EL DORADO

CITY COMMISSION MEETING

CALL TO ORDER – October 20, 2014

INVOCATION – Mother Christine Gilson, Trinity Episcopal Church

PLEDGE OF ALLEGIANCE -

PROCLAMATION

- None

PERSONAL APPEARANCE

- Kurt Bookout, Public Utilities Director -- Annual Report

1. Public Comments

This agenda item will be governed by the Public Comment Policy

The Mayor opened the floor for Public Comments

PUBLIC COMMENT POLICY:

Citizens are encouraged to address the City Commission during regularly scheduled meetings. This policy is intended to provide some guidelines to ensure that all El Dorado citizens have a chance to address the Commission.

1. Each citizen will state their name and address before making comments.
2. There are no residency requirements.
3. Each citizen will have 5 minutes to present his or her comments.
4. An extension of time, if necessary, may be approved but must be by a majority of the City Commission.
5. Comments or questions will be directed only to the City Commission.
6. Citizens will follow the decorum policy.
7. Debate or argument between parties in the audience will not be allowed.
8. Certain legal issues may not be discussed. (Examples include but are not limited to personnel issues, lawsuits, etc.)
9. Violation of this public comment policy will result in the citizen being directed to cease or resume sitting.

Approved by the Commission this 2nd day of May 2005.

2. Consent Agenda

1. Consider approval of City Commission meeting minutes from OCTOBER 6, 2014

Commissioner _______________ moved that the Consent Agenda, as presented, be approved.

Commissioner _______________ seconded the motion.

3. Susan B Allen Revenue Bond Issue

BACKGROUND

Susan B. Allen approached the City and County Commissions in April of 2012 regarding a request to refinance their existing debt, purchase some new equipment and make some energy saving improvements. The City Commission at the time agreed to allow the County to issue the IRB because the County has a larger assessed valuation. The City would also have had difficulty issuing additional debt that year if they were to take on the Hospital IRB.

The completed County resolution for the IRB is ATTACHED. If the City Commission wishes to make any changes to this IRB, the City must contact the County within seven (7) days of the October 20th, City Commission meeting.

NECESSARY ACTION

No action is required.

STAFF RECOMMENDATION

Direct the City Clerk to sign the certificate.

Documents: SBA IRB RESOLUTION.PDF

4. Special Use Permit To Allow Oil & Gas Extraction (Case No. 14-008-SUP)

BACKGROUND

Vess Oil Corporation has requested a special use permit to allow oil & gas extraction on land located East of Oil Hill Rd & South of Refinery Rd (10th Street). The land is owned by Grizzly Development, LLC and is zoned I-1. A PROPOSED SITE PLAN is attached.

The Planning Commission conducted the public hearing on September 25th and recommends approval by an 8-1 vote. A copy of the MEETING MINUTES and STAFF

REPORT are attached.

POSSIBLE ACTIONS

1. To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation, majority vote, and the passage of an Ordinance.

2. To return the issue to the Planning Commission for further review. Requires a statement of the reason(s) why the item is being returned. Requires a majority vote.

3. To overrule the recommendation of the Planning Commission. This requires at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the recommendation of the Planning Commission.

SUGGESTED MOTIONS

Commissioner ______________________________ moved that the recommendation of the Planning Commission to approve Case No. 14-008-SUP requesting a Special Use Permit to allow oil & gas extraction on land located on north Oil Hill Road be accepted and that ORDINANCE NO. __________ be approved.

Commissioner ________________________ seconded the motion.

5. Special Use Permit To Allow A Taekwondo School (Case No. 14-011 SUP)

BACKGROUND

Jeffrey Jones has requested a special use permit to allow a taekwondo school at 135 N Main Street, E. The property and is zoned C-2.

The Planning Commission conducted the public hearing on September 25th and recommends approval by a 9-0 vote. A copy of the MEETING MINUTES and STAFF REPORT are attached.

POSSIBLE ACTIONS

1.To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation, majority vote, and the passage of an Ordinance.

2.To return the issue to the Planning Commission for further review. Requires a

2.To return the issue to the Planning Commission for further review. Requires a statement of the reason(s) why the item is being returned. Requires a majority vote.

3.To overrule the recommendation of the Planning Commission. This requires at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the recommendation of the Planning Commission.

SUGGESTED MOTION

Commissioner ___________________________ moved that the recommendation of the Planning Commission to approve Case No. 14-011-SUP requesting a Special Use Permit to allow a taekwondo school on property located at 135 N Main Street, E be accepted and that ORDINANCE NO. _________ be approved.

Commissioner ______________________ seconded the motion.

6. Special Use Permit To Allow A Wind Turbine (Case No. 14-009-SUP)

BACKGROUND

Randy Dougherty has requested a special use permit to allow a wind turbine at 3021 SE 34th St. The property is located outside the city limits, but inside the extraterritorial growth area and is zoned R-S. A proposed site plan is attached.

The Planning Commission conducted the public hearing on September 25th and recommends approval by a 7-2 vote. A copy of the MEETING MINUTES, STAFF REPORT and the RECOMMENDATION FROM BUTLER COUNTY are attached.

POSSIBLE ACTIONS

1. To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation, majority vote, and the passage of an Ordinance.

2. To return the issue to the Planning Commission for further review. Requires a statement of the reason(s) why the item is being returned. Requires a majority vote.

3. To overrule the recommendation of the Planning Commission. This requires at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the recommendation of the Planning Commission.

SUGGESTED MOTIONS

Commissioner ____________________________ moved that the recommendation of the Planning Commission to approve Case No. 14-009-SUP requesting a Special Use Permit to allow a wind turbine on property located at 3021 SE 34th Street be accepted and that ORDINANCE NO. _________ be approved.

Commissioner _______________________ seconded the motion.

7. Advisory Board New Member Appointment

BACKGROUND

At the October 10, 2014 Special City Commission meeting, the Commission reviewed a partial-term appointment for the Library City Board, to fill an opening after a resignation occurred. The following appointment was reviewed favorably by the Commission:

NEW APPOINTMENT

Board	Name	Term
Library Board	Judith Cole	10/20/14 – 5/1/15

SUGGESTED MOTIONS FOR RE-APPOINTMENT

Commissioner __________________ moved to approve the advisory board new member appointments as specified here within.

Commissioner ___________________ seconded the motion.

8. New Business - Discussion Items

This item is for open discussion by the City Commission.

The Mayor opened the floor for Commissioner's comments.

9. City Manager's Report

City Manager will provide updates of current community issues.

ADJOURNMENT

Commissioner __________ moved to adjourn the meeting at ____ p.m.

Commissioner___________ seconded the motion.

Respectfully submitted,

Herbert E. Llewellyn, Jr.
City Manager

October 7, 2014

Mayor and Members of the City Commission
c/o Ms. Tabitha Sharp, City Clerk
City of El Dorado, Kansas
220 E. 1st Street
P.O. Box 792
El Dorado, Kansas 67042

Re: Not to Exceed $6,500,000
Butler County, Kansas
Hospital Revenue Bonds, Series 2014
(Susan B. Allen Memorial Hospital)

You are hereby requested pursuant to K.S.A. 12-1741b, as amended, to approve adoption of a resolution by the Board of County Commissioners of Butler County, Kansas regarding the issuance by the County of the above referenced hospital revenue bonds (the "Bonds") to provide funds for acquiring, constructing and equipping improvements to Susan B. Allen Memorial Hospital located at 720 W. Central, El Dorado, Kansas 67042 (the "Hospital Facility") and paying issuance costs of the Bonds. A copy of the resolution is enclosed. Your approval may be affirmatively made by action of the City Commission, or will be deemed made if you fail to disapprove the issuance of the bonds within seven business days after your next regular meeting following receipt of this request.

BUTLER COUNTY, KANSAS

COUNTY CLERK SEAL BUTLER COUNTY, KANSAS

Don Engels, Butler County Clerk

I acknowledge receipt of this letter and the attached resolution and transmittal of the same to the governing body of the City of El Dorado, Kansas.

Dated: October 7th, 2014

Tabitha Sharp, City Clerk
City of El Dorado, Kansas

EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
BUTLER COUNTY, KANSAS
HELD ON OCTOBER 7, 2014

The Board of County Commissioners (the "Board") of Butler County, Kansas met in regular session at the usual meeting place in the County Courthouse in El Dorado, Kansas on October 7, 2014 at 9:00 a.m. Board members present were Commissioners Woydziak, Myers, Wheeler, Palmer, and Masterson. A quorum was present and the Chairman Wheeler called the meeting to order.

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(Other Proceedings)

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Among other business, in accordance with a notice published on September 20, 2014, in the ***Butler County Times-Gazette,*** a public hearing was held by the governing body relating to the proposed issuance of Hospital Revenue Bonds, (Susan B. Allen Memorial Hospital) in the not-to-exceed principal amount of $6,500,000 (the "Bonds"). All interested persons were afforded an opportunity to present their views on the issuance of the Bonds and the location and nature of the Project to be financed with the proceeds of the Bonds. Thereupon, the public hearing was closed.

Thereupon, there was presented to the Board a Resolution entitled:

> A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS DETERMINING THE ADVISABILITY OF ISSUING HOSPITAL REVENUE BONDS OF SAID COUNTY FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO SUSAN B. ALLEN MEMORIAL HOSPITAL.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Masterson, seconded by Commissioner Woydziak, the Resolution was adopted by 5-0 vote.

Thereupon, the Resolution having been adopted by vote of the members of the Board, it was given No. 14-17, and was directed to be signed by the Chairman and attested by the County Clerk.

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(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Board of County Commissioners of Butler County, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

COUNTY CLERK ★ SEAL ★ BUTLER COUNTY, KANSAS

Don Engels, Butler County Clerk

Gilmore & Bell, P.C.
09-11-2014

RESOLUTION NO. 14-17

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS DETERMINING THE ADVISABILITY OF ISSUING HOSPITAL REVENUE BONDS OF SAID COUNTY FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO SUSAN B. ALLEN MEMORIAL HOSPITAL.

WHEREAS, Butler County, Kansas (the "County") desires to promote, stimulate and develop the general economic welfare and prosperity of the County, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.*, (the "Act"), the County is authorized to issue revenue bonds for such purposes; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the County and its inhabitants that revenue bonds of the County in the principal amount of not to exceed $6,500,000 be authorized and issued, in one or more series, to provide funds to pay the costs of (i) acquiring, constructing and equipping improvements (the "Project") to Susan B. Allen Memorial Hospital located in the City of El Dorado, Butler County, Kansas (the "Existing Facility"), and (ii) paying issuance costs of the Bonds; and

WHEREAS, the County's interest in the Existing Facility and the Project as constructed and installed (collectively, the "Facility") shall be to be leased by the County to Susan B. Allen Memorial Hospital, a Kansas nonprofit corporation (the "Corporation").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS:

Section 1. **Public Purpose**. The Board of County Commissioners (the "Board") hereby finds and determines that acquiring, constructing and equipping the Project will promote, stimulate and develop the general economic welfare and prosperity of the County, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. **Authorization to Acquire Project; Intent to Issue Bonds**. The County is hereby authorized to proceed with the installation, construction and equipping of the Project and issue its hospital revenue bonds, in one or more series, in an aggregate principal amount not to exceed $6,500,000 (the "Bonds") to pay the costs of thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. **Conditions to Issuance of Bonds**. The issuance of the Bonds is subject to: (i) the adoption of a resolution authorizing the issuance of the Bonds; (ii) the successful negotiation of a Bond Trust Indenture, Lease, Bond Purchase Agreement or other legal documents necessary to accomplish the issuance of the Bonds; the terms of which shall be in compliance with the Act and mutually satisfactory to the County and the Corporation; (iii) the successful negotiation and sale of the Bonds to a purchaser or purchasers yet to be determined(the "Purchaser"), which sale shall be the responsibility of the Corporation and not the County; (iv) the receipt of the approving legal opinion of Gilmore & Bell, P.C. ("Bond Counsel") in form acceptable to the County, the Corporation and the Purchaser; (v) the obtaining of all necessary governmental approvals to the issuance of the Bonds; and (vi) the commitment to and payment by the Corporation or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (a) expenses of the County and the County Counselor; (b) any underwriting or placement fees and expenses; (c) all legal fees and expenses of Bond Counsel; and (d) all recording and filing fees, including fees of the Kansas Court of Tax Appeals.

Section 4. **Reliance by Corporation; Limited Liability of County.** It is contemplated that in order to expedite the Project and realization of the benefits to be derived thereby, the Corporation may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds. The Bonds herein authorized and all interest thereon shall, in any event, be paid solely from the revenues to be received by the County from the Facility and not from any other fund or source. The County shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the County shall have no liability to the Corporation.

Section 5. **Execution and Delivery of Bond Purchase Agreement.** At such time as the Corporation has demonstrated compliance with the provisions of this Resolution, the Chairman of the Board and the County Clerk are authorized to execute a bond purchase agreement with the Purchaser and the Corporation for the sale of the Bonds in a form satisfactory to the County Counselor and Bond Counsel.

Section 6. **Further Action.** The County Clerk is hereby authorized to deliver an executed copy of this Resolution to the Corporation and to the City Clerk of the City of El Dorado, Kansas. The Chairman, County Clerk and other officials and employees of the County, including the County Counselor and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to execution on behalf of the County of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

Section 7. **Effective Date.** This resolution shall become effective upon adoption by the Board and shall remain in effect until April 1, 2015, unless extended by affirmative vote of a majority of the Board.

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ADOPTED by the Board of County Commissioners of Butler County, Kansas this 7th day of October, 2014.

[SEAL]

Chairman

Attest:

COUNTY CLERK ★ SEAL ★ BUTLER COUNTY, KANSAS

County Clerk

JLN\600081.70017\INITIAL DOCS

CERTIFICATE OF CITY CLERK

STATE OF KANSAS)
)SS:
COUNTY OF BUTLER)

The undersigned, City Clerk for the City of El Dorado, Kansas, hereby certifies in connection with the proposed issuance by Butler County, Kansas (the "Issuer") of its Hospital Revenue Bonds (Susan B. Allen Memorial Hospital) (the "Bonds") that on October ___, 2014, the undersigned received a written request from the County Clerk of the Issuer submitted pursuant to K.S.A. 12-1741b to approve adoption of a Resolution by the Issuer regarding the issuance of the Bonds.

The undersigned further certifies that the request was transmitted to the governing body of the City of El Dorado, Kansas (the "City"); that the next regular meeting of the governing body of the City following receipt of the request was held on October 20, 2014, and that no action was taken by the governing body of the City at such meeting to approve or disapprove the issuance of the Bonds and no written notice specifically disapproving the issuance of the Bonds was provided the Issuer within seven business days after such meeting.

Signed this 28th day of October, 2014.

____
Tabitha Sharp, City Clerk

(SEAL)