



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
December 19, 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 for citizens to address the Commissioners on issues not on the agenda. Speakers will be allowed a 3-minute time limit.

STUDY ITEMS

1. Cereal Malt Beverage License Renewal-Family Dollar 1709 N. Buckeye
2. Community Improvement District Ordinance-Legacy Kansas
3. Bids for City Inspection Department truck
4. Remote Attendance Resolution – Governing Body



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/19/22
12/27/22

Originating Department

Administration

Prepared By:

Shayla Mohr, City Clerk

Approved For Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

Approval of 2023 Cereal Malt Beverage License renewal-Family Dollar 1709 N. Buckeye

BACKGROUND:

All paperwork and payment has been received for the renewal of the Cereal Malt Beverage License for Family Dollar-1709 N. Buckeye. All inspections have all been completed.

FISCAL NOTE:

COMMISSION ACTION:

Approve 2023 Cereal Malt Beverage License for Family Dollar 1709 N. Buckeye



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/19/2022

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

City Manager

AGENDA ITEM HEADING:

Ordinance Establishing Munson Trust Community Improvement District

BACKGROUND:

The City Commission approved resolution 121222-1 at the December 12, 2022, city commission meeting, giving notice of a public hearing in the petition to establish a community improvement district for Munson Trust LLC (Brookville Hotel/Legacy Kansas).

Once the public hearing is held on December 27, 2022, the commission will consider an ordinance establishing the district.

All property owners in the proposed district have been mailed a notice of the public hearing.

FISCAL CONSIDERATIONS:

None

RECOMMENDED COMMISSION ACTION:

Approve the ordinance establishing the CID

(Published in the *Abilene Reflector-Chronicle* on December 28, 2022)

ORDINANCE NO. 22-3424

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF ABILENE, KANSAS; AUTHORIZING A CERTAIN PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; LEVYING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX; AND APPROVING THE METHOD OF FINANCING THE PROJECT.

WHEREAS, the governing body of the City of Abilene, Kansas (the “City”), has heretofore received a Petition filed by Deanna M. Munson, Trustee of the Deanna M. Munson Trust dated April 10, 1998 (“Developer”) pursuant to K.S.A. 12-6a26, *et seq.* (the “Act”) and adopted Resolution No. 121222-1 of the City, containing the time and place of a public hearing on the advisability of creating a community improvement district (the “District”), the general nature of proposed improvement project within the District (the “Project”), the estimated costs of the Project, the proposed method of financing the Project, the proposed amount of a sales tax within the District, the proposed method of assessment, if any, and a map and legal description of the proposed District; and

WHEREAS, Resolution No. 121222-1 was published twice in the *Abilene Reflector-Chronicle*, the official City newspaper, on December 13, 2022 and December 20, 2022; and

WHEREAS, the governing body has heretofore conducted a public hearing on the advisability of creating the District, following proper notice; and

WHEREAS, the governing body hereby finds and determines it to be advisable to adopt this Ordinance to create the District, authorize the Project therein, approve the estimated costs of such Project, describe the legal description and map of the boundaries of the District, levy a community improvement district sales tax and approve the method of financing the Project, all in accordance with the provisions of the Act.

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

SECTION 1. Creation of Community Improvement District; Legal Description and Map.

The governing body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the District, which shall be designated the Legacy Kansas Community Improvement District. The legal description of the District is as follows:

Lots 3 and 5, Block 1, Martin Addition, a Replat of Lots 1 and 2, Block 1, Fitzsimons Addition to the City of Abilene, Dickinson County, Kansas

A map of the property contained in the District is set forth on **Schedule I** attached hereto and incorporated by reference herein.

SECTION 2. Description of Community Improvement District Project.

The general description of the Project within the District is: the acquisition, renovation, and repair of the restaurant building located at 105 E. Lafayette Ave., Abilene, Kansas in the District. The Developer has requested that revenues generated from a community improvement district sales tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as site preparation and development; construction of buildings and tenant finish improvements, including FF&E; construction of infrastructure and surface parking; ongoing operation and maintenance costs; the City's administrative costs in establishing and maintaining the District; and other items or uses associated with the Project as authorized by the Act.

SECTION 3. Authorization of Community Improvement District Project; Estimated Costs.

The governing body hereby authorizes the Project within the District. The estimated total cost of the Project is \$1,800,000.00.

SECTION 4. Method of Financing.

(a) The cost of the proposed Project is proposed to be financed by "Pay-as-you-go financing," as defined in the Act, and paid from the fund of the City identified in K.S.A. 12-6a34. That portion of the Project to be funded through the District shall not exceed \$525,000.00, plus the City's administrative fee.

(b) There will be no special assessments levied on property within the boundaries of the District.

SECTION 5. Levy of Sales Tax. In order to provide funds to finance the costs of the Project, the levy, in accordance with the provisions of the Act, of a community improvement district sales tax within the District, in an amount of 2% on the selling of tangible personal property at retail or rendering or furnishing services within the District (the "Sales Tax"), is authorized and directed. The imposition of the Sales Tax shall begin at such time as is specified in the Development Agreement and as soon as the levy of the Sales Tax is approved by the Kansas Department of Revenue, and shall expire 22 years from the date its collection begins, unless the Sales Tax is terminated prior to such date in accordance with the terms of the Development Agreement. The City Clerk, upon adoption of this Ordinance and request by the Developer, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189. The City shall be entitled to receive an administrative fee equal to 2% of all Sales Tax revenue generated in the District to reimburse the City for its administrative costs.

SECTION 6. Development Agreement and Related Documents. The form of the Development Agreement dated as of December 27, 2022, between the City and the Developer is

approved. The Mayor or member of the City's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence is further authorized and directed to execute and deliver the Development Agreement on behalf of the City in substantially the form presented for review prior to passage of this Ordinance, with such corrections or amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may sign and deliver all other documents, certificates or instruments as may be necessary or desirable to carry out the purposes and intent of this Ordinance and the Development Agreement. The City Clerk or the Deputy City Clerk of the City is hereby authorized and directed to attest the execution of the Development Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the City's corporate seal.

SECTION 7. Effective Date; Recording Ordinance. This Ordinance shall be in full force and effect from and after its adoption by the governing body of the City and publication, one time, of the following summary of the Ordinance, in the official City Newspaper:

Ordinance No. 22-3424 Summary

On December 27, 2022, the City Commission passed Ordinance No. 22-3424. The Ordinance establishes the Legacy Kansas Community Improvement District in the City of Abilene, Kansas; authorizes the project and the imposition of a two percent (2.0%) community improvement district sales tax to be collected within such district and reimbursement of certain project costs from such sales tax revenue; and approves a development agreement between the City and the developer pertaining to the project. A complete copy of the Ordinance can be found at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street, Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

The City Clerk is directed to record this Ordinance in the office of the Dickinson County Register of Deeds, as required by the Act.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 27th day of December, 2022.

Dee Marshall, Mayor

Attest:

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 27th day of December, 2022.

Aaron O. Martin, Legal Counsel

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT





City of Abilene
Item for City Commission Agenda

Meeting Date: 12/27/22

Originating Department

Inspection

Prepared By:

Travis Steerman

Approved for Agenda By:
(Office Use Only)

AGENDA ITEM HEADING:

Truck for the Inspection/Code Enforcement department

BACKGROUND:

This truck expense was included in the 2023 Inspection budget for \$45,000.

Holm Automotive – 2023 Chevrolet 1500 Silverado Short Crew \$45,700.

Valor Automotive – 2023 Dodge 1500 Tradesman Crew Cab \$40,294

Per Valor Automotive, Ford fleets are unavailable for purchase at this time.

FISCAL NOTE:

\$40,294

COMMISSION ACTION:

Consider approval of the 2023 Dodge 1500 Tradesman Crew Cab from Valor for the Inspection department.

VALOR CHRYSLER DODGE JEEP RAM
1825 GOLDENBELT BLVD
JUNCTION CITY, KS 664413935

Configuration Preview

Date Printed: 2022-11-11 2:35 PM
Estimated Ship Date:

VIN:
VON:

Quantity: 1
Status: BA - Pending order
FAN 1: 01W2C Abilene Police
Department
FAN 2:
Client Code:
Bid Number: TB3065
PO Number:

Sold to:
VALOR CHRYSLER DODGE JEEP RAM (45785)
1825 GOLDENBELT BLVD
JUNCTION CITY, KS 664413935

Ship to:
VALOR CHRYSLER DODGE JEEP RAM (45785)
1825 GOLDENBELT BLVD
JUNCTION CITY, KS 664413935

Vehicle: 2023 1500 TRADESMAN CREW CAB 4X4 (140.5 in WB 5 ft 7 in Box) (DS6L98)

	Sales Code	Description	MSRP(USD)
Model:	DS6L98	1500 TRADESMAN CREW CAB 4X4 (140.5 in WB 5 ft 7 in Box)	42,670
Package:	29B	Customer Preferred Package 29B	0
	ERB	3.6L V6 24V VVT Engine	0
	DFT	8-Spd Auto 850RE Trans (Make)	0
Paint/Seat/Trim:	PW7	Bright White Clear Coat	0
	APA	Monotone Paint	0
	*V9	Cloth 40/20/40 Bench Seat	0
	-X8	Black/Diesel Gray	0
Options:	4DH	Prepaid Holdback	0
	4ES	Delivery Allowance Credit	0
	MAF	Fleet Purchase Incentive	0
	MRU	Mopar Black Tubular Side Steps	695
	MDA	Front License Plate Bracket	0
	AJY	Popular Equipment Group	875
	.5N6	Easy Order	0
	4FM	Fleet Option Editor	0
	4FT	Fleet Sales Order	0
	174	Zone 74-Denver	0
	4EA	Sold Vehicle	0
Non Equipment:	4FA	Special Bid-Ineligible For Incentive	0
Bid Number:	TB3065	Government Incentives	0
Discounts:	YGE	5 Additional Gallons of Gas	0
Destination Fees:			1,795

Total Price: 46,035

Order Type: Fleet
Scheduling Priority: 1-Sold Order
Salesperson:
Customer Name:
Customer Address:

PSP Month/Week:
Build Priority: 99

Instructions:

USA

*your price
\$40,294-*

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.

Chris Eckert
479-1485



OrderWORKBENCH

HOLM AUTOMOTIVE
2005 N BUCKEYE
PO BOX 428
ABILENE, KS 67410

Configure a New Vehicle: CK10543 - 1500 Silverado: 4WD, Short Crew

Current as of 12/14/2022 - 10:07 AM EST

The configuration below was created as a Stored Configuration with the following Config ID: CHNZPH

Model Information

Model Year: 2023 Division: CHEVROLET TRUCK Allocation Group: LDSILV
Model: CK10543 - 1500 Silverado: 4WD, Short Crew Order Type: TRE-Retail Stock
DAN: APPV8
Stock No: Quantity: 1
MSRP: \$50,205.00 MSRP W/DFC: \$52,100.00

Preferred Equipment Group †

PEG: 1WT

Color

Primary Color: GAZ - Summit White

Trim

H1T: Jet Black, Cloth seat trim

Options

AKO: Glass, deep-tinted	PED: Chevy Safety Assist	
AQQ: Remote Keyless Entry, with 2 transmitters	Q5U: Wheels, 17" x 8" (43.2 cm x 20.3 cm) Bright Silver painted aluminum	\$395.00
AU3: Door locks, power	QBN: Tires, 255/70R17 all-season, blackwall	
AZ3: Seats, front 40/20/40 split-bench	QBR: Tire, spare 255/70R17 all-season, blackwall	
B30: Floor covering, color-keyed carpeting	QK1: Tailgate, standard	\$100.00
C49: Defogger, rear-window electric	R6Y: OPD / Focused Ordering Configuration Not Desired	
C5Y: GVWR, 7100 lbs. (3221 kg)	RVS: LPO, Assist steps - 4" Black - round	\$795.00
CGN: Chevytec spray-on bedliner,	SAF: Tire carrier lock, keyed	\$545.00

Preliminary Bid Price \$45,700.00

Pricing subject to change upon official bid opening

Subject to Availability



OrderWORKBENCH

Black		cylinder lock	
DLF: Mirrors, outside heated power-adjustable		TQ5: IntelliBeam, automatic high beam on/off	
E63: Durabed, pickup bed		UE4: Following Distance Indicator	
FE9: Emissions, Federal requirements		UEU: Forward Collision Alert	
G80: Auto-locking rear differential	\$395.00	UHX: Lane Keep Assist with Lane Departure Warning	
GU5: Rear axle, 3.23 ratio		UHY: Automatic Emergency Braking	
IOR: Audio system, Chevrolet Infotainment 3 system		UKJ: Front Pedestrian Braking	
K34: Cruise control, electronic		UQF: Audio system feature, 6- speaker system	
KC4: Cooling, external engine oil cooler		UVB: HD Rear Vision Camera	
KNP: Cooling, auxiliary external transmission oil cooler		V46: Bumper, front chrome	\$200.00
KW7: Alternator, 170 amps		V76: Recovery hooks, front, frame- mounted, Black	
*L84: Engine, 5.3L EcoTec3 V8	\$1,595.00	VJH: Bumper, rear chrome	
*MHT: Transmission, 10-speed automatic, electronically controlled		VQK: LPO, Molded splash guards, Black	\$240.00
PCV: WT Convenience Package		YM8: LPO Processing Option	
PEB: WT Value Package	\$1,190.00	Z82: Trailing Package	
___: Option/package discount	-\$500.00		

† North American Order Workbench is intended solely for business use by GM Dealers. Pricing shown is for illustration purposes only. Refer to GMPricing.com for official GM Price schedules. GM pricing is subject to change by GM at anytime, without notice.



CITY OF ABILENE
Item for City Commission Agenda

Meeting Date:

12/19/2022

Originating Department

Prepared By:

Approved For Agenda By:
(Office Use Only)

Administration

City Manager

AGENDA ITEM HEADING:

Commissioner remote attendance resolution

BACKGROUND:

In review of the City of Abilene code, there is no policy in place that governs City Commissioner remote attendance at meetings. While it should be the exception, not the rule, remote attendance can be a useful tool when needed.

Working with the City Attorney, the attached draft resolution outlines the procedures to be used should a City Commissioner need to utilize remote attendance for regularly scheduled or special meetings and study sessions.

FISCAL CONSIDERATIONS:

None

RECOMMENDED COMMISSION ACTION:

Approve resolution at 12/27/22 commission meeting.

RESOLUTION NO. 122722-1

A RESOLUTION OF THE CITY OF ABILENE, KANSAS CONCERNING REMOTE ATTENDANCE AT CITY COMMISSION MEETINGS.

WHEREAS, the City Commission desires to implement a policy pertaining to attendance at City Commission meetings via videoconference, subject to certain conditions.

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

Section 1. Remote Attendance Authorized. A City Commissioner may attend a meeting remotely, via videoconference, as long as the City Commissioner's participation complies with the Kansas open meetings act, K.S.A. 75-4317, et seq., and the requirements of this policy. In the case of remote attendance by the Mayor, the Vice Mayor shall preside over the meeting, unless the Vice Mayor is also attending remotely. In-person attendance and participation in City Commission meetings are preferred, and remote participation should be primarily limited to occasional circumstances rather than a City Commissioner's routine remote attendance for mere convenience.

Section 2. Notice of Attendance. A City Commissioner must notify the City Manager and the City Clerk in writing, via email or text message, no later than 12:00 p.m. (noon) on the day of the meeting in which the City Commissioner desires to attend via videoconference, to allow time for necessary preparation. If advance notice is impractical due to unforeseeable circumstances, the City Commissioner should have no expectation of remote attendance, and has the option to follow the meeting via the City's YouTube feed.

Section 3. Identification of Attendee. A City Commissioner attending via videoconference must identify himself or herself each time he or she wishes to speak before addressing matters before the City Commission, and the City Commissioner's speech shall be generally audible in the room in which the City Commission meeting is held. The video image of a City Commissioner shall be generally visible at all times to persons physically present at the meeting, unless the video feature is impracticable.

Section 4. Unavailability. If a City Commissioner who has provided advance notice of remote attendance under Section 1 is unavailable during the meeting, due to technical difficulties or any other reason, the presiding officer shall suspend the discussion until the remote participant is available. If the suspension lasts longer than three minutes, the presiding officer may excuse the remote participant and continue the meeting, subject to quorum requirements.

Section 5. Application of Policy. The Governing Body reserves the right to temporarily alter, suspend, or waive any provisions of this policy if determined by a majority of the Governing Body that such temporary alteration or waiver is necessary and in compliance with other applicable laws.

Section 7. Effective Date. This Resolution shall be in full force and effect from and after its adoption.

Passed and approved by the Governing Body of the City of Abilene, Kansas, on this 27th day of December 2022.

Dee Marshall, Mayor

ATTEST:

Shayla Mohr, City Clerk