



Notice of Study Session
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
October 5 - 4:00 pm

DUE TO COVID-19 AND SOCIAL DISTANCING WE ARE ENCOURAGING VIEWING ALL MEETINGS VIRTUALLY ON THE LIVE STREAMED CITY OF ABILENE'S YOU TUBE PAGE AT https://www.youtube.com/channel/UCNURrU0ueP6_dRpHYu1wJEg

PURPOSE

The City Commission's study sessions are for the purpose of providing the commission the opportunity to study items in more detail.

OPEN FORUM

This is an opportunity to bring up items to be informally addressed. The Mayor may impose a time limit on open forum.

STUDY ITEMS

1. Swearing in of Police Chief Hatter.
2. Ordinance 20-3390 adopting the 2020 Uniform Public Offense Code for Kansas Cities.
3. Dangerous Structure – 1015 N. Mulberry.
4. Real estate offer – New Horizon Hemp.
5. 800 NE 7th fence – Nathan Cole.
6. Discussion on 3rd Street closure for Halloween.
7. Drug awareness proclamation by Cub Scout Pack 67.



ORDINANCE NO. 20-3390

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*, 36th EDITION (2020), WITH CERTAIN OMISSIONS AND AMENDMENTS THERETO; AND REPEALING EXISTING SECTION 5-101.

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

SECTION ONE. Section 5-101 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

5-101. Incorporating Uniform Public Offense Code with amendments.

- (a) **Incorporation by reference.** The *Uniform Public Offense Code*, 36th Edition (2020), published by the League of Kansas Municipalities, Topeka, Kansas, (the “Uniform Public Offense Code”) is adopted and incorporated by reference except such sections as are hereinafter omitted or amended as set forth in paragraphs (b) and (c) below. At least one copy of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No.20-3390” with all sections thereof intended to be omitted or amended clearly marked to show any such omission or amendment and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
- (b) **Omissions.** Sections 6.16 and 6.19 of the Uniform Public Offense Code are hereby omitted.
- (c) **Amendment.** The definition of “Smoking” in section (o) of the “Smoking; Definitions” paragraph of Section 1.1 of the Uniform Public Offense Code is hereby amended to read as follows:
 - (o) Smoking means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco, or possession and use of any electronic cigarette.

SECTION TWO. Existing Section 5-101 is hereby repealed.

SECTION THREE. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 20-3390 Summary

On October 12, 2020, the City Commission passed Ordinance No. 20-3390. The

ordinance amends 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*, 36th Edition (2020) prepared and published in book form by the League of Kansas Municipalities, but omitting Sections 6.16 and 6.19 thereof, and amending the definition of “Smoking” in section (o) of the “Smoking; Definitions” paragraph of Section 1.1 to include possession and use of any electronic cigarette. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City’s legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 12th day of October, 2020.

Chris Ostermann, Mayor

Attest:

Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 12th day of October, 2020.

Aaron O. Martin, City Attorney



TO: City Commission
FROM: Travis Steerman, City Inspector
SUBJ: 1015 N Mulberry
DATE: 10/5/2020

ISSUE:

Based on an exterior visual evaluation of the structure at 1015 N Mulberry Street (RICE AND AUSTINS ADDITION, S16, T13, R02, BLOCK 3, Lot 6, LESS R/W.), city inspection staff determined that an interior inspection of the structures was warranted to determine if the structures were dangerous and therefore uninhabitable.

BACKGROUND:

City staff conducted an inspection of both structures located at 1015 N Mulberry and have found both to be dangerous. Property was not entered due to condition of floor. From the front door most of the following collective conditions were witnessed.

- Various holes in roof
- Vegetation growing in roof due to the presence of dampness and rot
- Front door not secure
- Several broken windows with a number unsecured
- Rotten eaves and fascia
- Evidence of rainwater damage to the ceilings
- Floor damage so significant safe travel was not achievable
- Plaster fallen off the walls and ceiling in various locations
- Large amount of debris on floor
- Evidence of water damage to the joists and rafters
- Cracked or missing siding
- Chimney in need of repair
- Vegetative overgrowth along the exterior walls
- Evidence of mice and cats in the house, although none were observed

After the inspection of the home was concluded entrance to the church structure was granted and entered. All of first floor of church was able to be observed and inspected. These conditions were present.

- Various holes in roof
- Roofing in serious disrepair
- Rotten eaves and fascia



- Heavy vegetation overgrowth around perimeter of church
- Added structure to the back in total disrepair and collapsing
- Ceiling tile missing due to water damage
- Visible daylight through various sections of the roof
- Water damage to ceiling
- Damaged tiles throughout floor on south side of building
- Plant growth in cushions of church pews
- Rainwater damage to floor

RECOMMENDATION:

Instruct staff to draft the necessary resolution setting a public hearing date for the determination that the property is unsafe or dangerous and instruct that repairs or removal be completed along with a deadline upon which the City Commission may arrange for removal.

FISCAL NOTE:

House and church have been vacant for some time. The actual inspection of this property took place June 27, 2019. At that time, this property was due to be sold at the tax sale in early 2020. Sometime after the inspection taxes were paid on property. Various weed notices have been sent to the owners throughout the years and an actual notice about the condition of the property was sent out 2011 by previous staff. This property has received multiple complaints through 2017 to present.

ATTACHMENTS:

- Letter from July 18, 2019
- Pictures of inspection

Fred and Jacquelyn Bailey
1611 NW 14th St.
Abilene, Kansas 67410

July 18, 2019

Re: Dilapidation Determination of 1015 N Mulberry St.

Dear Mr. & Mrs. Bailey:

Based on an exterior visual evaluation of the house and church at 1015 N Mulberry Street (RICE AND AUSTINS ADDITION, S16, T13, R02, BLOCK 3, Lot 6, LESS R/W.), city inspection staff determined that an interior inspection of the home and church was warranted to determine if the home and church was dilapidated and therefore uninhabitable. A notice of inspection was affixed to the front door on June 17, 2019 stating that the building would be inspected on Thursday, June 27, 2019 at 11:00 am. Travis Steerman, Building Inspector, reached out to Fred and Fred planned on attending the inspection.

The inspection was conducted at the appointed time. The inspection was attended by Bob Sims, Fire Chief; Mike Ragsdale, Animal Control Officer; and Travis Steerman, Building Inspector and Fred and Jacquelyn Bailey. The front door to the home was open but due to floor damaged directly adjacent to the front, safe entrance was not able to be achieved. Property was not entered due to condition of floor. From the front entrance and outside of the building these conditions were present.

- Various holes in roof
- Vegetation growing in roof due to the presence of dampness and rot
- Front door not secure
- Several broken windows with a number unsecured
- Rotten eaves and fascia
- Evidence of rainwater damage to the ceilings
- Floor damage so significant safe travel was not achievable
- Plaster fallen off the walls and ceiling in various locations
- Large amount of debris on floor
- Evidence of water damage to the joists and rafters
- Cracked or missing siding
- Chimney in need of repair
- Vegetative overgrowth along the exterior walls; and
- Evidence of mice and cats in the house, although none were observed.

After the inspection of the home was concluded entrance to the church structure was granted and entered. All of first floor of church was able to be observed and inspected. These conditions were present.

- Various holes in roof
- Roofing in serious disrepair
- Rotten eaves and fascia
- Heavy vegetation overgrowth around perimeter of church
- Added structure to the back in total disrepair and collapsing
- Ceiling tile missing due to water damage
- Visible daylight through various sections of the roof
- Water damage to ceiling
- Damaged tiles throughout floor on south side of building
- Plant growth in cushions of church pews
- Rainwater damage to floor

Following the inspection, I consulted with Mr. Ragsdale and Mr. Sims regarding their professional opinion on the harborage of animals and basic life safety concerns. Both concluded that unsafe and unsanitary conditions exist at both structures.

As acting Building Official, Mr. Steerman found that the building improvements at 1015 North Mulberry Street, Abilene; are dilapidated; unfit for human habitation; and represent a threat to the public health, safety, and general welfare. As such, we will recommend to the Abilene City Commission that the property be condemned, and the appropriate legal processes commence to have the structures removed and the premises put into a safe condition.

Building and Code Department is aware of this property delinquent tax history. If unpaid the property will go to sale in 2020. If you or any of your family wishes to pay the delinquent tax, the city will move forward with the legal process to have the structures condemned and put in safe conditions.

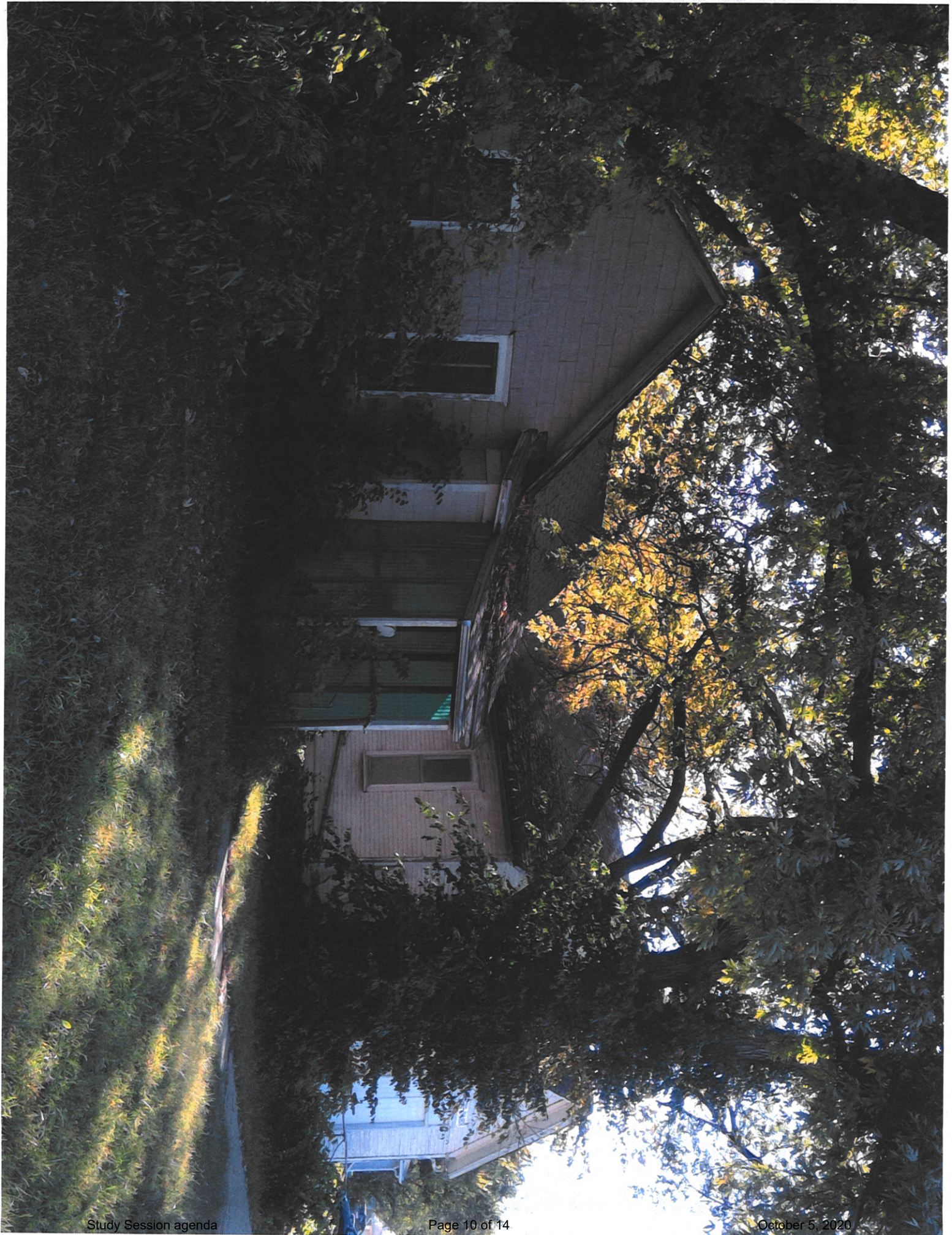
Sincerely,

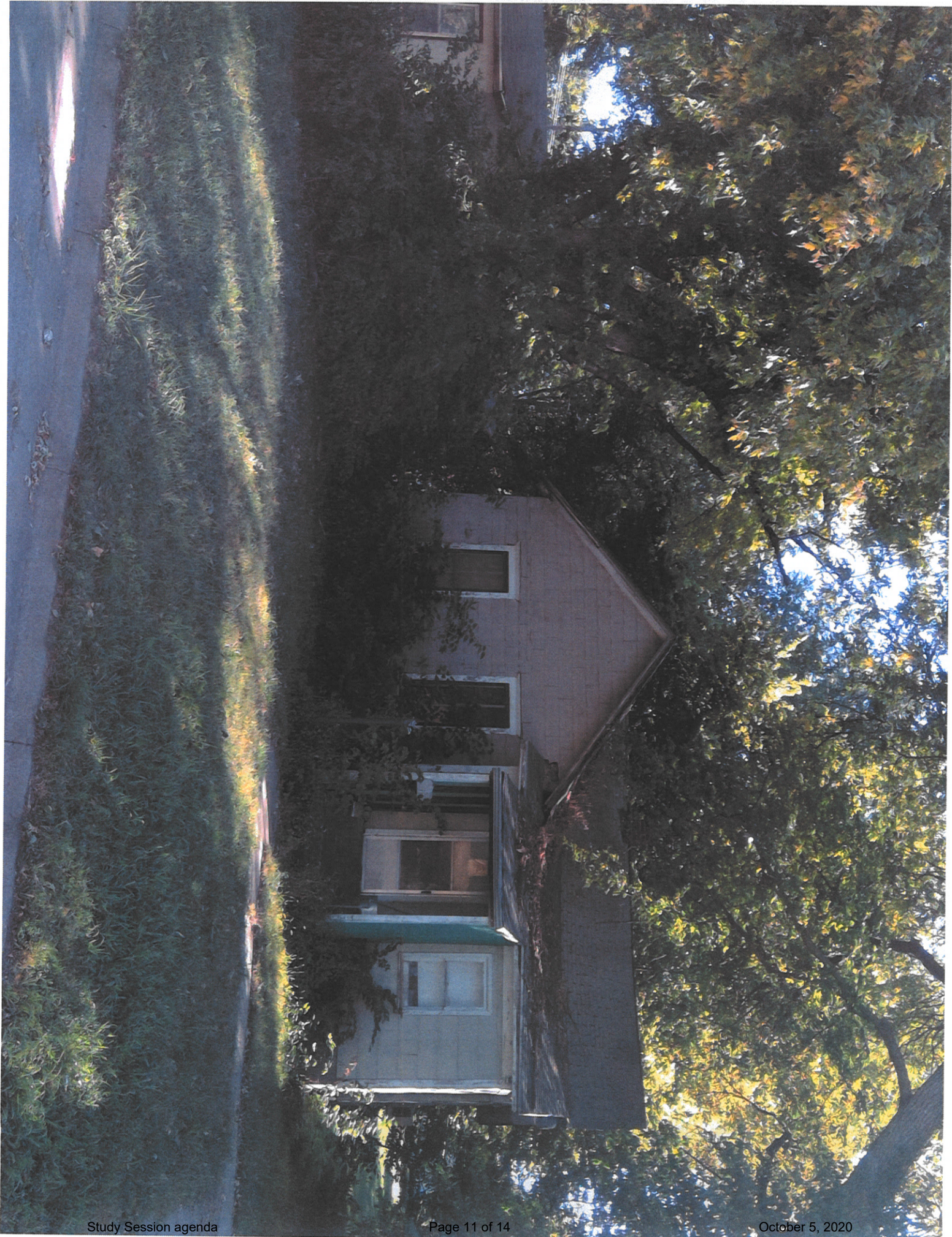
Building and Code Department

Cc: City Commissioners
City Manager Jane Foltz
City Attorney Aaron Martin











2768 Indy Rd.
Abilene, KS 67410
785-200-0282
newhorizonhemp@gmail.com

REAL ESTATE OFFER

1. New Horizon Hemp Processing, LLC (Offeror) hereby offers to purchase from the City of Abilene, Kansas (Offeree) the following property generally known as:
 - a. Tract 1: Industrial Park Addition No. 1, Block 1, Lot 1. 3.00 acres
 - b. Tract 2: Industrial Park Addition No. 1, Block 1, Lot 2. 4.90 acres
2. Offer:
 - a. The Offeror is willing to purchase the property described above at fair market value based on an appraisal of the property, which the Offeror believes to be approximately \$6,000.00 per acre.
3. This offer is good for 90 days from the date of this offer.
4. If this offer is agreeable to both parties, as noted by their signature below, all appropriate documentation will be drafted for both parties to execute to complete the purchase of the property.

Offer Date: September 28, 2020

Offer: 
New Horizon Hemp Processing, LLC

Offeree: _____
City of Abilene, Kansas

Community Development/
Inspection Department
P.O. Box 519
Abilene, KS 67410
(785) 263-2355



PERMIT NO. 2020-418

Permit Fee: \$25.00

APPLICATION FOR FENCE PERMIT

(Call 1-800-DIG-SAFE before digging!)

Project Site Address:

800 NE 7TH

Owner of Record of Property:

NATHAN COLE

Phone #:

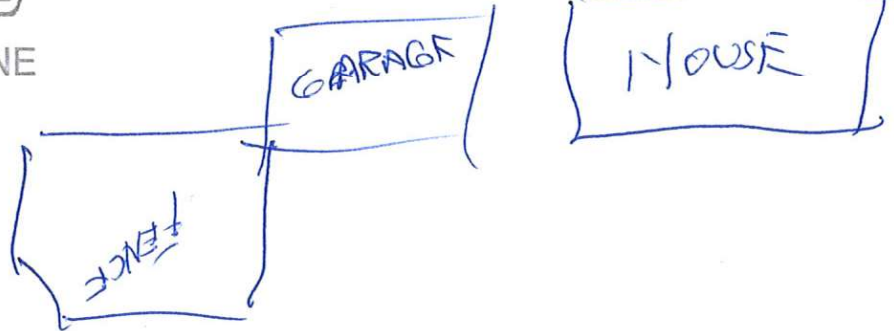
231878-6944

Fence Contractor:

SELF

Please draw a map of your property showing the location of all buildings and any existing fence. Please include dimensions. Using a different colored pen or pencil, show the location of the proposed fence:

PAID
AUG 25 2020
CITY OF ABILENE



Will the fence encroach on any easement: NO

Purpose of Fence:

Pool

Material of Fence:

WOOD

Height of Fence:

6'

Distance From Property Line:

8'

Signature

[Signature]

Date:

8-25-20

(For Office Use Only)

Special Conditions

Approved

Disapproved Reason:

City Inspector

Date:

Proclamation



WHEREAS, Alcohol and drug abuse in this Nation have reached epidemic stages; and

WHEREAS, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

WHEREAS, The National Red Ribbon Campaign offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during Red Ribbon Week, October 25th to October 31st; and

WHEREAS, business, Government, parents, law enforcement, media, medical Institutions, religious institutions, schools, senior citizens, service organizations, and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, the community of Abilene, Kansas further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, I Chris Ostermann, Mayor of Abilene, Kansas, along with the members of the Abilene City Commission and the members of Cub Scout Pack 67 do hereby proclaim October 25th to October 31st, 2020, as Red Ribbon Week in Abilene, and urge all citizens to celebrate this week in our efforts to fight the battle against illegal drugs and to keep our country and children safe.

PASSED AND ADOPTED BY THE CITY COMMISSION OF ABILENE, KANSAS, ON THIS THE 12TH DAY OF OCTOBER 2020.

Chris Ostermann, Mayor

Attest: