

AGENDA REPORT

Monday, July 9, 2018

TO: Abilene City Commission
FROM: Austin Gilley, City Manager
RE: **City Manager's notes to accompany agenda**

PURPOSE

This report is intended to provide brief summaries of each agenda item with staff input to assist in the deliberation, discussion, and decisions to be made.

CONSENT AGENDA

The consent agenda is a meeting tool to allow for the approval with one vote items that are routine business, non-controversial, or do not require debate. Any item may be removed from this list to be discussed further by a separate motion and vote. The agenda approval and minutes from the previous meeting are standing agenda items here.

- **Authority to proceed with 14th and Buckeye KDOT project:** Included in the packet on page 5 of 71 is the notice from the Kansas Department of Transportation regarding the bid outcome, contractor selection, and request for confirmation for the 14th and Buckeye intersection improvement project. This project has been planned and budgeted for, and to keep the project moving the Commission needs to approve the "Authority to Award Contract, Commitment of City Funds" on page 6.

AGENDA

8. Planning Commission recommendation of approval for Ordinance granting conditional use permit for bulk chemical storage (p. 9)

The Planning Commission voted to recommend approval of the Ordinance on page 9 granting a conditional use permit to operate a used oil and antifreeze facility at 307 Augustine Avenue. Given that this has been a long process with some controversy, I offer a quick recap here:

- April 2017 – Staff approves construction of a secondary containment facility for the tanks; discovers after construction that zoning rules do not allow for such; property owner requests zoning change
- September 2017 – Planning Commission recommends denial of a zoning change, applicant withdraws.
- February 2018 – City Commission approves redefining "Bulk Chemical Storage" to allow it in the Light Industrial (I-1) zoning district as a Conditional Use Permit, applicant applies for said permit
- April 2018 – Board of Zoning Appeals determines it cannot allow "Hazardous Materials" in the 100-year floodplain, applicant subsequently produces KDHE permit stating that the applicant is not dealing in "Hazardous Materials" and BZA review is not required
- May 2018 – Planning Commission recommends approval of a Conditional Use Permit with specific conditions.
- May/June 2018 – I asked for a written legal review of the recommendations due to the controversial nature of the discussion, the transition in City Manager and City Attorney positions in the middle of these events, and the probability of these decisions being challenged.

I will provide the City Attorney's written review to the Commission under separate correspondence as it is legal advice for the Commission. My understanding is that the applicant plans to attend the meeting. The Commission will need to approve, deny, or send the recommendation back to the Planning Commission for additional consideration.



9. Funding Agreement for Bradford Built, Inc., project (p. 11)

I will plan to provide a status update of where we are at with the development agreement process. As part of that process, the City incurs legal fees associated with projects like these. This agreement sets forth the understanding that these costs are being incurred on behalf of the applicant and as such the applicant agrees to pay the associated fees. The Commission needs to take action to approve this agreement.

10. Public hearing for issuance of Industrial Revenue Bonds for Bradford Built, Inc., project

The public hearing for the possible approval of industrial revenue bonds for Bradford Built, Inc., is scheduled for this meeting. Included in the packet on page 14 is the cost-benefit analysis associated with this project. We will plan to review the cost-benefit analysis in detail at the meeting. Following the publication of the notice for this hearing, I received a number of questions about this legal process. As such, I also have asked the City's Bond Counsel to attend the meeting to explain the technicalities of the process and how it impacts the City. After the briefing, the Commission will take public comment. Following public comment, I recommend no further action on this item until the development agreement is complete (see next item).

11. Executive session for Bradford Built, Inc., development agreement

As explained previously, these agreements are complicated and have many variables to reconcile. Following the Commission's previous meeting, I and the City's Bond Counsel provided some additional direction to the applicant. The applicant's legal counsel has some additional considerations that the Commission needs to review with its own legal counsel before a final draft can be ready. As such, I recommend the Commission call an executive session for attorney client privilege to discuss the legal implications of such matters. The goal is to have a final draft development agreement and the resolution for IRBs ready for decision at the July 23 meeting.

12. Initial discussion on possibility of limiting Library mill levy authority (Marshall) (p. 29)

Commissioner Marshall requested this item be on the agenda. The City Attorney will be prepared to discuss options.

13. 2019 Budget: Property tax impact review, community organization presentations (p. 30)

Included in the packet starting on page 30 is the current draft budget. I will provide a brief overview of the draft, and we have asked the community organizations to make a brief presentation on their requests – the written versions can be found starting on page 57. At this meeting, I would like to get consensus from the Commission that this is the version we would like to publish for public hearing August 13. With that consensus, I also plan to proceed to launch the Abilene Round Table – online version – and include a budget topic for community feedback, which would be compiled and provided to you at the August 13 meeting.

14. Donation request by Old Abilene Town (Historic Abilene, Inc.) (p. 66)

In addition to the 2019 Budget request, the organization would like to ask the City to invest in its plans for festivities in September of this year. This request can be found on page 66.

OTHER INFORMATION

The additional reports are provided as information with each meeting agenda. Also look for the special flyer for the Make a Difference week program on page 70.

Thank you,
Austin Gilley
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