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

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**

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.

6. 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. Citizens with information for the City Commission are encouraged to contact City Clerk Tabitha Sharp at (316) 321-9100 for instructions on alternative ways of communicating with the City Commission.

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.)*

7. Approval of City Commission Minutes from June 15, 2020 and Special City Commission Minutes from June 3 and 10, 2020.
8. Sales Tax Advisory Board Appointment

Old Business

9. None

New Business

10. Resolution Establishing a Public Hearing for the West Central Gateway District Orscheln Project Plan
11. Assignment of John K. Fisher Agreement to Cody Foster
12. Tennis Court Bond Issuance Charter Ordinance

Items for Discussion

13. None

Reports

14. City Commission and Advisory Board Updates
15. City Manager

Adjournment

16. Motion to adjourn the July 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.)

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 SPECIAL COMMISSION MEETING June 3, 2020

The El Dorado City Commission met in special session on June 3, 2020 at 2:30 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, and City Clerk Tabitha Sharp.

VISITORS

Curt Zieman	128 N Vine	El Dorado, KS
Brad Meyer	222 E 2^{nd}	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the June 3, 2020 Special City Commission meeting to order at 5:00 p.m.

EMERGENCY RESPONSE

Police Chief Curt Zieman and Public Works Director Brad Meyer discussed with the City Commission the emergency response plan.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 3:15 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp Mayor Vince Haines

EL DORADO CITY SPECIAL COMMISSION MEETING June 10, 2020

The El Dorado City Commission met in special session on June 10, 2020 at 5:00 pm at City Hall with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: Commissioner Gregg Lewis and Commissioner Nick Badwey

VISITORS

Curt Zieman	128 N Vine	El Dorado, KS
Tammy Schaffer	220 E 1st	El Dorado, KS
Brad Meyer	222 E 2nd	El Dorado, KS
Joe Haag	220 E 1st	El Dorado, KS
Kurt Bookout	220 E 1st	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS
Mike Ward	1805 Lawndale	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the June 10, 2020 Special City Commission meeting to order at 5:00 p.m.

POST ROAD

Mike Ward, 1805 Lawndale, stated that he was concerned about the traffic in his neighborhood. He felt that people going too fast posed a threat to their safety and asked that a median be placed between Lawndale and Ridge Road.

Police Chief Curt Zieman stated that he did not see any reason for this, he felt that adding a median would be more dangerous because it was unexpected. He stated that it would also cause other neighborhoods to begin requesting it.

Mr. Ward stated that he felt it was something the City should look at doing in several areas.

City Engineer Scott Rickard stated that when Mr. Ward contacted them in 2019, they did a traffic study analysis just west of his property. He stated it looks at volume, speed and direction. He stated that they also track all accidents so that they can understand problem areas. He stated that they saw a negligible number of vehicles and an average speed of 21 mph in this area. He stated that the study might suggest putting stop signs on Lawndale, but that would not help his concerns of Post Road. He stated that the curves serve as traffic calming as well. He stated that there were no accidents in the area. He stated that they do these studies in many areas of El Dorado when we get the complaints.

Commissioner Matt Guthrie asked how many vehicles were tracked.

City Engineer Rickard stated that there were 720 vehicles. He stated that in comparison, 3rd Avenue has approximately 2,525, Country Club has 2,700, and McCollum 2,300 cars daily.

Mayor Bill Young stated that he was concerned about emergency vehicle traffic.

Fire Chief Joe Haag stated that this would cause some extra response time to go around this area.

Public Works Director Brad Meyer stated that it would cause problems with snow removal and trash trucks because they would have to back up if the median was placed in the area being discussed.

The City Commission requested that a study be done at the other end of Post Road in order to see speeds in that area.

COVID RELIEF FUND

City Manager David Dillner stated that the City Commission has approved the use of $150,000 to help businesses with the COVID-19 pandemic. He stated that staff have worked with the Chamber of Commerce, as directed, to develop a process.

Chamber of Commerce Director Jordan Buxton presented the grant applications to the City Commission.

The Commission agreed to release the applications, a committee composed of City Staff and Chamber of Commerce board members would review them, and that it would be given as a grant.

2020 BUDGET DISCUSSION

City Manager David Dillner provided the City Commission with information on the 2020 budget.

4TH OF JULY CELEBRATION

Staff discussed the challenges with holding a 4th of July Celebration this year.

The City Commission agreed to consider a proposal from staff at the next regular meeting.

ADJOURNMENT

The City Commission meeting was adjourned because Commissioner Guthrie had to leave and there was no quorum. 6:50 p.m.

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City Clerk Tabitha D. Sharp Vice Mayor

EL DORADO CITY COMMISSION MEETING **June 15, 2020**

The El Dorado City Commission met in a regular session on June 15, 2020 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, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog.

VISITORS

Steve Waite	El Dorado Main Street	El Dorado, KS
Leon Leachman	El Dorado Main Street	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS
Kevin King		
Lee White	Butler County, Kansas News	El Dorado, KS
Terry Radebaugh	Butler Homeless Initiative	El Dorado, KS
Nathan Ensminger	142 North Main	El Dorado, KS
Deanna Bonn	Everyday El Dorado	El Dorado, KS
Karen Linn	BT&Co	Topeka, KS
Tim Donges	2873 SE US HWY 54	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the June 15, 2020 meeting to order.

INVOCATION

Pastor Tom Carruthers, First Christian Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Members of the El Dorado Main Street Board presented their annual report.

PUBLIC COMMENT

Lee White, Butler County, Kansas News, shared some information on homelessness with the Commission.

Terry Radebaugh, President of Butler Homeless Initiative, gave information on the services they provide at the cold weather shelter. She stated that she looked forward to participating in the conversations they were having across the County.

Commissioner Nick Badwey clarified that if they want to open year around, they would need a special use permit.

City Engineer Scott Rickard stated that there is special zoning in place for transitional housing and they would need to discuss it as they move in that direction.

Commissioner Matt Guthrie asked if she was certain that the current facility was appropriate because it changed the purpose of the building from a church to a homeless shelter. He stated that the Commission was unaware of the plan to move to a full time shelter.

Ms. Radebaugh stated that their shelter is a mission of the church and they have plans to do more with it.

City Engineer Rickard stated that staff would visit with her about the process and how it will play out.

Commissioner Gregg Lewis asked how many individuals the shelter serves.

Ms. Radebaugh stated that they can serve ten at the shelter and they provide hotels for those who cannot stay at the shelter when they run out of space.

CONSENT AGENDA

Approval of the City Commission minutes from June 1, 2020.

Approval of Appropriation Ordinance No. 05-20 in the amount of $1,106,053.41.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

CONSIDERATION OF THE INDEPENDENT AUDIT OF THE FINANCIAL STATEMENTS FOR YEAR-ENDING DECEMBER 31, 2019 PREPARED BY BERBERICH TRAHAN & CO, P.A.

Karen Linn, with Berberich Trahan & Co, P.A., presented the audit of the City of El Dorado for 2019. The City Commission had not yet received the documents and so they tabled the discussion until a further meeting.

Commissioner Nick Badwey moved to table the acceptance of the audit until the paperwork is received.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

CONSIDERATION OF A SPECIAL USE PERMIT FOR PROPOSED HOME-BASED SALON AT 111 HOGOBOOM DRIVE

City Engineer Scott Rickard stated that the city has received a request from the owners at 111 Hogoboom Drive for a home-based salon. He stated that there are some requirements; the operator must reside in the home, it cannot create excess noise or odor and cannot create excess traffic. He stated that this is an allowed use with an SUP. He stated that the Planning Commission approved the request unanimously.

Commissioner Kendra Wilkinson asked if the Planning Commission saw any trouble with the concern of truck traffic in the letter they received.

City Engineer Rickard stated that Hogoboom Drive is not a public right of way and so the rights of ingress and egress are to be discussed between the property owners in the area. He stated that there is no additional parking required for this business and the owners stated that the volume would be slow, one person in, one person out on weekends and evenings.

Commissioner Gregg Lewis moved to approve Case No. 20-03-SUP, requesting an SUP for barber and beauty services at 111 South Hogoboom Drive and that Ordinance No. G-1327 be approved.

Commissioner Matt Guthrie 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	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes

CONSIDERATION OF A SPECIAL USE PERMIT FOR ACCESSORY APARTMENT AT 3625 SW 10TH STREET

City Engineer Scott Rickard stated that the applicant has requested a permit for an accessory apartment within the extraterritorial jurisdiction. He stated that the unit is detached as required by zoning regulations, the Planning Commission recommended approval unanimously. He stated that the County has also reviewed and recommended approval of the request.

Commissioner Nick Badwey moved to approve Case No. 20-04 SUP, requesting an SUP for an accessory apartment at 3625 SW 10th Street and that Ordinance No. G-1328 be approved.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes

CONSIDERATION OF A SPECIAL USE PERMIT FOR CAMPGROUND AT 1139 SE BLUESTEM ROAD

City Engineer Scott Rickard stated that staff have received a request for a permit for a campground at 1139 SE Bluestem Road. He stated that the property is zoned for a manufactured home/mobile home park. He stated that the permit will allow them to create 57 new RV parking spaces. He stated that the Planning Commission voted unanimously to approve and the County has also reviewed and approved.

Commissioner Kendra Wilkinson confirmed which area they were discussing.

City Engineer Rickard stated that this area would be south of their previous SUP.

Commissioner Wilkinson confirmed that they are currently mobile homes and those will be removed for the campground.

Tim Donges, 2873 SE US HWY 54, stated that there is already a letter allowing RV's in this area, and they have already removed several trailers. He stated that they are allowing the current lease holders to maintain their lease, but have requested an increase in the number of RV's with the intent to become entirely RV based.

Commissioner Matt Guthrie asked how the other project is going.

Mr. Donges stated that they have been working on the other area, but these properties became available to them unexpectedly and they are working with the County to get rid of some of the other structures.

Commissioner Matt Guthrie moved to approve Case No. 20-05 SUP, requesting an SUP for an accessory apartment at 1139 SE Bluestem Road and that Ordinance No. G-1329 be approved.

Commissioner Nick Badwey seconded the motion.

ROLL CALL VOTE

Position No. 3	Commissioner Nick Badwey	Yes
Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes

CONSIDERATION OF THE AWARD OF BIDS FOR CDBG COMMERCIAL PROJECT AT 142 N MAIN STREET

City Engineer Scott Rickard stated that this project is the rehabilitation of 142 N Main, bids were received and must be approved by the City Commission.

Nathan Ensminger, building owner at 142 N Main, stated that the main floor is progressing, they have three tenants and a verbal agreement on a 4th. He stated that the second floor's first phase is for a fire suppression system. He stated that the second phase will be the placement of an elevator to provide ADA access.

Commissioner Matt Guthrie moved to accept the bid of Martsolf Enterprises in the amount of $325,504.34 for the rehabilitation of 142 N Main Street and request sole source bid approval from the Kansas Department of Commerce, subject to meeting the requirements of the CDBG Commercial Rehabilitation Grant Program.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

CONSIDERATION OF THE VACATION OF PUBLIC RIGHT-OF-WAY WITHIN THE HULL'S ADDITION

City Engineer Scott Rickard stated that there was a request from the owner at 1006 N Taylor to vacate the alley in the rear section of their yard. He stated that a lot of plats in the time frame this one was done, set aside alleys such as this. He stated that this alley is not used for a public purpose and if the ordinance is approve, 8 foot would go to each of the owners on the east and west sides. He stated that the owners in the block have all received letters. He visited with one owner who was concerned about the increase in property taxes. He spoke to the County and the increase would be about $10 a year. The owner did want him to share their concern about the increase.

Commissioner Gregg Lewis moved to approve Ordinance No. G-1330, an ordinance vacating an alley in Hull's Addition to the City of El Dorado and reserving a permanent utility easement.

Commissioner Matt Guthrie seconded the motion.

ROLL CALL VOTE

Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Yes
Position No. 1	Commissioner Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

<u>DISCUSSION OF REVOCATION OF A SPECIAL USE PERMIT AT 109 N ARTHUR STREET</u>

City Manager David Dillner stated that the Commission had expressed concern regarding the SUP on 109 S Arthur. He stated that the applicant is here to answer any questions.

City Engineer Scott Rickard stated that in order to revoke an SUP, notification must be provided regarding the violation of the SUP. He stated that there are three ways an SUP can expire; the use discontinues for 12 months, the Commission can revoke based on improper use and the SUP sunsets.

Commissioner Matt Guthrie stated that the applicant was not following the restrictions he agreed to during the Commission meeting when he received the SUP. He stated that the applicant has not heeded any of the warnings from staff.

Kevin King, 109 N Arthur, stated that he apologized, he did have a mess for a while due to unforeseen circumstances. He stated that he thought that he was allowed to park things in front as long as everything was legally licensed and driving.

Commissioner Guthrie stated that the purpose of the SUP was to hide the items he had behind the fence so the area was cleaned up.

Commissioner Kendra Wilkinson asked if he could bring himself into compliance.

Mr. King stated that he could.

Commissioner Gregg Lewis stated that he was concerned about the traffic on the street between his address and Hog Wild. He stated that they are trying to sell the adjacent property and it is difficult to get around the cars parked on the street.

Mayor Bill Young stated that it sounds like he is in compliance now. A vehicle in use is different than projects sitting outside the fence.

The Commission agreed to give him two weeks to be in compliance.

<u>REPORTS</u>

CITY COMMISSION

Commissioner Kendra Wilkinson stated that she would like to give her time to Parks and Recreation Director Kevin Wishart in order to discuss the 4th of July activities.

Parks and Recreation Director Kevin Wishart stated that staff have provided a plan to direct activities to Hamblin field and McDonald Stadium on the evening of the 4th of July in order to better respond to concerns about the COVID-19 pandemic and limitations on staff.

Commissioner Wilkinson stated that she was concerned about the 4th of July gathering under the pandemic. She stated that she contacted the County Health Department Director and asked her opinion on the issue. She stated that the Director responded that there have not been any new cases reported in El Dorado since her last report to the County. She stated that she recommended social distancing and hand hygiene.

Mayor Bill Young stated that he appreciated the work they had done. He also apologized for the lack of direction given on Wednesday. He stated that in true city staff fashion, they have run with it and planned a good event. He encouraged staff to reach out to the individuals with the Celebration of Freedom and get them involved. He stated that we all do have responsibility for our own actions and safety, he stated that if someone isn't comfortable, they shouldn't attend. He stated that he supported this plan.

Commissioners Badwey, Lewis and Guthrie also supported the new plan.

Commissioner Nick Badwey wished Gary Taylor a happy retirement.

Commissioner Badwey reviewed the library board meeting and their new phase of opening. He stated that they will have limited hours, limited time in the library for each individual and still offer curbside pickup.

Commissioner Gregg Lewis asked when splash parks would open.

Parks and Recreation Director Wishart stated that they are open. Graham Park is open and running, North Main Park had a failure and we are waiting on a part to repair it.

Mayor Young stated that he also wished Gary Taylor luck in his retirement.

Mayor Young stated that last Wednesday they did not have time to review a list of items that they have given to staff to accomplish. He stated that as they move into budget time, he would like to see where they fit in the budget and also give direction to staff to knock out four or five of these items this year.

Mayor Young stated that we have budgeted for some unfilled police department positions. He asked if there was a point in the year that we can take those funds and invest them in other places like equipment for the police department. He stated that he felt the positions needed to be filled, but didn't want to add them if we couldn't provide them with the proper resources.

City Manager David Dillner stated that any funds that are not spent get carried over in fund balance or if we are in excess of the maximum balance, we can spend it on other items per the financial policy. He stated that they could look at the budget and come up with a plan to use those funds throughout the year as we hit certain benchmarks. He stated that he could have it ready for the next budget discussion.

Commissioner Badwey asked about the grant funds.

Mayor Young stated that staff are working on a program to be able to distribute grant money to those who need it in El Dorado.

CITY MANAGER

City Manager David Dillner stated that City offices would be closed on July 3rd and so trash schedules would change that week. Thursday's route will be picked up Wednesday and Friday's on Thursday.

City Manager Dillner stated that we have been able to hire a few more lifeguards and so are able to increase the number of patrons to 45 per session.

City Manager Dillner stated that the City received notice from the County that our assessed valuation has gone up approximately 6%.

City Manager Dillner stated that we received an award from the Public Works Association for project of the year for the Sam Binter Tennis Courts.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:27 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp Vice Mayor

EL DORADO CITY SPECIAL COMMISSION MEETING May 27, 2020

The El Dorado City Commission met in special session on May 27, 2020 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 Zieman	128 N Vine	El Dorado, KS
Tammy Schaffer	220 E 1st	El Dorado, KS
Brad Meyer	222 E 2nd	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Jordan Buxton	Chamber of Commerce	El Dorado, KS
Jason Patty	220 E 1st	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Craig Yaryan	El Dorado Main Street	El Dorado, KS
Steve Waite	El Dorado Main Street	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the May 27, 2020 Special City Commission meeting to order at 5:00 p.m.

LAKE MASTER PLAN

Corps of Engineers Staff attended via zoom to discuss the plan to gather information for the lake master plan revision.

2021 BUDGET DISCUSSION

City Manager David Dillner presented information regarding the 2021 Budget.

NEXT MEETING REVIEW

Staff reviewed items on the next agenda.

REPORTS

Commissioner Kendra Wilkinson asked when 9th Avenue could be redone.

City Manager David Dillner stated that we should have debt capacity in about two years.

Commissioner Wilkinson asked about the change from the State Declarations to the County being in charge.

City Manager Dillner stated that the Governor's orders are now guidelines, and the County is not passing anything with restrictions, they are asking that citizens follow proper safety precautions. He stated that the City could pass a home rule ordinance if they wish to do more than what the County is doing.

Mayor Bill Young asked for a timeline on moving forward with the golf course.

City Manager Dillner stated that we are working on the draft information packet. He stated that he would like to get some sort of process to understand who we are going to be moving forward with by August. He stated that he would like to avoid a hasty decision so we do not end up in a similar situation. He stated that we hope to have the document ready by the first part of June.

City Manager Dillner asked for direction from the City Commission on inappropriate behavior at the golf course. He asked the Commission how they would like staff to handle it.

The City Commission agreed that the individuals who took the carts off of City property should lose privileges for the carts for a month. They agreed that staff could handle future issues with their best judgement, but to make them aware of serious issues.

Commissioner Gregg Lewis asked staff to look at the drainage at the tennis courts.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:21 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp Vice Mayor

TO: City Commission
FROM: City Clerk Tabitha Sharp
SUBJ: Advisory Board Appointments
DATE: July 6, 2020

Background:
The following boards have open positions currently.

Advisory Board	Number of Seats	Term	Notes
Sales Tax	6 1 other filled by Planning Commission	2020	Bill – Matt Jacobs

Policy Issue:
The City Commission must approve advisory board appointments and the proposed charter ordinances.

Alternatives:
Not applicable.

Fiscal Impact:
Each advisory board has the ability to influence decisions regarding the budget, the Commission must ensure that they choose individuals who will be responsible board members who will consider the ramifications of their recommendations on the citizens.

Trade-offs:
None

Staff Recommendation:
The Commission should provide the names of individuals who would be willing to serve on these Advisory Boards and Committees.

Commission Actions:
The Commission will take official action on these nominations at a regular meeting.

Return to Agenda

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: West Central Avenue Gateway TIF District Public Hearing and Ordinance
DATE: July 2, 2020

Background:

Orscheln Farm and Home Supply, LLC has requested the City authorized use of tax increment financing (TIF) to reimburse the company for certain eligible expenses related to the design and construction of public infrastructure to serve its site located on W. Central Avenue. The company estimates the total investment of the project at $5.479 million, including private and public expenses. The public infrastructure to serve the site is estimated at about $400,000.

Tax increment financing allows an applicant to request the allocation of the incremental increase in property taxes arising from a redevelopment project to reimburse or finance eligible public infrastructure expenses related to the project. By state law, TIF districts may be established for a period of up to twenty years or until the public infrastructure expenses are fully paid, whichever is less.

The City is required to conduct a public hearing prior to the adoption of a redevelopment project plan for the use of tax increment financing. The action before the City Commission would establish the date and time for the public hearing.

Attachments:

Resolution Establishing the Date and Time for a Public Hearing Regarding the Adoption of a Redevelopment Project Plan

Staff Recommendation:

The city manager recommends approval of the resolution establishing a public hearing to consider a redevelopment project plan for the West Central Avenue Gateway TIF District.

Commission Actions:

Commissioner ___________ moved to approve Resolution No. _____, establishing the date and time of a public hearing regarding the adoption of a redevelopment project plan pursuant to K.S.A. 12-1770 et seq.

Commissioner ___________ seconded the motion.

Return to Agenda

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

The governing body met in regular session at the usual meeting place in the City of El Dorado, Kansas on July 6, 2020, at 6:30 p.m., the following members being present and participating, to wit:

Present:

Absent:

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

* * * * * * * * * * * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

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

Yea:

Nay:

Thereupon, the Mayor declared said 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)

* * * * * * * * * * * * * *

On motion duly made, seconded and carried, the meeting hereupon adjourned.

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 the ***Butler County Times-Gazette*** on August 8, 2020)

RESOLUTION NO. ____

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING REGARDING THE ADOPTION OF A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

WHEREAS, the City of El Dorado, Kansas (the "City"), by the passage of Ordinance No. G-1326 on June 1, 2020, created the West Central Gateway Redevelopment District (the "Redevelopment District") consisting of a single redevelopment project area (the "Project Area"), all pursuant to K.S.A. 12-1770 *et seq.*, as amended (the "Act"); and

WHEREAS, the City is considering the adoption of a redevelopment project plan for the Orscheln Farm and Home Project Redevelopment Project (the "Project Plan") which provides for the redevelopment of the Project Area within the Redevelopment District; and

WHEREAS, on June 25, 2020, the Planning Commission of the City made a finding that the Project Plan is consistent with the intent of the City's comprehensive plan for the development of the City; and

WHEREAS, on June 25, 2020 a copy of the Project Plan has been delivered by the City to the Board of County Commissioners of Butler County and to the Board of Education of Unified School District No. 375.

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

Section 1. Notice is hereby given that a public hearing will be held by the City to consider the adoption of the Project Plan on **August 17, 2020 at 6:30 p.m.**, or as soon therafter as the matter can be heard, in the Commission Room, located at 220 E. First Avenue, El Dorado, Kansas 67042, under the authority of the Act.

Section 2. The boundaries of the Redevelopment District are shown on **Exhibit A** attached hereto and incorporated herein. The Project Plan is for the redevelopment of the Project Area, which is coterminous with the Redevelopment District and shown and legally described on **Exhibit A**.

Section 3. Copies of the Project Plan, including a summary of the feasibility study, relocation assistance plan (if any), and a description and map of the Redevelopment District and the Project Area are available for inspection during regular office hours in the office of the City Clerk in City Hall, at 220 E. First Avenue, El Dorado, Kansas 67042.

Section 4. The City Clerk shall send a copy of this Resolution via certified mail, return receipt requested, to the Board of County Commissioners of Butler County, Kansas, to the Board of Education of Unified School District No. 375, and to each owner and occupant of land within the Project Area. Such copies shall be sent not more than 10 days following the date of adoption of this Resolution. The City Clerk shall also cause this Resolution and all exhibits hereto, to be published once in the official city newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing.

Section 5. This Resolution shall become effective upon its adoption by the governing body of the City.

ADOPTED by the governing body of the City of El Dorado, Kansas on July 6, 2020.

[SEAL]

____
Mayor

Attest:

____
City Clerk

EXHIBIT A

MAP AND LEGAL DESCRIPTION OF REDEVELOPMENT DISTRICT AND PROJECT AREA

Lots 1, 2, and 3 of Block A, and Lot 1 of Block B of the Central and School Road Commercial Estates Addition to the City of El Dorado, Butler County, Kansas

and any and all public right-of-way immediately adjacent to the above-described land.

Return to Agenda

City Manager's Office
David B. Dillner
City Manager
220 E. First Avenue
El Dorado, KS 67042

Phone: (316) 321-9100
Fax: (316) 321-6282
Email: ddillner@eldoks.com
Web: www.eldoks.com
Twitter: @EldoCityMgr

EL DORADO
THE FINE ART OF LIVING WELL

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Assignment of John K. Fisher Agreement to Cody Fisher
DATE: July 2, 2020

Background: In 2013, the City entered into an agreement with John K. Fisher, Inc. concerning a sales tax rebate incentive to assist the company with expenses related to the improvement of their El Dorado location to then-existing General Motors image specifications.

The agreement provided for a rebate of 75% of the portion of sales tax revenue generated by the dealership in any calendar year above a base amount of $60,000. The agreement would sunset after fifteen years from the effective date of the agreement, and any extensions thereto, or after the company had received an aggregate rebate of $300,000.

On June 1, 2020, Cody Foster Motors Buick, GMC, Cadillac, acquired the dealership. On June 15, 2020, Mr. Foster provided a letter to the City stating his intention to continue to operate the dealership and his plans to increase the number of units available so as to increase sales volume. Mr. Foster also requested assignment of the 2013 Sales Tax Agreement to the acquiring company.

Policy Issue: Should the City assign the 2013 Sales Tax Agreement with John K. Fisher to Cody Foster Motors Buick, GMC, Cadillac?

Strategic Priority: Economic Development

Alternatives:
Staff has determined the following options exist with respect to this issue *(listed in no particular order)*:

- Approve the assignment of the agreement to the new ownership.
- Request additional information from the new ownership to assist the City Commission with determining the eligibility of the new owner to maintain the terms of the agreement.
- Deny assignment of the agreement.

Fiscal Impact: The City's operating funds will not be impacted by the assignment of the agreement. The rebate is paid from $100,000 of the City's one-cent (1%) sales tax allocated to economic development. As previously stated, the City agreed to a maximum aggregate rebate of $300,000. To date, the City has paid out a total of $90,448 (30%) and has $209,552 remaining. On average, the City pays out about $12,921 to John K. Fisher annually.

Legal Review: The City Attorney has reviewed the agreement provided a review of the agreement and stated that it could be assigned at the desire of the City Commission, provided the City Commission determines that the proposed assignee has the qualifications and financial responsibility necessary and adequate to fulfill the obligations of the agreement. The City is not obligated to make any payments of the sales tax rebate until the City specifically agrees to the assignment.

The City Attorney also stated that, in her opinion, John K. Fisher defaulted on the agreement when the company did not seek the City's prior approval of the sale of the dealership since the sale was not made to an entity related to John K. Fisher, Inc.

Trade-offs: The new ownership plans to increase new and used units available for purchase at the John K. Fisher dealership, which will allow him to potentially significantly increase sales volume on the site. If the agreement is not assigned, the plan to increase units may not come to fruition in the near-term or other improvements to the property may be delayed.

Staff Recommendation: The City Manager recommends approval of the assignment of the John K. Fisher Agreement to Cody Foster Motors Buick, GMC, Cadillac. The company's intention is to maintain and improve dealership operations at the El Dorado location. As a result, the City's sales tax from vehicle sales from the dealership will likely either maintain existing levels or increase based on the new owners' plans.

Commission Actions:

Commissioner ___________ moved to approve Resolution No. _____, a Resolution assigning the John K. Fisher Buick GMC Cadillac Dealership Sales Tax Rebate Agreement dated February 4, 2013, to Cody Foster Motors Buick, GMC, Cadillac.

Commissioner ___________ seconded the motion.

June 15, 2020

David Dillner
El Dorado City Manager
220 E. 1st Avenue
El Dorado, KS 67042

Cody Foster
Cody Foster Motors Buick, GMC, Cadillac
2670 W. Central Avenue
El Dorado, KS 67042

Re: Assignment of John K. Fisher Inc. Buick GMC Cadillac Dealership sales tax rebate agreement dated February 4, 2013 with the City of El Dorado.

Dear Mr. Dillner,

I would respectfully request the opportunity to assume the Dealership responsibilities under the agreement referenced above for the balance of the 15 year term or until the sum of $300,000 has been rebated whichever comes first as outlined.

I closed on the purchase of the John K. Fisher Buick GMC Cadillac dealership on June 1, 2020. It is my intention to continue to operate as a Buick, GMC, and Cadillac dealership at 2670 W. Central El Dorado, Kansas 67042. My business plan includes increasing the new and used units displayed on the site which will allow me to significantly increase the sales volume of the dealership.

Within the next 12 months, I plan to close the in-house body shop. My intent to focus on repair, maintenance and warranty work will not only increase the income to the dealership but visitors to the El Dorado community.

Information regarding ownership and financing:
CBLR, LLC established in December, 2019
Owner: Cody Foster 100%
Banking relationship: St. John National Bank in St. John, Kansas

Attached please find a copy of my initial balance sheet for your confidential review.

I am available to attend the July 15, 2020 City of El Dorado Commission meeting to answer additional questions needed to consider my request.

Respectfully,

Cody Foster
CBLR, LLC dba Cody Foster Motors Buick, GMC, Cadillac

ASSIGNMENT AND ASSUMPTION OF SALES TAX REBATE AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION OF SALES TAX REBATE AGREEMENT (the “Assignment”) is made by JOHN K. FISHER, INC., a Kansas corporation (the “Assignor”), and CBLR, LLC, a Kansas limited liability company (the “Assignee”) as of this ___ day of ___________, 2020 (the “Effective Date”).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns to Assignee all of Assignor’s right, title, and interest in and to that certain Sales Tax Rebate Agreement by and between Assignor and the City of El Dorado, Kansas, a copy of which is attached as Exhibit A and incorporated herein by reference, pertaining to the Buick GMC Cadillac Dealership more particularly described therein.

Assignor represents and warrants to Assignee that Assignor has fully performed all obligations of the Assignor up to the present under the Sales Tax Rebate Agreement. By this Assignment, Assignor transfers, assigns, and conveys to Assignee all of Assignor’s rights in connection with the Sales Tax Rebate Agreement, and Assignee accepts and assumes such rights and duties. Assignor shall do any and all acts necessary, in Assignee’s discretion, to effectuate this Assignment, and shall, if necessary, join with Assignee to enforce the Sales Tax Rebate Agreement with the City of El Dorado.

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the Effective Date.

“ASSIGNOR”	“ASSIGNEE”
JOHN K. FISHER, INC.	CBLR, LLC
By: ________________________________	By: ________________________________
Kevin Crook, President	Cody Foster, Member

APPROVAL OF ASSIGNMENT

The City of El Dorado states that its Sales Tax Rebate Agreement for the John K. Fisher Inc. Buick GMC Cadillac Dealership is not currently in default and that it has no objection to the above assignment and assumption.

THE CITY OF EL DORADO, KANSAS

By:

____

David Dillner, City Manager

Attest:

____

Tabitha Sharp, City Clerk

Approved as to Form:

____

Ashlyn Lindskog, City Attorney

EXHIBIT A

Copy of Sales Tax Rebate Agreement

RESOLUTION NO. ___

A RESOLUTION OF THE CITY OF EL DORADO, KANSAS AUTHORIZING THE ASSIGNMENT OF A SALES TAX REBATE AGREEMENT WITH JOHN K. FISHER, INC. TO CODY FOSTER

THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS HAS DETERMINED:

A. John K. Fisher, Inc. (the "Developer") owned and operated a Buick GMC Cadillac auto dealership, repair and maintenance facility (the "Dealership") located at 2670 W. Central in the City of El Dorado, Kansas.

B. On June 1, 2020, Cody Foster acquired John K. Fisher, Inc., and made a request to the City to have a Sales Tax Rebate Agreement dated February 4, 2013 assigned to the new ownership.

C. The City of El Dorado, Kansas (the "City") desires to promote, stimulate and develop the general economic welfare and prosperity of the City.

D. In order to provide the Developer with an economic incentive to undertake certain improvements to the Dealership and to provide for further economic development of the City, the City and the Developer desire to enter into an agreement to provide for the rebate to the Developer of certain sales tax revenues collected by the City from sales at the Dealership.

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

Section 1. **Authorization of City Manager to Execute Assignment of Sales Tax Rebate Agreement**. The City Manager is hereby authorized to execute the assignment of the Sales Tax Rebate Agreement dated February 4, 2013 between the City and the John K. Fisher (the "Agreement") to Cody Foster Motors Buick, GMC, Cadillac ("New Ownership") in substantially the form presented for review this date, with such minor corrections or amendments as the City Manager may approve, which approval shall be evidenced by his signature. The City Clerk is hereby authorized and directed to attest the execution of the Agreement under the City's corporate seal.

Section 2. **Further Authority**. The officials, officers, agents and employees of the City are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this resolution and to carry out and perform the duties of the City with respect to the Agreement.

Section 3. **Effective Date**. This resolution shall take effect after its adoption by the governing body of the City.

[BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY]

ADOPTED by the governing body of the City of El Dorado, Kansas this __ day of July, 2020.

[SEAL]

____
Vice Mayor

Attest:

____
Tabitha Sharp, City Clerk

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Charter Ordinance for Tennis Court Project
DATE: July 2, 2020

Background: When it was constructed in 2019, the tennis court project cost approximately $1.6 million. The City was responsible for half of the cost, or $800,000. A portion of this amount, approximately $550,000 was to be paid from proceeds from the sale of Prairie Trails Golf Course. The proposed sale of the golf course did not close, so the funds were are not available to offset a portion of the project cost.

The City may issue bonds to finance its portion of the project in lieu of spending down fund balance, although such action requires approval of a home rule charter ordinance.

Attachments:
Proposed Charter Ordinance

Policy Issue: Should the City bond the cost of the tennis courts in order to maintain a proper fund balance?

Alternatives:
The City Commission has the following options with respect to this item: *(listed in no particular order)*

- Approve the charter ordinance and authorize issuance of bonds to finance a portion of the tennis court project.
- Deny approval of the charter ordinance and spend fund balance to pay the City's portion of the project.

Fiscal Impact:
The annual principal and interest payment for the project will cost approximately $40,880 per year for twenty years if the City elects to bond its share of the project. The actual payment will vary based on changes in interest rates between now and the time of issuance. This equates to approximately 0.43 mills from the Bond and Interest Fund.

The City's General Fund balance will be reduced by $800,000 if the project is not bonded. Presently, the General Fund maintains a fund balance in excess of the fund's targeted maximum. The City may allocate funds in excess of the target maximum for the fund to one-time expenses as provided in the City's Financial Policy.

Trade-offs: Going to bond on this project will decrease the debt capacity the City has available to finance other capital projects. Alternatively, spending down fund balance may reduce the City's ability to response to unforeseen circumstances, such as revenue shortfalls or unanticipated expenditure overruns.

Staff Recommendation:
The City Manager recommends approval of the Charter Ordinance to give the City the ability to include the project in a future bond issuance.

Commission Actions:

Commissioner ___________ moved to approve Charter Ordinance No. ____, a Charter Ordinance exempting the City of El Dorado, Kansas, from the provisions of K.S.A. 12-1736 et seq. and providing substitute and additional provisions on the same subject relating to public building improvements and the issuance of bonds for the purpose of paying for said improvements.

Commissioner ___________ seconded the motion.

Roll Call Vote

Position No. 4	Commissioner Kendra Wilkinson	_____
	Mayor Bill Young	_____
Position No. 1	Commissioner Matt Guthrie	_____
Position No. 2	Commissioner Gregg Lewis	_____
Position No. 3	Commissioner Nick Badwey	_____

Return to Agenda

Gilmore & Bell, P.C.
06/29/2020

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

The governing body met in regular session 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)

Thereupon, there was presented a Charter Ordinance entitled:

A CHARTER ORDINANCE EXEMPTING THE CITY OF EL DORADO, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1736 ET. SEQ. AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

Thereupon, Commissioner ______________________ moved that said Ordinance be passed. The motion was seconded by Commissioner ______________________. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea:

Nay:

Thereupon, the Mayor declared said Charter Ordinance duly passed with more than a 2/3 vote of the governing body, and the Charter Ordinance was then duly numbered Charter Ordinance No. ____, was signed and approved by the Mayor and attested by the Clerk and was directed to be published once a week for two consecutive weeks in the official newspaper of the City.

* * * * * * * * * * * * * *
(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

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)

____

Clerk

(Published in ***Butler County Times – Gazette*** on July 11, 2020 and July 18, 2020)

CHARTER ORDINANCE NO. ____

A CHARTER ORDINANCE EXEMPTING THE CITY OF EL DORADO, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1736 ET. SEQ. AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO PUBLIC BUILDING IMPROVEMENTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of El Dorado, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1736 and K.S.A. 12-1737 are part of an enactment of the Kansas Legislature (K.S.A. 12-1736 *et seq*.) relating to public building improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1736 and K.S.A. 12-1737, and to provide substitute and additional provisions therefor.

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

Section 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1736 and K.S.A. 12-1737, and shall be governed by the substitute and additional provisions contained herein.

Section 2. Acquisition, demolition or construction of public buildings; sites; cooperating governmental units. The City may erect or construct, acquire by gift, purchase, condemnation or lease a public building or facilities and procure any necessary site therefor by gift, purchase or condemnation and may alter, demolish, repair, reconstruct, remodel, replace or make additions to, furnish and equip a public building or facility located on such site. The authority herein conferred may also be exercised jointly or in cooperation with any other governmental unit so empowered, upon such terms and conditions as shall be agreed upon by the governing body of the city and the governing body of such cooperating governmental unit.

Section 3. Methods of financing authorized; issuance of bonds; tax levy, use of proceeds; protest petition and election; investment of fund; issuance of no-fund warrants. The governing body of the City may, for the purposes authorized and provided by the foregoing section:

(a) Receive and expend gifts;
(b) receive and expend grants-in-aid of state or federal funds;
(c) issue general obligation bonds of the City;
(d) levy an annual tax of not more than two mills, which tax levy may be made for a period not exceeding 10 years upon all taxable tangible property in such city for the purpose of creating a building fund to be used for the purposes herein provided and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto;
(e) issue no-fund warrants;
(f) use moneys from the general operating fund or other appropriate budgeted fund when available;
(g) use moneys received from the sale of public buildings or buildings and sites; or
(h) combine any two or more of such methods of financing for the purposes herein authorized except that the City shall first use funds received from the payment of insurance claims for damages sustained by any such public building before resorting to methods of financing herein authorized.

Before issuing its general obligation bonds to pay the costs of public building improvements authorized and provided by ***Section 2*** hereof, the governing body of the City shall adopt a resolution describing the type of public building improvement to be provided for and the amount of general obligation bonds to be issued. Such resolution may contain, but is not required to contain, a provision that the issuance of the bonds be subject to: (a) publication of such resolution one time in the official City newspaper, and if within 30 days after the date of publication of the resolution, a petition in opposition to the issuance of the bonds, signed by not less than 10% of the qualified electors of the City, is filed with the City Clerk, the City shall not have the authority to issue the bonds until such question is submitted to the electors of the City at a special election called for that purpose or at the next general election and approved by a majority of the electors of the City voting at such election; or (b) approval by a majority of the electors of the City voting on such question at a special election called for that purpose or at the next general election. If such resolution does not contain a provision described in the foregoing ***subsection (a)*** or ***subsection (b)***, or if such resolution does contain a provision described in the foregoing ***subsection (a)***, but no protest is filed as described in ***subsection (a)***, the City may proceed to issue the bonds. Any election required by this section shall be conducted in the manner set forth in K.S.A. 10-120 by the election officer of Butler County. General obligation bonds authorized by this section shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law except as herein otherwise expressly provided.

No levies shall be made for the purpose of creating a building fund under the provisions of this section until a resolution authorizing the making of such levies is adopted by the governing body of the City. Such resolution shall state the specific purpose for which the tax levy is made, the total amount proposed to be raised and the number of years the tax levy shall be made. The resolution shall be published once each week for two consecutive weeks in the official City paper. After publication, the levies may be made unless a petition requesting an election upon the question of whether to make the levies is filed in accordance with this section. Such petition shall be signed by electors equal in number to not less than 10% of the electors who voted at the last preceding regular City election as shown by the poll books, is filed with the City Clerk within 60 days following the last publication of the resolution. If a valid petition is filed, the governing body shall submit the question to the voters at an election called for that purpose or at the next regular City election.

The levy authorized by this section shall be in addition to and not limited by any other act authorizing or limiting the tax levies of the City. The building fund may be used for the purposes provided by this section at any time after the second levy has been made. If there are insufficient moneys in the building fund for expenditures for such purposes, the governing body of the City may issue bonds of the City in the manner provided by the general bond law of the state and in an amount which, together with the amount raised by the tax levy authorized by this act, will not exceed the total amount stated in the resolution creating such fund. Cities are hereby authorized to invest any portion of the special building fund which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the special building fund.

No-fund warrants issued under the authority of this section shall be issued in the manner and form and bear interest and be redeemed as prescribed by K.S.A. 79-2940, and amendments thereto, except that they may be issued without the approval of the state board of tax appeals and without the notation required by K.S.A. 79-2940, and amendments thereto. The governing body of the City issuing such warrants shall levy a tax for the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, shall apply to such levies.

Section 4. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

Section 5. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

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PASSED with at least a two-thirds (2/3) vote of the entire governing body of the City of El Dorado, Kansas, on July 6, 2020 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

____
Mayor

ATTEST:

____
Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Charter Ordinance No. ____; that was passed by the governing body on July 6, 2020; that the record of the final vote on its passage is found on page ____ of journal ____.

DATED: July 6, 2020.

____
Clerk

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CERTIFICATE OF NO PROTEST

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, Clerk of the City of El Dorado, Kansas (the "City"), does hereby certify that the governing body of the City duly passed Charter Ordinance No. ____, on July 6, 2020, that said Charter Ordinance was published once a week for two consecutive weeks (July 11, 2020 and July 18, 2020) in ***Butler County Times – Gazette,*** the official City newspaper; that more than sixty (60) days have elapsed from the date of the last said publication; and that there has been no sufficient written protest filed in my office against said Charter Ordinance, as provided in Article 12, Section 5 of the Kansas Constitution.

WITNESS my hand and official seal on ________________, 2020.

(Seal)

____
Clerk