



Abilene City Commission Meeting Minutes
Abilene Public Library – 209 NW Fourth Street
October 12, 2020 @ 4:00 p.m.
Abilene, Kansas

1. Call to Order

2. Roll Call – City Commission Present: Mayor Ostermann, Commissioners Rein, Marshall, Shafer, and Witt.

Staff Present: City Manager Foltz, City Clerk Soukup, City Attorney Martin, Finance Director Rothchild, Convention and Visitors Bureau Director Roller-Weeks, City Inspector Steerman, Police Chief Hatter and Assistant Police Chief Wilkins.

3. Pledge of Allegiance

Consent Agenda

4. Agenda Approval for the October 12, 2020 City Commission Meeting

5. Meeting minutes: September 28, 2020 Regular Meeting

Motion by Commissioner Witt, seconded by Commissioner Marshall to approve the Consent Agenda as presented. Roll call vote: Rein YES, Marshall YES, Shafer YES, Witt YES, Ostermann YES. Motion carried unanimously 5-0.

Public Comments and Communications

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

There were no public comments or communications.

7. Red Ribbon Week Proclamation – Cub Scout Pack 67

Mayor Ostermann read the Red Ribbon Week Proclamation for Cub Scout Pack 67.

Old and New Business

8. Consider an Ordinance adopting the 2020 Uniform Public Offense Code for Kansas Cities.

City Attorney Martin explained the Uniform Public Offense Code and the new section 10.29 pertaining to the enforcement of written orders from the Public Health Official.

The following people provided public comments regarding Section 10.29 of the Uniform Public Offense Code:

Ronda Beaupre – 201 NE 8th Street – Abilene – opposed
Nathan Hylton – 109 NE 10th Street – Abilene – opposed
Laurie Megan Armstrong – 1173 Old 40 Hwy – Abilene – opposed
Brian Harris – 606 Maple – Abilene – opposed
William Bishop – 1608 N. Oak – Abilene – opposed
Jessica Mascareno – 705 N. Kuney – Abilene – opposed
Mary Fouliard – 2210 2500 Ave. – Chapman – opposed

City Attorney Martin explained Section 6.16 and 6.19 of the Uniform Public Offense Code that will also be omitted by the adoption of the ordinance.

Motion by Commissioner Rein, seconded by Commissioner Marshall to adopt 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, with the omission of Section 6.16, 6.19 and 10.29.** Roll call vote: Marshall YES, Shafer YES, Witt YES, Ostermann YES, Rein YES. Motion carried unanimously 5-0.

9. Authorize staff to sign an agreement for New Horizon real estate offer.

City Manager Foltz and City Attorney Martin provided information regarding the agreement for the New Horizon real estate offer. Chuck Scott from Dickinson County EDC was available for questions as well.

Motion by Commissioner Marshall, seconded by Commissioner Witt to authorize staff to sign an agreement for the New Horizon real estate offer. Roll call vote: Marshall YES, Shafer YES, Witt YES, Ostermann YES, Rein YES. Motion carried unanimously 5-0.

10. Consider Resolution 101220-1 A RESOLUTION FIXING A TIME AND PLACE TO APPEAR TO SHOW CAUSE WHY THE STRUCTURES AT 1015 N. MULBERRY ST. SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED.

City Inspector Steerman provided information regarding the structures at 1015 N. Mulberry Street. City staff has completed all steps necessary regarding the property. The property owners have been contacted and were present during inspections.

Motion by Commissioner Witt, seconded by Commissioner Marshall to approve Resolution No. 101220-1 **A RESOLUTION FIXING A TIME AND PLACE TO APPEAR TO SHOW CAUSE WHY THE STRUCTURES AT 1015 N. MULBERRY ST. SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED.** Roll call vote: Shafer YES, Witt YES, Ostermann YES, Rein YES, Marshall YES. Motion carried unanimously 5-0.

11. Executive Session: Motion by Commissioner Marshall, seconded by Commissioner Witt for the City Commission to recess into Executive Session for 30 minutes to review and evaluate the City Manager's performance, based upon the need to discuss personnel matters of non-elected personnel pursuant to K.S.A. 75-4319(b)(1). The open meeting will resume in this room at 5:30 p.m. Roll call vote: Witt YES, Ostermann YES, Rein YES, Marshall YES, Shafer YES. Motion carried unanimously 5-0.

There was no action taken in Executive Session.

Motion by Commissioner Witt, seconded by Commissioner Rein to return to Executive Session for 5 minutes. The open meeting will resume in this room at 5:36 p.m. Roll call vote: Witt YES, Ostermann YES, Rein YES, Marshall YES, Shafer YES. Motion carried unanimously 5-0.

There was no action taken in Executive Session.

Reports

12. City Manager reports

The concrete has been poured on the 8th Street Project. Once the core inspection is done, we will open the street.

The Corp of Engineers is doing levy inspections.

Reminder the League of Kansas Municipalities Conference is being held this week, October 13th to October 16th virtually.

The EMC text amendment, Critical Drainage Ordinance, NE drainage bids and the 3rd Quarter report will be on upcoming agendas for your review.

Adjournment

13. Consideration of a motion to adjourn the October 12, 2020 City Commission meeting.

Motion by Commissioner Marshall, seconded by Commissioner Rein to adjourn at 5:39 p.m. Roll call vote: Witt YES, Ostermann YES, Rein YES, Marshall YES, Shafer YES. Motion carried unanimously 5-0.

(Seal)



ATTEST:

Penny L. Soukup, CMC
City Clerk

Brandon Rein, Vice Mayor