

ABILENE CITY COMMISSION - STUDY SESSION AGENDA
DWIGHT D. EISENHOWER MEMORIAL BUILDING - 419 N. BROADWAY AVENUE
January 16, 2018 - 4:00 pm

1. **PUBLIC COMMENTS**

2. **ITEMS PROPOSED FOR THE CONSENT AGENDA**
 - a. Meeting Minutes: January 8, 2018
 - b. 2018 GAAP Waiver Resolution
 - c. Waterline bid award

3. **ITEMS TO BE PLACED ON THE REGULAR AGENDA**
 - a. Mayor and Vice Mayor Selection Policy (Ostermann)
 - a. 2019 Budget: Compensation review
 - b. Zoning amendment for regulating bulk chemical storage
 - c. Executive Session for Attorney-Client privilege to consider agreement for easement at 14th and Buckeye
 - d. (Land Bank Board) Ryan Wedel's Abilene Highlands lot request. (See also Highland lot transfer policy draft)

4. **MEETINGS OF NOTE** *(Meetings at Abilene Public Library unless otherwise provided)*
 - Economic Development, Jan 17 at 4:00 pm
 - Heritage Commission, Jan 18 at 4:00 pm
 - City Commission, Jan 22 at 4:00 pm
 - Airport Advisory, Feb 5 at 5:00 pm
 - Sister City, Feb 8 at 7:00 pm



**Abilene City Commission Minutes
Abilene Public Library
January 8, 2018 @ 4:00 p.m.
Abilene, Kansas**

DRAFT

1. Call to Order

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

Staff Present: City Manager Gilley, City Attorney Guilfoyle, City Clerk/Human Resources Director Soukup, Finance Director Rothchild, Parks & Recreation Director Foltz, Police Chief Mohn, Convention and Visitors Bureau Director Roller and Community Development Director Holland.

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

4. Oath of Office and Seating of Elected Officials

City Clerk Soukup presented the Oath of Office to incoming City Commissioners Chris Ostermann and Sharon Petersen.

5. Recognition of outgoing Commissioners

Mayor Shafer recognized outgoing City Commissioners Dennis Weishaar and Angie Casteel and thanked them for their service to the City of Abilene.

Consent Agenda

- 6.** Agenda Approval for the January 8, 2018 City Commission Meeting
- 7.** Meeting Minutes: December 11, 2017, Regular Meeting

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

Public Comments and Communications

8. Public Comments. Persons who wish to address the City Commission may do so when called upon by the Mayor.

There were no public comments or communications.

Proclamations and Recognition

9. There were no proclamations or recognitions.

Public Hearings

10. There were no public hearings.

Old and New Business

11. **Approve the appointment of Angie Casteel to fill a vacant seat.**

Motion by Commissioner Marshall, seconded by Commissioner Chaput to appoint Angie Casteel to the Planning Commission to fill a vacant seat. Motion carried unanimously 5-0.

12. **“State of the City” financial review.**

City Manager Gilley gave a presentation regarding the “State of the City” financial review.

City Manager and Other Reports

Adjournment

13. **Consideration of a motion to adjourn the January 8, 2018 City Commission meeting.**

Motion by Commissioner Marshall, seconded by Commissioner Chaput to adjourn at 4:54 p.m. Motion carried unanimously 5-0.

(Seal)

Timothy Shafer, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

DRAFT

RESOLUTION NO. 012218-1

A RESOLUTION AUTHORIZING THE CITY OF ABILENE'S FINANCIAL STATEMENTS FOR FISCAL YEAR 2018 TO BE PREPARED IN COMPLIANCE WITH THE CASH BASIS AND BUDGETARY LAWS OF THE STATE OF KANSAS

WHEREAS, the city of Abilene, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2018, to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Abilene City Commissioners or the members of the general public of the City of Abilene, Kansas, and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A 75-1120a(a) for the year ended December 31, 2018.

NOW, THEREFORE BE IT RESOLVED, by the City Commissioners of the City of Abilene, Kansas in regular meeting duly assembled this 22nd day of January, 2018, that the City Commission of Abilene, Kansas, waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Abilene, Kansas, for the year ended December 31, 2018.

BE IT FURTHER RESOLVED that the City Commission of the City of Abilene, Kansas, shall cause the financial statements and financial reports of the City of Abilene, to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Passed this 22nd day of January, 2018.

(SEAL)

Timothy Shafer, Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk

Budgeted \$75,000 in 2017 for water main improvements in Water Distribution(encumbering \$55,000 unused to 2018). Budgeted \$80,000 in 2018. Invited and received bids from 5 contractors in December 2017 for a two site water main improvement/replacement.

Bids as follows:

Nowak Construction from Goddard.. \$200,275.28
Larsen Construction from Manhattan..\$173,351.40
Smoky Hill Heavy Contractors of Salina..\$138,101.38
Stevens Construction of Salina..\$114,733
J-K Contracting of Junction City..\$79,548.40

We prepared this project in house and will purchase and provide nearly all construction materials estimated to cost \$36,000 for a total project cost, pending the final cost of material to be at or about \$116,000.

Planning Commission Recommendation

PC 17-15: Consideration of a text amendment to the zoning ordinance to incorporate a definition of "Bulk Chemical Storage" and to require a Conditional Use Permit for bulk storage in the Light Industrial (I-1) Zoning District.

Planning Commission recommended (4-0) approval of the following changes.

Text Amendment

BOLD = Added Text

~~Strike Through~~ = Deleted Text

Section 2-3

Bulk Chemical Storage. The storage of chemicals, petroleum products, and other hazardous materials in above-ground containers for subsequent resale to distributors, recyclers, or retail dealers or outlets.

Table 15-1
Industrial Zoned Districts
Permitted and Conditional Uses

P = Indicates Permitted Uses

C = Indicates Conditional

Uses

	USE	I-1	I-2
27.	Bulk Chemical Storage of bulk oil, gas, explosives and similar materials	C	C

Findings

Having a better definition of bulk chemical storage allows staff to differentiate between primary and incidental uses of property. Storage of chemicals is a common industrial use and should be considered appropriate for industrial areas in general. However, the impact of a specific bulk chemical storage use may vary based on location, quantity, handling, and other characteristics of a use. Often times, these uses require additional permitting beyond those of the City. As such, staff recommends that the use require the issuance of a conditional use permit to consider neighborhood impacts, mitigation steps, and the standards required by State and Federal agencies.

PC 17-15: STAFF REPORT

PC 17-15: Consideration of a text amendment to the zoning ordinance to incorporate a definition of "Bulk Chemical Storage" and to require a Conditional Use Permit for bulk storage in the Light Industrial (I-1) Zoning District.

GENERAL INFORMATION

Date:	December 4, 2017
Applicant:	City of Abilene, Community Development Department
Requested Action:	Approval of a zoning text amendment to Section 2-3 and Table 15-1.
Purpose:	To incorporate a definition for "Bulk Chemical Storage" and require a Conditional Use Permit in the Light Industrial (I-1) zoning district.
Comprehensive Plan:	Not addressed.
Notice Date:	November 21, 2017

Guidelines and Review

In researching this issue, staff found differing definitions and considerations between the Kansas Department of Health and Environment and the State Floodplain Management Coordinator. In addition, staff reviewed a number of zoning ordinances for Kansas communities in an attempt to determine how other communities minimize the impact of bulk chemical storage on neighboring uses. The only community reviewed that specifically addresses this type of use is Manhattan. Manhattan's zoning regulations are very succinct on this matter by requiring a Conditional use in their Light Industrial district. In addition, they have a specific, clear, and concise definition, which is as follows.

"BULK STORAGE: The storage of chemicals, petroleum products and other hazardous materials in above-ground containers for subsequent resale to distributors, or retail dealers or outlets."

Hutchinson did not have a specific definition, but did list the use as a CUP in their heavy industrial district.

There does not appear to be a clear delineation for environmental regulatory purposes based on quantity, except for the storage of 50 gallon drums, which relates to containment and labeling. Therefore, staff has elected to avoid quantity measures since they don't effect state permitting requirements. In addition, the proposed amendment should not impact the storage of chemicals, which are incidental to the use or stock in trade.

The quantity of storage and other operating characteristics may have differing impacts based on neighboring land uses, therefore, the requirements for a conditional use permit will provide for just consideration of such factors before being granted approval.

Recommendation

Staff is recommending approval of the text amendment through the following addition:

BOLD = Added Text

~~Strike-Through = Deleted Text~~

Section 2-3

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Planning Commission Options

1. Recommend approval of the text amendment as presented with findings;
2. Recommend approval of the text amendment with modifications with findings;
3. Recommend denial of the text amendment with findings; or
4. Table the item with a request for specific information.

Abilene Highlands I, LLC
4105 Wimbledon Dr
Lawrence, KS 66047

December 15, 2017

James Holland
Development Director
City of Abilene
VIA EMAIL

RE: Abilene Highlands Lot Request

Dear James,

Abilene Highlands I, LLC is planning to apply for Low Income Housing Tax Credits through the Kansas Housing Resources Corporation to facilitate construction of 28 units (14 townhomes) on 14 lots in the Highlands Subdivision. The homes constructed would consider families that are considered low income as their target residents. As you may remember, Abilene Highlands I, LLC has applied for the tax credits in 2016 & 2017 at this site, but this is the fourth attempt at applying for the tax credits.

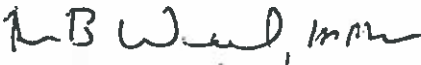
Abilene Highlands I, LLC requests the City of Abilene, and specifically the Abilene Land Bank, to consider conveying to Abilene Highlands I, LLC 14 lots under the new Highlands/Abilene Land Bank policy for the purposes of low income housing. We would request a transfer to occur contingent upon Abilene Highlands I, LLC being awarded the tax credits in May, 2018. The legal description of the subject lots includes the following:

Lots, 25-32, Block 2, West Highlands; and
Lots 1-6, Block 3, West Highlands.

As in prior applications, we would partner with a developer that is skilled in these types of developments and the administration of tax credit funding. Additionally, the ultimate "owner" of the project is typically a syndicate comprised of different investors.

Please don't hesitate to reach out to me with any questions.

Best Regards,



Ryan B Wedel

HIGHLANDS LOT TRANSFER POLICY

City of Abilene, Kansas

Section 1. Background – Due to a default on the payment of special assessments by the original developer of the property, the City of Abilene created the Abilene Land Bank to acquire the real estate. The Highlands development lots owned by the Abilene Land Bank do not have special assessments levied against the property. The City of Abilene is making payments on the bonds, which were originally to be paid by special assessments. The original special assessment amortization tables are used to calculate the outstanding portion of the bond payments that were allocated to each lot in the development. The Abilene Land Bank and City of Abilene find that it is in the public interest to transfer ownership of lots to private parties while reducing the burden of the bond payments on the general public. To this end, this policy provides a framework to transfer lots with the sales proceeds (Infrastructure Recovery Fees) being applied to the bond and interest payments.

The provisions of this policy are further governed by Ordinance 3265, which established the Land Bank.

Section 2. Intent – This policy provides for a systematic offering of lots in the Highlands West and Highlands East developments to private parties in order to reduce the public financial obligation for the bond payments for the infrastructure serving the developments. The objectives of this policy are as follows:

- Place the lots in private ownership;
- Minimize the City's future liability for special assessments;
- Minimize the impact of Land Bank lot offerings on private land developers; and
- Promote the orderly development through strategically located lot offerings.

Section 3. Lot Offerings – Initial lot offerings will be in blocks of lots as follows:

- Highlands East – Blocks of 5 lots will be offered. Lots may be acquired in 1 lot increments. When at least 3 lots are acquired, an additional 5 lot block will be made available.
- Highlands West – Blocks of 10 lots will be offered. Lots may be acquired in 1 or 1 ½ lot increments. When at least 7 lots have been acquired, an additional 10 lot block will be made available.

Section 4. Infrastructure Recovery Fee – The acquisition of lots by private non-developer parties requires the payment of an Infrastructure Recovery Fee. The advertised Infrastructure Recovery Fee will be equal to the outstanding bond payments attributed to the lot based on the original infrastructure cost amortization table. The amount of the Infrastructure Recovery Fee is negotiable and the Abilene Land Bank Board is the authorized negotiating body.

Section 5. Developers - Subdivision developers who are currently paying special assessments on the following developments may request lots in the Highlands East and Highlands West to be transferred to their building client:

- Cedar Ridge Estates;
- Eastridge Addition;
- Dawson Estates Phase Four; and
- Dawson's Cottage Addition.

Developer requested lots will be transferred to their building client without an Infrastructure Recovery Fee being charged, provided residential construction commences within 2 years of the request. Developers shall not charge their client for land or acquisition costs.

Section 6. Multi-family Development - Development proposals involving construction of more than 2 dwellings or multiple buildings by a common owner, may be considered by the City Commission in addition to standard lot offerings.

Section 7. Release of Obligations – The acquisition of the property will include a statement of release from all infrastructure cost liabilities.

Section 8. Acquisition Process – The following information and process is required for consideration of lot acquisition.

Submittal Requirements

Private Party or Multi-Family Development – If a private party or multi-family development interest wishes to acquire a lot they must submit the following information:

- Acquiring Party's legal name and contact information;
- Letter requesting consideration of lot acquisition;
- Legal description of the property to be acquired;
- Proposed use and structures;
- Letter of commitment from a lending institution or proof of assets for the acquisition;
- Proposed Infrastructure Recovery Fee; and

- A Credit Report.

Developer –

- Acquiring Party's legal name and contact information;
- Developers legal name and contact information;
- Letter requesting consideration of lot acquisition;
- Legal description of the property to be acquired;
- Proposed use and structures;
- Draft contract for construction;
- Schedule of construction;
- Letter of commitment from a lending institution or proof of assets for construction; and
- A Credit Report.

Procedure

Once the required materials are submitted, the Abilene Land Bank will schedule a meeting to consider the request. The Abilene Land Bank has full discretion when considering real estate transfer requests. At least 30 days prior to the consideration of a land transfer, notice must be published in the County newspaper of record. Any approved transfer of lots from the Land Bank is conditional upon approval by the Abilene City Commission.

Approved by Resolution 121117-1 on the 11th of December, 2017.

