



Notice of Study Session
ABILENE PUBLIC LIBRARY
209 NW FOURTH STREET
April 3, 2023 - 4:00 pm

VIEW THIS CITY COMMISSION STUDY SESSION VIRTUALLY AT

www.abilenecityhall.com/watchlive

PURPOSE

The City Commission's study sessions allow the commission to study items thoroughly.

OPEN FORUM

This is an opportunity for citizens to address the Commissioners on issues outside the discussion agenda. Speakers will be allowed a 3-minute time limit.

DISCUSSION ITEMS

1. City Commission meetings ordinance discussion-City Manager
2. Olsson Engineering Master Agreement for Construction Administration and Material testing for NW 14th Street Project discussion – City Manager/Public Works Director
3. Proposed changes to rodeo arena discussion – John Dautel, Wild Bill Hickok Rodeo Committee
4. Mennonite Housing confirmation letter discussion – City Manager



City Commission

Trevor Witt
Mayor

John Kollhoff
Vice-Mayor

Brandon Rein
Member

Wendy Miller
Member

Dee Marshall
Member

CITY STAFF

Ron Marsh
City Manager

Leann Johnson
Finance Director

Shayla Mohr
City Clerk

Lon Schrader
Public Works Director

Kari Zook
Community Development

Kellee Timbrook
Recreation Director

Julie Roller
CVB Director

Anna Hatter
Chief of Police

Kale Strunk
Fire Chief

City Council Meeting Date: Monday, April 3, 2023

Session: Study Session

Topic: Commission Meeting Changes

Department: Administration

Staff Contact: City Manager

Background:

During the March 20, 2023 study session, I presented a proposal to change commission meetings and study sessions from meeting every week. The proposal included meeting the 2nd and 4th Mondays of the month and have the study either before or after the regular meeting.

The consensus of the governing body was to hold the study session after the regular meeting. Attached is the draft ordinance amending section 1-105 of the city code to reflect these changes.

If approved at the April 10, 2023 regular meeting, the change will go into effect beginning May 1, 2023 or the second Monday in May, whichever is legally acceptable.

Recommendation:

Approve amending section 1-105 of the city code to hold commission study sessions on the 2nd and 4th Monday of the month following the regular meeting.

Fiscal Note:

None

Funding Source:

NA

ORDINANCE NO. 23-3429

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY AMENDING SECTION 1-105 CONCERNING MEETINGS OF THE GOVERNING BODY FOR THE CITY OF ABILENE, KANSAS.

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

SECTION ONE. Section 1-105 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

1-105. Meetings.

- (a) The Governing Body shall meet regularly at 4:00 pm on the second and fourth Mondays of each month for the purpose of conducting formal public meetings for all business of the city. If a regular meeting date shall fall on a holiday, the meeting shall be held on the immediately following Tuesday. The Governing Body shall hold such adjourned and special meetings deemed necessary from time to time. The Governing Body shall determine the order of business at all meetings.
- (b) The Governing Body may hold a study session meeting on the second and fourth Mondays of each month following the recess or adjournment of the formal public meeting. No formal action on any subject may be taken during a study session. Study session meetings shall start at least 15 minutes following the recess or adjournment of the formal public meeting, but no sooner than 4:30 pm. It shall be the duty and responsibility of the City Manager to determine the manner of staff attendance, content and conduct of the study session.

SECTION TWO. Existing Section 1-105 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. 23-3429 Summary

On April 10, 2023, the City Commission passed Ordinance No. 23-3429. The ordinance amends Chapter 1, Article 1 of the City Code of the City of Abilene, Kansas, by amending section 1-105 concerning meetings of the governing body for the City of Abilene, Kansas, to provide for the date and time of study session meetings of the governing body. 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 10th day of April, 2023.

Trevor D. Witt, Mayor

Attest:

Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 10th day of April, 2023.

Aaron O. Martin, Legal Counsel



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City Council Meeting Date: Monday, April 3, 2023

Session: Study Session

Topic: Olsson Master Agreement for Construction Administration & Material Testing

Department: Public Works/Engineering

Staff Contact: Public Works Director

Background:

As part of the NW 14th St Improvement project, the city is required to have construction administration and material testing for the project. As our city engineer, Olsson Engineering has provided a master agreement for these services.

Construction administration and material testing is not done by the contractor and is done by a third party. This involves two tasks:

1. Construction Project Management
2. Construction Inspection & Testing

Recommendation:

Approve Amendment #2 Work Order dated April 10, 2023 for NW 14th St, N Vine to N Buckeye Ave.

Fiscal Note:

\$164,115.00

Funding Source:

Special Highway Fund



AMENDMENT #2
WORK ORDER dated March 29, 2023 for
NW 14th Street, N Vine St to N Buckeye Ave

This AMENDMENT ("Amendment") shall amend and become a part of the Master Agreement for Professional Services dated July 13, 2015 between City of Abilene, Kansas ("Client") and Olsson, Inc. ("Olsson") providing for professional services for the following Project (the "Agreement"):

PROJECT DESCRIPTION AND LOCATION

Project is located at: NW 14th Street between N. Vine Street and N. Buckeye Avenue. The project will include improvements to the Vine Street intersection and will tie into the project by KDOT at Buckeye Ave.

Project Description: Special Inspections and Materials Testing Services

SCOPE OF SERVICES

Client and Olsson hereby agree that Olsson's Scope of Services under the Agreement is amended by adding the services specifically described below for the additional compensation set forth below:

Phase 600 – Amendment No. 2

Field Services*

Technician	per hour	\$85.00
Steel Technician	per hour	\$85.00
Steel Technician Level II (NDT Services)	per hour	\$90.00

Travel and Reimbursable Expenses

Mileage	per mile	\$0.75
Expenses		Cost + 10%

Management and Administration

Administrative	per hour	\$65.00
Project Manager	per hour	\$140.00

Laboratory Testing and Equipment

Standard Proctor	per test	\$200.00
Atterberg Limits	per test	\$100.00
P-200 Sieve Analysis	per test	\$100.00
Relative Density	per test	\$240.00
Compression Test - Concrete	per test	\$25.00
Compression Test - Mortar	per test	\$15.00
Compression Test - Grout	per test	\$20.00
Compression Test - Block Prism	per test	\$120.00
Floor Flatness Testing Equipment	per day	\$200.00
NDT Ultrasonic Equipment	per day	\$120.00

Task	Scope	Fee Type	Estimated Fee
1	Special Inspections and Materials Testing	Time and Expense	\$164,115.00

*Field services provided on Saturday, Sunday, Holidays, and in excess of 8-hours/day will be charged at 1.5 times the unit fee.

SPECIAL INSPECTIONS AND MATERIALS TESTING SERVICES

Olsson will furnish Construction Project Management and Construction Inspection and Testing Services during the construction phase of **14th Street Rehabilitation between North Buckeye Avenue and Vine Street**. By performing the services, no authority or responsibility is assumed to supervise, direct, or control the Contractor's work or the Contractor's means, method, techniques, or procedures of construction. Olsson shall not have authority or responsibility for safety precautions and programs incident to the Contractor's work or for any failure of the Contractor to comply with laws, regulations, rules, ordinances, codes or orders applicable to the Contractor furnishing and performing the work. The Contractor shall have sole responsibility for safety and for maintaining safe practices and avoiding unsafe practices or conditions. These services shall in no way relieve the Contractor of complete supervision of the work or the Contractor's obligation for complete compliance with the drawings and specifications. The construction duration is estimated at 180 working days.

TASK I – CONSTRUCTION PROJECT MANAGEMENT

General Project Management – This task includes activities to initiate and monitor project schedules, workload assignments and internal cost controls throughout the project. The Consultant Project Manager will serve as point of contact with the City and be responsible for coordinating work with adjacent public or private projects, utility companies and other parties necessary to complete the project. Also included are efforts to prepare and process invoices and monthly progress reports; prepare project correspondence with the City; maintain project records; and perform other duties of the Project Manager as defined in the City of Abilene Standard Specifications and this Scope of Services.

Construction Coordination – Provide services to coordinate the work activities of the construction observation and testing staff and ensure that work is performed in general conformance with the Construction Documents. This shall include consultation with the Engineer of Record to interpret contract documents and to answer contractors' questions during construction. Questions and interpretations will be answered with a written Request for Information (RFI) or similar process. This shall include trips to the project site by design staff to review changed conditions or other items as requested by the Construction Project Manager.

Pre-Construction Meeting – The Consultant shall attend a pre-construction meeting on a date and at a time agreed upon by the City and Contractor. The pre-construction conference will include a discussion of the Contractor's tentative schedule, procedures for transmittal and review of the Contractor's submittals, processing payment applications, critical work sequencing, change orders, record documents, and other items pertaining to execution of the contract documents as well as the Contractor's responsibilities for safety and first aid. Meeting minutes will be distributed to those in attendance.

Shop Drawing and Submittal Review – The Consultant will coordinate, and review Contractor furnished Shop drawings and submittals as the project warrants for equipment, materials, and construction. All requests for variations from the contract documents will be reviewed with the City before issuing an approval to the Contractor. Records will be maintained to indicate the disposition of each submittal with copies of approved submittals provided to the City.

Payment Estimates/Pay Requests – The Consultant shall review stored materials and work items completed, generate, approve and submit the payment document to the City for final processing. The Contractor Pay Request for work completed and accepted shall be prepared and submitted in a format approved by the City.

Change Order/Work Order and Time Extension Management – The Consultant shall draft, review and manage all work order and change orders. They will be discussed with the City before they are developed in final form. The Consultant shall prepare change orders and/or work orders as required to complete the work and maintain the project schedule. Documentation to support the basis for the change will be developed, as well as justification for a change to the contract price if appropriate. All requests for variations from the contract documents will be reviewed with the City before issuing an approval to the contractor. All Change orders will be processed using the City's standard procedures.

The Consultant shall review all requests for extension in contract time and provide the City with a recommendation on acceptance or denial of the Contractors request.

Project Files and Project Documentation – The Consultant shall set up and maintain appropriate project files that relate to the work. This shall include but not limited to: project correspondence, contractor requests for information (RFI), field orders (FO), work change directives (WCD), change orders (CO), meeting minutes, material certifications, test reports, copies of delivery tickets, weekly construction summaries and project schedules. Copies of project files and documentation shall be assembled and provided to the City for their records at the completion of the project.

Testing Management and Review – The Consultant Construction Manager will review all testing data and reports provided by testing staff and furnish copies to the City and the Contractor. The Project Manager shall notify the Contractor of any areas requiring re-tests or removal and replacement of the work.

Traffic Control – Consultant shall review work zone traffic control devices daily. The Consultant shall notify the Contractor and the City of any Traffic Control Deficiencies.

TASK 2 – CONSTRUCTION INSPECTION & TESTING

On-Site Field Inspection – The Consultant shall furnish Construction Inspection services on a varied level of part time service during the active phases of the project. Consultant's on-site representative will perform inspection to ensure the work is proceeding in accordance with the plans and specifications. The Consultant shall verify through site inspection and observation that all work being performed is per the Contract Documents. Whenever the Field Observer believes that any Work is unsatisfactory, faulty or defective; or does not conform to the Contract

Documents; or has been damaged; or does not meet the requirements of any governing agency, test or approval required to be made; then the Field Observer shall contact the Construction Manager of the defective work. The Construction Manager shall review the work in question and direct the Contractor to remove, repair or reconstruct the defective work to bring the work into conformance with the contract requirements.

Project Documentation – The Consultants field observation staff shall prepare and keep detailed notes, computation and measurements, records of quantities of pay items incorporated into the work, and the tests, certifications, or basis of acceptance of these materials and a record of the Contractor's operations. This information will be documented using the City's standard reporting procedures.

Project Reporting - The Consultant field staff will prepare field reports summarizing each day's field tests and identify items with tests that are not in compliance with the project drawings and/or specifications.

Field reports will be reviewed by the Construction Manager for content and accuracy. Reviewed copies will be provided to the City and Contractor. The Consultant shall notify the Contractor of all failed tests and provide coordination to correct the work.

The Consultant is not responsible for the Contractor's means or methods and does not have the obligation or authority to stop Contractor's work. The Consultant responsibility as special inspector is to report field observations and test results to the Contractor and City as provided herein.

- Project Reporting – Daily

Progress Payments – The Consultant field observation staff shall assist the Construction Manager in verification of quantities of stored materials and completed work in preparation of progress payments to the Contractor. This information will be documented using the City's standard reporting procedures.

Liaison - Serve as Construction Manager's liaison with contractor, working principally through contractor's superintendent and assist Contractors in understanding the intent of the Contract Documents.

Record Drawings - Maintain record drawings, field sketches and specifications based on site observation and the Contractor's record drawings.

Testing – Olsson shall provide materials testing and other testing as required for construction of the new storm sewer, sanitary sewer, water main and concrete paving construction work.

- Utility Backfill and Pavement Subgrade: Olsson will obtain samples of backfill and subgrade material for standard Proctor and Atterberg limits testing. Field moisture- density tests will be performed for utility backfill and pavement subgrade. Testing will be performed as necessary during the course of the work. We have assumed the following number of Proctors and atterbergs required for testing of soil:
 - On-site material – (2) Standard Proctors
 - On-site material – (2) Atterberg Limits
- Pavement Subgrade: Olsson will inspect the exposed subgrade within the construction limits of the pavement areas to verify that soils unsuitable for pavement support have been removed and to identify unstable areas that require additional excavation prior to placement of the concrete pavement sections. A proof-roll will be performed when accessible.
- Concrete Pavement: Olsson will inspect placement of concrete for the proposed mainline roads, and closure pours. Field tests including slump, air entrainment and temperature will be performed on samples of concrete obtained from these areas. Cylinders will be cast from the concrete used in construction of the structure for compressive strength testing at a rate of one set of 5 cylinders per each day. The following have been assumed:
 - Concrete Pavement – (250) (5 cylinders per set)
- Reporting: Testing reports will be reviewed by our Construction Manager and submitted electronically to the designated project team.

The following Cost Estimate is approximate and intended to be used only as a basis for estimating the probable cost of the Work. Actual quantities of tests, site trips and technician time may differ from the estimated quantities. The basis of payment for the Work will be the actual quantities of tests, site trips, and technician time performed or expended. The below Cost Estimate was prepared without the anticipation of profits on account of any difference between the actual and estimated quantities. If the construction methods utilized by contractors' for the below referenced project increases the frequency of site visits and construction testing units as listed in the below cost estimate, this agreement shall be amended to supplement the cost of the out of scope services. Olsson will notify the Client if construction testing frequencies and site visits of the below scope of work are subject to increase due to construction methods or design changes prior to the commencement of said out of scope services. Olsson's sole obligation is to report its observation, inspection and test results to Client as provided herein.

COST ESTIMATE

TASK I – Construction Observation

1365 Hrs Technician @	\$85.00/hr	\$116,025.00
2 Standard Proctor @	\$200.00/each	\$400.00
2 Atterberg Limits @	\$100.00/each	\$200.00
250 Compression Test - Concrete @	\$25.00/each	\$6,250.00
200 Trip Charge @	\$75.00/trip	\$15,000.00

TASK II

180 Hrs Project Manager @	\$140.00/hr	\$25,200.00
16 Hrs Project Administration @	\$65.00/hr	\$1,040.00

TOTAL \$164,115.00

COMPENSATION

Client shall pay to Olsson for the performance of the Scope of Services, the actual time of personnel performing such services in accordance with the Labor Billing Rate Schedule(s), and all actual reimbursable expenses in accordance with the Reimbursable Expense Schedule attached to this agreement. Olsson shall submit invoices on a monthly basis, and payment is due within 30 calendar days of invoice date.

Olsson's Scope of Services will be provided on a time-and-expense basis not to exceed ONE HUNDRED SIXTY FOUR THOUSAND ONE HUNDRED FIFTEEN dollars (**\$164,115.00**).

TERMS AND CONDITIONS OF SERVICE

All provisions of the original Agreement not specifically amended herein shall remain unchanged.

If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of maximum 30 days from the date set forth above, unless changed by us in writing.,

OLSSON, INC.

By 
Nicholas Menefee

By 
Rian Eddie

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

CITY OF ABILENE, KANSAS

By _____
Signature

Printed Name _____

Title _____

Dated: _____



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City Council Meeting Date: Monday, April 3, 2023

Session: Study Session

Topic: Proposed changes to rodeo arena

Department: Administration

Staff Contact: Ron Marsh, City Manager/Shayla Mohr, City Clerk

Background:

The Wild Bill Hickok Rodeo Committee is proposing changes to the rodeo arena. Because this is a city owned facility, permission is needed for them to be able to make these changes.

Attached is a letter explaining the proposed changes as well as a map showing the location of the proposed changes.

Recommendation:

Consider granting permission to the rodeo committee to complete the requested changes.

Fiscal Note:

Funding Source:



WILD BILL HICKOK RODEO

P.O. BOX 235 · ABILENE, KS 67410

wildbillhickokrodeo.com

March 30, 2023

To: Abilene City Commission

Commissioners,

The Wild Bill Hickok Rodeo Committee would like permission to move the fencing on the north end of the arena located at 400 N Poplar St.

We are building a new timed event facility on the north end of the existing facility, and currently it will take about 6 feet off the inside of the existing rodeo and demolition derby arena. We would like to move the fencing located on the west end to the north approximately 15 feet and taper back to its original position on the east end. By moving the arena fencing it will allow us to use the space for our mobile scoreboard and be able to place it in a better position for all the crowd to view it plus will give us additional space for increased signage for sponsors. Another benefit to moving the perimeter fence is that we will not lose any space on the inside of the arena.

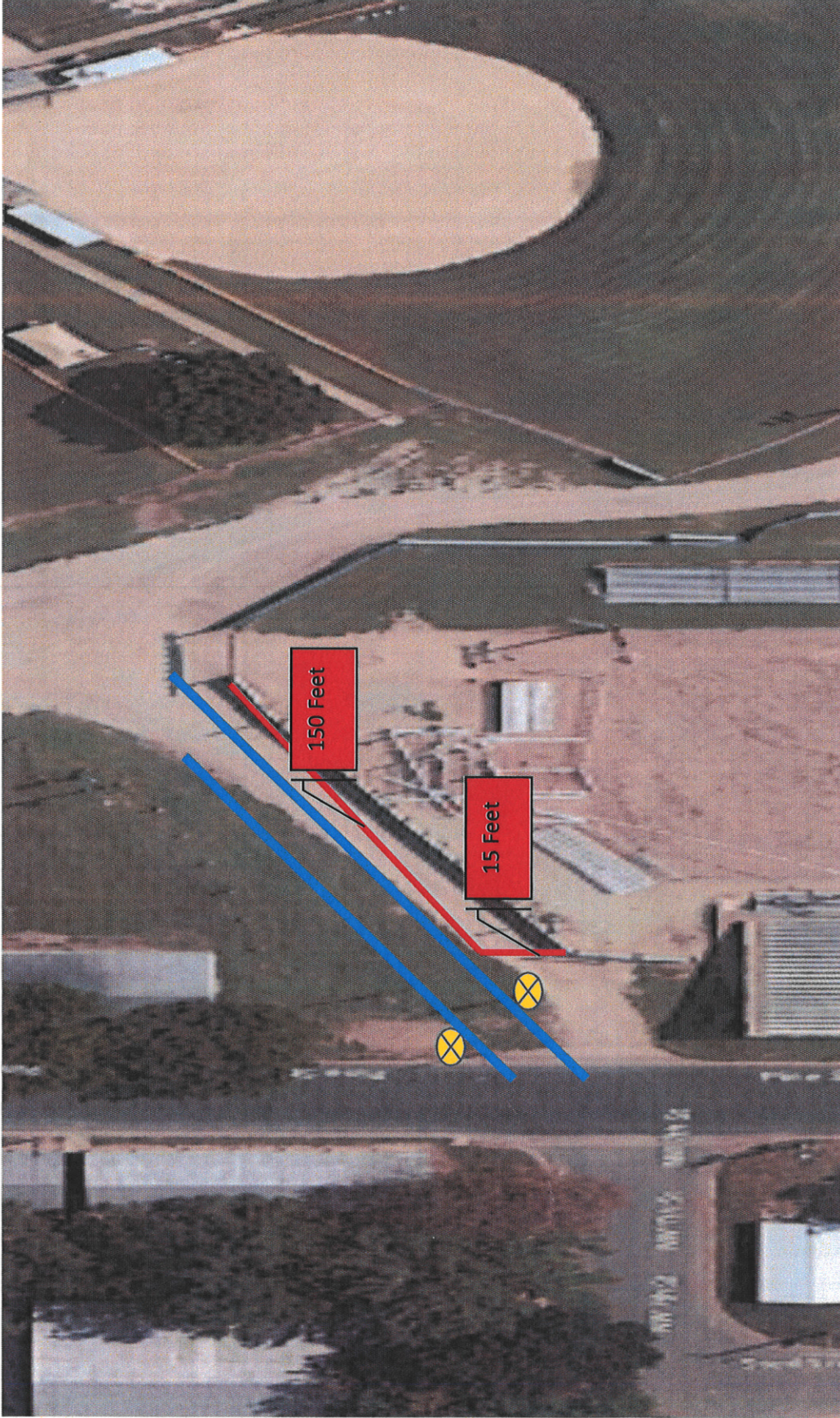
The alley entrance and the alley which are located off of North Pine St. would be moved over slightly to accommodate the change. We would put a metal guard around the electrical pole located near the alley to help avoid any traffic mishaps. The area has a cable and camping hookups that will not be changed, and parking during the year for the ball diamonds will not be altered. I have been on site with Lon Shrader and we both feel that the proposed plan is attainable without affecting any of the entities that use the drive, but only if we work together to make the proper changes. Also, in the future we are planning to add seating above the timed events structure and the extra space will help us with room for the foot traffic during the rodeo and demolition derby.

Please consider our proposal so that with your approval we can start on the project. Thank you for your time and consideration to this project. We look forward to hearing from you.

Thank you,

John W. Dautel

Wild Bill Hickok Rodeo Committee



Utility Poles

New Road

Proposed Fence



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City Council Meeting Date: Monday, April 3, 2023

Session: Study Session

Topic: Mennonite Housing Letter

Department: Administration

Staff Contact: City Manager

Background:

At the March 20 study session, representatives from Mennonite Housing and Windy Ridge Development presented an idea to develop senior housing in Abilene using state tax credits.

The property they want to purchase, south of 21st St and east of Buckeye Ave, must be rezoned from C-3 to R-3. To apply for the state tax credits, the state requires written confirmation from the municipal zoning authority (the city commission) that the proposed use is within the parameters of existing conforming zoning designations.

Due to the May deadline to submit the tax credit application, and the City's request to review the feasibility study (expected completion April 14), I wanted to begin a discussion to have a letter ready for approval if the governing body elected to move forward.

This is a non-binding, noncommittal letter. Any rezoning decisions would still go through the required process of notification of those within 1000' of the development, a public hearing and review by the planning commission, and final approval by the city commission.

Recommendation:

Discuss as necessary.

Fiscal Note:

None

Funding Source:

NA



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

www.abilenecityhall.com

Phone: (785) 263-2550

Fax: (785) 263-2552

April 24, 2023

Ms. Alissa Ice
Kansas Housing Resources Corporation
611 S Kansas Ave, Suite 300
Topeka, KS 66603-3803

RE: Proposed Abilene Project from Mennonite Housing

Dear Ms. Ice:

Mennonite Housing has approached the City of Abilene on a proposed Senior (55 and older) development. Mennonite Housing has selected a site for the proposed development on the east side of Buckeye Ave (K-15 Highway) and south of 21st St. The site is approximately 4-5 acres of developable land. A drainage retention pond is located to the southeast of the property and is designed to handle the development of this acreage. The property is currently zoned commercial. A map showing the property location and lot layout is enclosed.

The current property owner has indicated a willingness to sell the property to Mennonite Housing conditioned on approval of the project at all levels. The property will need to be rezoned to R-3, Multi-Family. It is my understanding that an application will be made to rezone the property following an award of the tax credit application, which application will then be reviewed and acted upon by the City in accordance with applicable law.

This letter confirms my opinion that the proposed project and zoning change to Multi-Family development is consistent with the surrounding property zoning and the city's long-term land use plan. Additionally, the proposed project will help to address the city's ongoing shortage and lack of affordable housing, especially in the 55 and older demographic. This shortage was first recognized in a county-wide housing study conducted by the Dickinson County Economic Development Corporation in 2018 and updated in 2022.

Please feel free to contact me with additional questions. I appreciate your consideration of Mennonite Housing's project request; the project will benefit the Abilene Community and add much-needed housing options for seniors.

Respectfully,

Ron Marsh
City Manager
Abilene, Kansas
