

**ABILENE CITY COMMISSION - SPECIAL MEETING AGENDA**  
**ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET**  
**October 3, 2017 - 4:00 pm**

1. **Call to Order**

2. **Roll Call:**     \_\_\_ Shafer \_\_\_ Marshall \_\_\_ Finn- Bowers \_\_\_ Weishaar \_\_\_ Casteel

**New Business**

3. **Consider a motion to recess to Executive Session to discuss matters of Real Estate Acquisition not to exceed ten minutes.**

4. **Consider a motion to return to regular session.**

**Adjournment**

5. **Consideration of a motion to adjourn the Special Meeting of October 3, 2017.**

**ABILENE CITY COMMISSION - STUDY SESSION AGENDA**  
**DWIGHT D. EISENHOWER MEMORIAL BUILDING - 419 N. BROADWAY AVENUE**  
**October 3, 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 DISCUSSION**
  - a. **Diagonal Parking on 3rd Street.**
  
3. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
  - a. **Meeting Minutes: September 25, 2017.**
  
4. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
  - a. **Consider Ordinance 3339 amending Chapter 4, Articles 117 and 118, of the City Code of the City of Abilene, Kansas relating to Animals.**
  
  - b. **Demolition bids for the property located at 210 E. 1st Street.**
  
5. **MEETINGS OF NOTE** *(Meetings at Abilene Public Library unless otherwise provided)*
  - City Commission, Oct 9 at 4:00 pm
  - Planning Commission, Oct 10 at 4:30 pm
  - Sister City, Oct 12 at 7:00 pm (CVB)
  - City Commission Study Session, Oct 17 at 4:00 pm (City Bldg)
  - Economic Development, Oct 18 at 4:00 pm
  - Heritage Commission, Oct 19 at 4:00 pm
  - City Commission, Oct 23 at 4:00 PM
  - CVB Meeting, Oct 24 at 2:00 pm (CVB)

**A SPECIAL MEETING OF THE CITY COMMISSION WILL BE HELD PRIOR TO THE STUDY SESSION**

N BUCKEYE AVE



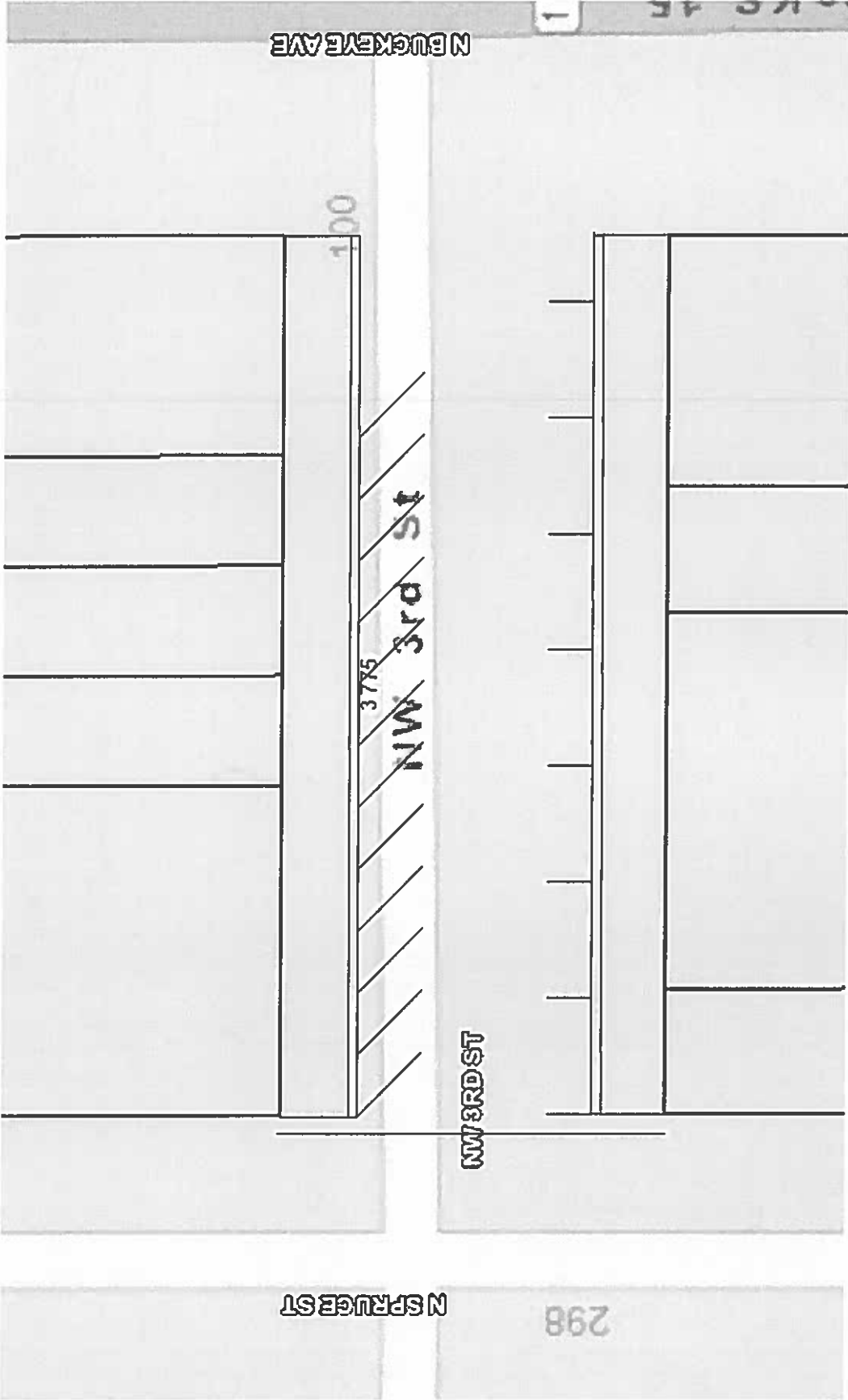
100

3775  
NW 3rd St

NW 3RD ST

N SPRUCE ST

298



100 Block of NW. 3rd Street	
ROW	80.0
Sidewalk North	14.0
Curb and Gutter North	1.5
Angles Parking	13.5
Travel Lane North	14.0
Travel Lane South	14.0
Parallel Parking	8.5
Curb and Gutter South	1.5
Sidewalk South	13.0
Total Improvements	80.0

## Lane Width

The adopted criteria describe design values for through travel lanes, auxiliary lanes, ramps, and turning roadways. There are also recommended widths for special-purpose lanes such as continuous two-way left-turn lanes. AASHTO also provides guidance for widening lanes through horizontal curves to provide for the off-tracking requirements of large trucks. Lane width does not include shoulders, curbs, and on-street parking areas. Table 3 summarizes the range of lane widths for travel lanes and ramps.

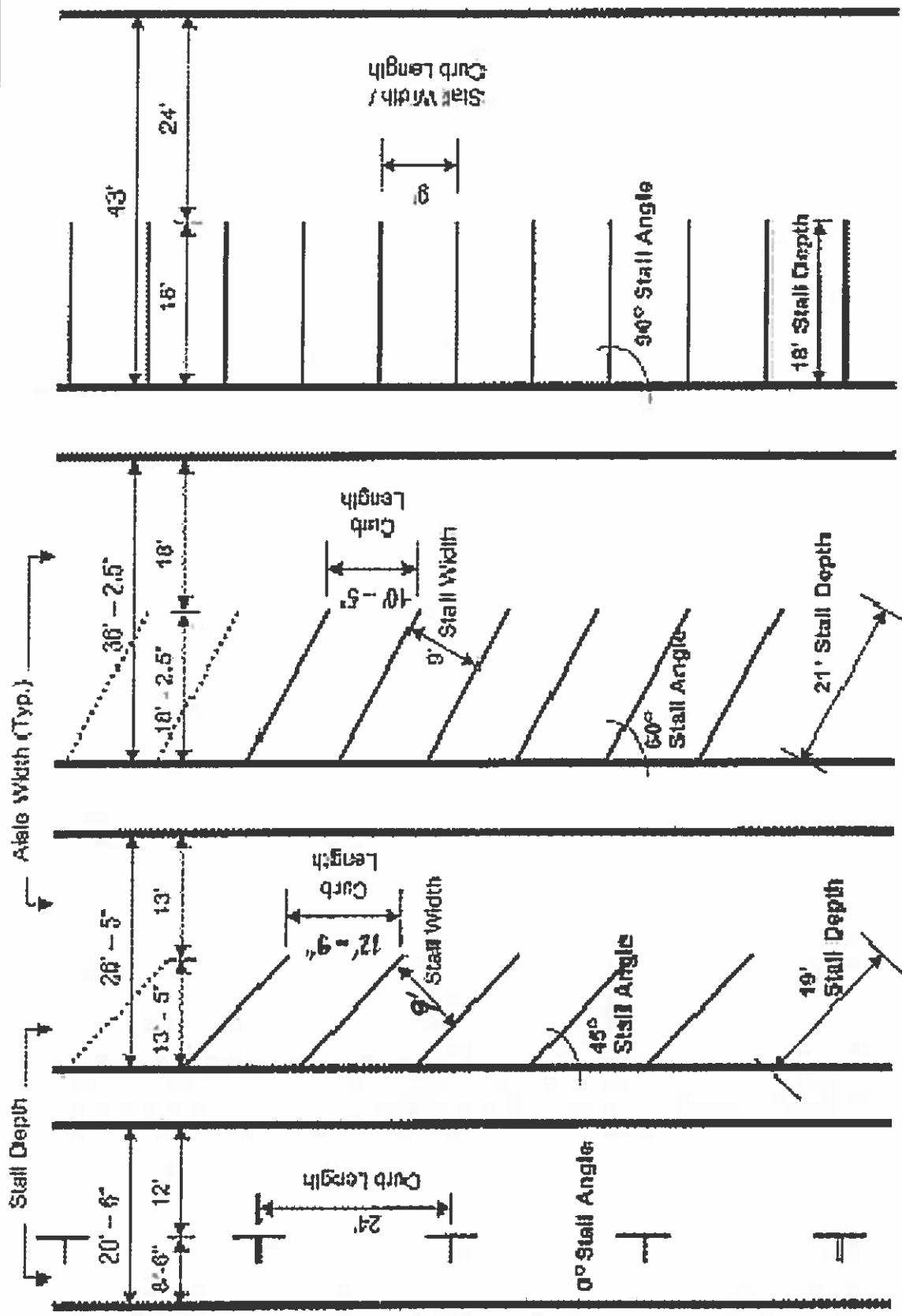
TABLE 3

### Ranges for Lane Width

Type of Roadway	Rural		Urban	
	US (feet)	Metric (meters)	US (feet)	Metric (meters)
Freeway	12	3.6	12	3.6
Ramps (1-lane)	12-30	3.6-9.2	12-30	3.6-9.2
Arterial	11-12	3.3-3.6	10-12	3.0-3.6
Collector	10-12	3.0-3.6	10-12	3.0-3.6
Local	9-12	2.7-3.6	9-12	2.7-3.6

(Source: A Policy on Geometric Design of Highways and Streets, AASHTO)

It is FHWA policy that the requirement of a formal design exception for lane width is applicable for all travel lanes, including auxiliary lanes and ramps. With respect to the practice of widening lanes through horizontal curves, a formal design exception is not necessary for cases not providing additional lane width, but the decision should be documented in project records. Exhibit 7-3 in the *Green Book* describes minimum lane widths for two-lane rural highways for a range of design speeds and design-year traffic. The table entries show a 24-foot traveled way (12-foot lanes) for most conditions. Careful inspection of this table (see subnote [a]) shows that 11-foot lanes are acceptable and within policy for reconstruction projects in which an existing 22-foot dimension is operating in a satisfactory manner. For such cases the designer should document this is the case, but retention of the 11-foot width would not require a design exception.





**Abilene City Commission Minutes  
Abilene Public Library  
September 25, 2017 @ 4:00 p.m.  
Abilene, Kansas**

**1. Call to Order**

**2. Roll Call** – City Commission Present: Mayor Shafer, Commissioners Marshall, Finn-Bowers, Weishaar and Casteel.

Staff Present: Interim City Manager/City Attorney Guilfoyle, City Clerk/Human Resources Director Soukup, Finance Director Rothchild, Public Works Director Schrader, Community Development Director Holland and Police Chief Mohn..

Others Present: Mike Heronemus, Treyvon Clark, Ocean Schmidt and Michael Hook.

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

**Consent Agenda**

4. Agenda Approval for the September 25, 2017 City Commission Meeting
5. Meeting Minutes: September 11, 2017, Regular Meeting
6. Special Meeting Minutes: September 19, 2017
7. Approval of Resolution 092517-2 – K-State Parachute Club Lease Agreement.

Motion by Commissioner Marshall, seconded by Commissioner Casteel to approve the Consent Agenda with the addition of Resolution 092517-2 approval of the K-State Parachute Club Lease Agreement. Motion carried unanimously 5-0.

**Public Comments and Communications**

**8. 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 Shafer asked for any comments or communications from the public that are not on the agenda.

Michael Hook, Dickinson County Historical Society Director, thanked the City for the money they donated to the Chisholm Trail 150<sup>th</sup> Celebration. He also thanked the employees of the City of Abilene for helping with the event.

9. **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**

10. There were no proclamations or recognitions.

**Public Hearings**

11. There were no public hearings.

**Old Business**

12. There was no old business.

**New Business**

13. **Presentation of the 2016 Audit by Varney and Associates, CPA's, LLC.**

Finance Director Rothchild presented information regarding the 2016 Audit. The audit has been completed and was presented for review by Varney and Associates, CPAS, LLC at the September 19, 2017 study session.

**Consider a motion to approve Resolution No. 092517-1 accepting the Independent Audit of the Financial Statements of the City of Abilene, Kansas for the year ending December 31, 2016 as prepared by Varney and Associates, CPA's, LLC.**

Motion by Commissioner Marshall, seconded by Commissioner Finn-Bowers to approve Resolution No. 092517-1 **A RESOLUTION ACCEPTING THE INDEPENDENT AUDIT OF THE FINANCIAL STATEMENTS OF THE CITY OF ABILENE, KANSAS FOR YEAR ENDING DECEMBER 31, 2016, AS PREPARED BY VARNEY AND ASSOCIATES, CPA'S, LLC.** Motion carried unanimously 5-0.

14. **Consider a motion to adopt Ordinance No. 3337 approving a Conditional Use Permit for 301 and 307 Augustine Avenue, at the request of Agrisolutions, LLC to operate a seed sales business in the Light Industrial (I-1) Zoning District.**

Community Development Director Holland presented information regarding a Conditional Use Permit for 301 and 307 Augustine Avenue. The Planning Commission held a public hearing on September 12<sup>th</sup> and recommends approval of the request 4-0 with the following conditions of approval:

1. In the event that the business operations expand to include processing activities, the business owner must consult with the Zoning Administrator to determine if the change of use requires the amendment of this Conditional Use Permit.



2. The site has a full range of services in sufficient capacity to serve the use without hampering the existing level of service in the neighborhood.

Motion by Commissioner Marshall, seconded by Commissioner Casteel to adopt Ordinance No. 3337 **AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR 301 AND 307 AUGUSTINE AVENUE, AT THE REQUEST OF AGRISOLUTIONS, LLC, TO OPERATE A SEED SALES BUSINESS IN THE LIGHT INDUSTRIAL (I-1) ZONING DISTRICT.** Motion carried unanimously 5-0.

**15. Consider a motion to adopt Ordinance No. 3338, adding Section 3-811 to Article 3 of the City Code of the City of Abilene, Kansas.**

Interim City Manager/City Attorney Guilfoyle presented information regarding a Mobile Food Vendor License. The City recognizes the need for mobile food vendors to be allowed within the City and we need to address this in the City Code.

Motion by Commissioner Finn-Bowers, seconded by Commissioner Casteel to adopt Ordinance No. 3338 **AN ORDINANCE ADDING SECTION 3-811 TO ARTICLE 3 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, CONCERNING MOBILE FOOD VENDORS.** Motion carried unanimously 5-0.

**16. Consider a motion to approve the 2018 Capital Expenditures Requests.**

Finance Director Rothchild presented information regarding the 2018 Capital Improvement Expenditures requests. There is \$118,000.00 approved for capital improvement projects and equipment for the 2018 budget. City staff has narrowed the 2018 capital expenditure requests to a total of \$124,000.00. Additional funding over the budgeted \$118,000.00 will be broken down by percentage of requests per department: Police Department (53%)-\$3,300.00; Fire Department (26%)-\$1,600.00; and Public Works Department (21%)-\$1,300.00. These amounts will either be found by cost savings or the departments will utilize funds from their operational budget. The 2018 Capital Improvement Requests are the following:

Police Department – two Police Patrol Vehicles – fully outfitted - \$49,700.00  
Police Department – In-Car Camera System - \$16,000.00  
Fire Department – Bunker Gear and Hose - \$16,000.00  
Fire Department – Thermal Imager Camera - \$10,000.00  
Fire Department – Fire Helmets and Boots - \$7,500.00  
Public Works Department (Street) – used Flatbed 1 Ton Pickup - \$25,000.00

Motion by Commissioner Casteel, seconded by Commissioner Marshall to approve the 2018 Capital Improvement Requests as presented. Motion carried unanimously 5-0.

### **Reports and Announcements**

17. Public Works Director Schrader announced that the West First Street project was completed has been opened to traffic. All the work was done in house and was completed for \$60,000.00 under budget.

**Adjournment**

**18. Consideration of a motion to adjourn the September 25, 2017 City Commission meeting.**

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

(Seal)

\_\_\_\_\_  
Timothy Shafer, Mayor

ATTEST:

\_\_\_\_\_  
Penny L. Soukup, CMC  
City Clerk

**ORDINANCE NO. 3339**

**AN ORDINANCE AMENDING CHAPTER 4, ARTICLES 117 AND 118, OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS**

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

**SECTION 1.** Section 4-117, shall be amended to state as follows:

**4-117 PROHIBITED ANIMALS.** It shall be unlawful to keep, harbor, own or in any way possess:

(a) Any domestic livestock or fowl, including but not limited to cattle, swine, horses, mules, sheep, goats, chickens, ducks, geese and turkeys, except that registered purebred miniature Vietnamese pot-bellied pigs and other similar registered purebred miniature pigs may be maintained within the city limits, subject to the conditions stated in Section 4-123 below.

(b) Any warm-blooded, carnivorous or omnivorous, wild or exotic animals (including, but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(c) Any animal having poisonous bites.

(d) Any pit bull dog.

**4-118 EXCEPTIONS.** The provisions of this article are not applicable to owners, keepers or harborers of pit bull dogs registered with the city on the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:

(a) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely controlled with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be secured by leash to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(b) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such

animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) Signs. All owners, keepers or harborers registered pit bull dogs within the city shall within ten (10) days of the effective date of this article display in a prominent place on their premises a sign easily readable by the public using the words "BEWARE OF DOG." In addition, a similar sign is required to be posted on the kennel or pen of such an animal.

(e) Insurance. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this article provided proof to the City Clerk of public liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City Clerk.

(f) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this article provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(g) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report in writing to the City Clerk the removal from the city or death of a registered pit bull dog; the birth of offspring of a registered pit bull dog; or the new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(h) Sale or Transfer of Ownership Prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city, unless the recipient person resides permanently within the same household and on the same premises as the registered owner of such dog, provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

(i) **Animals Born of Registered Dogs.** All offspring born of pit bull dogs registered with the city must be removed from the city within six (6) weeks of the birth of such animal.

(j) **Irrebuttable Presumption.** There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by this section is in fact a dog subject to the requirements of this section.

(k) **Failure to Comply.** It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the city to fail to comply with the requirements and conditions set forth in this article. Any dog found to be the subject of a violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

**SECTION 2.** This ordinance shall become effective and in full force from and after its passage, adoption and publication in the official city newspaper.

**PASSED AND ADOPTED** this 9th day of October, 2017.

(SEAL)

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**TIMOTHY SHAFER**  
**MAYOR**

**ATTEST:**

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**PENNY SOUKUP, CMC**  
**CITY CLERK**



**MEMORANDUM**

**TO:** City Commission  
**FROM:** James D. Holland, Community Development Director  
**SUBJ:** Demolition Bids for 210 E. 1<sup>st</sup> Street  
**DATE:** September 29, 2017

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**ISSUE:**

The City received bids for the demolition of 210 E. 1<sup>st</sup> Street and need to accept a bid to proceed.

**BACKGROUND:**

With Resolution 082817-1 the City Commission provided 30 days for the structure at 210 E. 1<sup>st</sup> Street to be demolished or to have repair commenced. In anticipation of neither of these two remedies being accomplished, staff requested bids from qualified contractors. Bids were opened by the City Clerk on September 29, 2017 with the following bids being received (attached).

Company	Bid
Boyd Excavating	\$5,830
Rutz Construction	\$5,200

The resolution was published on August 30, 2017, so demolition may occur at anytime. The siding is asbestos shingles and will be disposed of properly within the bid.

**RECOMMENDATION:**

Staff recommends approving the demolition bid from Rutz Construction in the amount of \$5,200.

**FISCAL NOTE:**

There is \$10,000 in the demolition line item. There is an additional structure staff hopes to remove this year.

**ATTACHMENTS:**

- Bid Sheets.

Rutz Construction LLC  
1654 2000 Ave  
Enterprise, KS 67441 US

# Estimate



**ADDRESS**

Penny Soukup  
City of Abilene  
419 Braodway  
Abilene, KS 67410

ESTIMATE #	DATE	EXPIRATION DATE
1077	09/27/2017	10/27/2017

ACTIVITY	QTY	RATE	AMOUNT
Demolition of 210 E 1st Street			
<b>Services</b> Remove trees, house, small shed, concrete, & fill basement back in Not responsible for asbestos check	1	5,200.00	5,200.00
<b>TOTAL</b>			<b>\$5,200.00</b>

Accepted By

Accepted Date



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**BOYD EXCAVATING, INC.**

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110 S.W. 7th Street  
ABILENE, KANSAS 67410

(785) 263-3472  
(785) 263-3492  
FAX (785) 263-2758

Rod Boyd

September 28, 2017

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

Bid

Demolition at 210 E. 1<sup>st</sup> Street, Abilene, KS

Remove all structures and debris in the yard and restore the grounds to grade level.

Price: \$5,830.00

Rod Boyd  
Boyd Excavating, Inc.

*Rod Boyd*