



Notice of Study Session
ABILENE PUBLIC LIBRARY, 209 NW FOURTH STREET
January 4, 2021 - 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 YOUTUBE 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. Mayoral and Vice Mayor selection
2. Consider appointment of 2021 members to City Boards and Commissions
3. Consider annual GAAP Waiver Resolution
4. Consider resolution to authorize Garfield, LLC the option to purchase Industrial Revenue Bonds
5. Midwest Meats Discussion

THERE WILL BE A SPECIAL CITY COMMISSION MEETING FOLLOWING THE STUDY SESSION. THE SPECIAL MEETING AGENDA IS ATTACHED AT THE END OF THIS AGENDA PACKET.



ORDINANCE NO. 19-3383

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY AMENDING SECTION 1-104 CONCERNING THE MAYOR AND VICE MAYOR FOR THE CITY OF ABILENE, KANSAS.

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

SECTION ONE. Section 1-104 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

1-104. Mayor.

The City Commissioner receiving the most votes at each November general election shall serve as Vice Mayor during the first year of his or her term in office, commencing on the second Monday in January following the election, and shall serve as Mayor during the second year of his or her term in office. The City Commissioner receiving the second most votes at a general election shall serve as Vice Mayor during the second year of his or her term in office, commencing on the second Monday in the second January following the election, and shall serve as Mayor during the third year of his or her term in office. The Mayor shall preside at all meetings of the City Commission and shall serve as an official head of the city on formal occasions during the term of office. The Vice Mayor shall preside and serve in the absence of the Mayor. In case of a vacancy in the office of a City Commissioner serving as Vice Mayor, the Governing Body shall select a City Commissioner to serve as Vice Mayor.

SECTION TWO. Existing Section 1-104 of the City Code 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:

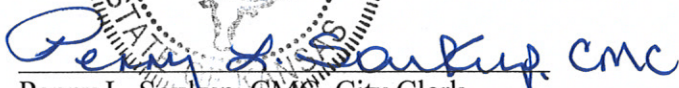
Ordinance No. 19-3383 Summary

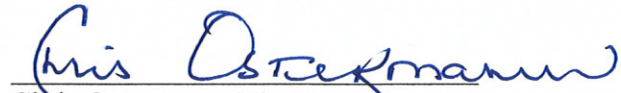
On January 13, 2020, the City Commission passed Ordinance No. 19-3383. The ordinance amends Chapter 1, Article 1 of the City Code of the City of Abilene, Kansas, by amending section 1-104 concerning the Mayor and Vice Mayor for the City of Abilene, Kansas. A complete copy of the ordinance is available 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 13th day of January, 2020.

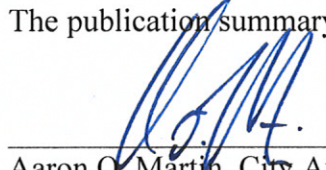


Attest


Penny L. Soukup, CMC, City Clerk


Chris Ostermann, Mayor

The publication summary set forth above is certified this 13th day of January, 2020.



Aaron O. Martin, City Attorney



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date: 1/11/21

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Jane Foltz

AGENDA ITEM HEADING:

2021 Board/Commission Appointments

BACKGROUND:

This is the annual appointment of board and commission members for 2021. Applicants have all been notified of the open positions and the duties of each board member. They have agreed to serve in the term capacity and their applications are on file. There are currently two vacancies on the Planning Commission.

Library Board appointments are made in May per statute

Recreation Commission appointments are made in August per statute

FISCAL NOTE:

N/A

COMMISSION ACTION:

Consider appointment of new members and reappointment members for City boards and commissions.

2021 Board Appointments

First	Last	Board	Start Date	End Date	Term notes
Jeffrey	Higgins	Planning Commission	2021	2023	Three year term, first (fill vacancy)
John	Barbur	Tree Board	2021	2024	Three year term, tenth
Kale	Strunk	Building Standards	2021	2022	One year term
John	Hultgren	Building Standards	2021	2022	One year term
Max	Linder	Building Standards	2021	2022	One year term
Barry	Griffis	Building Standards	2021	2022	One year term
Greg	Hottman	Building Standards	2021	2022	One year term
Jim	Price	Airport Advisory Board	2021	2024	Three year term, seventh
L. Steve	Cathey	Airport Advisory Board	2021	2024	Three year term, first
Jeffrey	Higgins	Airport Advisory Board	2021	2023	Three year term, first (fill vacancy)
Ralph	Viola	Airport Advisory Board	2021	2024	Three year term, second
Nanc	Scholl	Heritage Commission	2021	2024	Three year term, fifth
Mary	Burtzloff	Heritage Commission	2021	2024	Three year term, second
Corina	Ryland	Sister City Board	2021	2024	Three year term, sixth
Kevin	Unruh	Sister City Board	2021	2024	Three year term, third
Jerry	Rankin	Sister City Board	2021	2024	Three year term, first
Jeffrey	Haaga	Sister City Board	2021	2022	Fill vacancy of resignation from Rick Johnson
Ann	Strunk	Sister City Board	2021	2022	Fill vacancy of resignation from Barbara Johnson
Kim	McDowell	CVB Board	2021	2024	Three year term, first
Chuck	Scott	CVB Board	2021	2022	One year term, DKEDC Rep

Current Vacancies:

Planning Commission: 2 openings





CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

01/11/2021

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Marcus Rothchild

AGENDA ITEM HEADING:

Consider annual GAAP waiver resolution.

BACKGROUND:

Every year the City Commission must waive the requirement to prepare financial statements and reports conforming with K.S.A. 75-1120a which requires municipalities to use generally accepted accounting principles (GAAP) in the preparation of their financial statements and reports. The governing body of any municipality may waive this statutory GAAP requirement. As a substitute, the City of Abilene elects to present financial statements and reports prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of Kansas. The proposed resolution accomplishes that waiver for the 2021 financial statements.

FISCAL NOTE:

Without the annual waiver, the financial reports would require additional information to meet the accounting requirements of GAAP. This would require an expanded audit which in turn would increase the costs significantly in both areas.

COMMISSION ACTION:

Consider annual GAAP waiver resolution.

RESOLUTION NO. 011121-1

A RESOLUTION AUTHORIZING THE CITY OF ABILENE'S FINANCIAL STATEMENTS FOR FISCAL YEAR 2021 TO BE PREPARED IN COMPLIANCE WITH THE CASH BASIS AND BUDGETARY LAWS OF THE STATE OF KANSAS

WHEREAS, the city of Abilene, Kansas, has determined that the financial statements and financial reports for the year ended December 31, 2021, to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Abilene City Commissioners or the members of the general public of the City of Abilene, Kansas, and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A 75-1120a(a) for the year ended December 31, 2021.

NOW, THEREFORE BE IT RESOLVED, by the City Commissioners of the City of Abilene, Kansas in regular meeting duly assembled this 11th day of January 2021, that the City Commission of Abilene, Kansas, waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Abilene, Kansas, for the year ended December 31, 2021.

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

Passed this 11th day of January 2021.

(SEAL)

Mayor

ATTEST:

Penny L. Soukup, CMC
City Clerk



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

1/11/21

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Jane Foltz, City Manager & Mary Carson
Bond Counsel

AGENDA ITEM HEADING:

Consider resolution to authorize Garfield LLC the option to purchase industrial revenue bonds

BACKGROUND:

This resolution authorizes exercise of the tenant's option to purchase under a lease agreement between the City and The Garfield, LLC, related to the industrial revenue bond financing of a senior living facility in the former Garfield school building. The city issued its Industrial Revenue Bonds, Series 2020 for the project in an amount not to exceed \$4,000,000. The issuance of the bonds allowed the city to obtain a retailers' sales tax exemption certificate for materials and services used in construction of the project, which was used by the developer during construction. The project is complete and there is no need to leave the bond/lease structure in place. The project developer/tenant under the lease (The Garfield, LLC) purchased the bonds with the expectation that once the project was completed, it would submit the bonds to trustee for cancellation in lieu of payment and exercise the option to purchase under the lease agreement with the City. The resolution authorizes the city to execute documents necessary for the tenant to purchase the city's interests in the project and unwind the bond structure. The documents authorized by the resolution will terminate the Site Lease, the Lease and discharge the bond indenture. Once all documents are authorized and executed, bond counsel will record lease termination documents with the register of deeds and the bond trustee will execute a discharge of the bond indenture.

FISCAL NOTE:

Adoption of this resolution will not have a fiscal impact on the City, since the developer has already utilized the sales tax exemption for the construction materials and services, and since the bonds do not constitute indebtedness of the City. The developer will pay the City a fee of \$1,000 to facilitate the transaction.

COMMISSION ACTION:

Consider resolution to authorize Garfield LLC the option to purchase industrial revenue bonds

TRIPLETT WOOLF GARRETSON, LLC

RESOLUTION NO. 011121-__

OF THE

CITY OF ABILENE, KANSAS

RELATING TO
AN OPTION TO PURCHASE
IN CONNECTION WITH:

NOT TO EXCEED \$4,000,000
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES 2020
(THE GARFIELD, LLC)

RESOLUTION NO. 011121-__

A RESOLUTION OF THE CITY OF ABILENE, KANSAS APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE AND SITE LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE.

WHEREAS, the City of Abilene, Kansas (the “Issuer”) is a municipal corporation organized under the laws of the State of Kansas; and

WHEREAS, the Issuer is authorized pursuant to K.S.A. 12-1740 *et seq.* to issue its revenue bonds for the purpose of paying all or any portion of the cost of purchasing, acquiring, constructing and equipping facilities for commercial purposes, including facilities for the promotion of physical and mental health, and to enter into leases with any person, firm or corporation for such facilities; and

WHEREAS, the Issuer has previously issued its Taxable Industrial Revenue Bonds, Series 2020 (The Garfield, LLC), in the original principal amount of not to exceed \$4,000,000 (the “Bonds”) for the purpose of the first phase of purchasing, renovation, acquiring, constructing, furnishing and equipping a multi-phased senior independent living facility, located at 300 NW 7th St., in the City of Abilene (the “Project”), and paying certain costs of issuance in connection with the Bonds; and

WHEREAS, the Project is leased by the Issuer to The Garfield, LLC, a Kansas limited liability company (the “Tenant”), pursuant to a Lease Agreement, dated as of March 26, 2020 (the “Lease”); and

WHEREAS, the Bonds are payable from the Trust Estate created pursuant to a Trust Indenture, dated as of March 26, 2020 (the “Indenture”), by and between the Issuer and Security Bank of Kansas City (the “Trustee”), which Trust Estate includes a pledge of the Project and revenue received from the fees charged and Basic Rent received pursuant to the Lease; and

WHEREAS, Section 15.1 of the Lease provides for the purchase of the Project by the Tenant upon the proper exercise of the Tenant’s option to purchase and the payment (pursuant to Section 15.2) to the Trustee of the full amount necessary and incidental to the retirement and defeasance of the Bonds or, in lieu of payment, submission of all outstanding Bonds for cancelation, plus the payment to the Issuer of \$1,000; and

WHEREAS, the Tenant has provided notice of its election to purchase the Project on or about February 1, 2021 (the “Closing Date”) and has previously requested the Issuer to redeem the Bonds on or about the Closing Date; and

WHEREAS, on the Closing Date, The Garfield, LLC, as Owner of 100% of the Bonds, will surrender the Bonds to the Trustee in full satisfaction of payment of the principal of, interest on, and premium, if any, due and payable on the Bonds at redemption; and

WHEREAS, the Issuer finds it necessary to consent to the early redemption of the Bonds and authorize the execution and delivery of (1) Bill of Sale, (2) Termination and Release of Lease and Site Lease, and (3) Satisfaction, Release and Discharge of Indenture in connection with the exercise by the Tenant of its option to purchase the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases used but not otherwise defined herein shall have the meanings set forth in the Lease and Indenture (as defined above).

Section 2. Sale of the Project. The Issuer is authorized to convey the Project to the Tenant upon (1) sufficient moneys having been deposited with the Trustee so as to completely redeem and pay the Bonds in accordance with the terms of the Indenture, the sufficiency of which amount is to be acknowledged by the Trustee in writing, and/or surrender of the Bonds in satisfaction of the payment of all principal of, interest on, and premium, if any, due and payable at redemption, and (2) receipt by the Issuer of the \$1,000 to which it is entitled pursuant to Section 15.2 of the Lease.

Section 3. Authorization and Consent to Redemption. The governing body of the Issuer declares its desire and consent to the early redemption of the Bonds as described herein on the Closing Date, or as soon thereafter as practicable, in accordance with the instructions from the Tenant (which shall also be deemed the Issuer's instructions to the Trustee). Issuer acknowledges proper notice of the Tenant's instructions to redeem the Bonds or otherwise waives any additional notice requirements under the Indenture.

Section 4. Authorization of Bill of Sale. The Issuer is authorized to execute and deliver its Bill of Sale (the "Bill of Sale") for the personal property portions of the Project to the Tenant, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Bill of Sale before the governing body on this date.

Section 5. Authorization of Termination and Release of Lease and Site Lease. The Issuer is authorized to execute and deliver a Termination and Release of Lease and Site Lease (the "Lease Termination") by and between the Tenant, the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Lease Termination before the governing body on this date.

Section 6. Authorization of Satisfaction, Release and Discharge of Indenture. The Issuer is authorized to execute and deliver a Satisfaction, Release and Discharge of Indenture (the "Indenture Release") by and between the Issuer and the Trustee, upon satisfaction of the conditions contained in the Lease and set forth in Section 2 hereof, and in substantially the same form as the Indenture Release before the governing body on this date.

Section 7. Execution of Documents. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute the Bill of Sale, Lease Termination and Indenture Release for and on behalf of and as the act and deed of the Issuer in substantially the forms as they are presented today with such minor corrections or amendments thereto as the Mayor of the governing body of the Issuer shall approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution, including specifically any applicable UCC Termination Statements. The City Clerk or any Deputy City Clerk of the Issuer are authorized and directed to attest the execution of the Bill of Sale, Lease Termination and Indenture Release, on behalf of the Issuer and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 8. Delivery of Documents. The Bill of Sale, Lease Termination and Indenture Release shall be delivered by the Mayor, City Clerk or other appropriate staff member of the Issuer concurrently upon the satisfaction of the requirements set forth in the Lease and in Section 2 of this Resolution. Prior escrow delivery of such documents may be made to Bond Counsel.

Section 9. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Resolution and to carry out, comply with and perform the duties of the Issuer with respect to the Bill of Sale, Lease Termination and Indenture Release and the early redemption, satisfaction and discharge of the Bonds, all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 10. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Abilene, Kansas on
January 11, 2021.

CITY OF ABILENE, KANSAS

[seal]

By _____
Brandon Rein, Mayor

ATTEST:

By _____
Penny Soukup, City Clerk, CMC

EXCERPT OF MINUTES

The governing body of the City of Abilene, Kansas met at the normal meeting place in the City on January 11, 2021 at 4:00 p.m., with Mayor Brandon Rein presiding, and the following members of the governing body present:

and the following members absent:

A Resolution was presented to the governing body entitled:

A RESOLUTION OF THE CITY OF ABILENE, KANSAS APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, (2) A TERMINATION AND RELEASE OF LEASE AND SITE LEASE, AND (3) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE.

The Resolution was considered and discussed; and on motion of _____, seconded by _____, the Resolution was adopted by a majority vote of all members present.

The Resolution was given No. 011121-__.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of the Minutes of the proceedings at the January 11, 2021 meeting of the governing body of the City of Abilene, Kansas.

[seal]

Penny Soukup, City Clerk, CMC



ABILENE CITY COMMISSION - SPECIAL MEETING AGENDA

Dwight D. Eisenhower Memorial Building
419 N. Broadway Avenue, Abilene, Kansas

January 4, 2021 – Following City Commission Study Session @ 4:00 pm

1. Call to Order
2. Roll Call: ____ Ostermann ____ Rein ____ Marshall ____ Shafer ____ Witt ____

Public Comments and Communications

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

Personnel Executive Session

4. I move the City Commission recess into executive session for ____ minutes to evaluate and discuss 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 public meeting will resume in this room at ____ p.m.

Adjournment

5. Consideration of a motion to adjourn the January 4, 2021 Special City Commission Meeting.