

Summary of Ordinance No. 3202

City of Abilene, Kansas

On August 13, 2012, the City of Abilene, Kansas, adopted Ordinance No. 3202, authorizing a referendum vote concerning a proposed 0.25% retailers' sales tax in order to fund a ten-year Local Street Improvement Program. A complete copy of this ordinance is available online at www.abilenecityhall.com or during normal business hours at City Hall, located at 419 N. Broadway Street in Abilene, Kansas. The ordinance is not subject to a protest petition. Questions pertaining to this ordinance may be directed to City Attorney Mark Guilfoyle at (785) 263-3070 or City Manager David Dillner at (785) 263-2550. This summary has been reviewed and certified by Mark Guilfoyle, P.A., City Attorney.



Mark Guilfoyle, City Attorney

ORDINANCE NO. 3202

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF ABILENE, KANSAS THE PROPOSITION OF LEVYING A ONE-QUARTER OF ONE PERCENT (0.25%) RETAILERS' SALES TAX FOR THE PURPOSE OF FUNDING A LOCAL STREET IMPROVEMENT PROGRAM IN THE CITY OF ABILENE, KANSAS

WHEREAS, K.S.A. 12-187 *et seq.*, authorizes the governing body of the City of Abilene, Kansas ("City") to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

WHEREAS, the governing body of the City has determined it is necessary to authorize the levy of a 0.25% retailers' sales tax, to begin as soon as the tax may be levied by the Kansas Department of Revenue, which date is expected to be April 1, 2013, with revenue received from the tax used for the specific governmental purposes as described in the ballot question approved by this Ordinance.

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

Section 1. A special question election is called to be conducted on November 6, 2012, for the purpose of submitting to the qualified electors of the City the question of levying a retailers' sales tax in the City in the amount of one-quarter of one percent (0.25%), with such tax to take effect as soon as the tax may be levied by the Kansas Department of Revenue, which date is expected to be April 1, 2013, if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the State of Kansas.

Section 2. If approved by a majority of the electors voting on the question, the retailers' sales tax will be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 3. The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-quarter of one percent (0.25%) be levied in the City of Abilene, Kansas to take effect April 1, 2013 or as soon thereafter as such tax may be levied by the Kansas Department of Revenue, with revenue from such tax used to fund a Local Street Improvement Program; and provided that such retailers' sales tax shall expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

Section 4. The Dickinson County Clerk is authorized to and shall give notice of the election by publishing a Notice of Election (in substantially the form attached to this Ordinance as **Exhibit A**) once each week for two consecutive weeks in a newspaper of general circulation in the City, as provided in K.S.A. 12-187 *et seq.*, and K.S.A. 10-120, with the first publication to be not less than twenty-one (21) days prior to the date of the election. The vote at the election shall be by ballot and the proposition approved by this Ordinance shall be printed on the ballot with the voting instructions required by law.

Section 5. This Ordinance shall take effect from and after its adoption by the Governing Body of the City and publication one time in the official city newspaper.

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ADOPTED AND APPROVED by the Governing Body of the City of Abilene, Kansas on August 13, 2012.



CITY OF ABILENE, KANSAS

By *Dennis P. Weishaar*
Dennis P. Weishaar, Mayor

ATTEST:

By *Penny L. Soukup, CMC*
Penny L. Soukup, City Clerk

Exhibit A
To Ordinance No. 3202

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF ABILENE, KANSAS:

Notice is given by the Governing Body of the City of Abilene, Kansas and the County Election Officer of Dickinson County, Kansas that a special question election will be held in the City of Abilene on November 6, 2012, for the purpose of voting on the question of levying a city retailers' sales tax in the amount of one-quarter of one percent (0.25%) on retail sales consummated within the City of Abilene, Kansas, according to the provisions of K.S.A. 12-187 *et seq.* If approved, the retailers' sales tax will begin on April 1, 2013 or as soon thereafter as the tax may be levied by the Kansas Department of Revenue and the revenue received by the City will be used for public purposes as described in the ballot question. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the city of Abilene.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on November 6, 2012 at the following places:

[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-quarter of one percent (0.25%) be levied in the City of Abilene, Kansas to take effect April 1, 2013 or as soon thereafter as such tax may be levied by the Kansas Department of Revenue, with revenue from such tax used to fund a Local Street Improvement Program; and provided that such retailers' sales tax shall expire on the date ten years after it is first levied, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

Yes_____

No_____

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes;" to vote against it, make a cross or check mark in the square to the right of the word "No."

Dated August 16, 2012.

By Barbara M Jones
Barbara M. Jones
Dickinson County Clerk/Election Officer

EXCERPT OF MINUTES

The governing body of the City of Abilene, Kansas, met in regular session at the usual meeting place in the City on August 13, 2012, at 4:00 p.m., Central Time. Mayor Dennis Weishaar presided, and the following members of the governing body were present:

Commissioner Lynn Peterson, Commissioner Brenda Finn Bowers, Commissioner Angela Casteel And Commissioner John Ray.

The following members of the governing body were absent: None

An Ordinance was presented to the governing body entitled:

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF ABILENE, KANSAS THE PROPOSITION OF LEVYING A ONE-QUARTER OF ONE PERCENT (0.25%) RETAILERS' SALES TAX FOR THE PURPOSE OF FUNDING A LOCAL STREET IMPROVEMENT PROGRAM IN THE CITY OF ABILENE, KANSAS

The Ordinance was considered and discussed; and on motion of Commissioner Bowers, seconded by Commissioner Casteel, the Ordinance was adopted by a majority vote of the members present and assigned No. 3202.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the August 13, 2012 meeting of the governing body of the City of Abilene, Kansas.



By Penny L. Soukup, CMC
Penny L. Soukup, City Clerk