Notice of Study Session

ABLENE PUBLIC LIBRARY, 209 NW FOURTH STREET

October 19 - 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. Arbor Day Proclamation.
2. Consider Electronic Messaging Center text amendment to the Zoning code.
3. Consider Ordinance for critical drainage.
4. Consider property tax abatement application from Don's Tire.
5. Consider NE drainage bid.
6. Tossed N Sauced cereal malt beverage license application.

☆☆☆☆☆

Dwight D. Eisenhower Municipal Building
419 N. Broadway Street, PO Box 519
Abilene, KS 67410

(785) 263-2550
www.abilenecityhall.com

ABILENE KANSAS

CITY OF ABILENE
Item for City Commission Agenda

Meeting Date: 10/26/2020

Originating Department	Prepared By:	Approved For Agenda By: *(Office Use Only)*
Public Works	Jennie Hiatt	

AGENDA ITEM HEADING:

Tree Board - Arbor Day Proclamation

BACKGROUND:

The City of Abilene has been recognized for the past 28 years as a Tree City USA Community by the National Arbor Day Foundation.

In order for the City of Abilene to achieve the Tree City USA status each year we are required to maintain a Tree Board and hold no less than four meetings per year, have a community tree ordinance, spend at least $2 per capita on urban forestry, celebrate Arbor Day and have an Arbor Day Proclamation.

The Tree Board celebrates Arbor Day each year by educating all the 4th grade students at Eisenhower and St. Andrew's Elementary Schools with the Fourth Grade Foresters program. They also sponsor the Kansas Arbor Day Poster Contest for all the 5th grade students each year. Eisenhower Elementary has had two students' posters that were chosen as district winners in 2017 and 2018.

FISCAL NOTE:

None

COMMISSION ACTION OPTIONS:

Proclaim October 30th, 2020 as Arbor Day in the City of Abilene.

CITY OF ABILENE
STATE OF KANSAS

Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, AND

WHEREAS, this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska, AND

WHEREAS, Arbor Day is now observed throughout the nation and the world, AND

WHEREAS, trees in our city increase property values, enhance the vitality and beauty our community, and provide an inviting environment for visitors, AND

WHEREAS, the City of Abilene has been recognized as a Tree City USA for ***28 years*** by The National Arbor Day Foundation and desires to continue tree-planting and care of its trees.

NOW THEREFORE, I, CHRIS OSTERMANN, MAYOR OF THE CITY OF ABILENE, KANSAS, with the City Council, do hereby proclaim October 30th, 2020 as Arbor Day in the City of Abilene and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, AND

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Abilene, Kansas, this the 26th day of October 2020.

(ATTEST)

____
Chris Ostermann, Mayor

____
Penny Soukup, CMC
City Clerk

ABILENE
KANSAS

CITY OF ABILENE
Item for City Commission Agenda

Meeting Date: October 26, 2020

Originating Department	Prepared By:	Approved for Agenda By: *(Office Use Only)*
Administration	Jane Foltz, City Manager	

AGENDA ITEM HEADING:

Consider Electronic Media Center text amendment

BACKGROUND:

In late 2019, we discovered that all the Electronic Media Centers (EMC's) were out of compliance with their Conditional Use Permit (CUP) regarding message transition timing.

Currently nearly all eight CUP's require the message change to be "no less than 15 seconds". It has been found by staff that the average transition time of all EMC's in town are closer to five seconds. One EMC owner expressed that 15 seconds was too long and requested it be considered changed.

Staff researched where the 15 second rule came from. In that research, staff found that the rules regarding EMC's was changed in 2015. The original rules (amended once in 2012 to address historic districts via ordinance 3205) included the 15 second rule. In 2015, Jim Kaup, who consulted with the City on zoning regulation updates, recommended that the EMC rules be changed from 15 seconds to 3 seconds along with other updated prescriptive requirements, some of which were in the original ordinance. During public hearings of the new proposed zoning regulations, community members criticized the EMC rules stating they were too burdensome. Thus, leaving no prescriptive rules or guidance.

Having no guidance in the code, this language resulted in staff using the retired rules as their staff recommendation for each CUP application, which was adopted by the Planning Commission and City Commission for each application.
That recommendation consistently included:

- Only one (1) Electronic Media Center per property
- Static, non-animated messages and image only (no video)
- Message change no less that every 15 seconds
- Dimming device or means of glare reduction must be installed and implemented after sundown

Further research into the 15 second condition also determined that there was no public safety caution to a transition time of less than 15 seconds. Communities across Kansas require transition times of as fast as 3 seconds or as slow as 20 seconds. The U.S. Department of Transportation, Federal Highway Administration found that there was no identifiable relation between Electronic Media Signs and car crashes in their white page "Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction".

The Planning Commission reviewed the text amendment at their October 6, 2020 meeting and voted to recommend that the City Commission approved the attached text amendment for Electronic Media Centers.

FISCAL NOTE:

None

COMMISSION ACTION:

Adopt the recommended text amendment for Electronic Media Centers by ordinance

ORDINANCE NO. ________

AN ORDINANCE AMENDING SECTION 27-401 OF THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS CONCERNING REQUIRED MESSAGE HOLD TIMES FOR ELECTRONIC MESSAGE CENTER SIGNS WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION ONE. Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended to read as follows:

27-401.

a. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign. No sign may exceed the maximum height permitted for buildings in the zoning district in which the sign is located. Except that interstate advertising signs (on premise) may be sixty-five (65) feet above the interstate roadbed and associated bridges and ramps, with a maximum height of eighty-five (85) feet. Where the interstate roadbed is below the grade elevation of adjoining property, the maximum sign height shall be sixty-five (65) feet. This height may be increased provided a sign survey indicates a need for visibility at 1/2 mile, which will allow a safe exit from the inside lane of the interstate highway, with a maximum height of 110 feet.

b. Illuminated Sign: A sign designed to give forth artificial light or designed to reflect light derived from any source, shall comply with the following:

1. Illuminated sign shall be designed so as to reflect or direct light away from any residential dwelling district.

2. Lighted signs in direct vision of a traffic signal shall not be in red, amber, or green illumination.

c. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall not be permitted except Christmas or other holiday lights during a period four (4) weeks preceding such holiday. Such signs shall comply with the following:

A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals and any ancillary messages (such as community events).

Electronic Message Centers shall be permitted in Commercial and Industrial Districts only upon issuance of a conditional use permit in accordance with Article 26. In considering a conditional use permit application the Planning Commission and

Governing Body may impose requirements related to size, maximum illumination (including incorporating automatic dimmer controls), and hours of operation, or other conditions as deemed necessary and appropriate by the Planning Commission and Governing Body; provided, however, that all Electronic Message Centers now or hereafter approved by conditional use permit shall be allowed to have a minimum message hold time of three (3) seconds, and in considering a conditional use permit application, the Planning Commission and Governing Body shall not require a message hold time of greater than three (3) seconds.

d. Accessway: No sign shall block any required accessway.

e. Signs on Trees or Utility Poles: Except where otherwise specifically allowed under these regulations for temporary signs, no sign shall be attached to a tree or to a publicly or privately owned utility pole on either public or private property.

f. Temporary Sign: Temporary signs are signs which are not permanently mounted to the ground or to a building. Temporary signs shall be allowed without a permit if they comply with the following requirements:

1. Posters and banners of a commercial nature shall only be allowed within commercial or industrial zoning classification and on non-residential properties within residential zoning classifications. Flags (no more than 2 per allowed sign) shall be allowed in residential zoning classifications only in new developments and subdivisions during periods of active construction and shall be located with or mounted on monument or construction signs.

2. Posters shall be attached flat against a building and shall not exceed thirty-two (32) square feet in area.

3. Posters and banners shall be limited to advertising an award, special product, or sale within the building to which the poster or banner is attached.

4. Banners or streamer/pennants shall be attached to privately owned and maintained poles that are located on private property.

5. A banner or pennant may not hang lower than 15 feet over a vehicular path /drive and 12 feet over a pedestrian walkway.

6. Banners that are attached flat against a building may not exceed 200 square feet and 32 square feet if not attached flat. All permanent wall signs, banners, pennants collectively may not exceed 10% of the wall space. All permanent ground signs, and ground mounted banners collectively may not exceed 200 square feet of sign face.

7. Both the business and property owner are responsible to keep any poster, banner, or pennant in good repair and condition. Any poster, banner, or pennant in deteriorated condition, hazardous to persons, or unsightly shall be removed.

8. Construction and contractor yard signs and garage sale signs.

g. Projecting Signs: Projecting signs shall not extend over the public right-of-way, except as allowed in this subsection in the C-4 district. Projecting signs shall be allowed in the C-4 District subject to the following restrictions.

1. No projecting sign shall be maintained less than nine (9) feet, nor more than fifteen (15) feet above, the sidewalk over which it is erected.

2. No projecting sign shall project more than five (5) feet beyond the face of the building to which it is attached, and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic.

3. No projecting sign shall exceed twelve (12) square feet in surface area.

4. A projecting sign shall project at a ninety (90) degree angle from the building to which it is attached.

5. No applicant shall be granted a permit to erect a projecting sign until he/she has furnished proof of insurance satisfactory to the Zoning Administrator stating that the applicant's coverage extends to the proposed sign and any injuries arising therefrom.

h. Metal Signs: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected. All such signs shall conform with the City's adopted Electrical Code.

i. Traffic Safety:

I. No sign shall be maintained at any location whereby reason of its position, size, shape or color, it will, in the determination of the Zoning Administrator, obstruct, impair, obscure, interfere with the view of or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

2. Any sign located within two (2) feet of a private driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.

3. No sign shall be placed in the sight triangle as defined in this subsection unless the bottom edge of such sign is greater than 12 feet above the ground. No pole or structure supporting such sign shall have a width exceeding two (2) feet. The minimum area included in a sight triangle shall be bounded on two sides by the centerline of each street, and on the third side by a line connecting the two

centerline at points a distance of 90 feet from the intersection of the centerline. This distance shall be increased to 120 feet on State or Federal highways and on arterial streets as defined by the Comprehensive Plan.

J. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, street frontage shall be computed as follows:

I. For those tracts or parcels located on major streets as designated in the Comprehensive Plan, the lineal street frontage shall be the length of that property line abutting the major streets.

2. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half (1/2) of the sum of all the street frontage.

SECTION TWO. Existing Section 27-401 of the Zoning Regulations of the City of Abilene, Kansas 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. __________ Summary

On _____________, 2020, the City Commission passed Ordinance No. __________. The ordinance amends Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas concerning required message hold times for electronic message center signs within the City of Abilene, Kansas. 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 ____ day of __________, 2020.

____
Chris Ostermann, Mayor

Attest:

____
Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this ___ day of _______________, 2020.

____
Aaron O. Martin, City Attorney

CITY OF ABILENE
Item for City Commission Agenda

Meeting Date: October 26, 2020

Originating Department: Administration

Prepared By: Jane Foltz, City Manager

Approved for Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

Consider amending the zoning regulations adding section 20-14 designating and regulating Critical Drainage Areas within the City of Abilene

BACKGROUND:

During the process of researching the NE drainage solution, staff at the time concluded that a building permit does not have a strong authority to require a drainage study for projects that could have an impact on drainage with in the City. Small additions to buildings, parking lots, etc. do not require a full development review meeting nor due they go before a commission for approval. It was recommended that the City look a long-term solution regarding drainage by creating Critical Drainage Zones. These would be overlay zones that would apply to identified parts of town that struggle with drainage problems and would require a drainage study to be done on certain improvements.

This ordinance would establish the ability to create these zones. Zones would be identified by the City Engineer, Public works Staff and Planning staff. If a drainage problem is solved, you would then remove the designation from the area. When a critical drainage is designated, it would be recommended to add an overlay to Munilogic so when a building permit comes in it is flagged needing a drainage solution/study.

It was recommended that the Planning Commission review this Critical Drainage ordinance before taking it to the City Commission. The proposed addition was published in the Abilene Reflector Chronicle with notification of the Public hearing which was held on October 6, 2020 with the Planning Commission. Having no public attend the hearing the Planning Commission moved to recommend the adoption of the Critical Drainage ordinance to the City Commission.

FISCAL NOTE:

None

COMMISSION ACTION:

Adopt the recommended text amendment Consider amending the zoning regulations adding section 20-14 designating and regulating Critical Drainage Areas within the City of Abilene by ordinance.

ORDINANCE NO. ________

AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS TO ADD A NEW SECTION 20-14 CONCERNING THE DESIGNATION AND REGULATION OF CRITICAL DRAINAGE AREAS WITHIN THE CITY OF ABILENE, KANSAS.

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

SECTION 1. Article 20 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended by adding a new Section 20-14, to read as follows:

SECTION 20-14 CRITICAL DRAINAGE AREAS

12-1401. Definitions. As used in this article, the following terms shall be defined as follows:

(l) *Critical drainage area* is an area designated on the official zoning map of the city that is subject to periodic flooding due to stormwater ponding or sheet flow.

(2) *Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(3) *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(ii) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(4) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(5) *Historic structure* means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register ; (b) certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior ; or (d) individually listed on a local inventory of historic places under a historic preservation program that has been certified either:

(i) By an approved state program as determined by the secretary of the interior; or

(ii) Directly by the secretary of the interior.

12-1402. Critical drainage areas. Critical drainage areas may be designated by the board of city commissioners following a report and recommendation from the planning commission. The city engineer shall identify areas that should be considered for designation as critical drainage areas. No development or substantial improvement may be undertaken within a critical drainage area without first obtaining a permit from the zoning administrator. The zoning administrator shall not approve any development which does not provide adequate drainage improvements so as not to inordinately expose the development as well as surrounding land to increased stormwater flooding. The drainage improvements shall be designed in accordance with criteria established by the city engineer. The city engineer shall review proposed drainage improvement plans and advise the zoning administrator if such plans comply with established criteria. The completion of said improvements shall be the responsibility of the applicant. This regulation shall not apply to any platted lot zoned single-family residential, regardless of size, nor any platted lot containing less than ten thousand (10,000) square feet of land area, regardless of the zoning classification.

SECTION 2. 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. __________ Summary

On _____________, 2020, the City Commission passed Ordinance No. _________. The ordinance amends the zoning regulations for the City of Abilene, Kansas by adding a new section 20-14 authorizing the designation of critical drainage areas within the City of Abilene, Kansas, and authorizing the regulation of certain improvements within such designated critical drainage areas. 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 ___day of ______________, 2020.

____
Chris Ostermann, Mayor

Attest:

____
Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this ___ day of _____________, 2020.

____
Aaron O. Martin, City Attorney

ABILENE
KANSAS

CITY OF ABILENE
Item for City Commission Agenda

Meeting Date: October 26, 2020

Originating Department	Prepared By:	Approved For Agenda By: (*Office Use Only*)
Administration	Jane Foltz, City Manager	

AGENDA ITEM HEADING:

Consider a property tax abatement application from DB Nibs LLC dba Don's Tire.

BACKGROUND:

Property tax abatement application was received from DB Nibs LLC dba Don's Tire on 9/24/20 along with the $200 application fee. The cost benefit analysis was done by Wichita State University with assistance from DK County Economic Development Executive Director Chuck Scott. The Management Committee consisting of Jane Foltz, City Manager; Marcus Rothchild, City Finance Director; Chuck Scott, Executive Director of DK County Economic Development; and Kari Zook, Administrative Assistant met on October 2, 2020 to review and discuss the steps moving forward with the application.

Certified letters were sent to four entities including DK County Board of County Commissioners, Abilene Cemetery District 1, USD 435 and Hospital District No. 1 of Dickinson County, KS on October 6, 2020. A public hearing notice was published in the Abilene Reflector Chronicle on October 8, 2020 for a hearing that is scheduled for 4:00 p.m. on Monday, October 26, 2020 at the Abilene Public Library.

Per Resolution No. 120913-2, this application does not go before the Planning Commission. Instead it goes straight to the City Commission to adopt an ordinance specifying the annual abatement and the length of the abatement. The ordinance shall outline annual job creation targets and the method for decreasing the abatement if the annual job creation targets are not met. The ordinance may also specify any payment-in-lieu of tax which will be paid by the applicant to the City.

Additional information requested:

Current status of past/present abatements – 2003 abatement is complete. 2014 abatement runs through December 31, 2023. The new property tax abatement will only be valid for the 2,998 sq ft expansion occurring in 2021for two new service bays (see fiscal note below regarding additional details). In the application from Don's Tire for this property tax abatement on the new expansion, they are creating 2 new positions during 2021, 1 during 2023 and 1 more during 2029.

FISCAL NOTE:

Based on the projects capital investment of $330,000 and the creation of 4 new full time equivalent jobs, the expansion project qualifies for a tax exemption of 60% for years 1-5 and 30% for years 6-10 on the increased value of the property that results from this project. They will also make a payment in lieu of taxes based on the current value of the property.

COMMISSION ACTION:

Hold public hearing and adopt proposed resolution and ordinance

DON'S
TIRE & SUPPLY
714 South Buckeye
Abilene, KS 67410
(785) 263-7838

September 21, 2020

City of Abilene
c/o Jane Foltz, City Manager
419 N. Broadway Ave.
Abilene, KS 67410

City Commissioners:

Attached is a Board of Tax Appeals of the State of Kansas Economic Development Exemption application for a property tax abatement related to our expansion of Don's Tire at 714 S. Buckeye. We have also included a cost-benefit analysis, per City policy. The Center for Economic Development and Business Research at Wichita State University has prepared the cost-benefit analysis with the assistance of the Dickinson County Economic Development Corporation. The benefit ratio to the City of Abilene is 2.36, meaning that we are returning $2.36 for every $1.00 of tax abatement that we will be receiving. The benefit to each of the other taxing jurisdictions is at least 2.23.

This expansion will include constructing a 2,998 square foot addition to our shop building, which will allow us to add two new service bays. The additional bays will enable us to provide more workspace for our employees and increase the amount of service that we can perform. With this addition, we will be expanding our staff with four new employees.

The total cost of the expansion is expected to be at least $330,000 and will begin the fall of 2020 and will be complete mid-year 2021.

If you have any questions, please let me know.

Sincerely,

Don Nebelsick

Don Nebelsick, President
DB Nibs, LLC

BEFORE THE BOARD OF TAX APPEALS OF THE STATE OF KANSAS

ECONOMIC DEVELOPMENT EXEMPTION
(Article 11, Section 13 Kansas Constitution)

APPLICANT:
DB NIBS, L.L.C.
Applicant Name (Owner of Record)

PO Box 397
Applicant Address (Street or Box No.)

Abilene KS 67410
City State Zip

Applicant Phone #: 785-263-7838

Applicant E-mail: donstire@donstire.net

ATTORNEY OR REPRESENTATIVE: (If applicable)*

____
Representative Name Title

____
Representative Address

____
City State Zip

Atty/Rep Phone #:(_____)____________________

Representative E-mail:________________________

Taxing County: Dickinson

Year/Years at issue: 2021-2031

(For State of Kansas use only)

DOCKET NO.____________________-EDX

Fee:_____________ Amt Rec.___________

Rec. Date:________ Ck #_______________

No Fee:__________ Reason: ____________

(For County use only)

Parcel ID #/Personal Property ID #
or Vehicle ID #:

____

____

____

County's valuation: $____________________

LBCS Function Code: ___________________

Property at issue:

Real Property---Street address, city: 714 S. Buckeye, Abilene, KS, 67410

Personal Property---Description:____

CTA-EDX (Rev. 7/14)

1. Real Property—For real property, provide a description of all improvements, and attach a copy of the deed.
   We will be expanding our existing facility by building a new 2,998 sf addition.

2. Personal Property—For personal property, provide an itemized list of all items, including the acquisition date(s) and any legal documentation of ownership. (If the description is lengthy, attach additional pages to this form.)

   The new equipment to be purchased will be computers and other office equipment.

3. Describe specifically the nature of your business. Copies of company brochures may be attached.
   We sell tracks for skid steers, mini excavators, and farm tractors.
   Install and service commercial tires, industrial tires, farm tires, OTR tires, and lawn mower and ATV tires.
   Our ASE certified professional auto mechanics can restore the drivability to your vehicle with auto repair services for steering and suspension systems, transmission filter changes, brakes, belts and hoses, and more.

4. Will the property be used to:

   ____ (A) manufacture articles of commerce;
   ____ (B) conduct research and development; or
   _X_ (C) store goods or commodities that are sold or traded in interstate commerce.

5. Is any of the subject property to be used in a poultry confinement facility, a rabbit confinement facility, or swine production facility? If yes, list which property will be used for any of the above listed purposes.
   No.

6. Has a previous application for exemption of the subject property been submitted to the Board?
   ____ No _X_ Yes Years @ issue: 2003 & 2014 BOTA Docket No. 2003-9267-EDX
   ~~2014-1056-EDX~~

7. Has a previous application for exemption for other property that you own or have owned been submitted to the Board?
   _X_ No ___ Yes Years @ issue: ______ BOTA Docket No. ______

8. Leased Property-

List all property leased or under lease-purchase and enclose a copy of all lease or lease-purchase agreements. (K.S.A. 79-221)

____

(A) Does the lessor have a 51 percent, or greater, ownership interest in the lessee's business?
(Provide evidence of ownership interest)

(B) Does the lessee have a 51 percent, or greater, ownership interest in the lessor's business?
(Provide evidence of ownership interest)

(C) Is the lessor a community-based not-for-profit economic development corporation organized under the laws of this state which is exempt from federal income taxation pursuant to paragraph (4) and (6) of subsection (c) of section 501 of the Internal Revenue Code? If yes, submit a copy of the Section 501(c)(4) or (6) letter from the federal government.

9. New Business-
(If new business, answer questions 9a through 9g)

a. Is the business new to the city, county, or state? ______

b. If not new to Kansas, provide the city and county where the business was located previously;

____

c. The date (mm/dd/yyyy) the business commenced operations: ______________________

d. The number of jobs actually created as a result of the business commencing operations: ____

____

e. For real property, is the subject property an existing facility or newly constructed facility?

____

f. If it is new construction, the cost of acquisition in the following categories?

Land	$__________________
Improvements	$__________________
Personal Property	$__________________
Property exempt pursuant to K.S.A. 79-223	$__________________

g. If it is new construction, date (mm/dd/yyyy) construction commenced and ended:_________________

10. Expansion of Existing Business-

(If this is an expansion of an existing business, answer questions 10a through 10d)

a. The completion date (mm/dd/yyyy) of the expansion: Sometime in 2021.

b. The number of new jobs actually created by the expansion and the dates(s) (mm/dd/yyyy) they were created: During 2021 – 2. During 2023 – 1. During 2029 – 1.

c. The acquisition costs for the expansion in the following categories:

Land	$ 0.
Improvements	$ 310,000.
Personal Property	$ 20,000.
Property exempt pursuant to K.S.A. 79-223	$ 0.

d. If it is new construction, date (mm/dd/yyyy) construction commenced and ended: Construction will begin late 2020 and end in 2021.

11. Enclose:

a. The copy of the governing body's adopted policies and procedures for granting and monitoring exemptions.
b. The prepared cost-benefit analysis, which includes the effect of granting the exemption on state revenue.
c. Proof of publication of the notice of the public hearing concerning the granting of the economic development exemption and attach a publisher's affidavit showing publication at least 7 days prior to the hearing.
d. A copy of the letter of notice of public hearing sent to the governing body of any city or county and unified school district within which the subject property is located.
e. A copy of the ordinance or resolution adopted by the local governing body granting the economic development exemption.
f. If locating from one city or county to another within this state, provide evidence that the business has received approval from the Secretary of the Department of Commerce prior to qualifying for the exemption. (Relocation is necessary to prevent business from locating outside this state.)

12. Did you receive assistance from the Kansas Department of Commerce? _____Yes X No

13. Do you request a hearing on the application for exemption? _____Yes X No

VERIFICATION

I, Don Nebelsick, do solemnly swear or affirm that the information set forth herein is true and correct, to the best of my knowledge and belief. So help me God.

____
Signature of Applicant

Don Nebelsick, President
Printed Name and Title

State of____________________)
County of__________________)

This instrument was acknowledged before me on__________by_______________________________.

Seal

____
Signature of Notary Public

My appointment expires: ________________

COUNTY APPRAISER RECOMMENDATIONS AND COMMENTS

TO COUNTY APPRAISER:

Pursuant to K.S.A. 79-213, and amendments thereto, the County Appraiser is required to review each application and recommend whether the relief sought should be granted or denied. Therefore, please answer the following questions and provide any additional comments you believe are necessary to support your recommendation. The County Appraiser shall provide a copy of the completed comments and recommendations to the applicant.

1. Do you find the facts as stated by the applicant represent the true situation?_____Yes_____No
2. Do you recommend that the exemption herein requested be granted? _____Yes_____No
3. Do you request a hearing on this application? _____Yes_____No

If the applicant's statement does not represent a complete picture of the situation, set out the facts as you found them at the time of your examination and investigation.

____

____

____

VERIFICATION

I,_________________________________, do solemnly swear or affirm that the information set forth herein is true and correct, to the best of my knowledge and belief. So help me God.

____
Signature of County Official

____
Printed Name and Title

State of____________________)
County of__________________)

This instrument was acknowledged before me on__________by______________________________.

Seal

____
Signature of Notary Public

My appointment expires: ________________

ECONOMIC DEVELOPMENT EXEMPTION
INSTRUCTIONS

(For assistance, contact the Kansas Department of Commerce (785) 296-5298)

1. Each application for tax exemption must be filled out completely with all accompanying facts and attachments. The statement of facts must be in affidavit form. Applications or statements that have not been signed by the property owner before a Notary Public will not be considered. Pursuant to K.S.A. 79-213, and amendments thereto, the property owner is required to file the application.

2. Pursuant to Kansas law, the burden is on the applicant to prove affirmatively that relief is necessary. Failure to do so will result in the denial of the request for exemption.

3. Enclose any applicable filing fee(s) pursuant to K.A.R. 94-5-8. Checks or money orders should be made payable to the Board of Tax Appeals. For information regarding fees with the State Board of Tax Appeals, visit www.kansas.gov/bota/ or contact the Board at (785) 296-2388. The County Appraiser's office also has fee schedules available.

This form along with the applicable attachments is to be filed with the County Appraiser for recommendations pursuant to K.S.A. 79-213(d). The County Appraiser will forward the application to the Board of Tax Appeals.

Book: D261 Page: 444
Page # 444 of 2

Entered in transfer record in my office this 26 day of December A.D. 18
Barbara M. Jones
Co. Clerk
Brandy Starr
Deputy Co. Clerk

STATE OF KANSAS, DICKINSON COUNTY
Karen J. Freeman, Register of Deeds
Book: D261 Page: 444-445
Receipt #: 272243
Recording Fee: $38.00
Pages Recorded: 2
Cashier Initials: MHolt
Date Recorded: 12/26/2018 2:47:46 PM

XJJJ S

KM

TRUSTEES' DEED

DONALD D. NEBELSICK and ELIZABETH A. NEBELSICK, Trustees of the Revocable Inter Vivos Trust of DONALD D. NEBELSICK, dated May 27, 1999, and the Revocable Inter Vivos Trust of ELIZABETH A. NEBELSICK, dated May 27, 1999, "Grantor Trusts," by virtue of the terms of said Trust Agreements, in consideration of the sum of Ten Dollars ($10.00), the receipt of which is hereby acknowledged, do hereby

CONVEY AND WARRANT TO

DB NIBS, L.L.C., a Kansas limited liability Company,

All right, title and interest in and to the following described real estate in Dickinson County, Kansas:

See attachment Exhibit "A."

The Grantor Trusts covenant that the Trusts remain in full force and effect at this time and that the Trustees have authorization without limitation to sell and convey all of the above described real estate.

Pursuant to K.S.A. 79-1437e(a), a Real Estate Validation Questionnaire is not required due to Exception No. 7.

EXCEPT AND SUBJECT TO: Easements, restrictions and reservations of record.

DATED this 26th day of December, 2018.

By: Donald D. Nebelsick
DONALD D. NEBELSICK, Trustee

By: Elizabeth A. Nebelsick
ELIZABETH A. NEBELSICK, Trustee

STATE OF KANSAS, COUNTY OF SALINE, ss:

This instrument was acknowledged before me on December 26, 2018, by DONALD D. NEBELSICK and ELIZABETH A. NEBELSICK, Trustees of the Revocable Inter Vivos Trust of DONALD D. NEBELSICK, dated May 27, 1999, and the Revocable Inter Vivos Trust of ELIZABETH A. NEBELSICK, dated May 27, 1999.

KENNETH W. WASSERMAN
Notary Public - State of Kansas
My Appt. Expires 2/6/2021

Kenneth W. Wasserman
Notary Public
KENNETH W WASSERMAN
Printed Name

EXHIBIT "A"

The North 100.0 feet of Lots Three (3) and Four (4) and the North 100.0 feet of the East 45.0 feet of Lot Five (5), Block Nine (9), Central Park Addition to the City of Abilene, Dickinson County, Kansas, and that portion of vacated Seventh Street adjoining said Lots 3, 4 and 5.

Lots Nine (9), Ten (10) and Eleven (11), Block Eight (8), Central Park Addition to the City of Abilene, Dickinson County, Kansas, together with vacated Kuney Street and Olive Street and all alleys located within said Block 8.

A parcel of land located in the Southeast Quarter (SE¼) of Section Twenty One (21), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., Dickinson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of said SE¼; thence on an assumed bearing of S 89°46'37" E along the North line of said SE¼, a distance of 273.32 feet to the Point of Beginning of the parcel to be described; thence continuing S 89°46'37" E along said North line, a distance of 66.68 feet; thence S 00°00' 00" E, a distance of 312.93 feet; thence N 89°46'37" W, a distance of 66.68 feet; thence N 00°00'00" E, a distance of 312.93 feet to the Point of Beginning; AND a tract of land beginning at the intersection of the East right-of-way line of Kansas State Highway K-15 (South Buckeye Avenue) and the North line of the Southeast Quarter (SE¼) of Section Twenty One (21), Township Thirteen (13) South, Range Two (2) East of the 6th P.M., Dickinson County, Kansas; thence East 228.71 feet; thence South parallel to the West line of said SE¼, a distance of 313.07 feet; thence West parallel to the North line of said SE¼, a distance of 207.77 feet to a point located on the East line of Kansas State Highway K-15 right-of-way, which is 313.07 feet South and 20 feet East of the Point of Beginning; thence Northerly along the East line of the Kansas State Highway K-15 right-of-way 148.67 feet; thence West 20 feet; thence Northerly along the East line of Kansas State Highway K-15 right-of-way 164.40 feet to the Point of Beginning.

All of Lots One (1), Two (2), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Nineteen (19), Twenty (20), Twenty One (21), Twenty Two (22) and Twenty Three (3) and the South 40 feet of Lots Three (3), Four (4) and Five (5), all in Block Nine (9), Central Park Addition to the City of Abilene, Dickinson County, Kansas, together with vacated Kuney Street and Olive Street and all alleys located within said Block 9.

DKEDC
DICKINSON COUNTY, KANSAS
DRIVING
DICKINSON COUNTY

Dickinson County
Economic Development Corporation
P.O. Box 462
203 NW 15th
Abilene, KS 67410
785-200-3518
785-200-3820 Fax

April 30, 2020

City Commissioners
c/o Jane Foltz, City Manager
City of Abilene, KS
419 N. Broadway Ave.
P.O. Box 519
Abilene, KS 67410

Commissioners:

I have reviewed the request from D.B. Nibs, LLC and believe that it meets the requirements for the City of Abilene's Tax Abatement Policy and also Part II of Resolution No. 032904-1 for Ad Valorem Property Tax Exemption based on the following minimum policy requirements:

1. Estimated capital investment of $330,000.00.
2. 4 new full-time employees.

D.B. Nibs, LLC owns the land where Don's Tire operation is located. Don's Tire is a warehousing, distribution, and service center for vehicles specializing in tires and treads. They distribute tires and tracks to a large portion of Kansas and other areas in the Midwest, which benefits the City of Abilene through increased employment and capital investment as well as increased sales and ad valorem tax revenue.

D.B. Nibs, LLC, has included their letter of application. They have also included the tax abatement exemption application, CTA-EDX application that is used by the State of Kansas Board of Tax Appeals for tax abatement requests, as well as the required application fee. They are also submitting the cost-benefit analysis that DKEDC assisted in preparing with assistance from The Center for Economic Development and Business Research at Wichita State University.

Based on the number of jobs created, and the capital investment, the benefit ratio to the City of Abilene from this project is 2.36. The project returns $2.36 for every $1.00 of tax exemption received per the City policy. The project meets the City base exemption policy of capital investment of at least $250,000 and the creation of at least 2 new full-time equivalent jobs. Based on the project's capital investment of $330,000 and the creation of 4 new full-time equivalent jobs, the project qualifies for a tax exemption of 60% for years 1-5 and 30% for years 6-10 on the increased value of the property that results from this project. They will also make a payment in lieu of taxes based on the current value of the property.

Based on D.B. Nibs, LLC, meeting the minimum requirements of the City of Abilene's Tax Abatement Policy and also Part II of Resolution No. 032904-1 for Ad Valorem Property Tax Exemption and having provided all documents requested in the policy, I would recommend that the City Commission for the City of Abilene, Kansas consider approving the tax abatement request from the company.

Sincerely,

Chuck Scott

Chuck Scott, Executive Director

Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

DATE OF ANALYSIS	9/2/2020
TIME OF ANALYSIS	10:09 AM
VERSION OF ANALYSIS	V1

PROJECT SUMMARY (no multipliers, no substitution)	
Company Name	Don's Tire
Number of new jobs for 10-year period	4
Amount of payroll for 10-year period	$1,665,337
Amount of capital investment for 10-year period	$330,000
Land	$0
Buildings	$310,000
Machinery and Equipment	$20,000

INCENTIVE SUMMARY	
City Incentives - Abilene	17,959
Tax abatement	17,959
Sales tax exemption	0
Forgivable loans	0
Infrastructure	0
Cash value all other incentives	0

County Incentives - Dickinson	18,839
Tax abatement	18,839
Sales tax exemption	0
Forgivable loans	0
Infrastructure	0
Cash value all other incentives	0

State Incentives	7,498
Tax abatement	7,498
Sales tax exemption	0
Forgivable loans	0
Training dollars	0
Infrastructure	0
Cash value all other incentives	0

School District Incentives - 435 Abilene	4,716
Tax abatement	4,716

WICHITA STATE UNIVERSITY

Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

DATE OF ANALYSIS	9/2/2020
TIME OF ANALYSIS	10:09 AM
VERSION OF ANALYSIS	V1

TAX ABATEMENT PARAMETERS	
Real Property	
Number of years	10
Percentage	60% Yrs 1-5, 30% Yrs 6-10
Personal Property	
Number of years	0
Percentage	0.0%

CONSTRUCTION IMPACTS	
Jobs Multiplier	1.8239
Earnings Multiplier	1.6458

Direct jobs	3
Direct payroll earnings	$155,000

Total jobs	5
Total payroll earnings	$255,099

SUBSTITUTION	
Firm NAICS code	441000 Motor vehicle and parts dealers
Substitution percentage applied to firm operations	100.0%

FIRM MULTIPLIERS (On-going Operations)	
Jobs	1.3355
Earnings	1.2894

ECONOMIC IMPACT OF FIRM OPERATIONS	
Number of jobs 10-year period	
Direct	-
Total	-

Payroll earnings for 10-year period	
Direct	$0
Total	$0

Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

DATE OF ANALYSIS	9/2/2020
TIME OF ANALYSIS	10:09 AM
VERSION OF ANALYSIS	V1

FISCAL IMPACT	
City Fiscal Impacts. - Abilene	***Discounted***
Present value of net benefits	$20,925
Rate of Return on Investment	
Net public benefits 10-year period	$20,925
Public costs 10-year period	$15,363
ROI	136.2%
Benefit-Cost Ratio	
Public benefits 10-year period	$36,288
Public costs 10-year period	$15,363
Benefit-Cost Ratio	2.36

County Fiscal Impacts. - Dickinson	***Discounted***
Present value of net benefits	$19,794
Rate of Return on Investment	
Net public benefits 10-year period	$19,794
Public costs 10-year period	$16,116
ROI	122.8%
Benefit-Cost Ratio	
Public benefits 10-year period	$35,910
Public costs 10-year period	$16,116
Benefit-Cost Ratio	2.23

State Fiscal Impacts	***Discounted***
Present value of net benefits	$40,072
Rate of Return on Investment	
Net public benefits 10-year period	$40,072
Public costs 10-year period	$6,414
ROI	624.7%
Benefit-Cost Ratio	
Public benefits 10-year period	$46,486
Public costs 10-year period	$6,414
Benefit-Cost Ratio	7.25

School District Fiscal Impacts. - 435 Abilene	***Discounted***
Present value of net benefits	$9,838
Rate of Return on Investment	
Net public benefits 10-year period	$9,838
Public costs 10-year period	$4,035
ROI	243.8%
Benefit-Cost Ratio	
Public benefits 10-year period	$13,873
Public costs 10-year period	$4,035
Benefit-Cost Ratio	3.44

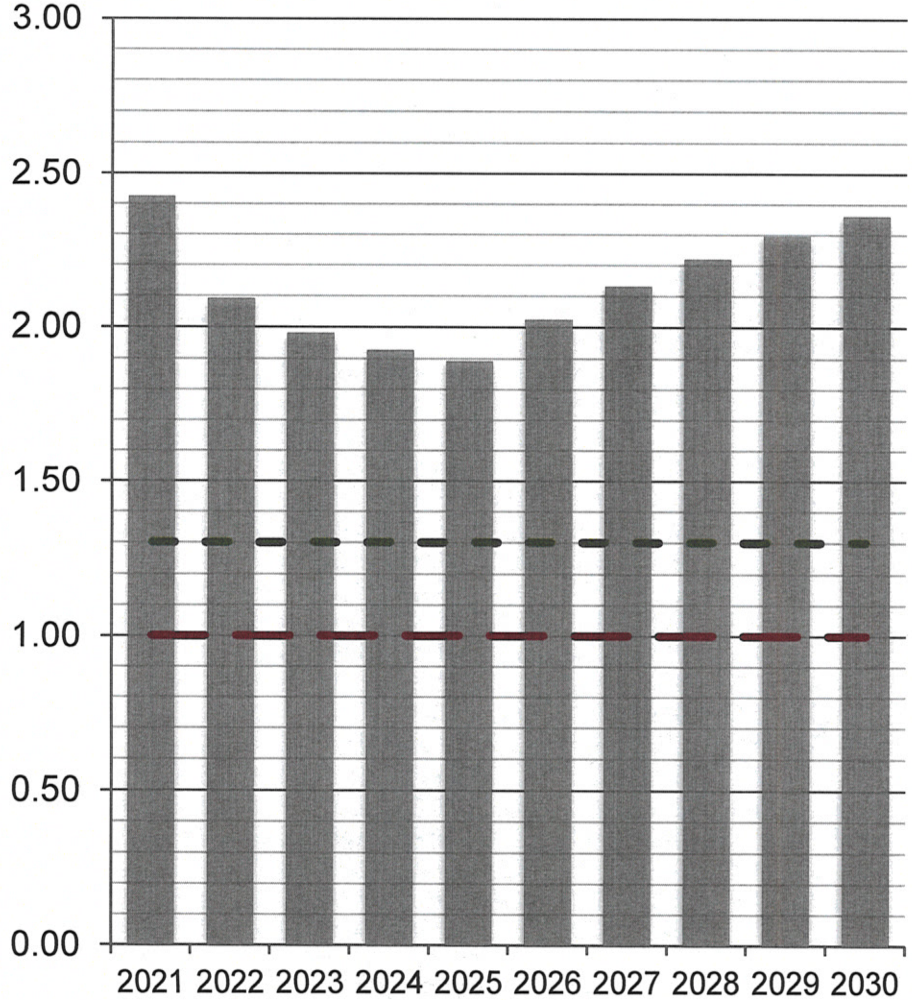
In the preparation of this report, the Center for Economic Development and Business Research assumed that all information and data provided by the applicant or others is accurate and reliable. CEDBR did not take extraordinary steps to verify or audit such information, but relied on such information and data as provided for purposes of the project.

This analysis requires CEDBR to make predictive forecasts, estimates and/or projections (hereinafter collectively referred to as "FORWARD-LOOKING STATEMENTS"). These FORWARD-LOOKING STATEMENTS are based on information and data provided by others and involve risks, uncertainties and assumptions that are difficult to predict. The FORWARD-LOOKING STATEMENTS should not be considered as guarantees or assurances that a certain level of performance will be achieved or that certain events will occur. While CEDBR believes that all FORWARD-LOOKING STATEMENTS it provides are reasonable based on the information and data available at the time of writing, actual outcomes and results are dependent on a variety of factors and may differ materially from what is expressed or forecast. CEDBR does not assume any responsibility for any and all decisions made or actions taken based upon the FORWARD-LOOKING STATEMENTS provided by CEDBR.

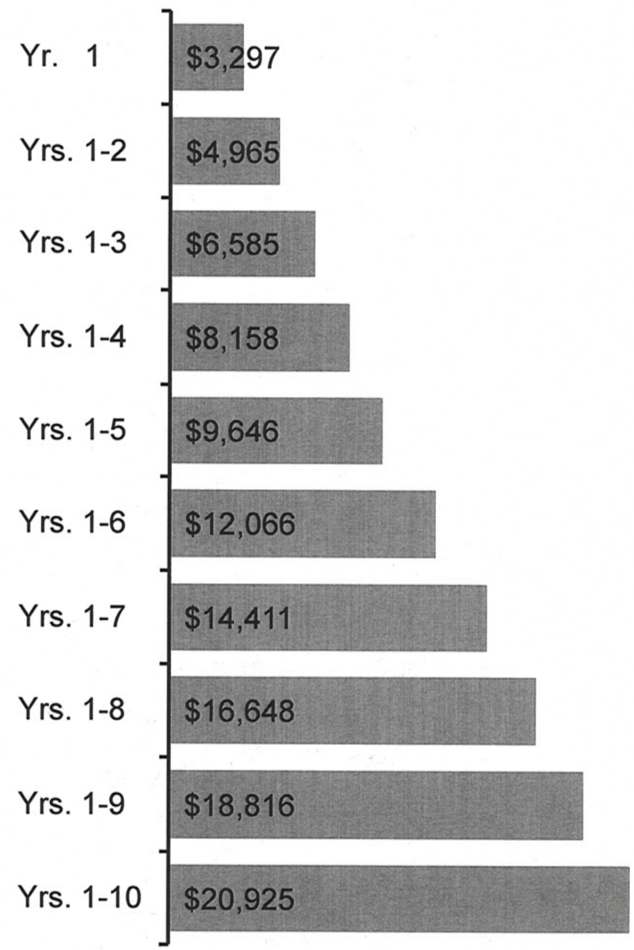
Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

Project or Company Name: Don's Tire
Date of Analysis: 9/2/2020
Version of Analysis: V1
City Fiscal Impacts. - Abilene

Benefit-Cost Ratio



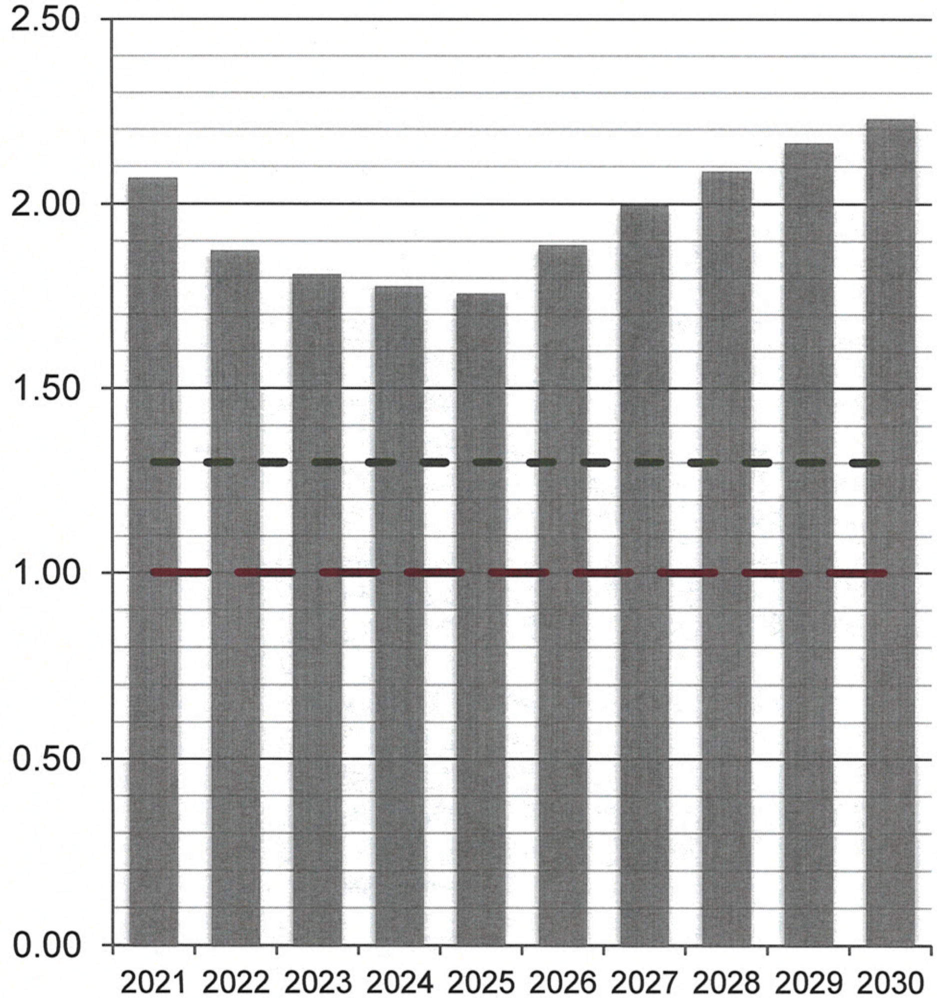
Present Value of Net Benefits



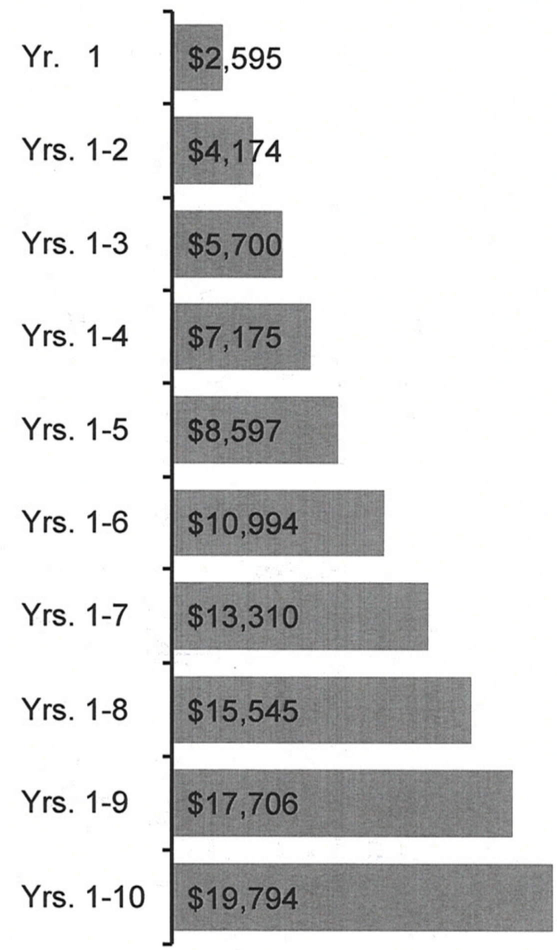
Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

Project or Company Name: Don's Tire
Date of Analysis: 9/2/2020
Version of Analysis: V1
County Fiscal Impacts. - Dickinson

Benefit-Cost Ratio



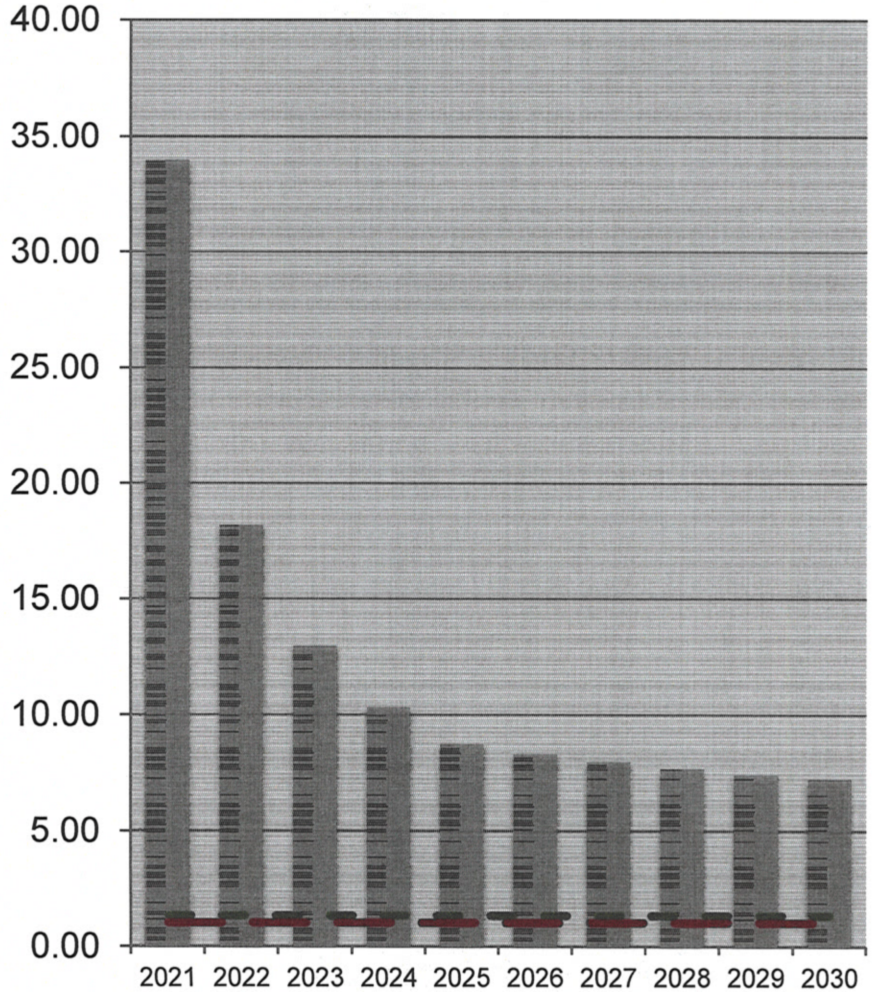
Present Value of Net Benefits



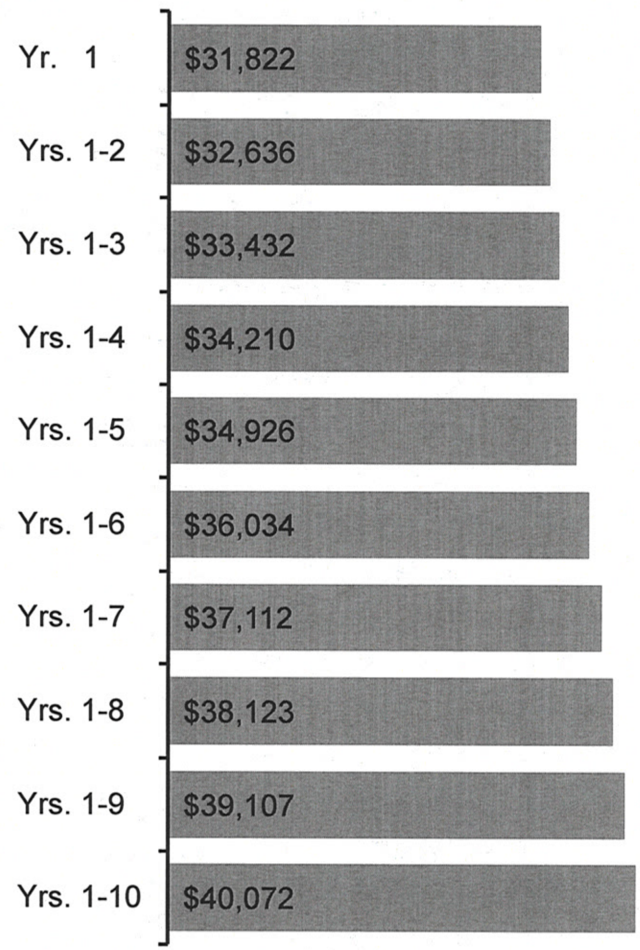
Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

Project or Company Name: Don's Tire
Date of Analysis: 9/2/2020
Version of Analysis: V1
State Fiscal Impacts

Benefit-Cost Ratio



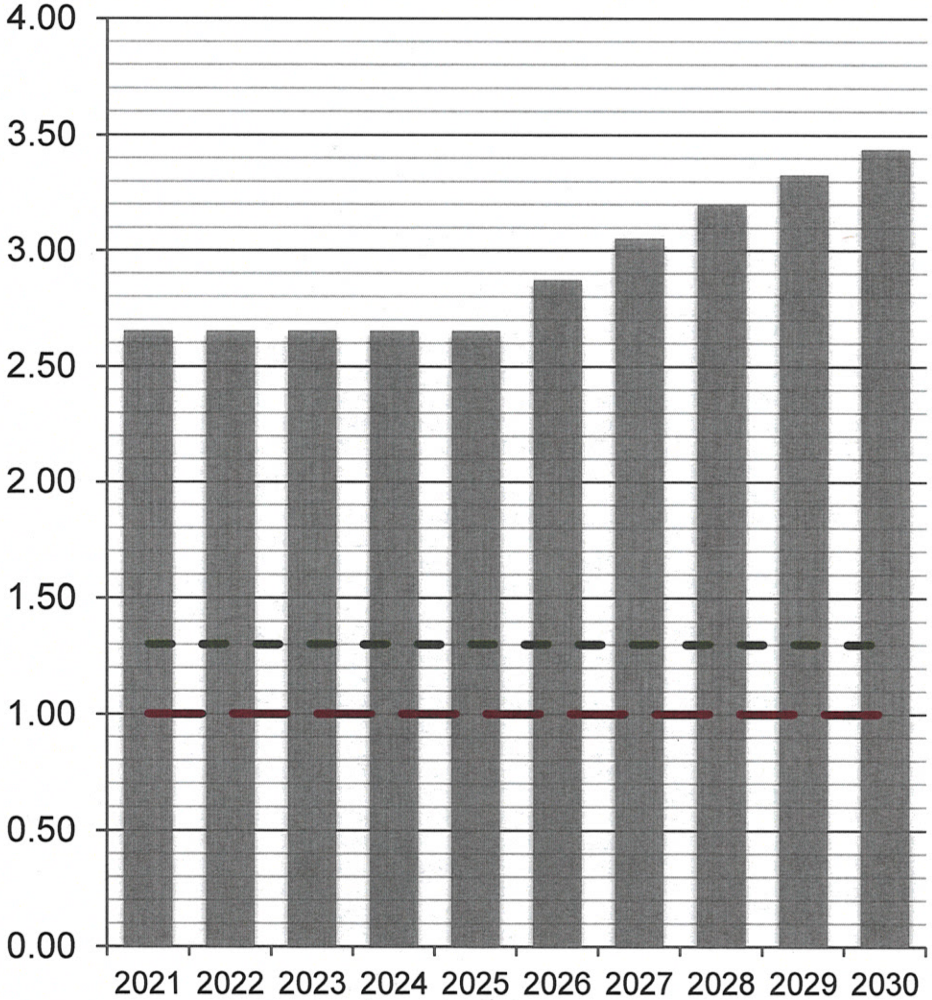
Present Value of Net Benefits



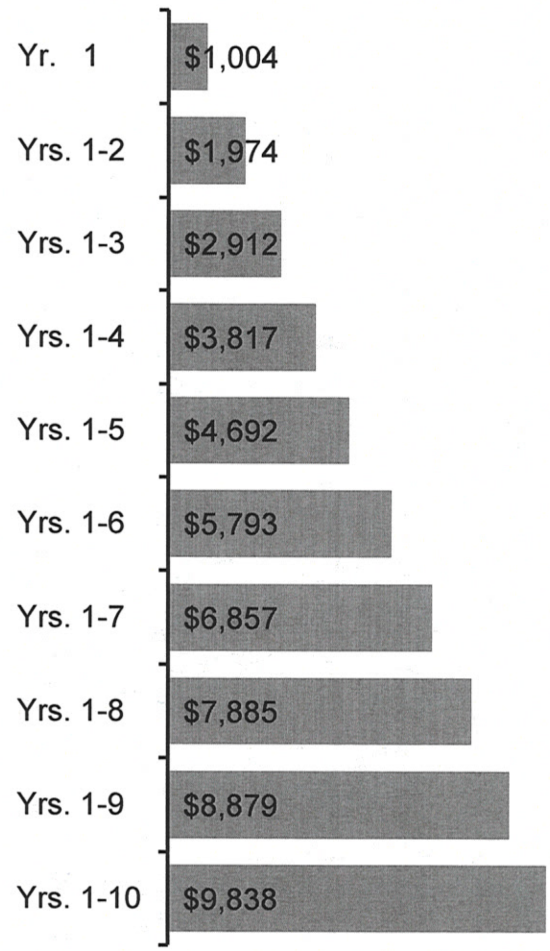
Center for Economic Development and Business Research
Wichita State University
1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

Project or Company Name: Don's Tire
Date of Analysis: 9/2/2020
Version of Analysis: V1
School District Fiscal Impacts. - 435 Abilene

Benefit-Cost Ratio



Present Value of Net Benefits



CEDBR-FISCAL IMPACT MODEL FIRM DATA SHEET

COMPANY INFORMATION	
Company name or project name	Don's Tire
Contact name	Don Nebelsick
Contact telephone number	785-479-6200
Contact e-mail address	donstire@donstire.net
Company NAICS Code - *Please select a NAICS code from the list provided. Model parameters are set based on the NAICS selected.*	441000 Motor vehicle and parts dealers
Substitution Override	
Year of application	2020

SITE LOCATION - *If incentives are being requested for more than one physical location, and these locations are in different taxing jurisdictions, then a separate firm data sheet must be filled out for each location. If the property is located in a special taxing district or industrial zone, please contact CEDBR.*	
Street Address	
City	Abilene
County	Dickinson
School District	435 Abilene

REAL PROPERTY CONSTRUCTION AND IMPROVEMENTS - *If construction is expected to significantly exceed 12-months allocate expenditures to multiple expansions.*	
Expansion #1	
Year of expansion	2021
Market value of firm's initial NEW OR ADDITIONAL investment in:	
Land	
Building and improvements	$310,000
Furniture, fixtures and equipment (including machinery)	$20,000
Initial construction or expansion:	
Cost of construction at the firm's new or expanded facility	$310,000
Amount of taxable construction materials purchased in:	
City	$93,000
County (should include city amount)	$93,000
State (should include city and county amounts)	$155,000
Amount of taxable furniture, fixtures and equipment purchased in:	
City	$5,000
County (should include city amount)	$5,000
State (should include city and county amounts)	$20,000
Total construction salaries	$155,000
Expansion #2 (if applicable)	
Year of expansion	
Market value of firm's initial NEW OR ADDITIONAL investment in:	
Land	
Building and improvements	
Furniture, fixtures and equipment (including machinery)	
Initial construction or expansion:	
Cost of construction at the firm's new or expanded facility	
Amount of taxable construction materials purchased in:	
City	
County (should include city amount)	
State (should include city and county amounts)	
Amount of taxable furniture, fixtures and equipment purchased in:	
City	
County (should include city amount)	
State (should include city and county amounts)	
Total construction salaries	

Expansion #3 (if applicable)	
Year of expansion	
Market value of firm's initial NEW OR ADDITIONAL investment in:	
Land	
Building and improvements	
Furniture, fixtures and equipment (including machinery)	
Initial construction or expansion:	
Cost of construction at the firm's new or expanded facility	
Amount of taxable construction materials purchased in:	
City	
County (should include city amount)	
State (should include city and county amounts)	
Amount of taxable furniture, fixtures and equipment purchased in:	
City	
County (should include city amount)	
State (should include city and county amounts)	
Total construction salaries	
OPERATIONS	
First Year of Full Operations As a Result of This Project	
New or additional sales of the firm related to this project	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Percent of these sales subject to sales taxes in the:	
City	
County	
State	
Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed:	

New or additional purchases of the firm related to this project	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Percent of these purchases subject to sales/compensating use taxes in the:	
City	
County	
State	

EMPLOYMENT	
Number of NEW employees to be hired each year as a result of this project	
Year 1	2
Year 2	0
Year 3	1
Year 4	0
Year 5	0
Year 6	0
Year 7	0
Year 8	0
Year 9	1
Year 10	0

Number of these employees moving to county each year FROM OUT-OF-STATE	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Number of these employees moving to county each year FROM OTHER KANSAS COUNTIES	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Weighted average annual salary of all NEW employees, including all employees hired to date, related to this project	
Year 1	76,000
Year 2	77,520
Year 3	49,535
Year 4	50,526
Year 5	51,536
Year 6	52,567
Year 7	53,618
Year 8	54,691
Year 9	52,089
Year 10	53,130

VISITORS - *Include customers, vendors and company employees from other locations in the count of visitors*	
Number of ADDITIONAL out-of-county visitors expected at the firm as a result of this project	
Year 1	24
Year 2	20
Year 3	21
Year 4	22
Year 5	18
Year 6	19
Year 7	20
Year 8	16
Year 9	17
Year 10	19
Number of days that each visitor will stay in the area	1
Number of nights that a typical visitor will stay in a local hotel or motel	1
Percentage of visitors traveling on business	100%
Percentage of visitors traveling for leisure	0%
Percentage of visitor's expenditures spent in the same city as firm's location	100%
Percentage of visitor's expenditures spent in the same county as firm's location	100%
Percentage of visitor's expenditures spent in Kansas	100%

PAYMENT BY THE COMPANY TO TAXING JURISTICTIONS - *Such as payments in lieu of taxes*	
Firm payments to the City	
Year 1	$0
Year 2	$0
Year 3	$0
Year 4	$0
Year 5	$0
Year 6	$0
Year 7	$0
Year 8	$0
Year 9	$0
Year 10	$0
Firm payments to the County	$0
Year 1	$0
Year 2	$0
Year 3	$0
Year 4	$0
Year 5	$0
Year 6	$0
Year 7	$0
Year 8	$0
Year 9	$0
Year 10	

Firm payments to the State of Kansas	
Year 1	$0
Year 2	$0
Year 3	$0
Year 4	$0
Year 5	$0
Year 6	$0
Year 7	$0
Year 8	$0
Year 9	$0
Year 10	$0
Firm payments to the School District	
Year 1	$0
Year 2	$0
Year 3	$0
Year 4	$0
Year 5	$0
Year 6	$0
Year 7	$0
Year 8	$0
Year 9	$0
Year 10	$0

CEDBR-FISCAL IMPACT MODEL INCENTIVE INFORMATION

CONTACT INFORMATION FOR CEDBR REGARDING INCENTIVE AMOUNTS	
Contact name	
Contact telephone number	
Contact e-mail address	
SALES TAX EXEMPTION ON CONSTRUCTION MATERIALS	
Sales tax exemption **EXPANSION #1** (please enter yes or no)	No
Percent of construction material costs funded by IRB for **EXPANSION #1**	0.0%
Sales tax exemption **EXPANSION #2** (please enter yes or no)	No
Percent of construction material costs funded by IRB for **EXPANSION #2**	0.0%
Sales tax exemption **EXPANSION #3** (please enter yes or no)	No
Percent of construction material costs funded by IRB for **EXPANSION #3**	0.0%

SALES TAX EXEMPTION FOR OPERATIONS	
Value of sales tax exemption for OPERATIONS -- **CITY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Value of sales tax exemption for OPERATIONS -- **COUNTY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Value of sales tax exemption for OPERATIONS -- **STATE**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

PROPERTY TAX ABATEMENT	
Property tax abatement - Real property land and buildings	
Number of Years	10
Percentage	60% Yrs 1-5, 30% Yrs 6-10
Property tax abatement - Machinery and equipment	
Number of Years	0
Percentage	0.0%

FORGIVABLE LOANS - *Cash value*	
Forgivable loans (cash value) -- **CITY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Forgivable loans (cash value) -- **COUNTY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Forgivable loans (cash value) -- **STATE**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

STATE TRAINING DOLLARS	
Training dollars KIT/KER/IMPACT (cash value)	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

INFRASTRUCTURE IMPROVEMENTS	
Infrastructure improvements (cash value) -- **CITY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Infrastructure improvements (cash value) -- **COUNTY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Infrastructure improvements (cash value) -- **STATE**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

OTHER INCENTIVES - *Cash value*	
Cash value of all other incentives -- **CITY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

Cash value of all other incentives -- **COUNTY**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	
Cash value of all other incentives -- **STATE**	
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	
Year 6	
Year 7	
Year 8	
Year 9	
Year 10	

ORDINANCE NUMBER ________

AN ORDINANCE EXEMPTION CERTAIN PROPERTY OWNED BY D.B. NIBS, L.L.C. LOCATED AT 714 S. BUCKEYE AVE., ABILENE, KANSAS FROM AD VALOREM TAXATION.

BE IT ORDAINED by the Governing Body of the City of Abilene, Kansas:

SECTION 1. D.B. Nibs, L.L.C. ("Company") is hereby granted exemption from ad valorem taxes for property located at 714 S. Buckeye Ave., Abilene, Kansas, under the terms of the Ad Valorem Property Tax Abatement Policy of the City of Abilene, Kansas ("Policy") and limitations set out herein (the "Exemption"), all pursuant to Section 13 of Article 11 of the Kansas Constitution and K.S.A. 79-251.

SECTION 2. The Exemption shall only apply to building additions and improvements constructed between October 26, 2020 and October 26, 2021 for an approximately 2,998 square foot addition (the "Project") to facilities located on the following described property:

[INSERT LEGAL DESCRIPTION]

SECTION 3. On October 26, 2020, the Governing Body conducted a public hearing on the granting of the Exemption after publishing notice of the public hearing and notifying in writing the affected taxing districts in accordance with K.S.A. 79-251(b).

SECTION 4. The Governing Body finds that the property for which the Exemption is to be granted will be used exclusively for the purposes specified in Section 13 of Article 11 of the Kansas Constitution, specifically the storing of goods or commodities which are sold or traded in interstate commerce, which is necessary to facilitate the expansion of Company's business, and which expansion will create new employment.

SECTION 5. No exemption shall be granted for taxes due on the above described land nor any existing buildings and improvements located thereon. In addition, the tax exemption shall not affect the liability for any special assessments levied or to be levied against the above-described property.

SECTION 6. The Exemption shall be for a term of ten (10) years, with an exemption of sixty percent (60%) granted for years one (1) through (5), and thirty (30%) for years six (6) through ten (10), provided that the Applicant's investment in the project and its level of employment at the project upon completion is at least equal to that in stated the Application to the City for ad valorem tax exemption as presented to the Governing Body this date. Such exemption will begin the calendar year after which the expansion of the Company's facility commences operations and continue for not more than 10 calendar years (the "Exempt Period").

SECTION 7. That the amount of property taxes not exempted during the Exempt Period shall be paid annually to the County Treasurer. The County Treasurer shall distribute said payments to affected taxing jurisdictions according to the provisions of K.S.A. 12-148. Failure to fully make such payments when due shall be deemed grounds for the revocation of said tax exemption.

SECTION 8. That the Company shall submit all annual report(s) as required by the Policy for as long as the Exemption remains in effect.

SECTION 9. That Company shall be responsible for filing the appropriate tax exemption claim forms as required by the statutes of the State of Kansas.

SECTION 10. The Board of City Commissioners shall have the right to revoke the Exemption for failure to comply with the terms and conditions of this Ordinance.

SECTION 11. 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. ________ Summary

On October 26, 2020, the City Commission passed Ordinance No. ________. The ordinance grants a property tax exemption to D.B. Nibs, L.L.C. on an approximately 2,998 square foot addition to facilities located at 714 S. Buckeye Ave., Abilene, Kansas. 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 26th day of October, 2020.

____
Chris Ostermann, Mayor

Attest:

____
Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this 26th day of October, 2020.

____
Aaron O. Martin, Legal Counsel

RESOLUTION NUMBER ________

A RESOLUTION OF THE CITY OF ABILENE, KANSAS, MAKING CERTAIN FINDINGS OF FACT AS REQUIRED BY K.S.A. 79-251, AS AMENDED, WITH RESPECT TO A PROPERTY TAX EXEMPTION TO BE GRANTED TO D.B. NIBS, L.L.C. FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY LOCATED AT 714 S. BUCKEYE AVE., ABILENE, KANSAS, AND PROVIDING CERTAIN TERMS AND CONDITIONS.

WHEREAS, the Board of City Commissioners has adopted a policy pursuant to Section 13 of Article 11 of the Kansas constitution and K.S.A. 79-251 for the granting of exemptions from ad valorem taxation for economic development purposes (the "Policy); and

WHEREAS, D.B. Nibs, L.L.C. (the "Applicant"), formally applied for tax exemption under the Policy by an application dated September 21, 2020 (the "Application"); and

WHEREAS, the Board of City Commissioners has reviewed the Application and an analysis of estimated costs and benefits of the proposed tax exemption; and

WHEREAS, the Board of City Commissioners has advertised and held a public hearing this day to consider the Application, **SO NOW, THEREFORE**

BE IT RESOLVED by the Governing Body of the City of Abilene, Kansas:

Section 1. That in accordance with K.S.A. 79-251(b), notice of the public hearing was published in the official city newspaper at least once seven days prior to the hearing and that written notice of the public hearing was provided to Dickinson County Board of County Commissioners, Abilene Cemetery District 1, Hospital District No. 1 of Dickinson County, Kansas, and Unified School District 435.

Section 2. That in accordance with K.S.A. 79-251(c), and in reliance upon the Applicant's representations contained in the Application, the Governing Body finds:

(A) That the property for which the exemption is to be granted will be used exclusively for the purposes specified in Section 13 of Article 11 of the Kansas constitution; and

(B) That the Applicant is currently a local business and is not relocating from one city or county to another within the state of Kansas.

Section 3. That the Applicant be granted exemption from ad valorem taxes for property located at 714 S. Buckeye Avenue, in Abilene, Kansas, under terms of the Policy and the conditions set out herein.

Section 4. That tax exemption shall apply to building additions and improvements constructed between October 26, 2020 and October 26, 2021 for an approximately 2,998 square foot addition (the "Project") to facilities located on the following described property:

[INSERT LEGAL DESCRIPTION]

Section 5. That no exemption shall hereby be granted for taxes due on the above described land nor any existing buildings and improvements located thereon. In addition, the tax exemption shall not affect the liability for any special assessments levied or to be levied against the above-described property.

Section 6. That the tax exemption shall be for a term of ten (10) years, with an exemption of sixty percent (60%) granted for years one (1) through (5), and thirty (30%) for years six (6) through ten (10), provided that the Applicant's investment in the Project and its level of employment at the Project upon completion is at least equal to that stated in the Application to the City for ad valorem tax exemption as presented to the Governing Body this date. Such exemption will begin the calendar year after which the expansion of the Applicant's facility commences operations and continue for not more than 10 calendar years (the "Exempt Period").

Section 7. That the amount of property taxes not exempted during the Exempt Period shall be paid annually to the County Treasurer. The County Treasurer shall distribute said payments to affected taxing jurisdictions according to the provisions of K.S.A. 12-148. Failure to fully make such payments when due shall be deemed grounds for the revocation of said tax exemption.

Section 8. That the Applicant shall submit all annual report(s) as required by the Policy for as long as the exemption remains in effect.

Section 9. That the Applicant shall be responsible for filing the appropriate tax exemption claim forms as required by the statutes of the State of Kansas.

Section 10. The Board of City Commissioners shall have the right to revoke this tax exemption for failure to comply with the terms and conditions of this resolution.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 26th day of October, 2020.

____
Chris Ostermann, Mayor

Attest:

____
Penny L. Soukup, CMC, City Clerk

CITY OF ABILENE
Item for City Commission Agenda

ABILENE KANSAS

Meeting Date: 10/26/20

Originating Department	Prepared By:	Approved For Agenda By: *(Office Use Only)*
Public Works	Lon/Mark Bachamp	

AGENDA ITEM HEADING:

Consider approval of bid for the NE Drainage Detention pond

BACKGROUND:

Our engineering firm, Olsson and Associates prepared scope of work and bid invitation for the construction of a detention pond near Faith Avenue and NE 21st Street. Bid opening was held on 9/30/20 and 7 bids were received. Contractors presented base bids with two alternates for a phase or method of construction. As follows, presented here are the base with the preferred alternate added, making up the total cost for your consideration.

Bids received:

- Smoky Hill Heavy Contractors, $332,230
- Double J Construction, $299,425
- J-K Contracting $299,462
- Esfeld Construction $291,595
- Ebert Construction $281,855.21
- Bruce Davis Construction $267,391
- Prairie Landworks Inc. $185,793.93

The engineers estimate $314,636.25

Staff recommends approval of low bid from Prairieland Works Inc. of McPherson, KS

FISCAL NOTE:

Funding source Storm Water fund. Balance at the end of 3rd quarter is $616,453.

COMMISSION ACTION OPTIONS:

Reject or approve the bid

October 5, 2020

City of Abilene
Attn: Lon Schrader, Public Works Director
City Hall, Public Works Department
419 N Broadway
Abilene, KS 67410

RE: Abilene Faith Avenue Detention Basin
015-2110
Bid Opening: September 30 at 2:00 pm

Dear Mr. Schrader:

The bid opening for the Abilene Faith Avenue Detention Basin was held on September 30, 2020 at 2:00 p.m. Prairie Landworks, Inc. from McPherson, KS was the low bidder of the seven bids received. It is our recommendation to award the bid to Prairie Landworks, Inc. in the amount of $185,793.93. A bid tabulation for all the bids is attached.

Sincerely,

Mark Bachamp, P.E.
Olsson

302 S. Fourth Street / Suite 110 / Manhattan, KS 66502
O 785.5[illegible] olsson.com

olsson

Project Title: **Abilene Faith Avenue Detension Basin**
Bid Date: **September 30th, 2020 @ 2:00pm**
Project No.: **015-2110**

	Bidder	BASE	ALTERNATE #1	ALTERNATE #2	TOTAL	BID BOND?
	Engineer's Estimate	$299,816.25	$11,400.00	$14,820.00	Total + Alternate #1: $311,216.25 Total + Alternate #2: $314,636.25	
1	*Prairie Landworks, Inc.*	$170,449.53	$18,228.60	$15,344.40	Total + Alternate #1: $188,678.13 Total + Alternate #2: $185,793.93	Yes
2	Bruce Davis Construction, LLC	$250,208.92	$22,309.80	$17,182.08	Total + Alternate #1: $272,518.72 Total + Alternate #2: $267,391.00	Yes
3	Double J Construction, LLC	$282,325.00	$19,380.00	$17,100.00	Total + Alternate #1: $301,705.00 Total + Alternate #2: $299,425.00	Yes
4	Ebert Construction CO., Inc.	$253,818.05	$19,703.76	$28,037.16	Total + Alternate #1: $273,521.81 Total + Alternate #2: $281,855.21	Yes
5	Esfeld Construction, Inc.	$267,655.00	$19,380.00	$23,940.00	Total + Alternate #1: $287,035.00 Total + Alternate #2: $291,595.00	Yes
6	J & K Contracting, LC	$281,564.00	$17,328.00	$17,898.00	Total + Alternate #1: $298,892.00 Total + Alternate #2: $299,462.00	Yes
7	Smoky Hill, LLC	$303,502.00	$20,064.00	$28,728.00	Total + Alternate #1: $323,566.00 Total + Alternate #2: $332,230.00	Yes

* Apparent Low

CITY OF ABILENE

Item for City Commission Agenda

Meeting Date: 10/26/2020

Originating Department	Prepared By:	Approved For Agenda By: *(Office Use Only)*
City Clerk	Penny Soukukp	

AGENDA ITEM HEADING:

Tossed and Sauced cereal malt beverage application

BACKGROUND:

Tossed and sauced has new ownership. The new owners have applied for a cereal malt beverage for their location at 306 NW 3rd St. We are in the process of doing the required inspections. Once the inspections have been approved this item will be placed on the consent agenda.

FISCAL NOTE:

None

COMMISSION ACTION:

Consider new cereal malt beverage license for Tossed and sauced.

INDIVIDUAL/SOLE PROPRIETOR
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

☒ City or ☐ County of Abilene

SECTION 1 – LICENSE TYPE

Check One: ☒ New License ☐ Renew License ☐ Special Event Permit

Check One:
☒ License to sell cereal malt beverages for consumption on the premises.
☐ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licenses premises.

SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 004-853203621-F01

I have registered as an Alcohol Dealer with the TTB. ☒ Yes (required for new application)

Name	Phone No.	Date of Birth
Nicole D Hall	316 519 3119	9/14/85
Residence Street Address	**City**	**Zip Code**
1970 Vane Rd	Chapman	67431

Applicant Spousal Information

Spouse Name	Phone No.	Date of Birth
Ryan E Hall	316 461 7128	11/17/82
Residence Street Address	**City**	**Zip Code**
1970 Vane Road	Chapman	67431

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)			Mailing Address (If different from business address)		
DBA Name: Tossed N Sauced			Name:		
Business Location Address: 306 NW 3rd St			Address:		
City: Abilene	State: KS	Zip: 67410	City:	State:	Zip:
Business Phone No.: 785 238-2121			☐ I own the proposed business location. ☒ I do not own the proposed business location.		
Business Location Owner Name(s): Nicole Hall					

SECTION 4 – APPLICANT QUALIFICATION

I am a U.S. Citizen	☒ Yes	☐ No
I have been a resident of Kansas for at least one year prior to application.	☒ Yes	☐ No
I have resided within the state of Kansas for 34 years.		
I am at least 21 years old.	☒ Yes	☐ No
I have been a resident of this county for at least 6 months.	☒ Yes	☐ No
Within 2 years immediately preceding the date of this application, neither I nor my spouse* have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness: (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.	☒ Yes	☐ No
My spouse has previously held a CMB license.	☐ Yes	☒ No
My spouse has never been convicted of one of the crimes mentioned above while licensed.	☒ Yes	☐ No

SECTION 5 – MANAGER OR AGENT QUALIFICATION		
My place of business or special event will be conducted by a manager or agent.		☐ Yes ☑ No
If yes, provide the following:		
Manager/Agent Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Manager or Agent Spousal Information		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
Qualification Statement		
My manager/agent and his/her spouse* meets all of the qualifications in Section 4.		☐ Yes ☐ No

SECTION 6 – DURATION OF SPECIAL EVENT		
Start Date	Time	☐ AM ☐ PM
End Date	Time	☐ AM ☐ PM

Proceed to Section 7 on the next page.

SECTION 7 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 ½" by 11" drawing attached.

I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct. (K.S.A. 52-601)

SIGNATURE Nicole O'Ailly DATE 10/13/2020

FOR CITY/COUNTY OFFICE USE ONLY:

☑ **License Fee Received** Amount $ 200.00 Date 10-14-2020
($25 - $50 for Off-Premise license or $25-200 On-Premise license)

☑ **$25 CMB Stamp Fee Received** Date 10-14-2020

☐ **Background Investigation** ☐ Completed Date ____________ ☐ Qualified ☐ Disqualified

☑ **Verified applicant has registered with the TTB as an Alcohol Dealer**

☐ **New License Approved** Valid From Date ____________ to ____________ **By:** ____________

☐ **License Renewed** Valid From Date ____________ to ____________ **By:** ____________

☐ **Special Event Permit Approved** Valid From Date ____________ to ____________ **By:** ____________

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET, TOPEKA, KS 66612.

* Applicant's spouse is not required to meet the citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

Clear Form