EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
July 1, 2019 – 6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Invocation –** Pastor David Crook, First Southern Baptist Church
4. **Pledge of Allegiance –** Girl Scouts Troop # 40146

Proclamations and Recognition

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Tabitha Sharp at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to ten minutes. Any presentation is for information purposes only; no action will be taken.

5. **Public Comments.** Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon the Mayor. Comments on personnel matters and matters pending in court are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only; no action will be taken.

Consent Agenda *(Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.)*

6. Approval of City Commission Minutes from June 17, 2019 and City Commission Special Minutes from June 12, 2019**.**
7. Approval of a temporary CMB license for El Dorado Main Street dba HollyFrontier Western Celebration, August 9-10 at 201 E Central in El Dorado, KS.

Old Business

8. None

New Business

9. Rescheduling July 15, 2019 Commission Meeting
10. 2019 Financial Policy
11. Community Service Ordinance

Reports

12. City Commission and Advisory Board Updates
13. City Manager

Adjournment

14. Consideration of a motion to adjourn the July 1, 2019 regular meeting

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 3 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.

EL DORADO CITY COMMISSION MEETING **June 17, 2019**

The El Dorado City Commission met in a regular session on June 17, 2019 at 6:30 p.m. in the Commission Room with the following present: Mayor Vince Haines, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Kendra Wilkinson, City Manager David Dillner, City Attorney Ashlyn Lindskog, City Engineer Scott Rickard, and City Clerk Tabitha Sharp. Absent: Commissioner Nick Badwey

VISITORS

Deanna Bonn	Everyday El Dorado	El Dorado, KS
James Cook	719 Fredrick Dr	El Dorado, KS
Brad Meyer	222 E 2nd	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Nicole & Nathan Ensminger	631 S Cheryl	Wichita, KS
Tim & Natalie Donges	2873 SE US HWY 54	El Dorado, KS
Ben Costain	Great Life Golf	Wichita, KS
Bryan Minnis	Great Life Golf	Kansas City, KS
Jay Shivers	220 E 1st	El Dorado, KS
Gloria McDowell	9730 E 50th St N	Bel Aire, KS

CALL TO ORDER

Mayor Vince Haines called the June 17, 2019 meeting to order.

INVOCATION

Mayor Vince Haines led the invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Vince Haines opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of City Commission Minutes from June 3, 2019 and Special City Commission Minutes from May 15, 28 and 29, 2019.

Approval of Appropriation Ordinance No. 06-19 in the amount of $4,260,102.71.

Approval of a temporary Beer License for BCC at Drums Across Kansas on July 15, 2019 at BG Stadium.

Commissioner Gregg Lewis moved to approve the consent agenda as presented.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

PRAIRIE TRAILS LEASE AGREEMENT

City Attorney Ashlyn Lindskog

Bryan Minnis, Great Life Golf, stated that he was able to answer questions regarding the golf course transaction.

Commissioner Matt Guthrie asked how things were going at the course.

Mr. Minnis stated that the previous members of the city staff who are there are doing a great job on the course and assimilating to the new company. He stated that they chatted with some of the members today and they were happy with the course. He stated that the new golf carts are on order but they have placed some others out there to use until the new ones can be completed.

Commissioner Kendra Wilkinson asked about the challenges completing the purchase of the course.

Mr. Minnis stated that they have five principal owners and one of them has decided to retire and divest of their interests. He stated that the process is taking longer than anticipated and it is affecting several of their purchases.

Commissioner Guthrie asked how the addition of other courses and interaction between all of the courses was going.

Mr. Minnis stated that it was going well. He stated that they are constantly surprised at the number of people who have not visited Prairie Trails and a lot of pleasantly surprised people regarding the condition of the course at Prairie Trails.

Commissioner Gregg Lewis asked about the end date on the lease.

City Attorney Lindskog stated that they will be extending the lease through the end of the year and adding some other terms that she will discuss as well.

Mayor Vince Haines thanked Mr. Minnis for his time and assurances.

City Attorney Lindskog stated that a monthly rental amount is now included to cover insurance costs and other fees being incurred by the City of El Dorado. She stated that they will begin paying rent in June and continue through the final sale. She stated that there is also a property tax provision, Great Life has agreed that if there is a tax bill because of the extended lease they will pay it. She stated that Great Life and City staff have agreed to the changes.

Commissioner Guthrie stated that the signature page needed to be edited.

City Attorney Lindskog stated that she would change the signature page and the location.

Commissioner Matt Guthrie moved to direct the City Manager to complete and execute the Prairie Trails lease agreement with the City Attorney and Attorneys from GreatLife.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

DEER GROVE SUP

Jay Shivers, Planning and Zoning Coordinator, stated that the zoning application is for 2953 SE Highway 54. He stated that the yellow box shows the proposed expansion for overnight parking for RV's and camping vehicles. He stated that the proposal is within the Extra Territorial Jurisdiction. He stated that the Butler County Board of Commissioners has voted unanimously to approve the application.

Mr. Shivers showed the different zoning areas that surround the proposed expansion. He stated that on the east and west side, there are R-1 or Residential zones. He stated that the proposed zone is currently designated as a mobile home park which allows a single family residence or manufactured homes. He stated that with an SUP, they are allowed to use the space as a campground, agricultural, day care or educational institutions.

Mr. Shivers compared the current use of the property with what is allowed today, he then compared that to what they had proposed. He stated that in the proposed use, there will be some buffer or screening around the property where there is not currently one required.

Mr. Shivers stated that there will be additional dust and noise possibly created with the approval of the SUP. He stated that with the 30 foot buffer, 6 foot fence and landscaping that will reduce both of those items.

Mr. Shivers stated that staff are recommending approval of the application. He stated that the Planning Commission recommended approval 8 – 0 with no conditions. He stated that the City Commission can add conditions if they wish. He stated that staff have reviewed the golden rules of zoning and believe that every one of them has been covered in the presentation.

Commissioner Matt Guthrie asked if the green around the outside of the picture was the buffer.

Mr. Shivers stated that it was, he stated that ten feet is landscaping and the other twenty feet is a combination of road and landscaping.

City Attorney Ashlyn Lindskog stated that there had been questions regarding the drainage. She stated that they were originally told that if there is a permit pulled, investigation regarding the drainage would take place. She stated that they have since learned that the County will not require a drainage analysis. She also stated that if they wanted to include the fence, they make it part of the motion.

Commissioner Guthrie stated that he watched the Planning Commission video and visited the site, and stated that he didn't believe that the fence needed to be included in the motion. He stated that the drainage does flow onto the neighbor's property, but it also flows on her other property. He didn't believe that it was an issue. He stated that he did not believe that there was a better use for the property.

Commissioner Wilkinson stated that she believed they would include the fence if it wasn't in the motion, but would prefer to make it part of the motion.

Mayor Vince Haines stated that it would be a show of good faith to the situation at hand if the fence was included. He stated that the County could decide what they would require for the drainage.

Commissioner Gregg Lewis moved to approve Case No. 19-03-SUP, requesting a SUP for a campground, and that Ordinance No. G-1304 be approved with the condition of a 6 foot privacy fence to be placed around the property.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Absent
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Vince Haines	Yes

RUNWAY RESEALING BIDS

Mayor Vince Haines reviewed the bids received.

Public Works Director Brad Meyer stated that the bids came in under the Engineer's Estimate. He stated that this is another 90-10 grant for which the City will be responsible for 10% of the cost of the project.

Commissioner Gregg Lewis asked if this would be a slurry seal.

Public Works Director Meyer stated that it would be an HMA surface.

Commissioner Lewis asked if they were FAA approved.

Public Works Director Meyer stated that all bidders and sub-contractors were approved by the FAA.

Commissioner Matt Guthrie moved to authorize the City Manager to execute the contract with the FAA and upon concurrence from them, award the contract to Pearson Construction for the Runway 4/22 project.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

SET A PUBLIC HEARING FOR DILAPIDATED HOMES

City Engineer Scott Rickard stated that staff were asking that the Commission approve a Resolution allowing them to place notification on these properties for a public hearing on August 19, 2019 regarding the condemnation procedures. He stated that the owners will be encouraged to speak about their property during the public hearing. He stated that the City Commission will have the ability to give the owners more time to repair the issues or to move forward with demolition.

City Engineer Rickard requested a public hearing for August 19, 2019. Will need to give a 30 days' notice. Will allow the property owners' to plead their case if their structure is salvageable or give them time to demolish the structure.

Commissioner Matt Guthrie asked if City Engineer Rickard has had any communication back from the property owners.

City Engineer Rickard stated that he has not.

Commissioner Matt Guthrie moved that Resolution No. 2882 a resolution authorizing the scheduling of a public hearing on August 19, 2019 at 6:30 for the purpose of abating or removing the dangerous structures at 1107 W Carr, 1108 W Carr, 426 W 7th, 802 S Taylor and 205 N Washington.

Commissioner Gregg Lewis seconded the motion.

Motion carried 4 – 0.

COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING

City Engineer Scott Rickard stated that staff are requesting that the City Commission hold a public hearing for consideration of the application for the Community Development Block

Grant. He stated that the property owners at 142 N Main have requested the application to rehabilitate their building. He stated that staff are also requesting that the City Commission approve a contract between the City and SCKEDD to administer the grant.

Commissioner Matt Guthrie asked if the building can be supplied with enough water to supply the fire suppression system or if they would have an issue like the Elks.

City Engineer Rickard stated that there are large diameter water lines that traverse both sides and are able to provide the necessary water. He stated that the issue with the Elks Building was that they are in the middle of the block and only have a smaller line available.

Mayor Vince Haines opened the public hearing.

Commissioner Kendra Wilkinson stated that the project cost is approximately $330,000 but the grant request is only for $250,000. She asked what the difference was.

Gloria McDowell, SCKEDD, stated that it was the difference between the grant and the matching funds provided by the owners.

Nicole and Nathan Ensminger stated that they are excited to rehabilitate the building and open a commercial space.

Commissioner Wilkinson stated that she understood that there was going to be a third floor.

Mr. Ensminger stated that there is a third floor built in and that they are looking at providing a shed area on the back of the building and then providing an open area on the front side.

Ms. Ensminger stated that right now they are concentrating on getting the building up to code and opening the first floor of the building.

Commissioner Wilkinson stated that she appreciated that they were a young couple ready to invest in the property.

Mayor Haines closed the public hearing.

Commissioner Kendra Wilkinson moved to approve Resolution No. 2883, a Resolution declaring a building blighted with respect to the Kansas Small Cities Community Development Block Grant Program.

Commissioner Gregg Lewis seconded the motion.

Motion carried 4 – 0.

Commissioner Kendra Wilkinson moved to approve Resolution No. 2884, a Resolution certifying legal authority to apply for the Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and the City of El Dorado, Kansas to submit such an application.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

Commissioner Kendra Wilkinson moved to authorize the City Manager to execute administrative services for the South Central Kansas Economic Development District Grant.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

PRAIRIE TRAILS BOOSTER PUMP STATION REPAIR CONTRACT

Public Utilities Director Kurt Bookout stated that when the raw water pump station was built, the sole purpose was to irrigate the golf course. He stated that since that time, two developments have been added who use the pump station to irrigate areas of their neighborhood. He stated that the electric bill for this station is approximately $18,000 per year and by installing a 20 HSP pump, it will prevent the larger pump from constantly being activated and save us approximately $10,000 per year.

Commissioner Matt Guthrie confirmed that it would be approximately a six year payoff.

Public Utilities Director Bookout stated that he was correct and that it would likely save the larger pump from being damaged.

Commissioner Gregg Lewis moved to direct the City Manager to execute the contract with ESI for the Prairie Trails Pump Station.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

REPORTS

CITY COMMISSION

Commissioner Gregg Lewis stated that he has been receiving calls regarding the construction at North Main. He asked if on future projects, the community could be involved from the beginning.

City Manager David Dillner stated that he hasn't received any call and has heard about some chatter on social media. He stated that this particular project was constrained by the school district's timing. He stated that moving forward, they will get public comment to ensure that we design projects that meet the needs of the community.

Commissioner Lewis asked how the spray park would be protected.

City Manager Dillner stated that the construction site will be fenced off during the project so that children will not be able to enter that area.

Commissioner Matt Guthrie stated that the conversation with the CTC board went well and they are ready for further conversation.

Commissioner Guthrie thanked staff for filling the potholes on the way to the lake.

CITY MANAGER

City Manager David Dillner stated that stages two and three of the lake debt were paid on Friday and so the city now owns approximately fifty percent of the storage in the lake and will save approximately six million in interest on those spaces.

City Manager Dillner stated that the assessed valuation went up about one percent for the year.

City Manager Dillner stated that there will be a sign on the compost site this week detailing items that are allowed. He stated that as daily inspections are done if items are found that are illegal, it will be shut down for five days. He stated that after it is opened, if that continues, it will be shut down again. He stated that this is a preemptive move so that we are able to keep the compost site active and not in danger of being shut down by KDHE.

City Attorney Ashlyn Lindskog stated that she and city staff have reviewed the code and other information. She stated that the issue on West Central with the airplane in front of the hotel does not fit within any prohibited activity at this time. She stated that if the City Commission wishes to address it further, they can let her know.

Commissioner Lewis asked if there is personal property tax being paid.

City Attorney Lindskog stated that she did not know.

Commissioner Guthrie confirmed that there was nothing in the code preventing the plane.

City Attorney Lindskog stated that there was not.

Mayor Vince Haines asked if there was an update on the wind turbine.

City Attorney Lindskog stated that there is a proposal being reviewed and then it will be scheduled for removal soon.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 7:38 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

_____ _____

City Clerk Tabitha D. Sharp Mayor Vince Haines

EL DORADO CITY SPECIAL COMMISSION MEETING June 12, 2019

The El Dorado City Commission met in special session on June 12, 2019 at 5:00 pm at City Hall with the following present: Mayor Vince Haines, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, and City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

VISITORS

Tammy Schaffer	220 E 1st	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Kevin Wishart	220 E 1st	El Dorado, KS
Lindsay Mills	Excess Sales Tax Committee	El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the June 12, 2019 Special City Commission meeting to order at 5:00 p.m.

EXCESS SALES TAX RECOMMENDATIONS

City Manager David Dillner reviewed the presentation given to the Excess Sales Tax Committee.

Lindsay Mills, Chair of the Excess Sales Tax Committee, presented the recommendations of the committee to the Commission.

The City Commission requested that Wade Wilkinson submit an updated proposal and that staff have legal counsel review the proposal, they requested that the topic be discussed again at a future meeting when those items are complete.

FINANCIAL POLICY REVISIONS

City Manager David Dillner presented the revisions to the financial policy. He stated that they were developed from conversations with staff, the auditors and direction from the City Commission. He stated that they provide some definition to issues that were not clear in the previous policy.

DEER GROVE SUP

Scott Rickard, City Engineer, reviewed the Planning Commission's decision regarding Deer Grove.

UPCOMING AGENDA ITEMS

City Manager David Dillner reviewed the upcoming agenda.

REPORTS

Commissioner Kendra Wilkinson shared a letter she had received regarding flooding in a residential area.

Staff stated that they would contact the home owner.

City Manager David Dillner stated that the compost site is experiencing significant issues. He stated that individuals are leaving a lot of trash and other items that are not permitted. He stated that staff would like to approach this issue like they have the spray parks, if individuals continue to ignore the rules, we will temporarily shut the site down. He stated that if we do not act on the issue, the State will shut the site down permanently.

City Manager Dillner stated that staff have been looking at the planters downtown after the conversation at the Excess Sales Tax meeting. He stated that he has given direction to remove the planters that are beyond repair and to clean up some of the others. He stated that there are more than sixty planters downtown and staff are developing a plan to reduce that number by at least half to allow better maintenance.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:15 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

_____ _____

City Clerk Tabitha D. Sharp Mayor Vince Haines

PARTNERSHIP, FIRM OR ASSOCIATION
APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

(This form has been prepared by the Attorney General's Office)

■ City or ☐ County of El Dorado, KS

SECTION 1 – LICENSE TYPE

Check One: ☐ New License ☐ Renew License ☑ Special Event Permit

Check One:
☑ License to sell cereal malt beverages for consumption on the premises.
☐ License to sell cereal malt beverages in original and unopened containers and not for consumption on the licensed premises.

SECTION 2 – APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 48-1104332

I have registered as an Alcohol Dealer with the TTB. ☐ Yes (required for new application)

Name of Partnership/Firm/Association	Phone No.
El Dorado Main Street	316-321-3088
Place of Business Street Address	**City / Zip Code**
116 W Pine	El Dorado, KS 67042

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	**Mailing Address (If different from business address)**
DBA Name: HollyFrontier Western Celebration	Name: Frontier Western Celebration
Business Location Address: 201 E Central	Address: PO Box 1304
City / State / Zip: El Dorado, KS 67042	City / State / Zip: El Dorado, KS 67042
Business Phone No.: 316-321-3088	☐ I own the proposed business location. ■ I do not own the proposed business location.

Business Location Owner Name(s): City of El Dorado

SECTION 4 – PARTNER AND FIRM/ASSOCIATION MEMBER INFORMATION

List each partner or member of a firm/association and their spouse*, if applicable. Attach additional pages if necessary.

Partner/Member Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code
Partner/Member Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code
Partner/Member Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code
Spouse Name	Title		Date of Birth
Residence Street Address	City	State	Zip Code

SECTION 4 – PARTNER AND FIRM/ASSOCIATION MEMBER INFORMATION (CONTINUED)

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

Partner/Member Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	
Spouse Name	Title	Date of Birth
Residence Street Address	City / State / Zip Code	

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent. ☑ Yes ☐ No

If yes, provide the following:

Manager or Agent Name Tabitha Sharp	Phone No. [redacted]	Date of Birth [redacted]
Residence Street Address [redacted]	City / State El Dorado, KS 67042	Zip Code

Manager or Agent Spousal* Information

Manager or Agent Spouse Name	Phone No.	Date of Birth
Residence Street Address	City / State	Zip Code

SECTION 6 – QUALIFICATION FOR LICENSURE

Applies to each partner or member of a firm or association AND their spouses*.

Are all persons identified in Sections 4 & 5 are Citizens of the United States*.	☑ Yes ☐ No
Have all persons identified in Sections 4 & 5 have been a resident of Kansas for at least one year prior to application*.	■ Yes ☐ No
Have all persons identified in Sections 4 & 5 been residents of this county for at least six months*?	☑ Yes ☐ No
All persons identified in Sections 4 & 5 are at least 21 years old*?	☑ Yes ☐ No
Within 2 years immediately preceding the date of this application, have any of the persons identified in Sections 4 & 5 been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*: (1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness: (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law?	☐ Yes ☑ No
Does the partnership, firm or association have a manager, officer or director who was an officer, manager, director or stockholder owning in the aggregate more than 25% of the stock of a corporation that had a CMB license revoked or was convicted of a violation of the Club and Drinking Establishment Act or the CMB laws?	☐ Yes ☑ No
Has the spouse of any partner or member ever been convicted of any of the crimes identified in Section 6 during the time the partner or member held a CMB license?	☐ Yes ☑ No

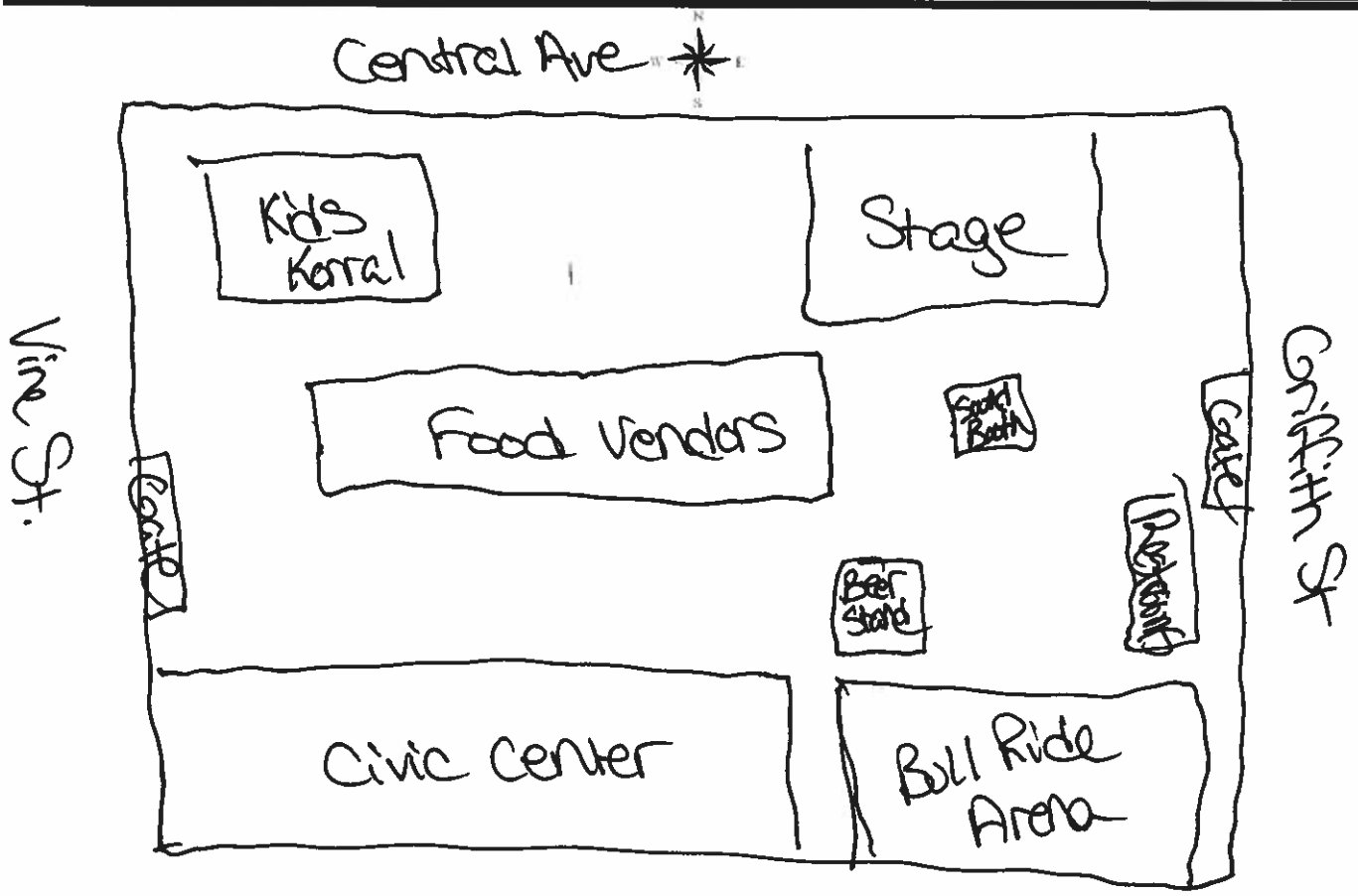
SECTION 7 – DURATION OF SPECIAL EVENT

Start Date 08/09/2019	Time 5:00	☐ AM ☑ PM
End Date 08/10/2019	Time 11:30	☐ AM ☑ PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 ½" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the partnership/firm/association to complete this application. (K.S.A. 52-601)

SIGNATURE _____ DATE 6/26/19

FOR CITY/COUNTY OFFICE USE ONLY:

☐ **License Fee Received** Amount $_____ Date _____
($25 - $50 for Off-Premise license or $25-200 On-Premise license)

☐ **$25 CMB Stamp Fee Received** Date _____

☐ **Background Investigation** ☐ Completed Date _____ ☐ Qualified ☐ Disqualified

☐ **Verified applicant has registered with the TTB as an Alcohol Dealer**

☐ **New License Approved** Valid From Date _____ to _____ **By:** _____

☐ **License Renewed** Valid From Date _____ to _____ **By:** _____

☐ **Special Event Permit Approved** Valid From Date _____ to _____ **By:** _____

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 915 SW HARRISON STREET, TOPEKA, KS. 66612.

*Applicant's spouse is not required to meet citizenship, residency or age requirements. If renewal application, applicant's spouse is not required to meet the no criminal history requirement. K.S.A. 41-2703(b)(9)

Clear Form

2018 Commission Priorities
Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Rescheduling of the July 16th, 2018 City Commission Meeting
DATE: July 1, 2019

Background:
The Drums Across Kansas event is scheduled for July 15, 2019, 6:30 p.m. at BG Stadium. For the past two years, the City Commission has expressed interest in rescheduling the second July meeting to the next evening so that they could attend the event.

Policy Issue:
City Commission meetings are set by Ordinance, and require an official motion to reschedule.

Fiscal Impact:
None.

Trade-offs:
The meeting would be moved from Monday, July 15, to Tuesday, July 16, 2019 at 6:30 p.m.

Staff Recommendation:
If the City Commission wishes to attend the Drums Across Kansas event, reschedule the meeting.

Commission Actions:
Commissioner _____ moved to reschedule the July 15, 2019 meeting to July 16, 2019 at 6:30 p.m.

Commissioner _____ seconded the motion.

2018 Commission Priorities
Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Adoption of Financial Policies
DATE: June 27, 2019

Background:
After working with the current financial policies for almost two years, staff have been working on revisions to those policies to address areas that were unclear or that needed further instruction. The City Commission reviewed them at a work session and they are now ready for approval and implementation.

Policy Issue:
The resolution to adopt the Financial Policy must be approved by the City Commission. These policies provide direction for staff when utilizing public funds.

Alternatives:
The City Commission may choose to suggest other changes to the financial policy.

Fiscal Impact:
These policies will establish guidelines with which staff may better plan for the future as well as update the policies to better follow the Generally Accepted Accounting Principles. Following these policies allows the City to maintain a good bond rating which in turn allows us to receive lower interest rates on bonds.

Trade-offs:
NA

Staff Recommendation:
Approve the resolution

Commission Actions:

Commissioner _____ moved to approve Resolution No. _____, a Resolution providing revised financial management policies for the City of El Dorado, Kansas.

Commissioner _____ seconded the motion.

RESOLUTION NO. _____

A RESOLUTION PROVIDING REVISED FINANCIAL MANAGEMENT POLICIES FOR THE CITY OF EL DORADO, KANSAS

WHEREAS, a financial management policy is helpful for developing sound budget practices that sustain current service levels, maintain financial stability and provide for accurate financial reporting; and

WHEREAS, the Uniform Grant Guidance require an update to the financial policies and procedures; and

WHEREAS, the City Commission has reviewed a proposed financial policy and wish to adopt those proposed policies.

NOW, THEREFORE, BE IT RESOLVED by the City of El Dorado governing body that the attached financial policies be adopted.

ADOPTED by the City Commission of the City of El Dorado, in Butler County, Kansas, the 1st day of July, 2019.

SIGNED by the Mayor, this 1st day of July, 2019.

_____
Vince Haines
Mayor

Attest:

_____
Tabitha D. Sharp
City Clerk

GENERAL FINANCIAL AND BUDGETARY POLICIES

City of El Dorado, Kansas

July 1, 2019

Adopted with Resolution No. _____

Revenue

The City's operations will be funded from a diversified and stable revenue system that will shelter the municipal government from short-term fluctuations in any one revenue source.

The City will project revenues five years into the future, to include the upcoming budget year. Projections will be updated annually based on trend analysis and other factors. Each existing and potential revenue source will be reviewed annually.

The City will identify all revenue sources that are restricted and ensure that processes are implemented and monitored to ensure that such restricted funds are allocated for their intended purposes and not used for general governmental uses. Where necessary by legal mandate or otherwise prudent financially, the City will create separate funds to track the receipt and expense of restricted funds. The City will periodically review programs funded, in whole or in part, by restricted funds to ensure that adequate funding exists to continue providing such services at existing levels.

All potential grants shall be carefully examined for matching requirements (both actual dollar and in-kind contributions) and future allocation of resources.

Intergovernmental assistance shall be used to finance only those capital improvements that are consistent with the Comprehensive Plan, Capital Improvement Plan, and local government priorities, and whose operating and maintenance costs have been included in the operating budget forecasts.

One-time revenues will only be used for one-time expenditures. Moreover, one-time revenues, such as grants, will be used only after an examination determines whether they are subsidizing an imbalance between operating revenues and expenditures, and then only if a long-term forecast shows that the operating deficit will not continue.

The City will seek to recover a portion of its direct and indirect costs rendered for public services where user fees or charges are determined to be an appropriate method to cover such costs. Fees and charges will be set at a level to ensure that the specific level of coverage is met. The City will annually review fees and charges to ensure that the coverage ratio continues with increases in service delivery. Fees and charges authorized to recover the City's cost of providing services may be exempt from this policy when adhering to a formula would establish fees and charges at a level that may be considered a hardship for the general public.

Expenditures

Reports comparing the actual revenues and expenditures to budgeted amounts will be prepared by the Finance Department and provided to Department Directors monthly. In addition, such comparative reports will be provided to the governing body at least quarterly.

Expenditure levels in constant dollars will be held constant in all functional service areas except at the recommendation of the City Manager and approval of the governing body during the annual budget process as allowed by state law.

Before the City undertakes any agreement, partnership, or action that creates fixed costs, the cost implications (both operating and capital) for such arrangements will be fully determined for the current and future years. Future years shall be defined as the useful life of the fixed asset of such fixed costs attributed to in the arrangement.

All externally mandated services for which funding is available will be fully expensed out, including overhead, to allow complete reimbursement of expenses.

Offers of employment and promotions shall include an analysis of total compensation to include direct salary and the employer/employee share of fringe benefits. The Department Director, supervisor, and employee will be informed of the total compensation cost of the proposed change. Cost analysis of proposed salary increases will include the effect of such increases on the City's share of related fringe benefits.

All current operating expenditures will be paid for with current operating revenues, or as otherwise allowed on a modified accrual basis.

Budgetary procedures that fund current expenditures at the expense of future needs, such as postponing expenditures, accruing future revenues, or rolling over short-term debt, will be avoided.

Enterprise Funds

All fees and charges for each enterprise funds will be set at a level that fully supports the direct and indirect cost of the activity. Indirect costs shall include annual depreciation.

Revenue generated from user fees and utility rates will be reviewed annually to ensure that such fees and rates are set at a level that is fully self-supporting.

Cash Reserves

The City recognizes the need to maintain appropriate cash reserves to secure and maintain investment-grade credit ratings, meet seasonal requirements in cash flow, and reduce susceptibility of negative impacts from emergency or unanticipated expenditures or revenue shortfalls. To meet these

requirements, the City will adopt an annual budget that will provide for an undesignated cash reserve in each of the City's budgeted funds, in accordance with the following guidelines. Any funds in excess of the minimum balance may be allocated to one-time expenses at the discretion of the governing body. In the event the cash reserve for any fund falls below the required minimum balance, the City Manager will report such event to the governing body with a plan to return the cash reserve to at least the required minimum balance within a reasonable period of time.

General Fund - A cash reserve will be established and maintained to cope with emergencies and unanticipated situations. The General Fund reserve will be maintained within a range of 15% to 25% of the average operating expenditures for the prior three years.

Bond and Interest Fund - A cash reserve will be established for the Bond and Interest Fund of not less than 10% of the anticipated general obligation debt service payment, including principle and interest, for the upcoming budget year, including any special assessment supported debt, but excluding debt planned for repayment by enterprise funds or other City funds. However, the City may establish a higher cash reserve to mitigate impacts of potential delinquencies in cases of significant exposure to special assessment payment delinquencies.

Enterprise Funds – A cash reserve will be maintained for each enterprise fund within a range of 15% to 25% of each funds' operating expenditures. The required minimum balance for the cash reserve will be equal to 15% of the average of the operating expenditures, including debt service, of the prior three years. In addition, enterprise funds will also retain sufficient cash reserves to meet or exceed any bond covenants or other obligations required in the issuance of debt to support said enterprises.

Other Budgeted Funds - Cash reserves shall be planned for and maintained as needed for all other budgeted funds, based on the volatility and reliability of the revenue mix for each fund, as well as the predictability and degree to which expenditures in each fund are controllable. Cash reserve requirements for all other funds not otherwise defined in this policy shall be maintained at a minimum amount equal to 10% of the average of the prior three years' operating expenditures from each specific fund.

Exempt Funds - The following budgeted funds shall be exempt from cash reserve requirements because such funds are not considered operating funds: Economic Development Sales Tax Fund, Special Parks and Recreation Fund, Special Alcohol Program Fund, Ordinance Street Sales Tax Fund, Excess Sales Tax Fund, Equipment Reserve Fund.

Cash Management

The City will maintain one primary checking account. Other checking accounts may be used when required by bond covenants, grant programs, or other specialized activities such as the Health Insurance or Flexible Spending employee benefit accounts. All checking accounts must be approved by the City Manager and Finance Director.

Petty cash funds may be established with the approval of the City Manager and Finance Director.

All checking and petty cash funds shall be balanced monthly. Reconciliations shall be maintained for review by the independent auditors on an annual or non-routine basis.

A cash-flow analysis will be made of all funds on an annual basis. Disbursement, collection, and deposition of all funds will be scheduled to ensure maximum cash availability.

When permitted by law, cash from several different funds will be pooled for investment to maximize the return on investment. Interest will be distributed based on the percentage of contribution of participating funds.

Debt

Proceeds from long-term debt will not be used for current, ongoing operations.

Long-term borrowing, or borrowing exceeding four years, will be confined to capital improvements too large to be financed from current revenues. Long-term debt will have approximately level debt service payments and will be paid back within a period of time not to exceed the useful life of the capital improvement or asset being financed, and no longer than twenty years. Repayment schedules shall be generally structured with even payments, and shall not exceed the useful life of the asset being financed. Debt issued by the City will generally be repaid between ten to twenty years as allowed by state law. The City will analyze debt issuance schedules prior to the issuance of bonds to determine the financing option that is in the best interests of the City.

As a general rule, the City will commit the equivalent of ten mills to the Bond and Interest Fund for the annual payment of principle and interest associated with debt issued for non-enterprise capital projects. The City will analyze the capacity of the Bond and Interest Fund prior to issuing additional debt in order to remain within the parameters of the ten mill threshold. Projects that do not allow the City to remain at or under the ten mill threshold will be postponed until sufficient capacity exists within the Bond and Interest Fund, or when other revenue sources are identified and allocated to repay debt anticipated to finance projects.

Where possible, the City will issue revenue bonds or other self-supporting bonds after conducting an analysis of the cost difference between such bonds and General Obligation (G.O.) bonds. The City prefers to issue G.O. debt unless there is a tangible benefit to taxpayers, such as a lower interest rate, or when the City lacks sufficient G.O. bonding capacity for enterprise projects. G.O. debt may be used for enterprise activities, provided the specific enterprise fund makes the debt service payments on the bonds or any portion of bonds used to finance enterprise activities. The City Commission must approve the allocation of revenue to be designated for the purposes of servicing debt issued for specific enterprise activities.

The City will use short-term debt, defined as debt with a maturity of up to four years, in anticipation of issuing bonds or for the purposes of financing capital improvements for which it is not practicable to rely on cash financing and for which long-term bonds are not deemed to be appropriate. Temporary financing will be retired as soon after completion of the project as possible, unless otherwise approved by the governing body. Any extension of temporary financing will conform to existing federal and state laws..

Total debt service for general obligation debt issued on behalf of enterprise funds will not exceed ten percent of net operating revenues. Net operating revenues shall be calculated as operating revenues less debt service.

The impact of debt service on total annual fixed costs will be analyzed prior to the governing body's formal commitment to a project and before the issuance of debt for any capital project.

The City will apply for a bond rating from a rating agency such as Standard and Poor's or Moody's for bond issues when such a rating is deemed advantageous to the City's ability to issue bonds. The City will make all reasonable efforts necessary to maintain the City's bond rating and seek upgrades when financial conditions merit. A policy of full disclosure on every financial report and bond prospectus will be followed.

The City shall retain a qualified, independent financial advisor and qualified bond counsel to advise the City and assist in protecting the City's interest when any municipal bonds are to be issued by the City or a subsidiary entity.

Post-Issuance Compliance

The City will monitor post-issuance compliance of tax-exempt qualified obligations issued by the City, or its subordinate units, to ensure compliance with applicable provisions of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder.

The City recognizes that complying with applicable provisions of the Code is an ongoing process, required for the duration bonds remain outstanding, and is an integral component of the City's debt management practices. Consequently, the City will require ongoing monitoring and consultation with Bond Counsel beyond the scope of its initial engagement with respect to outstanding bonds.

All post-issuance compliance monitoring requirements shall be performed by the City no less than once annually with respect to all outstanding bonds of the City. Performance of annual responsibilities of post-issuance compliance shall be completed on or before September 1st of each calendar year bonds are outstanding.

Training for post-issuance compliance shall be provided to employees designated to implement the City's post-issuance practices, and shall occur once every five years, or when significant changes to the Code or applicable laws occurs, or when a new individual is hired for a position with delegated responsibilities for such compliance.

For each issue of bonds and each project financed with proceeds of bonds, the City shall adopt, or cause its duly authorized corporate trustee to adopt, an accounting methodology that separately maintains each source of funding for a project and identifies the use of such sources of funding by individual project, and monitors and identifies the expenditure of proceeds of the bonds.

The City shall maintain or ensure that all pertinent records related to the issuance of bonds are maintained by the City or a duly appointed corporate trustee. All such records shall be retained during the time any bond remains outstanding and for a minimum of five years or as otherwise required by law.

The Finance Director shall monitor the use of all projects financed with bond proceeds to ensure that no unqualified private use is made of such proceeds. Bond Counsel shall review any arrangement or contract which may result in private use of bond-financed facilities prior to the issuance of bonds. If the City identifies any possible private use of bond-financed projects, the City Manager will consult with Bond Counsel to determine whether such use will have an adverse effect under the Code and whether remedial action, as allowed by the Code, is necessary.

Following completion of a bond-financed project, the Finance Director shall: 1) review the expenditures of the bond proceeds to determine whether all bond proceeds have been allocated to the project as intended; 2) direct the use of unspent proceeds in accordance with the limitations of the bond documents, and if no provision is made otherwise, to the redemption or defeasance of outstanding bonds of the same issue; and 3) consult with Bond Counsel regarding the potential yield restriction or yield reduction payments if unspent bond proceeds remain after three years from issuance.

If the City issues tax-exempt industrial revenue bonds or other conduit bonds on behalf of a third-party borrower, the City will consult with Bond Counsel and require that before such bonds or obligations are issued, the documents prepared in connection with such issues require appropriate post-issuance compliance measures be undertaken by the conduit borrower or the bond trustee, or both.

Before the City issues bonds to advance refund any outstanding bonds, the City Manager shall consult with the Bond Counsel, Financial Advisor, and others as necessary, to determine if the proposed refunding complies with all applicable requirements of the Code, including a determination that the bonds to be advanced refunded remain tax-exempt obligations in compliance with all applicable provisions of the Code.

The City Manager, or designee, shall review the Continuing Disclosure Undertaking for each issue of bonds and determine the financial information and operating data the City is required to include in an annual report filed with the Municipal Securities Rulemaking Board (MSRB) or the Electronic Municipal Market Access (EMMA), and cause the annual report to be filed as required by the applicable Continuing Disclosure Agreement. The City Manager, or designee, in consultation with Bond Counsel, will review the Continuing Disclosure Undertaking to determine which material events related to the issue of bonds will require filing a notice with the MSRB. The City Manager will cause appropriate notice to be filed as provided in the Continuing Disclosure Agreement if a material event is determined to require notification.

Investments

The first and primary objective for each investment transaction is to insure that capital losses are avoided. As such, the City's cash management portfolio shall be designed with the objective of maximizing net earnings, consistent with constraints imposed by safety objectives, cash flow considerations, state laws, and City priorities.

All investments shall be made in accordance with applicable Kansas law and Section 3.04.200 of the City Code of the City of El Dorado, Kansas.

Management's responsibility for the investment program is delegated to the Finance Director, who shall establish procedures for the operation of the investment program, consistent with this investment policy and subject to the approval of the City Manager. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

The standard of prudence to be used by investment officials shall be the "prudent person," and shall be applied in the context of managing the overall portfolio. Investment officers acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual securities credit risk or market price change, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to avoid adverse developments.

The City prefers to invest in securities whose maturities do not exceed four years, although the City reserves its ability to invest in instruments with maturities that exceed four years, as allowed by state law, and where it is deemed appropriate and prudent to invest for durations exceeding four years.

Portfolio maturities shall be staggered to avoid undue concentration of assets in a specific maturity sector so as to reduce the extent of losses due to having an unbalanced portfolio in terms of maturities, instrument type, and issuers.

Risk of market price volatility shall be controlled through the adoption of a "buy and hold" strategy whereby the City holds each investment to maturity, coupled with maintenance of an adequate liquidity position to insure the ability to meet normal anticipated cash flow needs. When advantageous, it is allowable to sell investments to realize a gain due to price fluctuations; however, such transactions shall not be a part of the normal course of business.

Collateralization shall be required on all deposits and repurchase agreements. Collateral pledged must meet state statute requirements, and must be held by the Federal Reserve Bank, the Federal Home Loan Bank in Topeka, or by a third party custodian pursuant to an adopted third party custody agreement. The City shall enter into a Security Agreement for Deposits with the depository bank for all deposits. The City will receive deposit advice for the pledged securities from the Federal Reserve Bank, or a joint custody receipt from the third party custodian. The maximum Federal Insurance provided for account customers may be considered a part of the institution's pledge collateral. Collateralization shall be maintained at 100% of the market value of principal and accrued interest at all times, including peak periods. At the end of each month, the depository bank will provide the market value of each pledged security to the City.

In the event a third party custodian is used, such custodian shall not have an ownership relationship or affiliation with the depository bank.

Pledged collateral shall not be released until an acceptable re-pledging of collateral is made by the depository bank and confirmed to the Finance Director, or their designee, in the event of a transfer of collateral.

Collateralization of investments shall be by the actual investment instrument. The City will enter into a safekeeping agreement with a safekeeping agent whereby all investments are held in the City's account in the City's name by the safekeeping agent. By state statute, all Municipal Investment Pool accounts shall be exempt from providing safekeeping receipts or written confirmation. The Finance

Director, or designee, may receive verbal confirmation by phone following Municipal Investment pool guidelines.

Per Section 3.04.240 of the City Code, the interest or other earnings from investments made pursuant to Sections 3.04.200 through 3.04.230 of the City Code may be budgeted and credited to any fund designated by the governing body without regard to the fund or funds from which the investments were made. As a general rule, interest earnings will be credited to funds based on average of the balance and the cash balance at year end. This distribution may be manually adjusted if, in the Finance Director's judgment, there are obvious inter-fund inequities.

At the end of each quarter, the Finance Director shall prepare and submit to the City Manager a report outlining the quarter's investment activity. Such report shall contain sufficient information to evaluate the performance of the investment program and verify that investment officials have acted in accordance with the investment policy and written investment procedures.

Budget

The budget should seek to provide sufficient funding for adequate maintenance and orderly replacement of facilities, vehicles, and equipment. All assets should be maintained at a level that protects capital investment and minimizes future maintenance and replacement costs.

All equipment replacement and maintenance needs for the next five years will be projected and the projection will be updated annually. A maintenance and replacement schedule based on this projection will be developed and followed to the greatest extent possible, realizing that occasional unforeseen circumstances may warrant a change to the replacement schedule in order to meet the operational needs of the organization.

A full cost analysis will be completed for all proposed capital investments prior to inclusion in the Capital Improvement Plan, and prior to the acquisition of vehicles and equipment. Full cost analysis shall review the life-cycle costs associated with a capital investment or acquisition, and should consider the upfront purchase price as well as maintenance, insurance, and other applicable expenses projected over the life of the asset. The purpose of such analysis is to understand the estimated cost associated with such investments in order to anticipate such expenses as part of the budgetary process.

In accordance with Kansas law, the City Manager shall be responsible for the preparation of the annual budget. A proposed budget for the following fiscal year shall be submitted to the City Commission for review and discussion on or before July 1st of each year, along with timely consideration and approval of the budget by August 25th.

The annual budget should be balanced for all budgeted funds. The City Manager must provide an explanation for any fund budgeted to spend down fund balance, and such deficit must be approved by the governing body. Total anticipated revenues, including the portion of anticipated reserves in excess of the target balance, or in accordance with a target balance plan, must equal total estimated expenditures.

Funds may be added to or removed from the budget with approval of the City Manager as requirements change. In general, any continuing operations of the City shall be accounted for through budgeted funds. Non-budgeted funds are used for construction projects authorized through the issuance of debt, for trust and agency activities, for activities funded by state and federal grants that are not of a continuing nature, and for special purpose funds.

All budgets will be adopted at the fund level on a cash basis as modified to include: expenditures for the fiscal year, expenditures incurred but not paid, and purchase commitments. Revenues will be recognized at the time revenue becomes measurable and available, whether or not it was billed or due in another period. Expenses will be recognized at the time a product or service is delivered and received by the City, whether or not it was committed to in another period. All appropriations lapse at year-end, except for encumbered appropriations, which will be carried forward into the next fiscal year as reservations of fund reserve.

Expenditures may not exceed the fund's budget without amending the budget, as allowed by state law.

Department budgets will also be specified during the annual budget. The City Manager must authorize all non-routine or unscheduled transfers. The Finance Director must authorize all fund transfers or reclassifications.

The City will seek to maintain an amount in the General Fund operating budget (i.e., a line item for contingencies) for unforeseen operating expenditures or revenue shortfalls. The amount of the contingency that may be spent will be limited to between $100,000 and $200,000, and is contingent upon available budget authority and available funds. All planned expenditures from the General Fund contingency line item shall be approved in advance by the City Commission.

The City will maintain a budgetary control system to monitor compliance with the budget.

Capital Improvement Program

The City shall establish a five-year Capital Improvement Program (CIP) to guide decision-making on public improvements and major program expenditures. The CIP provides a mechanism for scheduling public physical improvements over a number of years. It also establishes the City's priorities for public projects based on available financial resources and project criteria. It is the intent of this policy that authorized projects must be part of an adopted Capital Improvements Program. The CIP shall be updated annually following analysis of unaudited year-end financial reports and prior to the adoption of the City's annual operating budget.

The City shall use a portion of its annual budgeted revenues for “pay-as-you-go” capital investments. The City Commission may dedicate mill levy proceeds, sales taxes, user fees and other unallocated local revenues to fund capital improvements.

The City will seek to maintain its physical assets at a level adequate to protect its capital investment and to minimize future maintenance and replacement costs. The CIP and operating budget will provide for the major renovation and orderly replacement and upkeep of buildings, facilities, and equipment from current revenues where possible.

The Planning Commission, pursuant to K.S.A. 12-747 and Section 2.28.020 of the City Code, shall review and make recommendations on public improvement programming each year. The Planning Commission's review shall include a finding and recommendation on the conformance of the proposed CIP to the Comprehensive Plan. In addition to the Planning Commission's review, the City shall also implement various public engagement opportunities to ascertain input from the public on proposed capital improvements.

The City Manager, in making CIP recommendations to the City Commission, shall use the following criteria in evaluating projects:

- Capital investment projects which preserve existing infrastructure and maintain basic public services;
- Capital projects which implement a component of an approved City plan;
- Projects that advance governing body goals and priorities;
- Projects which specifically replace or renovate an essential, but obsolete, facility or infrastructure;
- Projects which reduce the cost of operations, maintenance or energy consumption;
- Projects identified as addressing important public health and safety issues;
- Projects mandated by the federal or state government;
- Projects that support economic development, defined as the growth and expansion of the City's tax base;
- Projects which are funded, in whole or in part, by leveraged or partnership funding, including grants, private funds, or other outside funding source; and
- Such other criteria as the City Commission or City Manager may establish.

The five-year CIP, as approved, shall contain the following categories:

A listing of potential capital projects which require significant additional information (i.e., concept design, feasibility report, cost estimates, funding source analysis, etc.), or that may otherwise be triggered by certain events (i.e., economic development projects) before they can be formally considered for approval and placement in a specific year in the CIP. This section shall be titled "Projects for Further Review."

A listing of capital projects that include an estimated cost and an identified funding source and, which have undergone a cost-benefit analysis. This section shall be titled "Pending Projects."

A listing of capital projects for which an estimated cost and identified funding source have been reviewed and matched with a funding year(s) with an adequate amount of debt capacity, if applicable, and otherwise unallocated or unencumbered revenue to pay for said project in the

year of implementation (cash financing) or over the duration of debt service in the event bonds are issued to finance said project. This section shall be titled "Preliminarily Approved Projects."

Capital projects approved for the "Preliminarily Approved Project" list shall be considered preliminarily approved for implementation, but will still require formal review and consideration by the City Commission prior to commencement of project. Projects may be organized into phases, and subsequently scheduled over several years, where it may be advantageous to begin work on a project in a calendar year understanding that additional work may not begin until once the prior phase of work is completed and additional work is authorized.

All capital projects must comply with the procurement procedures found in this policy.

Financial Reporting

The City will establish and maintain accounting records in such a manner that financial statements and reports will be issued consistent with the standards applicable to generally accepted accounting principles (GAAP) as promulgated by the Governmental Accounting Standards Board (GASB).

The City will contract for an annual independent audit of City accounting records. The audit shall be conducted in accordance with the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and applicable provisions of the *Kansas Municipal Audit and Accounting Guide*. The City will comply with the Federal Single Audit Act when required.

The City will comply with all financial reporting requirements set forth in Kansas law.

The City will identify and implement less formal methods than the annual budget documents and the audited financial reports to provide important financial data to the citizens of the community. Efforts will be made to provide these "popular reports" via print and electronic media.

The City Manager will provide the City Commission with an unaudited year-end summary financial report within sixty days of the end of the fiscal year. Interim updates on financial condition shall also be provided to the governing body throughout the fiscal year. The City Manager shall provide Revenue and Expenditure Reports, Fund Balance Reports and other explanatory reports and updates to the governing body at study sessions at least once quarterly. Additional updated information shall also be provided as needed during the annual budget process, or as otherwise requested by the governing body.

Purchasing

The underlying purposes of this policy are: 1) to ensure fair and equitable treatment of all persons who wish to, or do conduct business with the City of El Dorado; 2) to provide for the greatest possible economy in city procurement activities; and 3) to foster effective broad-based competition within the

free enterprise system to ensure that the city will receive the best possible service or product at the lowest responsible bid price.

Exemptions from this policy include: 1) this policy shall not prevent the city from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with applicable law; and 2) when procurement involves the expenditure of state or federal assistance funds, the city shall comply with applicable state or federal law and regulations.

Additionally, the following purchases are exempt from competitive bidding requirements:

- Purchases made through cooperative purchasing contracts with other units of government (county, state, regional or federal) when it is in the best interest of the City and pursuant to law and the contract specifically states usability by other governmental entities.
- Purchases made from a single-source provider. These purchases must be accompanied by a written explanation detailing why the product or service can be purchased from only one vendor. The City Manager must approve of the use of a sole-source provider prior to purchasing goods or services.
- Purchases must meet compatibility requirements with existing equipment or contracts owned by the City. Notwithstanding any other provision of this Policy, the City Manager may make or authorize emergency procurements when there exists a threat to public health, welfare or safety provided that such emergency procurements shall be made with such competition as is practical under the circumstances. Such emergency condition is further defined as an immediate and serious need for supplies, services, materials or equipment that cannot be timely met through normal procurement methods and the lack of which would threaten: the function of City government; the preservation or protection of property; and/or the health or safety of any person.
- The dollar limits for quotations are waived for the following purchases:
    - Petty Cash Reimbursements;
    - Utility Bills;
    - Fuel and Chemicals
    - Maintenance, Repairs and Parts (up to $5,000);
    - Bulk Purchases (up to an aggregate of $3,500);
    - Interdepartmental Transfers or Charges;
    - Medical Expenses;
    - Legal Notices;
    - Postage Costs;
    - Fees and Taxes of Other Units of Government; and
    - Payments of City Commission approved debt.

The City Manager, or his/her designee, has legal authority to make procurements, solicit bids and proposals for the City's operations. The City Manager may enter into and administer contracts, upon approval by the City Commission, and make written determinations on behalf of the City. The City Commission must approve all expenses that, in aggregate, exceed $50,000, including those that have been budgeted, and all purchases requiring use of unbudgeted, or contingency funds.

Change orders are issued to cover costs or address changes in terms and conditions associated with unforeseen problems not addressed in the bidding or contract document, or changes/modifications that

may be recommended after a contract award. Change orders on contracts may be approved by the City Manager for amounts less than $50,000. Change orders of $50,000 or greater must be approved by the City Commission, provided, however, that in instances where it is in the best interest of the City for a change order to be implemented prior to the next regularly scheduled meeting of the City Commission, the City Manager shall have the authority to authorize the change subject to ratification by the City Commission.

Exceptions to competitive bidding for purchases not requiring formal solicitation but consistent with budgeted expenses are provided below. Purchases shall not be artificially divided so as to constitute a small purchase under these guidelines.

1. Purchases under $5,000:
    a. Department directors, or their designee, may exercise discretion when making purchases for appropriate products to meet operational needs, subject to budgetary limitations.
    b. Purchases should be made at the lowest possible price at the highest available quality. When practical, preference should be given to local providers, if available, and should be distributed equitably among qualified suppliers as much as reasonably possible.
    c. Travel and training with a cumulative cost (registration, travel, lodging and meals) of more than $1,500 must be approved by the City Manager, in writing, prior to payment of any registration or other costs associated with the travel and training. All travel and training must be accompanied by detailed receipts.

2. Purchases between $5,000 and $10,000:
    a. Department directors, or their designee, shall request verbal quotes from at least three sources unless fewer than three sources may be identified.
    b. Quotes shall be recorded in the department for a minimum of ninety days.

3. Purchases less than $50,000:
    a. Department directors must request informal written quotes from at least three sources, unless fewer than three sources may be identified. Quotes must be submitted to the City Manager for written approval prior to the commitment of funds.
    b. The quotes must be filed in the City Clerk's office and maintained according to the City's Records Retention Policy.

All non-budgeted items must first be approved, in writing, by the City Manager prior to soliciting bids.

Sole Source Procurement

A contract under $50,000 may be awarded for supplies, services, materials or equipment without competition when the City Manager determines that there is only one source available. A written record of the factors pertinent to such award will be maintained. For sole source contracts of $50,000 and greater, approval of the Governing Body will be required.

Competitive Bidding – Sealed Bid Procedures (Request for Proposals or RFP)

1. The competitive bidding process for contracts and purchases over $50,000 shall be awarded by competitive sealed bidding to the "lowest and/or best bidder" except as otherwise provided for in the policy.
2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall be sent using the official City form and include a complete, adequate and realistic specification or purchase description, all contractual terms and conditions applicable

to the procurement, time and place for bid opening and whether a bid deposit or bond(s) will be required. Under KSA 60-1111, a payment bond is required for construction projects which exceed $40,000 and all other bonds as required by the City Commission.

3. All bids shall be sent to the attention of the City Clerk at 220 E 1st Avenue, El Dorado, KS 67042. The department responsible for the request for bids shall schedule the opening with the City Clerk prior to sending the request to vendors.
4. Bids shall be opened in the presence of one or more witnesses at the time and place designated in the invitation for bids. All bids shall be open to public inspection.
5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
6. An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the city.
7. The quotes must be filed in the City Clerk's office and maintained according to the City's Records Retention Policy.
8. All non-budgeted items must first be approved, in writing, by the City Manager prior to soliciting bids.

<u>Requests for Qualifications</u>

- Requests for qualifications shall be submitted for professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. Professional services shall be negotiated with the most qualified provider. Professional services are generally associated with the following disciplines:
    a. Architect, engineering, and land surveying services;
    b. Appraisal services;
    c. Financial, accounting, and auditing services;
    d. Legal services;
    e. Consulting services;
    f. Health care services;
    g. Insurance services;
    h. Data processing consulting and programming services;
    i. Testing and inspection services;
    j. Photographic, art, or marketing services;
    k. Employment of temporary employees as advisors, lobbyists, etc.

Criteria for determining the "Lowest and/or Best Bidder" include, but are not limited to:

- The ability, capacity, and skill of the bidder to perform the contract or provide the service required;
- The ability of the bidder to perform promptly or within the time specified, without delay or interference;
- The reputation and experience of the bidder, including the city's previous experience with the bidder;
- The quality, availability and adaptability of the supplies or contractual services to the particular use required;

- The ability and availability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- Any conditions attached to the bid by the bidder and accepted by the City; and
- Any other criteria or conditions included in the bid documents.

All departments shall honor applicable contracts entered into as a result of a Competitive Bidding and/or Requests for Qualifications process.

Contract negotiations shall be allowed if they are determined by the City Manager to be in the best interest of the City.

All annual leases or lease purchase agreements must be competitively bid based on the market value of the asset. All leases or lease purchase agreements with a fair market value in excess of $50,000 must approved by the City Commission and signed by the City Manager prior to delivery of the asset. All other leases will conform to the approval requirements for other purchases as defined in this section. All assets shall be recorded as a fixed asset on the date of delivery. Department Directors, or designees, shall be responsible for informing the Finance Department of such delivery date to ensure that the asset is properly recorded and to ensure that proper insurance coverage has been secured prior to use of the asset.

All records relating to the bidding process shall follow the Records Retention Policy of the City.

The City may elect to grant preferred status to local bidders, defined as businesses with a physical presence located within the corporate boundaries of the City, for any bid submitted that is within seven percent of the lowest, responsive bidder, and that otherwise meets the City's requirements as specified in the bid documents.

The local preference described in this section shall not apply to bids in which federal funds or other governmental funds are used when the use of such funds prohibits the application of local preference policies.

Real Estate

All real estate transactions, either for the acquisition or sale of real property, shall require the approval of the City Commission.

Following approval by the City Commission, the City Manager may transfer, sell, exchange or destroy any surplus, obsolete, abandoned or confiscated personal property without competitive bidding if such property has a value of less than $50,000. No personal property shall be sold without receiving competitive bids if the value is $50,000 and greater. For the purposes of this section, a public auction shall qualify as competitive bidding.

Except as otherwise provided by law, the City Commission may convey, sell, trade, give, transfer, or exchange any real property in any manner that the City Commission deems to be in the best interests of the City.

Conflicts of Interest; Appeals

No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties per K.S.A. 75-4301a *et seq.* Any person involved in making procurement decisions may be found guilty of a felony if the person asks, receives, or offers to receive any compensations, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own benefit or any other person or organization from anyone interested in selling products or services to the City.

A conflict of interest may occur due to the nature of City operations. A disclosure statement regarding a conflict of interest shall not prohibit any person or organization from submitting a bid or proposal.

Appeals from any actual or prospective bidder who feels aggrieved in connection with the solicitation or award of a contract may submit an appeal in writing to the City Clerk within five working days after the bid tabulation has been released. The City Manager shall issue a written decision regarding any appeals within ten business days, less holidays, if it not settled by a mutual agreement. The decision shall state the reasons for the action taken.

The City shall follow all applicable state and federal laws, executive orders, and rules and regulations of governmental entities that exist to govern equal employment opportunity and affirmative action in the award of public contracts. The Equal Opportunity Division of the federal and/or state government may be contacted for explanations, interpretations and information on these laws. Failure to comply with any of the terms of the provisions of these laws shall be a breach of the present contract which may be cancelled, terminated or suspended in whole, or in part, by the City.

Failure by City staff to comply with the provisions of this policy may result in disciplinary action, up to and including termination of employment.

2018 Commission Priorities
Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Community Service
DATE: June 27, 2019

Background:
The City Commission previously heard a proposal for a municipal code amendment regarding the utilization of community service in lieu of fines in the Municipal Court. The Commission requested that staff revisited the community service proposal. The Municipal Court Judge, City Attorney and City Prosecutor have since reviewed the amendment and provided a policy for the use of community service. The policy is included in the packet.

Policy Issue:
The City Commission must approve all amendments to the municipal code.

Alternatives:
The City Commission may choose to suggest other changes to the community service amendment and policy.

Fiscal Impact:
This policy is intended for use by individuals who are not able to pay fines, these fines are often written off at the end of the year and passed to collections in hopes that they will be collected through other methods. The adoption of the policy may reduce our collection amount, but it will have minimal impact.

Staff Recommendation:
Approve the resolution

Commission Actions:

Commissioner _____ moved to approve Ordinance No. ____, an ordinance amending the City of El Dorado, Kansas Municipal Code pertaining to the Municipal Court.

Commissioner _____ seconded the motion.

Roll Call Vote

Position No. 2	Commissioner Gregg Lewis	____
Position No. 3	Commissioner Nick Badwey	____
Position No. 4	Commissioner Kendra Wilkinson	____
	Mayor Vince Haines	____
Position No. 1	Commissioner Matt Guthrie	____

Commissioner _____ moved to approve Resolution No. _____, a Resolution providing a policy for the direction of community service as a tool to reduce Municipal Court fees in the City of El Dorado, Kansas.

Commissioner _____ seconded the motion.

ORDINANCE NO. G-____

AN ORDINANCE OF THE CITY OF EL DORADO AMENDING CHAPTER 2 OF THE CITY OF EL DORADO, KANSAS MUNICIPAL CODE PERTAINING TO THE MUNICIPAL COURT

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

Section 1: Section 2.32.105 of the City of El Dorado Municipal Code shall be added to read as follows:

2.32.105 Community Service

The Municipal Court Judge may order a person adjudicated as having violated a municipal ordinance to perform a specific number of hours of community service work for the payment of fines. The order shall be for the benefit of the City, a school administrative district or other public entity, a charitable institution or other entity approved by the Court.

a) Authorization and Supervision. Community Service performed for the payment of fines shall be performed as directed by the Municipal Court Judge or his/her designee.

b) Amount of Credit. For every one (1) hour of community service completed, which can be verified according to the City of El Dorado Community Service Policy, the defendant shall receive eight dollars ($8.00) credit towards municipal court fines.

c) Application of Credits. Credit received through performance of Community Service shall not apply to court costs or restitution.

d) Failure to perform work. An adjudicated person who is ordered to perform community service work pursuant to subsection (a), above, and who fails to complete the work within the time specified by the court must return to the court for further disposition.

Section 2**:** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed. In all other respects, Chapter 2.32 shall be and remain unchanged.

Section 3: That the City Clerk is hereby ordered and directed to cause this ordinance to be published once in the official city newspaper.

Section 4**:** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage and adoption.

PASSED AND APPROVED by the Governing Body on this 1st day of July, 2019.

(SEAL)

_____
Vince Haines, Mayor

ATTEST

_____
Tabitha Sharp, City Clerk

APPROVED AS TO FORM

_____
Ashlyn Lindskog, City Attorney

RESOLUTION NO. _____

A RESOLUTION PROVIDING A POLICY FOR THE DIRECTION OF COMMUNITY SERVICE AS A TOOL TO REDUCE MUNICIPAL COURT FEES IN THE CITY OF EL DORADO, KANSAS

WHEREAS, the purpose of community service in this context is to help people who are unemployed or under-employed pay their assessed court fines which would otherwise cause undue hardship; and

WHEREAS, the El Dorado Municipal Court approves the probationers' use of community service in lieu of payment of fines when the work is properly monitored, beneficial to the community of El Dorado and properly documented; and

WHEREAS, the Municipal Court Judge, City Attorney and City Prosecutor have worked to develop this policy.

NOW, THEREFORE, BE IT RESOLVED by the City of El Dorado governing body that the attached community service policy be adopted.

ADOPTED by the City Commission of the City of El Dorado, in Butler County, Kansas, the 1st day of July, 2019.

SIGNED by the Mayor, this 1st day of July, 2019.

_____
Vince Haines
Mayor

Attest:

_____
Tabitha D. Sharp
City Clerk

Adopted by Resolution No. _____

Policy

Pursuant to El Dorado Municipal Code Section 2.32.105, community service may be performed in lieu of paying fines to the Court. The purpose of community service in this context is to help people who are unemployed or under-employed pay their assessed court fines which would otherwise cause undue hardship. El Dorado Municipal Court approves probationers' use of community service in lieu of payment of fines when the work is properly monitored, beneficial to the community of El Dorado, and properly documented.

Procedure

A person seeking to utilize the Community Service option must first gain approval from their probation officer.

A. The probation officer will make the following determinations prior to approval of community service:
    a. The probationer's financial situation makes it likely that payment of their entire fine would cause undue hardship or delay their successful completion of probation;
    b. Performing community service in lieu of payment of fines would not impede the rehabilitative or punitive goals of probation;
    c. The service to be conducted is at a suitable charitable, nonprofit organization which serves the community of El Dorado; and
    d. Probationer has provided contact information for a suitable supervisor at that location.
B. The probation officer will decide the number of hours that the probationer may volunteer, balancing factors such as the rehabilitative benefit, sentencing goals of the Municipal Court, and the benefit to the community.
C. Probationer will provide the approved time sheet to their community service supervisor, who will record the start time, end time, service performed, and whether this service was supervised.
D. No credit will be given for community service that was not previously approved by the Probation Officer, or was not sufficiently recorded.
E. Falsification of information on the community service time sheet will result in a probation violation, and the Probationer be ineligible for any future community service credits.
F. Committing any misdemeanor, felony, or tortious act while performing community service will result in the Probationer being ineligible for any future community service credits.

G. Upon successful completion of community service, the Probation Officer will submit to the Municipal Court a “Motion and Order to Reduce Fine Amount” requesting that the amount due be reduced by the number of hours multiplied by the rate of $8.00 per hour as provided for in Municipal Section 2.32.105.
H. The Municipal Court Judge may approve this Motion and Order, and submit it to the Court Clerk so that the new amount due may be reflected on the account.

IN THE MUNICIPAL COURT OF EL DORADO, KANSAS
COMMUNITY SERVICE TIME SHEET

Case Number:_____

Name:_____ DOB:_____

Address:_____

Community service organization:_____

Address of organization : _____

Supervisor:_____

CERTIFICATION BY SUPERVISOR

I, _____, hereby certify that the hours reflected on this time sheet are true and correct.

Supervisor Signature:_____ Phone Number:_____

Date	Time In	Time Out	Total Hours	Supervised?	Activity

CERTIFICATION BY PROBATIONER

The above information and hours claimed is correct to the best of my knowledge.

_____ ____/____/_____

Name Date Submitted