



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
May 2, 2022 - 4:00 pm

VIEW THIS CITY COMMISSION STUDY SESSION VIRTUALLY AT

www.abilenecityhall.com/watchlive

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. Library Board Appointment
2. Influent Pump repair/replacement at Wastewater Treatment Plant
3. Arts and Ales-temporary alcohol permit and event requests
3. Water Meter Ordinance-Multi-Family Parks





CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

5/2/2022
5/9/2022

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Shayla Mohr, City Clerk

AGENDA ITEM HEADING:

Library Board Appointment-Sheila Biggs

BACKGROUND:

Sheila Biggs was originally appointed to the Library Board in May 2015 to fill the term vacated by Tim Shafer. Tim was elected to the City Commission in 2015, therefore the need for the Library Board vacation.

Sheila Biggs was reappointed to the Library Board in April 2018.

FISCAL NOTE:

None

COMMISSION ACTION:

Consider reappointment of Sheila Biggs to the Library Board.

FROM: Wendy Moulton

SENT: Friday, April 10, 2015 4:23:19 PM

TO: citymgr@abilenecityhall.com

SUBJECT: Library Board Hi David here is the third name for the library

board. Sheila Biggs will fill the term vacated by Tim Shafer for 2014-2018.

Again, I appreciate you getting these approved on April 27th since we have to meet on May 4th.

Thanks,

Wendy

Wendy Moulton, MLS

Director

Abilene Public Library

209 NW 4th Street

Abilene, KS 67410

785-263-3082

wmoulton@abilenelibrary.org [2]

Sheila Biggs Application

The following form was submitted via your website: Board & Commission Application Form

Select the Board, Commission, or Committee applying for:: Library Board

Name:: Sheila Biggs

Address:: 1502 Jayhawk

Home Phone Number:: 785-263-1717

Business Address:: n/a

Business Phone Number:: n/a

Occupation:: retired nurse

Email Address:: sjbiggs50@att.net

Length of Residency in Dickinson County:: 38 years

Are you a registered voter:: Yes

Are you currently serving on other Boards, Commissions, or Committees?: Yes

If yes, which:: Central Kansas Mental Health center, North central Kansas Library Systems

Have you served on a City Board, Commission, or Committee before?: No

If yes, which::

Please list organization memberships and positions held:: Current chairperson of Central Kansas Mental Health board. Current vice president of End of the Trail Quilters Guild, have held all offices in Ladies Literary League, all offices in Preceptor Alpha Chapter of Beta Sigma Phi, current chairman of ways and means committee of CZ Chapter of P.E.O.

**CITY OF ABILENE
BOARDS & COMMISSIONS
REAPPOINTMENT CONSIDERATION**

BOARD MEMBER: Sheila Biggs

ADDRESS: 1502 Jayhawk

BOARD CURRENTLY SERVING: Library

I would like to be considered for another term on the above-mentioned City of Abilene board.

Sheila Biggs
SIGNATURE

3/5/2018
DATE

**CITY OF ABILENE
BOARDS & COMMISSIONS
REAPPOINTMENT CONSIDERATION**

BOARD MEMBER: Sheila Biggs

ADDRESS: 1502 Jayhawk

BOARD CURRENTLY SERVING: Library

I would like to be considered for another term on the above-mentioned City of Abilene board.

Sheila Biggs
SIGNATURE

4/11/2022
DATE



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

5/12/22
5/9/22

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Public Works

Lon/Kevin Clark

AGENDA ITEM HEADING:

Influent pump repair/replacement at WWTP

BACKGROUND:

Our Wastewater Treatment Plant utilizes four influent pumps at the head or initial receiving area of the plant. These pumps operate in 1-4 sequencing as flow demands vary. This is the number 1 pump with the largest number of operating hours and all are original to the 2008 start up of the plant. In preparing the 2022 WWTP Capital Improvements Plan it was our intention to replace or rebuild both #'s 1 and 2 pumps. However, as prices have increased more rapidly than our staff and I anticipated, we are proposing to rebuild one this year. We will propose addressing the second pump early in 2023.

FISCAL NOTE:

JCI, (original manufacturer) rebuild, \$26,500 to \$36,171, pending component condition needs
Fluid Equipment..... New HOMA pump.. \$44,983
Ray Lindsey Co.....no reply
2022 CIP proposal was for \$45,000

COMMISSION ACTION OPTIONS:

Staff recommends the JCI rebuild...(rebuilt are very common to this component and have produced long lasting results)



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

5/2/2022
5/9/2022

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

Shayla Mohr, City Clerk

AGENDA ITEM HEADING:

Arts And Ales Event

BACKGROUND:

Paperwork was received for the Arts and Ales Event on Saturday, May 14th.

Alcohol will be served on public streets and sidewalks therefore an ordinance needs to be approved before a State of Kansas Alcohol Beverage Permit can be issued.

Attached is the application for the temporary alcohol permit as well as other event requests: street closures, electricity, marketing, picnic tables and trash receptacle.

FISCAL NOTE:

None

COMMISSION ACTION:

Consider approval of Ordinance No. 22-3415



TEMPORARY ALCOHOLIC LIQUOR PERMIT APPLICATION

TEMPORARY ALCOHOLIC LIQUOR Permit Application Fee: \$25.00 PER DAY

****STATE OF KANSAS ALCOHOLIC BEVERAGE CONTROL TEMPORARY PERMIT REQUIRED****

Name of Applicant: Samantha Geissinger Date: 4/28/2022

Name of Group for which the Event is planned: Arts Council of Dickinson County

Location of Event: NW 3rd & NW 4th St. between Spruce Street

Date(s) of Event: Saturday, May 14th

Time of Event: 2:00 p.m. - 6:00 p.m. 785-280-0543

(Alcoholic Beverages shall not be served or consumed between the hours of 2:00 a.m. and 6:00 a.m.)

Will the event be held on public streets, alleys, roads, sidewalks or highways? ☒ YES ☐ NO
(If yes, City Commission must approve by Ordinance or Resolution)

Is there any anticipated need for police, fire, or other municipal services? ☐ YES ☒ NO

If yes, please state what services will be needed.

Approval of Zoning Official _____ Date _____

Approval of City Clerk _____ Date _____

Acknowledgement of Police Chief _____ Date _____

- All applications for Temporary Alcoholic Liquor permits must be submitted to the City Clerk not less than five (5) days prior to the event.
- The Temporary Alcoholic Liquor permits must be placed in plain view on any premises within the City where the holder of the temporary permit is serving alcoholic beverages for consumption on the premises.
- No Temporary Alcoholic Liquor permit holder shall allow the serving of alcoholic beverages between the hours of 2:00 a.m. and 6:00 a.m. or consumed between the hours of 2:00 a.m. and 6:00 a.m. at any event for which a temporary Alcohol permit has been issued.
- No alcoholic beverages shall be given, sold or traded to any person under twenty-one (21) years of age.
- A copy of all Temporary Alcoholic Liquor permits will be given to the Police Chief.

Form #17

Alcoholic Beverage Control
109 SW 9th Street, 5th Floor
PO Box 3506
Topeka KS 66601-3506
Mark A. Burghart, Secretary



Phone: 785-296-7015
Fax: 785-296-7185
Kdor_abc.email@ks.gov
www.ksrevenue.gov
Laura Kelly, Governor

TEMPORARY PERMIT LOCATION AND ZONING

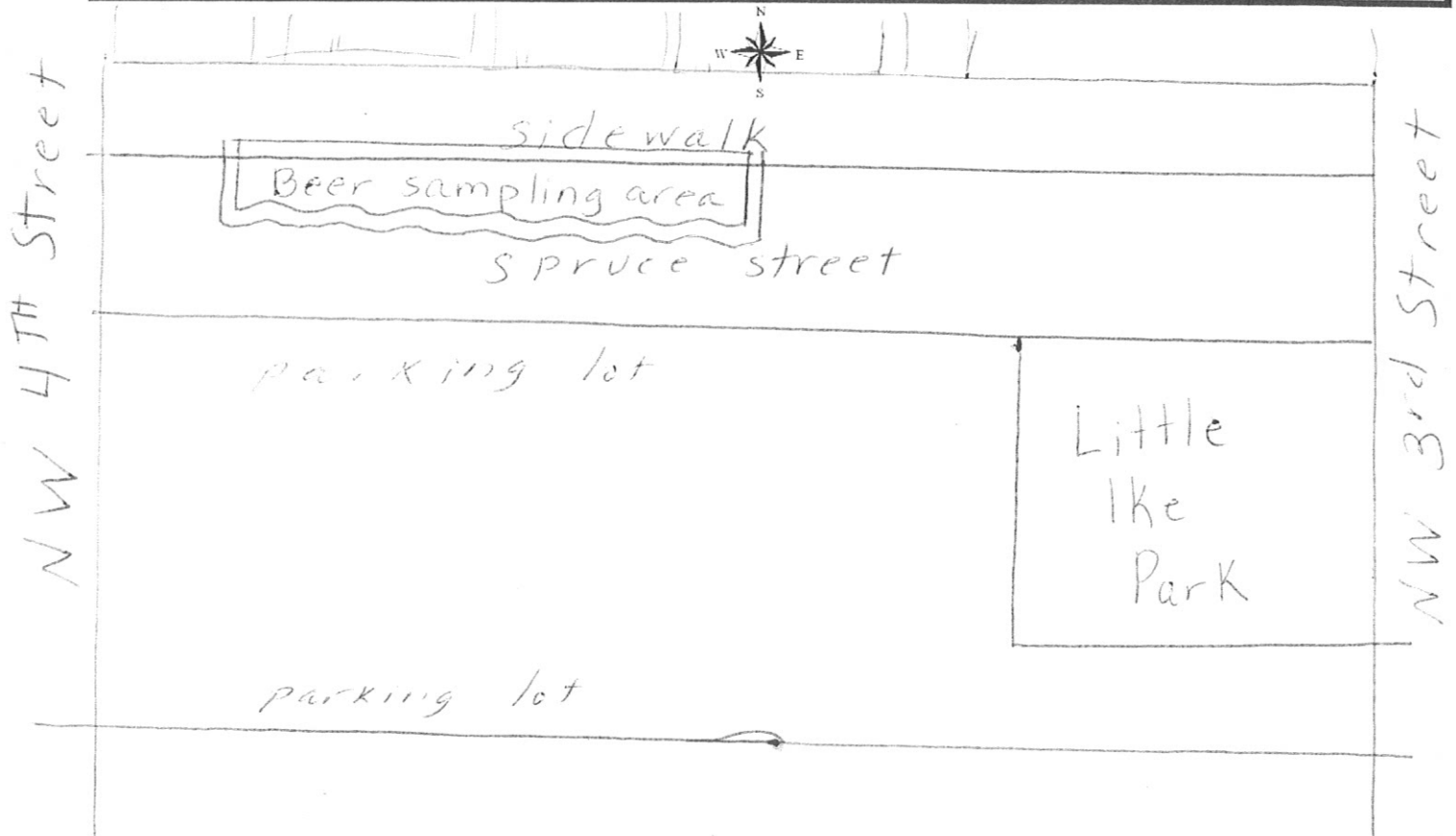
Organization Name or Individual Applicant Arts Council of Dickinson County Event Date(s) May 14, 2022

Event Type: ☐ Charitable Auction ☐ On-Premise ☐ Porcelain Container
☒ Special Event* - Number of Consecutive days (up to 30): 1

*A special event is held on public streets, alleys, roads, sidewalks or highways and must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held.

SECTION 1 – EVENT AREA: Complete this section for On-Premise and Special Events only.

In the space below, in ink, draw the floor plan and any outside areas included in the proposed event area where alcoholic liquor will be sold, served or consumed. If the area is outside, it must show where the three-dimensional barriers will be located to define the event area; and, include nearby streets for reference. Shade in the areas you DO NOT wish to be permitted.



SECTION 2 – CERTIFICATE OF CITY, TOWNSHIP OR COUNTY CLERK: (Completed by the clerk).

I HEREBY CERTIFY THAT THE PREMISES AT Little Ike Park NW 4th + Spruce St Abilene
Location Street Address City

CITY LIMITS: ☒ Inside the incorporated city limits ☐ Outside the city limits
ZONING: ☒ within an area that complies with all applicable zoning regulations required by K.S.A. 41-2645(d)
☐ located outside an incorporated city, in a township or county that is not zoned
LOCATION: ☐ government property ☐ private property ☒ public property ☐ CMB licensed premises

I declare under penalties of perjury that to the best of my knowledge and belief that Section 2 is true, correct and complete.

CLERK SIGNATURE Shayla Mohr

DATE 4-28-2022

PHONE 785-296-3255

PRINTED NAME Shayla L. Mohr

☒ City Clerk ☐ Township Clerk ☐ County Clerk





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/21/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brian J Tajchman Agency, Inc 104 NW 3rd St Abilene, KS 67410 (785) 263-2512		CONTACT NAME: Brian Tajchman PHONE (A/C, No, Ext): (785) 263-2512 E-MAIL ADDRESS: btajchma@amfam.com FAX (A/C, No): 844-448-0389		
INSURED Arts Council of Dickinson County PO Box 604 Abilene, KS 67410		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: Mount Vernon Fire Insurance Company		
		INSURER B: American Family (BAUS)		001731596
		INSURER C:		
		INSURER D:		
		INSURER E:		
		INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			NBP2553523B	08/15/2021	08/15/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000 \$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$
								\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

First Special Event for 2022 sponsored by "Arts Council of Dickinson County"
Event - Arts & Ales - Estimated attendance 250
One day event Saturday May 14th, 2022 / from 2:00PM - 6:00PM

CERTIFICATE HOLDER

CANCELLATION

City of Abilene 419 N Broadway St Abilene, KS 67410	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Brian Tajchman

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EVENT ASSISTANCE GUIDE

EVENT OVERVIEW

Tell us about your event, Who is hosting it? When will it be? Where will it be? What's the plan?

Organizer (contact person): Samantha Geissinger
Address (home): 1416 NW 2nd Street, Abilene KS 67410
Phone: (785)263-1884
Cell Phone: (785)280-0543
E-Mail: samanthageissinger@yahoo.com

Representing (business or organization name): Arts Council of Dickinson County
Address: 401 N Cedar Street, Abilene KS 67410
Phone: (785)263-1884
E-Mail: artscouncilofdc@gmail.com

Name of event: Arts & Ales 2022
Event date(s): Saturday, May 14, 2022
Start time: 2:00 pm **End time:** 6:00 pm
Purpose: Fundraiser for organization, community gathering, live arts in the community
Event location: Little Ike Park

Projected attendance: 200 **Admission fees:** \$20 admission no sampling /\$25 sampling
Proposed parking plan: parking will be in established city parking areas

Proposed restroom plan: We are renting port a potties from Cat Cans (Manhattan, KS) they will be delivered and placed in the area of Little Ike Park Friday, May 13, 2022. The port a potties will be picked up Monday, May 16, 2022.

If Your Event is on Public Property:

Event liability insurance: The City of Abilene requires all events on public property carry a \$1 million event liability policy with the City of Abilene named as an additional insurer. **Please attach proof of insurance to your application.**



EVENT ASSISTANCE GUIDE

Acknowledgement

I, the undersigned does hereby acknowledge that the City of Abilene requires any event to comply with all applicable local ordinances and state laws. I recognize my event application may not be approved, or my event could be terminated if found in violation of any local ordinances or state laws.

Duly signed by:

A handwritten signature in black ink, which appears to read "Samantha Geissinger", is written over a horizontal line.

Print or type name here: Samantha Geissinger



EVENT ASSISTANCE GUIDE

ELECTRICITY REQUEST

Will your event need access to electricity? If so, please fill out the below form

Number of outlets needed:

6

Total number of amps required: _____

Electricity start time: 8:00 am _____

Electricity end time: 8:00 pm _____

Electrical appliances/devices (ex. sound system for stage, food truck, lights, etc.):

Sound system for performances on stage

Location of outlets: In front of Abilene mural (pole to the east of the doorway)

For office use only

Date organizer notified of approval or declined: _____ Approved _____ Declined _____

Signed by:

Officials

Date

Sign, date and forward to the following departments:

Abilene Public Works Department: _____



EVENT ASSISTANCE GUIDE

PICNIC TABLE & TRASH RECEPTACLE REQUEST

(Only available for use inside city limits)

Number of tables needed: 10 (10 available)

Pickup date/time: May 14, 2022 8:00 am

Return date/time: May 14, 2022 8:00 pm

Note: Event organizer is responsible for picking up and returning picnic tables.

Number of trash receptacles needed: 10

Pickup time: 8:00 am

Return time: 8:00 pm

Note: Event organizer is responsible for picking up and returning trash receptacles

Fees:

- \$25 fee will be assessed for damaging or not returning trash receptacles.
- \$150 fee will be assessed for each table that is damaged in moving it to or from an event.
- \$500 will be assessed for not returning picnic tables.

Table and trash receptacles availability dependent upon Abilene Park & Recreation event schedule.

Bleachers not available for use.

For office use only

Date organizer notified of approval or declined: _____ Approved _____ Declined _____

Signed by: _____

Officials

Date

Sign, date and forward to the following departments:

Abilene Parks & Recreation Department: _____



EVENT ASSISTANCE GUIDE

EVENT MARKETING ASSISTANCE FORM

Event Name: Arts & Ales 2022

Event Date(s): Saturday, May 14, 2022

Anticipated Number of Overnight Stays: no idea

Anticipated Number of Attendees: 200

Event Location: *Please provide a specific address, as well as a general address (Ex 201 NW Second, Abilene – Union Pacific Depot in downtown Abilene)*
Little Ike Park between NW 3rd and NW 4th Streets

Time(s): 2:00 pm - 6:00 pm

Admission Cost: \$20 gate without beer sampling/\$25 with beer sampling

Description (Make this fun! What would make someone want to attend?):
Don't miss Arts & Ales 2022, live music, and sampling. Saturday, May 14th at Little Ike Park in downtown Abilene starting at 2:00 pm.

Event Link/Website/Social Media:

Event Marketing Coordinator Email/Phone Number:
Samantha Geissinger artscouncilofdc@gamil.com (785)280--0543

PLEASE SEND EVENT LOGO/POSTER/PHOTOS TO:
JULIE@ABILENECITYHALL.COM



EVENT ASSISTANCE GUIDE

Address of Street Closure: 324 N. Spruce Street, Abilene
From Cross Street: 300 Block of NW 3rd **To Cross Street:** 400 Block of NW 4th
Street closure date: Saturday, May 14, 2022
Street closure time: **Start:** 8:00 am **End:** 8:00 pm

Please indicate if the following are in the area (check all that apply):
☐ **Nursing Home** ☐ **Daycare** ☐ **Multi-family apartments** ☐ **Church**

Event: Arts & Ales 2022
Contact Name: Samantha Geissinger **Phone Number:** (785)280-0543
Email: artscouncilofdc@gmail.com

Note: Street Closure barricades are the responsibility of the applicant and must conform to city detour requirements. Applicant may contact the Public Works Department at 785-263-3510 regarding the availability of barricades.

Required Additional Documents:

1. Please include a Site Plan
2. Signatures are required for the Street/Block Closure

All properties within the requested area must be notified of the request for local street block closure as detailed on this application. The City of Abilene will provide a list of properties identified as being affected by the request. It is the responsibility of the applicant to collect signatures from the identified properties. Consideration of the request will occur if at least 70% of the signatures of residences and/or businesses in the affected local street/block closure area approve. Signatures must be collected no sooner than 90 days before the closure.

Acknowledgement

The undersigned does hereby acknowledge the City of Abilene requires any Street/Block Closure granted will conform to all applicable local ordinances and state laws.

Signature: Samantha Geissinger **Print name:** Samantha Geissinger

For office use only

Date organizer notified of approval or declined: _____ Approved _____ Declined _____

Official _____

Date _____

Abilene Police Department: _____

Abilene Fire Department: _____

Abilene Public Works Department: _____

*In addition, please notify Dickinson County Dispatch at 785-263-1212 of street closures.

[illegible]

ORDINANCE NO. 22-3415

AN ORDINANCE AUTHORIZING THE SALE, CONSUMPTION AND POSSESSION OF ALCOHOLIC LIQUOR AT A SPECIFIED LOCATION ON THE PUBLIC RIGHT-OF-WAY AND APPROVING THE CLOSURE OF PUBLIC PROPERTY FOR ARTS & ALES, AN ARTS COUNCIL OF DICKINSON COUNTY FUNDRAISER.

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

Section 1. Authorization is given to barricade a portion of Spruce Street between NW Third Street and NW Fourth Street, the Little Ike Park, and the city parking lot adjoining Little Ike Park and Spruce Street between the hours of 2:00 p.m. and 6:00 p.m. on May 14, 2022, for the Arts & Ales Event (the "Event"), an Arts Council of Dickinson County fundraiser event.

Section 2. The barricaded portion of Spruce Street, the Little Ike Park and the city parking lot as set forth above shall be temporarily closed from 2:00 p.m. and 6:00 p.m. on May 14, 2022. Vendors holding the appropriate license from the State of Kansas to sell alcoholic liquor may in accordance with all applicable state laws and municipal ordinances sell alcoholic liquor in the specific area to be barricaded identified above and as approved and designated by the Division of Alcohol Beverage Control. Arts Council of Dickinson County shall provide security for the Event and conduct the Event in accordance with its plan submitted with the application, a copy of which plan is available for review at the City Office, 419 N. Broadway, Abilene, Kansas. It shall be the duty of the Event organizer and the vendor(s) to restrict access to alcoholic beverages to those persons twenty-one (21) or older.

Section 3. Event attendees twenty-one (21) and older may buy, possess, and consume alcoholic beverages in the specified area and during the times designated above.

Section 4. The Event is hereby approved by the Governing Body as a special event as required by K.S.A. 41-2645(e)(1) and K.S.A. 41-719(a)(2).

Section 5. 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. 22-3415 Summary

On May 9, 2022, the City Commission passed Ordinance No. 22-3415. The ordinance authorizes the sale, consumption, and possession of alcoholic liquor at a specified location on the public right-of-way and approves the closure of public property for the Arts & Ales, an Arts Council of Dickinson County fundraiser. 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 9th day of May 2022.

Dee Marshall, Mayor

Attest:

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 9th day of May 2022.

Aaron O. Martin, City Attorney



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

5/2/2022

Originating Department

Public Works/Administration

Prepared By:

Public Works and Administration Staff

Approved For Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

Water Meter Ordinance for multi-family parks

BACKGROUND:

The City of Abilene currently has a few water meters located on private property that create safety concerns and challenges for servicing and management of water services. These water meters are located at multi-family facilities such as apartment buildings and trailer parks. Here are a few of the challenges staff is facing:

1. Safety Concerns:
 - a) Employees must enter private property to turn off water for non-payment.
 - b) Some individual meters are located underneath trailers creating dangerous conditions for PW employees.
 - c) Some individual mobile home meters require our staff to gain access to utility closets that house the water heater. This scenario creates conflicts with owners and residents over city liability.
2. Water loss: (Currently water goes through a master meter before running to each individual meter in trailer park.)
 - a) Significant amount of water lost annually after it passes through master meter compared to what is billed on the individual meters.
 - b) Property owners have little incentive to repair water leaks on the private property because they are not being billed for lost water.
 - c) Trailers brought into empty lots may be turned on without the City's knowledge. Could be an old meter or have no meter at all in that location. We won't know they are using the water unless they inform us.
3. Staff time and efficiency
 - a) Significant portion of monthly shut offs come from these locations. This requires communication with trailer owners to enforce the shut off.
 - b) Public Works employees would save a significant amount of time servicing only the master meter and no longer trying to identify and repair issues on private property.

Staff is recommending that we draft an ordinance to update the City Code to manage multi-family facilities based off the master meter located within the city's right of way. If a master meter is not currently in place, one will be installed. This will help keep city personnel off private property and transfer all ownership, maintenance, and related costs of the water and distribution lines beyond the master meters to the building and mobile home park owners. To ensure accurate readings, the city would be willing to have master meters inspected and calibrated annually at the city's expense. City would also accuracy test the water meters at the City's expense automatically every two years. Sewer rates would be based on actual usage instead of the winter average unless requested by owners.

FISCAL NOTE:

2021 Estimated Water Loss = 602,833 gallons

2021 Estimated Revenue loss = \$6,463.30

COMMISSION ACTION:

ORDINANCE NO. _____

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AN ORDINANCE AMENDING SECTIONS 7-801 AND 7-804 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS PERTAINING TO ALLOCATION OF COSTS AND RESPONSIBILITIES FOR WATER SERVICE LINES AND METERS BETWEEN THE CITY OF ABILENE AND PRIVATE PROPERTY OWNERS, INCLUDING OWNERS OF MOBILE HOME PARKS CHAPTER 1, ARTICLE 11 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS BY ADDING SECTION 1-1113 TO PROVIDE FOR THE ASSESSMENT OF FEES AND COSTS INCURRED IN CONNECTION WITH THE COLLECTION OF DEBTS OWED TO THE CITY OF ABILENE, KANSAS.

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

SECTION 1. Section Chapter 1, Article 11 of the City Code of the City of Abilene, Kansas is hereby amended by adding a new Section 1-1113-801 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-801. Connections.

(a) All connections to the municipal water system shall be made by the city.

(b) The city shall install and maintain, at the city's expense, all service lines:

(1) All service lines from the mains to the inside of the curb lines meter or master meter set, if the meter or master meter is set on public right-of-way or other public property; or

(2) from the water main through the curb cock, if the meter or master meter is set on private property.

(c) The water customer shall install and maintain, at the water customer's expense, all service lines:

(1) From the meter or master meter set, if the meter or master meter is set on public right-of-way or other public property, to the point of consumption, including any service lines on private property previously paid for by the city; or

(2) From the curb cock, if the meter or master meter is set on private property, to the point of consumption, including any service lines on private property previously paid for by the city.

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, when the main is in the street, shall be installed and maintained by the city. All service lines from the city service line to the premises shall be installed and maintained by the user.

SECTION 2. Section 7-804 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

7-804. Meters; Installation.

(a) All water furnished to users of the municipal water system shall be measured by meters installed by the city. Meters shall be located between the sidewalk and curbing when the main is in the street and on private property within three (3) feet of the alley line when the main is in the alley. In the business district meters may be located in the basement at a location specified by the city. Meters purchased by the property owner

shall become the property of the city after installation. Maintenance of the meters shall be the responsibility of the city.

(b) All water furnished to a mobile home park, as defined in subsection (f) of K.S.A. 58-4202, and amendments thereto, shall be measured by a master meter installed by the city. Maintenance of the master meter shall be the responsibility of the city. The owner or operate of the mobile home park shall be deemed the “user” or “water customer” for purposes of this chapter, and shall be responsible for installing, maintaining, and measuring, at such owner or operator’s expense, any submeters located within the mobile home park.

SECTION 3. Existing Sections 7-801 and 7-804 are hereby repealed.

Any person liable for the payment of any fee, charge, fine, cost, assessment, or other debt of any type or description due and owing to the city, together with any interest accrued thereon, shall pay any and all reasonable costs of collection related thereto.

(a) — For purposes of this section, costs of collection include, but are not limited to, court costs, surcharges, attorney fees, and collection agency fees, except that such costs of collection may not include both attorney fees and collection agency fees.

SECTION 24. 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 ~~February 28~~ May, 2022, the City Commission passed Ordinance No. _____. The ordinance amends ~~Chapter 1, Article 11 of the~~ Sections 7-801 and 7-804 of the City Code of the City of Abilene, Kansas pertaining to allocation of costs and responsibilities for water service lines and meters, as between the City of Abilene and private property owners, including owners of mobile home parks, by adding Section 1-1113 to provide for the assessment and recovery of fees and costs incurred in connection with the collection of debts owed to 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 ~~28th~~ 29th day of ~~February~~ May, 2022.

Dee Marshall, Mayor

Attest:

Shayla Mohr, City Clerk

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The publication summary set forth above is certified this ~~28th~~ ____ day of ~~February~~ May, 2022.

Aaron O. Martin, Legal Counsel

West's Kansas Statutes Annotated
Chapter 58. Personal and Real Property
Article 42. Manufactured Housing

K.S.A. 58-4202

58-4202. Same; definitions

Currentness

As used in the Kansas manufactured housing act, unless the context clearly requires otherwise:

(a) “Manufactured home” means a structure which is subject to the federal act and which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files with the United States department of housing and urban development a certification required by the secretary of housing and urban development and complies with the standards established under the federal act, except that such term shall not include any self-propelled recreational vehicle.

(b) “Mobile home” means a structure which is not subject to the federal act and which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

(c) “Modular home” means a structure which is: (1) Transportable in one or more sections; (2) designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and (3) certified by its manufacturer as being constructed in accordance with a nationally recognized building code.

(d) “Factory-built home” means a mobile home, manufactured home or modular home.

(e) “Division” means the division of vehicles of the department of revenue.

(f) “Director” means the director of vehicles, either acting directly or through officers or agents of the division of vehicles of the department of revenue.

(g) “Manufactured home dealer” or “dealer” means any person who, for commission, money or other thing of value, is engaged in the business of:

(1) Buying, selling or offering or attempting to negotiate a sale of an interest in manufactured homes or mobile homes; or

(2) buying, selling or offering or attempting to negotiate a sale of an interest in manufactured homes or mobile homes for other persons as an agent, middleman or negotiator; or

(3) bringing together buyers and sellers of manufactured homes or mobile homes.

(h) “New manufactured home dealer” means any manufactured home dealer who is a party to a manufactured home sales agreement with a manufactured home manufacturer, which manufactured home sales agreement authorizes the manufactured home dealer to sell, exchange or transfer new manufactured homes or parts and accessories made or sold by such manufactured home manufacturer, and authorizes the manufactured home dealer to fulfill the warranty commitments of such manufactured home manufacturer.

(i) “Used manufactured home dealer” means any person actively engaged in the business of buying, selling or exchanging used manufactured homes or mobile homes.

(j) “Manufactured home manufacturer” or “manufacturer” means any person who manufactures, assembles and sells new manufactured homes, subject to regulation pursuant to the federal act, to new manufactured home dealers for resale in this state, whether such person is located within or outside the state of Kansas.

(k) “Salesperson” means any person who is employed as a salesperson by a manufactured home dealer to sell manufactured homes or mobile homes.

(l) “Factory representative” means a representative employed by a manufactured home manufacturer for the purpose of making or promoting the sale of its new manufactured homes to new manufactured home dealers, or for advertising or contacting its new manufactured home dealers with respect to the promotion and sale of manufactured homes and parts or accessories for the same.

(m) “Manufactured home sales agreement” means a contract between the manufacturer of manufactured homes and a new manufactured home dealer, by which the dealer is entitled to purchase new manufactured homes from the manufacturer for resale within this state.

(n) “Broker” means any person who, for commission, money or other thing of value, is engaged in the business of:

(1) Selling or buying manufactured homes or mobile homes for other persons as an agent, middleman or negotiator; or

(2) bringing together buyers and sellers of manufactured homes or mobile homes, but such term shall not include any person engaged in a business in which the acts described in this subsection are only incidentally performed.

- (o) “Lending agency” means any person, desiring to be licensed under this act and engaged in the business of financing or lending money to any person to be used in the purchase or financing of a manufactured home or mobile home.
- (p) “Established place of business” means a building or structure, other than a building or structure all or part of which is occupied or used as a residence, owned either in fee or leased and designated as an office or place to receive mail and keep records and conduct the routine of business. To qualify as an established place of business, there shall be located therein an operable telephone which shall be listed with the telephone company under the name of the licensee.
- (q) “Supplemental place of business” means a business location other than that of the established place of business.
- (r) “Licensee” means any person issued a valid license pursuant to the Kansas manufactured housing act.
- (s) “Person” means any natural person, partnership, firm, corporation or association.
- (t) “Electronic certificate of title” means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with [K.S.A. 58-4204a](#), and amendments thereto.
- (u) “Apprentice installer” means a person who is licensed as an apprentice installer pursuant to this act.
- (v) “Corporation” means the Kansas housing resources corporation, a not-for-profit subsidiary of the Kansas development finance authority incorporated pursuant to [K.S.A. 74-8904\(v\)](#).
- (w) “Federal act” means the national manufactured housing construction and safety standards act of 1974 ([42 U.S.C. §§ 5401 et seq.](#), and amendments thereto), as constituted on the effective date of this act.
- (x) “Installation standards” means the standards adopted by the corporation for the installation and siting of manufactured homes.
- (y) “Installer” means a person engaged in the business of installing manufactured homes.
- (z) “Licensed installer” means an installer who has met the requirements set forth in this act and rules and regulations promulgated hereunder and has been issued a manufactured home installer's license by the president.
- (aa) “Municipality” means any city or county in this state.
- (bb) “President” means the president of the Kansas housing resources corporation.

Credits

Laws 1991, ch. 33, § 2; Laws 2002, ch. 48, § 5; Laws 2005, ch. 109, § 1.

Notes of Decisions (7)

K. S. A. 58-4202, KS ST 58-4202

Statutes are current through laws enacted during the 2022 Regular Session of the Kansas Legislature effective on April 14, 2022. Some statute sections may be more current, see credits for details.

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West's Kansas Statutes Annotated
Chapter 58. Personal and Real Property
Article 25. Landlords and Tenants (Refs & Annos)
Mobile Home Parks Residential Landlord and Tenant Act

K.S.A. 58-25,103

58-25,103. Definitions

Currentness

Subject to additional definitions contained in subsequent sections of this act which apply to specific sections thereof, and unless the context otherwise requires, in this act:

- (a) "Building and housing codes" includes any law, ordinance or governmental rule and regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any mobile home park, dwelling unit or mobile home space.
- (b) "Business" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity which is a landlord, owner, manager or constructive agent pursuant to [K.S.A. 58-25,109](#).
- (c) "Dwelling unit" excludes real property used to accommodate a mobile home.
- (d) "Landlord" means the owner, lessor or sublessor of a mobile home park and it also means a manager of the mobile home park who fails to disclose as required by [K.S.A. 58-25,109](#).
- (e) "Mobile home" includes manufactured homes and mobile homes as defined in subsections (a) and (b) of [K.S.A. 58-4202](#), and amendments thereto.
- (f) "Mobile home park" shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of such mobile home park.
- (g) "Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.
- (h) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the mobile home park. The term includes a mortgagee in possession.

- (i) “Rent” means all payments to be made to the landlord under the rental agreement, other than the security deposit.
- (j) “Rental agreement” means agreements, written or those implied by law, and valid rules and regulations adopted under [K.S.A. 58-25,114](#) embodying the terms and conditions concerning the use and occupancy of a mobile home space.
- (k) “Security deposit” means a deposit of money to secure performance of a mobile home space rental agreement under this act other than a deposit which is exclusively in advance payment of rent.
- (l) “Tenant” means a person entitled under a rental agreement to occupy a mobile home space to the exclusion of others.

Credits

[Laws 1992, ch. 306, § 5.](#)

[Notes of Decisions \(1\)](#)

K. S. A. 58-25,103, KS ST 58-25,103

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