice is issued, the City has established an enforceable time line for mitigation. We strive for voluntary compliance and a vast majority of the time violations are mitigated by the responsible party.

Effective code enforcement requires a substantial commitment to:

- Learn all codes;
- Maintain consistent context-based interpretations;
- Frequently monitor and document activities;
- Build a rapport with citizens and mitigation contractors; and
- In-depth knowledge of the entire enforcement processes.

ENFORCEMENT PROCESS:

There are three basic enforcement processes used for nuisance/zoning violations, weed/mowing violations, and condemnation of structures. The basic nuisance abatement process is as follows:

- Potential nuisance comes to the attention of the City staff, usually by a citizen inquiry;
- Inspection staff visit the property to document the current conditions;
- Where a violation is determined, a door hanger is placed on the property to encourage timely mitigation;

- When possible, the property owner should be contacted to discuss the nature of the violation and corrective measures that may be taken by the property owner;
- Repeat site visits conducted to document progress, if any;
- If voluntary compliance is not evident, a violation notice is issued by certified mail providing the responsible party 10 days to mitigate the nuisance, after which time, the City may seek proactive remedies;
- Proactive remedies may either be abatement with City resources or a notice to appear in court.

With a notice to appear, the court may fine the owner and order mitigation, which may or may not occur in a timely manner. Since the City's goal is to mitigate nuisances, it may be preferred that the City proactively abate the nuisance through approved contractor and invoice the responsible party for the cost. If the invoice is not paid, the City may file a lien against the property and recover the costs when the property is sold. Inoperable vehicle removal has a similar process, except the vehicles may be auctioned to help recover costs.

For weed/mowing violations we will follow the same basic process. However, when we proactively mitigate by sending the mowing contractor out, we will only offer a single violation notice for the first occurrence. All subsequent occurrences are covered by the original notice.

CURRENT ACTIVITIES:

Currently, some of the firefighters conduct building inspections, while Assistant Chief Rein is our only nuisance abatement inspector. Ronnie takes photos, visits with responsible parties, and provides notification by door hanger. He periodically reports on progress with the Community Development staff determining when to issue a violations notice with 10-days to abate. A list of recently active nuisance cases is attached. There are likely hundreds of additional violations, which could be identified and investigated. With mowing season approaching, the number of active cases will quickly double.

PROPOSED ACTIVITIES:

There are a number of periodic activities that should be taken to prevent the creep of negative influence nuisances, decay and overall blight have on the community.

Periodic Nuisance Sweeps – The Community Development Department should schedule city-wide violation discovery documentation to identify potential violations, allow for voluntary compliance, and demonstrate that codes are not selectively enforced. This will cause short-term consternation among a number of citizens. However, it will serve as a catalyst for neighborhood improvement.

Given the current building code and nuisance inspection arrangement, fire fighters could be increasingly involved in nuisance inspection and abatement, particularly if the City wanted to take inventory of all nuisance violations. Chief Sims has indicated that the fire fighters could sweep the neighborhoods and document nuisances. Courtesy door hanger notices may be placed to make the occupant aware of potential violations and offer them an opportunity to clean things up. The sweep

would help identify those situations that need further attention. A community-wide sweep should be done every 3-5 years.

Public Service Announcements – Seasonal public service announcements should be published and shared to make the public aware of common violations, such as weeds/mowing, debris collection, tree limbs, tires, and other common property maintenance issues.

Planned Condemnation – Schedule 3-5 years in advance for the condemnation and demolition of unsafe structures, due to the City expense and thorough process necessary to clear properties of blighted structures. The annual demolition/abatement budget line item should reflect this schedule.

“Neighborhood Clean Up” Event – Organize and promote a “Neighborhood Clean Up” event to provide volunteers to assist in the cleaning up of neighborhoods and properties where the property owner does not have the ability or means to combat blight. A community pride event could involve dozens of volunteer teams to help neighbors and promote a positive civic identity.

Thank You – Showing genuine appreciation for abated nuisances is very important, but often overlooked. The Community Development Department will make a habit of thanking people who voluntarily comply with nuisance codes. A handwritten thank you is a better deterrent to future violations than silence.

Proactive Plan:

Time Frame	Action	Description
Apr - May	Inspection Sweep	Inspection staff will drive through the neighborhoods documenting nuisance, inoperable vehicles and other violations.
May	Door Hangers	Door hangers will be provided as a courtesy.
May	Public Service Announcement	PSA's will be published regarding common nuisance violations and the rights and responsibilities of the citizens.
June	Follow ups	Send “Thank You” notes for compliance or visit those who have not brought the property into compliance.
July	Nuisance Letter	Reminding property owners that their nuisance may lead to a violation notice and unilateral enforcement.
August	Clean Up Day Projects	Identify those circumstances where responsible party may not have the means or ability to mitigate the nuisance.
August	Violation Notices	Issue Violation Notices.
September	Clean Up Day	Have an organized volunteer clean up day and assign groups to clean up day projects.
September	Abatement	Hire contractor to abate as many nuisances as the budget will achieve.
October	Invoice	Invoice the responsible party for mitigation expenses.
November	File Liens	File liens against property for the unpaid invoices.

ID#	Inspector	Violation
9262016-1	Rein	Nuisance-trailers, tires misc. vehicle parts, storage cont., etc.
9262016-2	Rein	Inoperable Vehicles
12012016-1	Rein	Nuisance-tents,tarps & misc. debri
12202016-1	Rein	Inop. Vechicles-derby cars
12272016-1	Rein	Inop Vehicle
12272016-1	Rein	Nuisance-items in yard
12272016-2	Rein	Inop Vehicle
12272016-2	Rein	Nuisance-items in yard
1092017-1	Rein	Nuisance-trailers and building
1092017-2	Rein	Abandoned Sign
1092017-3	Rein	Abandoned Sign
1192017-1	Rein	Debris, pallet scraps by garage & vehicle in yard
2012017-1	Rein	Trash & Debri in yard & on porch
2092017-1	Rein	Trash blowing from demolition
2202017-1	Rein	Trash in backyard
3062017-1	Rein	open pit covered w/rotten plywood



MEMORANDUM

TO: City Commission
FROM: Public Works Director Schrader
SUBJ: Recycling Center Usage and Fees
DATE: March 31, 2013

ISSUE:

Materials processed and sold in the last two years is down considerably

BACKGROUND:

From 2005 through 2014, the average annual tons of recyclable materials sold and shipped from the center was 334. In 2015 that number dropped to 264 and in 2016 it was 224 tons. The sales of this material has contributed to the operational costs. The combination of less material sold and generally lower commodity prices has impacted the budget for the center. When the facility opened in late 1994, the recycling fee rate was set for all those residents within the city limits with a water meter at \$1.50 per month. That rate has never changed.

RECOMMENDATION:

Consider a rate increase. Support the efforts of ours and OCCK's to promote more community education and participation at the center.

FISCAL NOTE:

A \$1 per month per customer increase in fees would generate an additional \$33,348.00 and a \$.50 per month increase would generate an additional \$16,674 per year.

ATTACHMENTS:

None.



**Abilene City Commission Minutes
Abilene Public Library
February 13, 2017 @ 4:00 p.m.
Abilene, Kansas**

1. Call to Order

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

Staff Present: Interim City Manager Soukup, City Attorney Martin, Finance Director Rothchild, Deputy City Clerk Mohr, Public Works Director Schrader, Parks & Recreation Director Foltz, Police Chief Mohn, Convention and Visitors Bureau Director Roller, Community Development Director Holland, Fire Chief Sims, Street Foreman Hawk and Senior Citizens Center Manager Riekeman.

Others Present: Mike Heronemus, Jerry Marsteller, Jeff Anderes, Jim Krueger, Bob Anderes, Diane Landers, Janelle Dockendorf, Lance Tilton, Martin Schneider and Rob Peschel, Marysville, KS.

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

Consent Agenda

4. Agenda Approval for the March 27, 2017 City Commission Meeting

5. Meeting Minutes: March 13, 2017, Regular Meeting

Motion by Commissioner Shafer seconded by Commissioner Dale to approve the Consent Agenda as presented. 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 Marshall asked for any comments or communications from the public that are not on the agenda.

There were no public comments or communications.

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. A Proclamation proclaiming March 2017 as March for Meals Month.

Mayor Marshall read a proclamation for March 2017 as March for Meals Month in Abilene, Kansas and presented it to Karla Riekeman, Senior Citizens Center Manager.

Public Hearings

9. There were no public hearings.

Old Business

10. There was no old business.

New Business

11. Consideration of a motion approving a partnership with the Rodeo and Fair Board to replace the Fairground Fencing.

Public Works Director Schrader presented information regarding the partnership with the Rodeo and Fair Board for the replacement of the fence around the park and fairground. He proposed that the costs be divided in thirds with the City's portion being \$2,250.00. The City will also provide extra labor to remove and haul away the old fence. The City will replace the storm drain pipe and provide more grading of the area for better drainage.

The Rodeo Committee and Fair Board are agreeable to this offer.

Motion by Commissioner Weishaar, seconded by Commissioner Bowers to approve a partnership with the Rodeo Committee and Fair Board for the replacement of the fence at the park and fairgrounds with the City paying one third of the cost equaling \$2,250.00 and the City also providing extra in-kind labor for the project. Motion carried unanimously 5-0.

12. Consideration of a Resolution approving the agreement form for Aerial Applicators at the Abilene Municipal Airport.

Community Development Director Holland presented information regarding an Aerial Applicator Seasonal User Agreement for the Abilene Municipal Airport. The City currently has one person providing aerial applications but has had inquiries from two other people. This resolution approves an agreement to be used for all aerial applicators.

Motion by Commissioner Shafer, seconded by Commissioner Weishaar to approve Resolution No. 032717-1 A **RESOLUTION APPROVING AN AERIAL APPLICATOR SEASONAL USER AGREEMENT FOR THE ABILENE MUNICIPAL AIRPORT**. Motion carried unanimously 5-0.

13. Consideration of a Resolution authorizing a lease purchase agreement between First Bank Kansas and the City of Abilene for the financing of a 2017 Dump Truck with Plow and Spreader for the Public Works Department.

Finance Director Rothchild presented information regarding bids received for interest rates on the lease agreement to purchase a 2017 Dump Truck with Plow and Spreader. Requests for bids were submitted to all local banks and staff recommends accepting the low bid from First Bank Kansas with an interest rate of 3.00%. The payment will be right around \$20,000.00 per year and lease agreement will be completed in 2022.

Motion by Commissioner Dale, seconded by Commissioner Bowers to approve Resolution No. 032717-2 a **RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT WITH FIRST BANK KANSAS CONCERNING THE LEASE PURCHASE OF A 2017 DUMP TRUCK WITH PLOW AND SPREADER.** Motion carried unanimously 5-0.

14. Consideration of a motion to authorize the Abilene Police Department to purchase a 2017 patrol car utilizing budgeted funds for such purchase.

Police Chief Mohn presented information regarding the purchase of a 2017 patrol vehicle through the State of Kansas contract through Rusty Eck Ford in Wichita, KS. The total expected cost of the patrol car is \$24,553.85. The 2010 Ford Explorer currently outfitted with K-9 will be traded in and the new unit will not be outfitted with K-9 equipment.

Motion by Commissioner Bowers, seconded by Commissioner Weishaar to authorize the Abilene Police Department to purchase a 2017 patrol vehicle for an estimated cost of \$24,533.85. Motion carried unanimously 5-0.

15. Consideration of a Resolution authorizing a lease purchase agreement with Bennington State Bank for an excavator for a one year term in the amount of \$1,550.00.

Finance Director Rothchild presented information regarding the annual renewal of a lease agreement with BSB Capital, Inc. for a new Bobcat Excavator. The annually lease payment is \$1,550.00. This lease option is a great value to the City and provides the Public Works Department with new equipment annually. Lease bids were received from two different Bobcat dealers with the low bid being Bobcat of Salina.

Motion by Commissioner Weishaar, seconded by Commissioner Bowers to approve Resolution No. 032717-3 **A RESOLUTION APPROVING A LEASE AGREEMENT WITH BSB CAPITAL, INC. CONCERNING THE LEASE OF A 2017 BOBCAT MODEL E35 COMPACT EXCAVATOR.** Motion carried unanimously 5-0.

16. Consideration of a motion authorizing the 2017 Fireworks Display for the annual 4th of July event.

Parks and Recreation Director Foltz presented information regarding the quote received for the annually fireworks display. Staff recommends going with Chris Bloom with ElectroFire Pyrotechnics for the 2017 Fireworks Display in the amount of \$6,500.00. This is the same company we have used for several years. \$6,500.00 was budgeted in 2017 for this purpose.

Motion by Commissioner Bowers, seconded by Commissioner Shafer to authorize the payment of \$6,500.00 to ElectroFire Pyrotechnics for the annually Fourth of July Fireworks Display. Motion carried unanimously 5-0.

17. Consideration of a motion to pay the 2017 dues to the Dickinson County Economic Development Corporation.

Janelle Dockendorf, Dickinson County Economic Development Corporation, gave an update on the projects the EDC is currently working on.

Commissioner Dale voiced his concerns about the membership.

Motion by Commissioner Shafer, seconded by Mayor Marshall to pay the 2017 dues to the Dickinson County Economic Development Corporation. Motion failed 2-3, Commissioners Bowers, Weishaar and Dale voting no.

Adjournment

18. Consideration of a motion to adjourn the March 27, 2017 City Commission meeting.

Motion by Commissioner Weishaar, seconded by Commissioner Bowers to adjourn at 4:26 p.m. Motion carried unanimously 5-0.

(Seal)

Dee Marshall, Mayor

ATTEST:

Shayla L. Mohr
Deputy City Clerk



MEMORANDUM

TO: Penny Soukup, Interim City Manager & City Commission
FROM: Jane Foltz, Director Abilene Parks and Recreation Department
SUBJ: Grandstand Window Vandalism /Repair options
DATE: March 28, 2017

ISSUE:

The grandstand windows were vandalized sometime between February 23 & 24.

BACKGROUND:

The damage was reported to the police department on February 24 at approximately 4 p.m. As you may know there are 165 panes of glass in 9 windows at the grandstand. Forty nine (49) panes were broken during the vandalism. Staff contacted a number of contractors who repair and replace glass. As you can see from the attached pictures these windows have been an eyesore for many years. I have discussed with James Holland, Community Development Director about the options. Many of you may ask have we filed a claim for the damages. No, Doug Smart is aware of the 49 panes that were broken during the vandalism. Our deductible is \$5,000, insurance will only fix what was broken the 49 panes and we will not reach our deductible. Staff is looking for a long term solution to clean up the windows on the west side of the stadium.

RECOMMENDATION:

Staff recommends one option:

- 1) Repair and replace all the windows

I have met with Nanc Scholl to go over other options for improvements for the Grandstand. I hope to speak to the Heritage Commission soon to let them know what we are doing with the Grandstand. Due to the timeliness of the maintenance issue I would recommend moving forward with the window repair. Staff is also looking at cleaning the stone on the grandstand prior to replacing the windows.

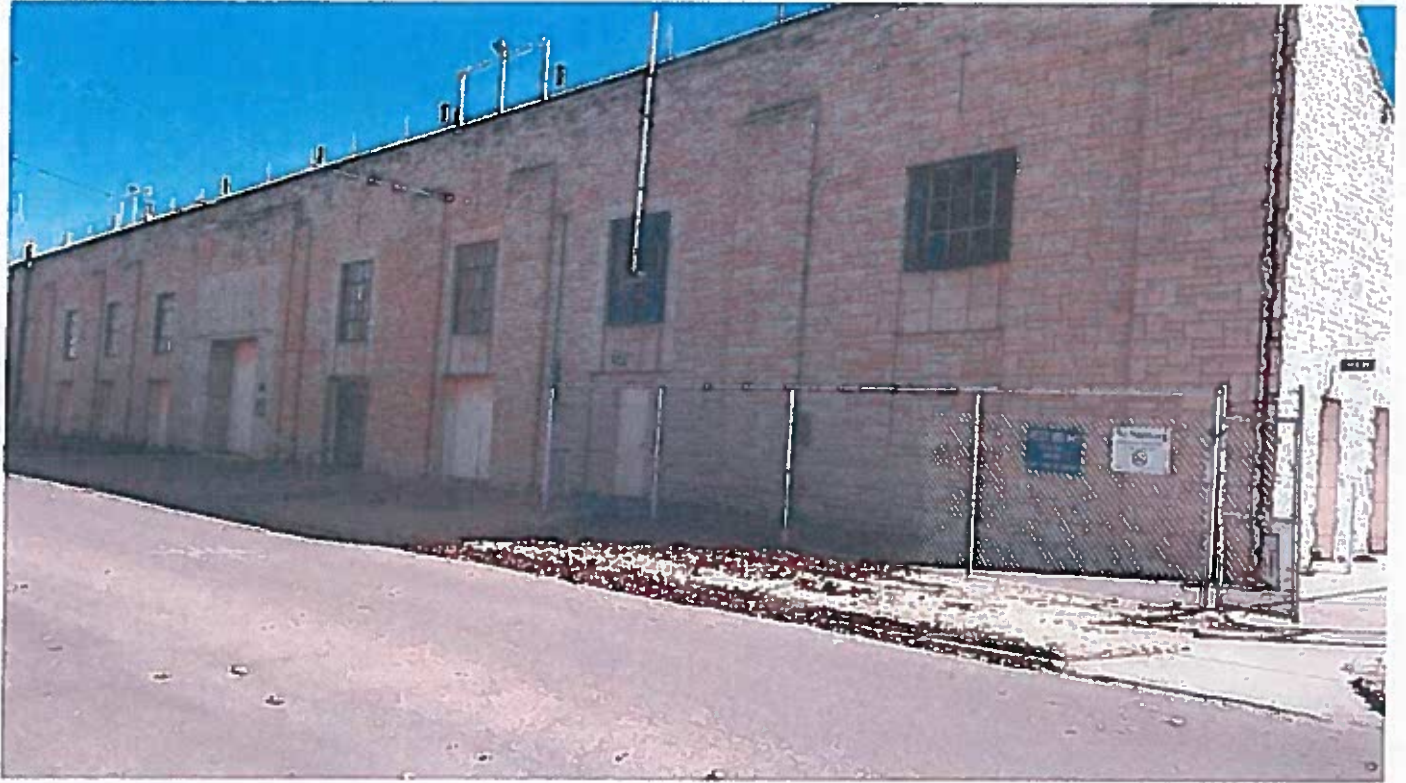
FISCAL NOTE:

The grandstand expense line has \$500 budgeted for 2017

The City Commission would have to approve funding to implement any of the recommendations by staff. After visiting with Marcus Rothchild, Finance Director, the general fund reserves is one option.

ATTACHMENTS:

- 1) Pictures of West side of grandstand
- 2) Window renovation quotes
- 3) Contractor bids



2017		
Garandstand Windows		
Company	Pane replacement	Window replacement
Interstate Glass Co. Inc.	\$ 21,038.00	\$ 16,966.00
Wallace & Sons	\$ 10,850.00	\$ -
Dennis Maas-Remodel using 1/4" plexiglass translucent	\$ 8,837.00	\$ -
Glass Service Inc.	\$ 16,500.00	\$ 28,593.00
Board up/Barn Quilt	\$ 5,000.00	

2017	Grandstand Window Renovation		AC plywood	Cost	Total
6	Window openings	7.5 ft. x 8 ft.	12	\$ 31.11	\$ 373.32
3	Window openings	7.5 ft. x 6 ft.	6	\$ 31.11	\$ 186.66
9	Barn Quilts	4 ft. x 4 ft.	MDO board		\$ 1,000.00
	Sherwin Williams paint				
	Paint for plywood (2 sides)		20 gal.	\$ 50.00	\$ 1,000.00
	Misc. Supplies				\$ 440.00
	Labor for removal of windows				\$ 2,000.00
	Total cost for project				\$ 4,999.98
	AC plywood 4x8 sheets				
	Parks dept. and Public Works would prep and install plywood				
	Lori Hambright local barn quilt instructor and advocate is on board				
165	Window panes				
56	Need to be replaced				