

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
January 6, 2020 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** – Pastor Debbie McClure – Nazarene Church
- 4. Pledge of Allegiance**

5. Proclamations and Recognition - None

6. 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.

7. 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.*)

- 8.** [Approval of City Commission Minutes from December 16, 2019 and Special City Commission Minutes from December 11, 2019.](#)
- 9.** [Cereal Malt Beverage license for Taco Tico at 2521 West Central.](#)

Old Business

- 10.** None

New Business

- 11.** [Creation of a Community Improvement District – Super 8 Inn](#)
- 12.** [Project #543 – Union Tank Car Water Main Project Public Hearing Date](#)

Reports

- 13.** City Commission and Advisory Board Updates
- 14.** City Manager

Executive Session

15. Commissioner _____ moved to recess into executive session pursuant to the preliminary discussion of the acquisition of real property exception under K.S.A. 75-4319(b)(6) for the purposes of discussing purchasing property and to reconvene the meeting at ____ p.m. in the City Commission Room.

Commissioner_____ seconded the motion.

Adjournment

16. Consideration of a motion to adjourn the January 6, 2020 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

December 16, 2019

The El Dorado City Commission met in a regular session on December 16, 2019 at 6:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Curt Zieman

128 N Vine

El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the December 16, 2019 meeting to order.

INVOCATION

Father John Lanzath, St. John's Catholic Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comment.

There were no comments.

CONSENT AGENDA

Approval of City Commission Minutes from December 2, 2019.

Approval of Appropriation Ordinance No. 11-19 in the amount of \$1,745,144.76.

Approval of the 2020 Cereal Malt Beverage Licenses for:

- | | |
|---------------------------------------|--------------------------------|
| a. Casey's General Store #3331 & 1810 | 2627 W Central & 1310 N Main |
| b. Dillons #29 | 700 N Main |
| c. Dollar General | 536 N Main & 2408 W Central |
| d. Jumpstart Central | 1631 W Central |
| e. Jumpstart Inc. | 701 N Main |
| f. Pizza Hut | 2423 W Central & 729 N Main |
| g. QuikTrip #310 | 2314 W Central |
| h. Sunny Stop West & East | 2575 W Central & 301 E Central |
| i. Two Brothers BBQ | 1701 W Central |
| j. Walgreen #10721 | 119 W 6 th |
| k. Wal-Mart #186 | 301 S Village |

1. Golden Asian Buffet

2350 W Central

Commissioner Nick Badwey moved to approve the consent agenda as amended.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

BCC MEMORANDUM OF UNDERSTANDING: LAW ENFORCEMENT

City Manager David Dillner stated that this memorandum will allow the campus police jurisdiction over areas outside of their campus such as the Villas or the Stadium. He stated that serious issues will still be addressed by the El Dorado Police Department.

Commissioner Matt Guthrie asked if our Police Department is able to make a decision on who should respond to issues or if the college will call us in.

Police Chief Curt Zieman stated that the college will yield to the City on anything like that. He stated that the intent of the MOU is to provide more of a presence at the Villas. He stated that the campus officers are more familiar with individuals who live there.

Commissioner Kendra Wilkinson asked if they are able to arrest individuals.

Police Chief Zieman stated that currently all of their items go to the County Court. He stated that the City can enter into a separate MOU that would allow the City Court to handle misdemeanors.

Mayor Bill Young confirmed that the college police would be the first point of contact for issues and then call in the City if necessary.

City Manager Dillner confirmed that he was correct.

Commissioner Kendra Wilkinson moved to direct the Mayor to sign the Memorandum of Understanding with Butler Community College regarding law enforcement on their properties.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 - 0.

BCC MEMORANDUM OF UNDERSTANDING: FIRE SCIENCE STUDENTS

City Manager David Dillner stated that this Memorandum of Understanding provides for a written policy regarding Fire Science Students and worker's compensation insurance.

Commissioner Matt Guthrie asked what has been done in the past.

EL DORADO CITY COMMISSION MEETING

December 16, 2019

City Manager Dillner stated that there wasn't a policy in the past, and after a recent incident it became apparent that we should have something in writing.

Commissioner Nick Badwey moved to direct the City Manager to sign the Memorandum of Understanding with Butler Community College regarding the provision of insurance for fire science students.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

CONTRACT: SPECIAL TRAFFIC ENFORCEMENT PROGRAM

City Manager David Dillner stated that this is the agreement for the special traffic enforcement program (STEP) in which the police department assigns a specific officer extra duty to enforce items including safety belts, DUI's and speeding. He stated that we then receive reimbursement for the overtime and funds for equipment.

Mayor Bill Young stated that this is a great program.

Commissioner Gregg Lewis moved to direct the City Manager to sign the contract with the Kansas Department of Transportation for the Special Traffic Enforcement Program.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

MEMORANDUM OF UNDERSTANDING: KANSAS DEPARTMENT OF CORRECTIONS INMATE LABOR

City Manager David Dillner stated that this is an agreement regarding the inmate labor utilized by the City in order to get more accomplished without labor expenses.

Commissioner Matt Guthrie moved to direct the City Manager to sign the Memorandum of Understanding with the Kansas Department of Corrections regarding inmate labor.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION

Commissioner Nick Badwey wished the citizens a Merry Christmas and Happy New Year.

Commissioner Kendra Wilkinson encouraged citizens to be safe.

Commissioner Gregg Lewis asked if it was too early to move the fireworks to the lake.

City Manager David Dillner stated that it was scheduled for an upcoming meeting.

Mayor Bill Young also wished the citizens a Merry Christmas and Happy New Year and encouraged them to stay safe throughout the holiday season.

Mayor Young asked if it would be possible to cancel the first meeting in January or if there were items on the agenda.

City Manager David Dillner stated that there were several items on the agenda, but they might be able to be moved.

City Clerk Tabitha Sharp stated that the Union Tank item had been published and we would need to pay to re-publish.

The City Commission decided not to close.

CITY MANAGER

City Manager David Dillner stated that Susan Evenson's retirement party would be here in the Commission chambers beginning at three p.m. Friday.

City Manager Dillner stated that the City offices would be closed next Wednesday and the Wednesday after for the holidays.

City Manager Dillner announced the City's craft party this week and the Charlie Brown Christmas movie at the library.

City Manager Dillner stated that Taco Tico has opened and staff are asking that citizens be careful and not back up on to Central so that there are no traffic incidents.

City Manager Dillner encourage the Commission to look at the Statement of Municipal Policy and also to let him know if there was a specific Saturday in January that would work for the Strategic Planning discussion.

Commissioner Matt Guthrie stated that he would like to see staff have Christmas Eve off half a day or the whole day if possible.

Commissioner Guthrie also asked if there was a miscommunication with the marketing group for the Industrial Park. He stated that it didn't look like something for the Industrial Park.

City Manager Dillner stated that they stated that their intent was to show the color palette, but that they did understand that it should not just be El Dorado Inc.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 6:57 p.m.

Commissioner seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

[Return to Agenda](#)

EL DORADO CITY SPECIAL COMMISSION MEETING

December 11, 2019

The El Dorado City Commission met in special session on December 11, 2019 at 5:00 pm at City Hall with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Curt Ziemann

128 N Vine

El Dorado, KS

CALL TO ORDER

Mayor Vince Haines called the December 11, 2019 Special City Commission meeting to order at 5:00 p.m.

STRATEGIC PLANNING

City Manager David Dillner presented information on strategic planning.

Mayor Bill Young stated that his goal for the day is to provide staff with a framework for how to proceed with the planning process. He stated that he would like to make a list for staff, prioritize it and then make it happen.

City Manager Dillner asked what outcomes are desired by the City Commission in the areas of finance, economic growth, municipal organization, quality of life, infrastructure and intergovernmental relations.

Commissioner Nick Badwey stated that he would like to see consolidation between El Dorado Inc. and the Chamber of Commerce. He also stated that they should look into the homeless issue.

Commissioner Matt Guthrie stated that he would like to continue looking at lake development.

Commissioner Kendra Wilkinson stated that she would like to continue with community image.

Mayor Young stated that we might need to consider reallocating funds from other areas to fund things that need to be done on this list.

Commissioner Wilkinson also stated that housing was important.

Mayor Young stated that we should revisit housing in general including dilapidated homes, rentals and homes for sale. He stated that he would also like to go back and look at the refinancing of lake debt that was presented a few months back.

Commissioner Gregg Lewis asked to leave water on the priority list.

City Manager Dillner stated that staff would arrange a Saturday meeting in January to continue the conversation.

UPCOMING AGENDA ITEMS

City Manager David Dillner reviewed the upcoming agenda.

REPORTS

Commissioner Gregg Lewis stated that people have been asked to leave Martin Playground by the BCC staff.

Police Chief Curt Zieman stated that he would check into it.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:02 p.m.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Vince Haines

[Return to Agenda](#)

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

☐ City or ☐ County of _____

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): 84-3457187

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

Name of Corporation <u>IATTT LLC</u>		Principal Place of Business <u>2521 W. Central</u>	
Corporation Street Address <u>1805 W. 9th Terrace, Topeka, KS</u>		Corporation City <u>Eldorado</u>	State <u>KO</u>
Date of Incorporation <u>10-23-2019</u>		Zip Code <u>67042</u>	
Resident Agent Name <u>Kevin Ray</u>		Articles of Incorporation are on file with the Secretary of State. ☒ Yes ☐ No	
Residence Street Address		Phone No. <u>913-620-6500</u>	
		City	State
		Zip Code	

SECTION 3 – LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)	Mailing Address (If different from business address)
DBA Name	Name
Business Location Address	Address
City State Zip	City State Zip
Business Phone No.	☐ Applicant owns the proposed business location. ☐ Applicant does not own the proposed business location.
Business Location Owner Name(s)	

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK

List each person and their spouse*, if applicable. Attach additional pages if necessary.

Name <u>Kevin Raven</u>	Position <u>President</u>	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City <u>Lenexa</u>	State <u>KO</u>
	Zip Code <u>66220</u>	
Spouse Name <u>Julie Raven</u>	Position <u>Vice President</u>	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City <u>Lenexa</u>	State <u>KO</u>
	Zip Code <u>66220</u>	
Name <u>Greg White</u>	Position <u>Vice President</u>	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City <u>Wichita</u>	State <u>KO</u>
	Zip Code <u>67209</u>	
Spouse Name <u>Rachel White</u>	Position <u>[Signature]</u>	Age <u>44</u>
Residence Street Address [REDACTED]	City <u>Wichita</u>	State <u>KO</u>
	Zip Code <u>67209</u>	
Name	Position	Date of Birth
Residence Street Address	City	State
	Zip Code	
Spouse Name	Position	Age
Residence Street Address	City	State
	Zip Code	

SECTION 4 – OFFICERS, DIRECTORS, STOCKHOLDERS OWNING 25% OR MORE OF STOCK (CONTINUED)

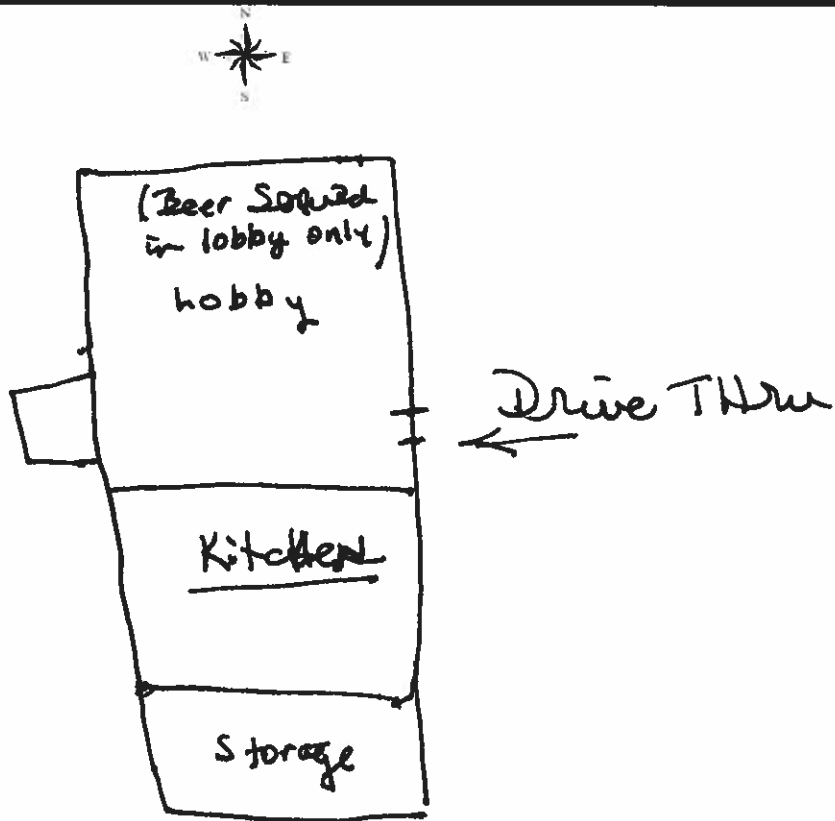
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
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Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	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/Agent Name <i>Tabitha Burnett</i>	Phone No. <i>316-992-0930</i>	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City <i>Towanda</i>	Zip Code <i>67144</i>
Manager or Agent Spousal Information*		
Spouse Name	Phone No.	Date of Birth
Residence Street Address	City	Zip Code
SECTION 6 – QUALIFICATIONS FOR LICENSURE		
Within 2 years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 have 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
Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which: (1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.		☐ Yes ☐ No
All of the individuals identified in Sections 4 & 5 are at least 21 years of age*.		☐ Yes ☐ No
SECTION 7 – DURATION OF SPECIAL EVENT		
Start Date	Time	☐ AM ☐ PM
End Date	Time	☐ 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 1/2" 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 corporation to complete this application. (K.S.A. 53-601)

SIGNATURE Kevin F. Rowe DATE 12-19-2019

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)

2018 Commission Priorities

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

TO: City Commission
FROM: David Dillner
SUBJ: Creation of a Community Improvement District – Super 8 Inn
DATE: December 23, 2019

Background:

A community improvement district Sales Tax in the amount of 2% is proposed at 2530 W Central Avenue in El Dorado, Kansas for the purpose of financing the costs of refurbishing the Super 8 Motel. It is proposed that the Sales Tax will expire 22 years from the date its collection begins, or such lesser number of years as may be required to produce revenues sufficient for the payment of the maximum CID eligible costs, \$176,000. The City Commission must set a hearing date to spread the costs to the properties involved.

Policy Issue:

The City Commission must hold a public hearing to allow citizens to express concerns regarding the project.

Fiscal Impact:

The estimated costs to acquire, improve, remove, renovate, reconstruct, maintain and or extend the proposed Project is \$1,850,000. The City will retain an on-going administrative service fee from the proceeds of the Sales Tax, in an amount equal to 5% of the total eligible costs of the Project, as the administrator of the District.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Set the public hearing for February 3, 2020

Commission Actions:

Commissioner _____ moved to approve Resolution No. ____, a Resolution calling a public hearing on the advisability of creating a Community Improvement District within the City of El Dorado, Kansas, establishing a community improvement district sales tax to finance improvements within such district, providing for the giving of notice of such public hearing, and authorizing actions related thereto.

Commissioner _____ seconded the motion.

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON JANUARY 6, 2020**

The governing body met in regular session at the usual meeting place in the City, at 6:30p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented to the governing body a Petition which has been filed in the Office of the City Clerk requesting the creation of a community improvement district in the City and the undertaking and financing of a certain community improvement district project therein pursuant to the authority of K.S.A. 12-6a26 *et seq.*

There was presented a Resolution entitled:

**A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF
CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY
OF EL DORADO, KANSAS, ESTABLISHING A COMMUNITY IMPROVEMENT
DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH
DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC
HEARING, AND AUTHORIZING ACTIONS RELATED THERETO.**

Commissioner _____ moved that the Resolution be adopted. The motion was seconded by Commissioner _____. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body as follows:

Yea:

Nay:

The Mayor declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. ____ and was signed by the Mayor and attested by the Clerk.

* * * * *

(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 governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

(Published in *Butler County Times-Gazette* on January 11, 2020 and January 18, 2020)

RESOLUTION NO. [____]

A RESOLUTION CALLING A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY OF EL DORADO, KANSAS, ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT SALES TAX TO FINANCE IMPROVEMENTS WITHIN SUCH DISTRICT, PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING, AND AUTHORIZING ACTIONS RELATED THERETO.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), cities are authorized to create community improvement districts as a method of financing economic development related improvements in a defined area within the city; and

WHEREAS, the City of El Dorado, Kansas (the “City”) is a city within the meaning of the Act; and

WHEREAS, a petition (the “Petition”) was filed with the City requesting that: (a) the community improvement district described therein (the “District”) be created; (b) the City levy a community improvement district sales tax within the District in the amount of 2.0% (the “CID Sales Tax”); and (c) the costs of the proposed community improvement district project, interest on financing, associated costs of issuance and necessary reserves, if any, be financed by “Pay-as-you-go financing,” as defined in the Act, and paid from the fund of the City identified in K.S.A. 12-6a34 through the imposition of the CID Sales Tax; and

WHEREAS, the Petition was signed by the owners of record, whether resident or not, of (a) more than fifty-five (55%) of the land area within the District and (b) more than fifty-five (55%) by assessed value of the land area within the District; and

WHEREAS, pursuant to the Act, prior to considering the formation of the District and the imposition of the CID Sales Tax, the City Commission of the City (the “Governing Body”) must conduct a public hearing, notice of which shall be given in accordance with the provisions of the Act; and

WHEREAS, the governing body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of creating a Community Improvement District and the undertaking and financing of a Community Improvement Project therein as set forth in the Petition pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Petition. The Governing Body hereby finds that the Petition is in compliance with the provisions of the Act.

Section 2. Public Hearing. A public hearing before the Governing Body regarding the creation of the District and the imposition of the CID Sales Tax, shall be held on February 3, 2020, at 6:30

p.m., or as soon thereafter as the Governing Body may hear such matter, at the El Dorado City Hall, City Hall, 220 East 1st, El Dorado, Kansas 67042.

Section 3. Description of the District and the CID Sales Tax. The Petition requests the creation of the District and the imposition of the CID Sales Tax based on the following:

(a) ***Boundaries of Proposed Community Improvement District.*** The District proposed to be established by the City contains within its boundaries the real property legally described in ***Exhibit A*** attached hereto and the boundaries of which are contained in a map of the District attached as ***Exhibit B*** attached hereto.

(b) ***General Nature of the Proposed District Project.*** The proposed project to be undertaken within the District (the “Project”) consists of acquiring, improving, constructing, renovating, reconstructing, rehabilitating, maintaining, restoring, replacing, renewing, repairing, installing, relocating, furnishing, equipping and/or extending all of the buildings, structures and facilities forming the current Super 8 Inn complex with a commonly-known address of 2530 W. Central, Avenue in the City.

(c) ***Estimated Costs of the Proposed Project.*** The estimated costs to acquire, improve, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip and/or extend the proposed Project are \$1,850,000.

(d) ***Proposed Method of Financing the Proposed Project; CID Sales Tax*** The CID Sales Tax is proposed in the District for the purpose of financing a portion of the costs of the Project. It is proposed that the CID Sales Tax will expire 22 years from the date its collection begins, or such lesser number of years as may be required to produce revenues sufficient for the payment of the maximum CID eligible costs. The estimated amount of revenue to be collected from the imposition of the CID Sales Tax during the proposed term of the District is \$8,000 annually, or \$176,000 total if the Sales Tax is imposed for the maximum 22-year term. The City will retain an on-going administrative service fee from the proceeds of the CID Sales Tax, in an amount equal to 5% of the total eligible costs of the Project, as the administrator of the District. No assessments for the Project will be levied on property within the proposed District.

Section 4. Notice of Public Hearing. Notice of such public hearing shall be given by publication of this Resolution once a week for two consecutive weeks in the official City newspaper, the last publication being not less than seven (7) days prior to the public hearing. In addition, the Clerk shall cause a copy of this Resolution to be sent by certified mail to all owners of property within the proposed District, such mailing to occur not less than ten (10) days prior to the public hearing.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

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ADOPTED by the City Commission of the City of El Dorado, Kansas, on January 6, 2020.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City of El Dorado, Kansas, adopted by the governing body on January 6, 2020, as the same appears of record in my office.

DATED: January 6, 2020.

City Clerk

EXHIBIT A
Legal Description of the District

A tract of land in Butler County, Kansas, further described as follows:

Beginning at a point on the North Right-of-Way line of K-196 Highway, said point being 50.4 feet North and 460 feet West of the Southwest Corner of the West Half of the East Half of the Northeast Quarter of Section 4, Township 26 South, Range 5 East of the 6th P.M.; thence West 150 feet along said Right-of-Way line; thence North parallel with the West line of Northeast Quarter a distance of 450 feet; thence East parallel with the South line of said Northeast Quarter a distance of 150 feet; thence South parallel with said West line a distance of 450 feet to the point of beginning, in Butler County, Kansas, subject to Road Right-of-Way.

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EXHIBIT B
Map of the District



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PETITION

REQUESTING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT

TO: The Governing Body of the City of El Dorado, Kansas (the “Governing Body”)

The undersigned Petitioners, being the owners of record, whether resident or not, of 100% of the land area (and 100% of the assessed value) contained within the proposed community improvement district described herein (the “District”) hereby petition the Governing Body of the City of El Dorado, Kansas, (the “City”) to create a community improvement district and authorize the proposed project and method of financing set forth below, all in the manner provided by K.S.A. 12-6a26 *et seq.*, as amended (the “Act”). In furtherance of such request, the Petitioners state as follows:

General Nature of Proposed Community Improvement District Project

The general nature of the proposed community improvement district project (the “Project”) to be constructed and undertaken within the proposed District is attached as **Exhibit A** and incorporated by reference herein.

Estimated Costs

The estimated costs to acquire, improve, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip and/or extend the proposed Project are \$1,850,000.

Method of Financing

Pursuant to and in accordance with all requirements of the Act, the cost of the proposed Project, including the actual costs incurred in creation of the District, are proposed to be financed by the Petitioners and will be reimbursed by a “Pay-as-you-go financing,” as defined in the Act, from the imposition of a community improvements district sales tax described below and as provided in K.S.A. 12-6a31 (the “Sales Tax”). The proceeds of the Sales Tax remitted to the City will be credited to a separate fund of the City created for the District pursuant to K.S.A. 12-6a34. The City will reimburse the developer of the Project (the “Developer”), or its successor(s) for eligible Project costs from the proceeds of the Sales Tax.

Special Assessments

There are proposed to be **no** special assessments on property within the boundaries of the District related to the Project.

Sales Tax

A community improvement district Sales Tax in the amount of 2% is proposed in the District for the purpose of financing the costs of the Project. It is proposed that the Sales Tax will expire 22 years from the date its collection begins, or such lesser number of years as may be required to produce revenues sufficient for the payment of the maximum CID eligible costs. The estimated amount of revenue to be collected from the imposition of the Sales Tax during the proposed term of the District is \$8,000 annually or \$176,000 if the Sales Tax is imposed for the maximum 22-year term. The City will retain an on-going administrative service fee from the proceeds of the Sales Tax, in an amount equal to 5% of the total eligible costs of the Project, as the administrator of the District.

Notice to Petition Signers

The names of the signers of this Petition may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

Map and Legal Description of Proposed Community Improvement District

A map generally outlining the boundaries of the proposed District is attached as **Exhibit B** hereto, and incorporated by reference herein. The legal description of the property to be contained in the proposed District is attached as **Exhibit C** hereto, and incorporated by reference herein.

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IN WITNESS WHEREOF, the undersigned legal representatives of the Petitioner have executed the above foregoing Petition to create the Community Improvement District on the dates recorded below:

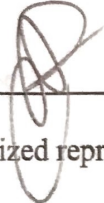
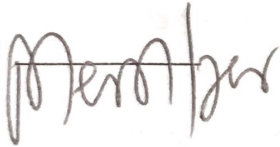
<i>Name</i>	<i>Date</i>	<i>Legal Description of Property</i> <i>Owned Within Proposed</i> <i>Community Improvement District</i>
WESTHILL ESTATES, LLC By:  As authorized representative Printed Name: Manish Bhatt Title: 	12/20, 2019	<i>All Property described on Exhibit C</i>

EXHIBIT A

GENERAL DESCRIPTION OF PROJECT

(A) Within the District, the following:

Acquire, Improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip and/or extend all of the buildings, structures and facilities forming the current Super 8 Inn motel facility (the "Facility") with a commonly-known address of 2530 W. Central Avenue, El Dorado, Kansas 67042.

(B) Within the District, there may be construction of any of the following to serve the Facility:

(1) sidewalks, streets, roads, interchanges, highway access roads, intersections, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, water mains and extensions and other site improvements;

(2) streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;

(3) parks, lawns, trees and other landscape;

(4) paintings, murals, display cases, sculptures, fountains and other cultural amenities;

(C) Within the District, and in connection with the operation of the Facility, to produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events and furnishing music in any public place;

(D) Within the District, and in connection with the operation of the Facility, to support business activity and economic development, including, but not limited to, the promotion of business activity, development and retention and the recruitment of developers and business;

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EXHIBIT B

MAP OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT



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EXHIBIT C

LEGAL DESCRIPTION OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT

A tract of land in Butler County, Kansas, further described as follows:

Beginning at a point on the North Right-of-Way line of K-196 Highway, said point being 50.4 feet North and 460 feet West of the Southwest Corner of the West Half of the East Half of the Northeast Quarter of Section 4, Township 26 South, Range 5 East of the 6th P.M.; thence West 150 feet along said Right-of-Way line; thence North parallel with the West line of Northeast Quarter a distance of 450 feet; thence East parallel with the South line of said Northeast Quarter a distance of 150 feet; thence South parallel with said West line a distance of 450 feet to the point of beginning, in Butler County, Kansas, subject to Road Right-of-Way.

2018 Commission Priorities

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

TO: City Commission
FROM: Scott Rickard
SUBJ: Project #543- Union Tank Car Water Main Project Public Hearing Date
DATE: November 1, 2019

Background:

Project No. 543 is complete. The City Commission established this date to hold the public hearing and to spread the costs to the property involved.

Policy Issue:

The City Commission must hold a public hearing to allow citizens to express concerns regarding the project.

Fiscal Impact:

The total cost of the project is \$277,544.76. The costs assessed to the improvement district will be \$204,015.00 and city-at-large costs will be \$73,529.76. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty year period. The city-at-large portion of the bond will be paid off through the water and economic development funds.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Proceed with the assessments.

Commission Actions:

Commissioner _____ moved to approve Ordinance No. ____ levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as previously authorized by Resolution No. 2870 of the city; and providing for the collection of such special assessments.

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 Bill Young	_____
Position No. 1	Commissioner Matt Guthrie	_____

[Back to Agenda](#)

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF CITY OF EL DORADO, KANSAS
HELD ON JANUARY 6, 2020**

The governing body met in regular session at the usual meeting place in the City at 6:30 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

The Mayor opened a public hearing for the purpose of receiving written or oral objections and considering proposed assessments for the costs of certain internal improvements previously authorized by the governing body of the City. It was determined by the governing body that notice of the public hearing was duly published and mailed in accordance with K.S.A. 12-6a01 *et seq.* Thereafter, the Mayor adjourned the public hearing.

An Ordinance was presented entitled:

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN
PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE
CITY OF CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED
BY RESOLUTION NO. 2870 OF THE CITY; AND PROVIDING FOR THE
COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

The Ordinance was considered and discussed, and on motion of Commissioner _____,
seconded by Commissioner _____, the Ordinance was passed by the following vote:

Yea: _____.

Nay: _____.

The Mayor declared the Ordinance duly passed and the Ordinance was then numbered Ordinance No. [____], was signed by the Mayor and attested by the City Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City. The City Clerk was further directed to cause a Notice of Assessment to be mailed to each and all of the known property owners affected thereby on the same date that the Ordinance or a summary thereof is published.

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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 governing body of the City of City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

ORDINANCE NO. [____]

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 2870 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of City of El Dorado, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

WHEREAS, the governing body has conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

Section 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Project No. 543 - Union Tank Improvement District - Water Line Extension

Resolution No. 2870

Water Line Extension from Main St. (US77) to Union Tank

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on ***Exhibit A*** attached hereto.

Section 2. Payment of Assessments. The amounts so levied and assessed in ***Section 1*** hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date of publication of this Ordinance or a summary thereof.

Section 3. Notification. The City Clerk shall notify the owners of the properties described in ***Exhibit A*** attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance or a summary thereof, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

Section 4. Certification. Any amount of special assessments not paid within the time prescribed in ***Section 2*** hereof shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in 20 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during

the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

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PASSED by the governing body of the City on January 6, 2020 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on January 6, 2020; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Butler County Times-Gazette*** on January 11, 2020.

DATED: January 11, 2020.

City Clerk

EXHIBIT A-1

**UNION TANK IMPROVEMENT DISTRICT - PROJECT 543/WATER LINE EXTENSION
RESOLUTION NO. 2870**

Description of Property	Amount of Assessment
Beginning at a point which is on the East right-of-way line of the A.T.& S.F. RR. and One-thousand Four and Eleven hundredths (1404.11') feet East of the Southwest Corner of the Northwest Quarter (NW1/4) of Section Thirty-five (35), Township Twenty-five (25) South, Range Five (5) East of the Sixth P.M., thence Northerly along said East right-of-way line Two-thousand Seven-hundred Sixty-three and Sixty-two hundredths (2763.62') feet to a point on the North line of said Northwest Quarter (NW1/4) and Five-hundred Forty-seven and Eight tenths (547.8') feet East of the North-west Corner of the said Northwest Quarter (NW1/4); thence East Three-hundred Twenty-six (326') feet along said North line to a point on the West right- of-way line of the A.T.&S.F. RR. Spur; thence Southeasterly along said RR. Spur right-of-way One-thousand Five-hundred Seventy-one and Ninety-two hundredths (1571.92') feet to the centerline of the West Branch of the Walnut River; thence Southwesterly along said center line of the said River and said RR. Spur right-of-way line to a point which is Three-hundred Fifty (350) feet at a right angle to the center line of said RR. Spur; thence Southeasterly along said Spur right-of-way line Seventy-eight (78') feet to a point on the East Bank of said river; thence following the East bank of said river to a point of intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section Thirty-five (35); thence North along said East line of said Section One hundred Ten (110') feet to the center line of said river; thence following the centerline of said river to a point on the South line of the Northwest Quarter of Section Thirty-five; thence West Two-hundred Ninety-five and Ninety-three hundredths (295.93') feet to the point of beginning.	\$204,015

NOTICE OF ASSESSMENT

January 11, 2020
City of City of El Dorado, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. [____] (the “Ordinance”) of the City of City of El Dorado, Kansas (the “City”) there has been assessed against the property the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

You may pay this assessment in whole or in part to the City Treasurer of the City within thirty (30) days from the date hereof; and if the amount is not paid within the time period, bonds will be issued therefor, and the balance of such assessment will be collected in 20 annual installments, together with interest on such amounts remaining unpaid at a rate not exceeding the maximum rate therefor as prescribed by K.S.A. 12-6a01 *et seq.* Interest accruing between the date set forth above and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Tabitha Sharp, City Clerk

SCHEDULE I

**UNION TANK IMPROVEMENT DISTRICT - PROJECT 543 - WATER LINE EXTENSION
RESOLUTION NO. 2870**

Description of Property	Amount of Assessment
Beginning at a point which is on the East right-of-way line of the A.T.& S.F. RR. and One-thousand Four and Eleven hundredths (1404.11') feet East of the Southwest Corner of the Northwest Quarter (NW1/4) of Section Thirty-five (35), Township Twenty-five (25) South, Range Five (5) East of the Sixth P.M., thence Northerly along said East right-of-way line Two-thousand Seven-hundred Sixty-three and Sixty-two hundredths (2763.62') feet to a point on the North line of said Northwest Quarter (NW1/4) and Five-hundred Forty-seven and Eight tenths (547.8') feet East of the North-west Corner of the said Northwest Quarter (NW1/4); thence East Three-hundred Twenty-six (326') feet along said North line to a point on the West right- of-way line of the A.T.&S.F. RR. Spur; thence Southeasterly along said RR. Spur right-of-way One-thousand Five-hundred Seventy-one and Ninety-two hundredths (1571.92') feet to the centerline of the West Branch of the Walnut River; thence Southwesterly along said center line of the said River and said RR. Spur right-of-way line to a point which is Three-hundred Fifty (350) feet at a right angle to the center line of said RR. Spur; thence Southeasterly along said Spur right-of-way line Seventy-eight (78') feet to a point on the East Bank of said river; thence following the East bank of said river to a point of intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of said Section Thirty-five (35); thence North along said East line of said Section One hundred Ten (110') feet to the center line of said river; thence following the centerline of said river to a point on the South line of the Northwest Quarter of Section Thirty-five; thence West Two-hundred Ninety-five and Ninety-three hundredths (295.93') feet to the point of beginning.	\$204,015

CERTIFICATE OF MAILING

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of El Dorado, Kansas, does hereby certify that on January 11, 2020, the date on which Ordinance No. [_____] (the “Ordinance”) of the City was published, I caused to be mailed to the owners of the properties liable for the assessments set out in the Ordinance, at their last known post office addresses, a Notice of Assessment showing the respective assessments levied against their properties and stating the manner in which the assessments will be collected.

A sample copy of the form of such Notice of Assessment is attached hereto.

WITNESS my hand and seal as of January 11, 2020.

(Seal)

Tabitha Sharp, City Clerk

[attach sample copy of form]

CERTIFICATE OF CITY TREASURER

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Treasurer of the City of City of El Dorado, Kansas (the “City”), does hereby certify that within the time allowed by Ordinance No. [____] of the City for the payment of special assessments in cash, property owners specially assessed for the costs of certain internal improvements previously authorized by the governing body of the City, paid in cash the amounts set forth below:

Resolution No.	Amount
2870	

WITNESS my hand on _____.

City Treasurer

(Published in the *Butler County Times-Gazette* on January 11, 2020)

SUMMARY OF ORDINANCE NO. [____]

On January 6, 2020, the governing body of the City of City of El Dorado, Kansas, passed an ordinance entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NO. 2870 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies special assessments on certain property located in Union Tank Improvement District, which have been benefitted from certain internal improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* and provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 220 E. 1st Avenue. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <https://www.eldoks.com/>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: January 6, 2020.

City Attorney