

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
August 3, 2020 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** - Pastor David Crook, First Southern Baptist Church
- 4. Pledge of Allegiance**

Proclamations and Recognition

5. 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 July 20, 2020 and Special City Commission Minutes from July 8, 15 and 22, 2020.](#)

Old Business

8. None

New Business

9. [Vacate Alley in Lawndale Addition](#)
10. [KDOT Connecting Link Project Request for Mill and Overlay Project on K-254/US-54 \(Central Ave\) from Taylor Street to Griffith Street](#)

Items for Discussion

11. [Proposal to Close Post Road to Through Traffic](#)

Reports

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

Executive Session

14. 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.

15. Commissioner _____ moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing non-elected personnel and succession plans and to reconvene the meeting at ____ p.m. in the City Commission Room.

Commissioner _____ seconded the motion.

Adjournment

16. Motion to adjourn the August 3, 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

July 20, 2020

The El Dorado City Commission met in a regular session on July 6, 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 Attorney Ashlyn Lindskog (attended via phone in executive session), City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Linda Clark	1112 Rim Rock Road	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS
Austin Lowry	401 N Atchison	El Dorado, KS
Shawn Steward	AAA Kansas	
Troy Wells	KDOT	
Deanna Bonn	Everyday El Dorado	El Dorado, KS
Robert Carpenter	313 N Hillcrest	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the July 20, 2020 meeting to order.

INVOCATION

Pastor Corey Landreth, Real Life Christian Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

Shawn Steward, AAA Kansas, presented the El Dorado Police Department with their sixth AAA Traffic Safety Award.

Mayor Bill Young read a proclamation encouraging citizens to wear masks or face coverings.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

Robert Carpenter, 313 Hillcrest, asked who takes care of the weeds in the utility easement. He stated that they are adjacent to his property and he has to have animal control out a lot to deal with animals.

EL DORADO CITY COMMISSION MEETING

July 20, 2020

City Engineer Scott Rickard stated that he would look into it to confirm where the property line is.

CONSENT AGENDA

Approval of the City Commission minutes from July 6, 2020 and Special City Commission Meeting Minutes from July 1, 2020.

Approval of Appropriation Ordinance No. 06-20 in the amount of \$1,495,710.30.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

OLD BUSINESS

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

City Manager David Dillner stated that the Commission has been provided with a copy of the financial statement and a report from the auditors. Staff discussed the audit with the Commission at the previous work session and it was determined that there were no questions. He stated that the audit needed to be accepted.

Commissioner Matt Guthrie moved to accept the independent audit of the year-ending December 31, 2019 financial statements as prepared by Berberich Trahan & Co., P.A.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

SPECIAL USE PERMIT FOR 500 SOUTH ALLEGHENY STREET

Commissioner Nick Badwey recused himself from the discussion as he is the resident agent.

City Engineer Scott Rickard stated that the applicant at 500 South Allegheny Street is requesting an accessory structure at this address. He stated that the property was combined with the home to the north of it. He stated that the Planning Commission has recommended approval 4 – 1.

Commissioner Kendra Wilkinson asked why the one person voted against the project.

City Engineer Rickard stated that the no vote believed that the structure disrupted the flow of the neighborhood. He stated that the property owner has proposed a significant setback, decorative fencing and landscaping.

Commissioner Gregg Lewis moved to approve Case No. 20-06-SUP, requesting a SUP for a 1,500 square foot accessory structure at 500 S. Alleghany Street and that Ordinance No. G-1331 be approved.

Commissioner Matt Guthrie seconded the motion.

Roll Call Vote

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

TRANSIENT GUEST TAX CHARTER ORDINANCE

City Manager David Dillner stated that the City currently has a 5% transient guest tax rate. He stated that the Commission and CTC have both reviewed and recommended an increase to 8%. He stated that due to the current economic conditions, staff are recommending that the Ordinance not be effective until the 3rd quarter of 2021. He stated that staff estimate an additional \$90,000 in revenue to be used for the marketing and promotion of the City of El Dorado.

Commissioner Matt Guthrie moved to approve Charter Ordinance No. 25, a Charter Ordinance exempting the City of El Dorado, Kansas, from K.S.A., Sections 12-1692, 12-1697 and 12-1698, and providing substitute and additional provisions on the same subject.

Commissioner Nick Badwey seconded the motion.

Mayor Bill Young stated that during the previous discussions, staff had looked at surrounding communities and their guest tax amounts. He stated that this rate falls within the middle of the range of our surrounding communities.

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

LIQUOR TAX CHARTER ORDINANCE

City Manager David Dillner stated that the Commission has discussed chartering out of the current liquor tax distribution because the existing language is very confusing. He stated that the ordinance provided distributes the funds similarly to the Statute, but provides clarification on the final expenditure. He stated that the first third would be deposited in the general fund, the second third to the special parks and recreation fund, and the third would go to non-profit organizations that effect the prevention of domestic violence.

Commissioner Nick Badwey moved to approve Charter Ordinance No. 26, a Charter Ordinance exempting the City of El Dorado, Kansas, from K.S.A., Sections 79-41a04, and providing substitute and additional provisions on the same subject.

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

CARES ACT RESOLUTION

City Manager David Dillner stated that the CARES Act was put in place by the federal government as a response to the COVID-19 pandemic. He stated that Butler County will received \$13.78 million. He stated that the funds can be spent on those items that: are necessary public health emergency expenses; not accounted for in the 2020 budget; and expenses incurred March 1st through December 31st of 2020.

City Manager Dillner stated that the Resolution states that we agree to receive the funds and use them only for expenses related to COVID-19. He stated that the first pool of funds is for direct expenses such as PPE and technology spent in response to the pandemic. He stated that the second pool of money is direct aid, those funds have not yet been spent but have the opportunity to enhance the City's ability to respond to COVID-19. Staff have included possible projects in the agenda.

Commissioner Kendra Wilkinson confirmed that the amount was approximately \$194 per citizen and additional funds for areas who have higher unemployment.

City Manager Dillner stated that the formula was used to determine how much money was given to each County. He stated that it is up to the County to decide how the funds will be distributed.

Commissioner Kendra Wilkinson moved to approve Resolution No. 2907, a Resolution affirming the City's commitment to use CARES Act funds for appropriate uses and to comply with any reporting requirements necessary to ensure such compliance.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

City Manager Dillner stated that because of the quick turnaround on this, staff are prepared to review the projects at the work session on Wednesday.

ITEMS FOR DISCUSSION

DOWNTOWN AND TRUCK PARKING

City Engineer Scott Rickard stated that the City Commission has received questions from citizens regarding parking in the downtown area and truck parking on City streets. Staff are asking for a discussion to get direction on the parking ordinances.

Mayor Bill Young asked why the two-hour parking was created downtown.

City Engineer Rickard stated that it is limited to two-hour parking to keep a continuous flow of customers. He stated that all day parking is allowed in all of the municipal parking lots behind each block.

Mayor Young asked what issues we are having.

City Manager David Dillner stated that the complaint we have received is that we are not proactively enforcing the time limit and some businesses are using the on-street parking as all day parking for their business.

Police Chief Curt Zieman stated that we haven't enforced the two-hour parking in several years. He stated that we do not typically receive many complaints on the subject each year. He stated that because of new laws regarding the marking of tires, he wasn't sure how it could be enforced.

Mayor Young asked if there is signage pointing to the municipal lots.

City Manager Dillner stated that he believed there was.

Commissioner Matt Guthrie asked how many complaints there had been.

Staff stated that there had been three, two at the City Manager's chat and one in regards to the construction downtown.

EL DORADO CITY COMMISSION MEETING

July 20, 2020

Commissioner Wilkinson asked about the truck parking issue.

Police Chief Zieman stated that we have received a complaint from a business owner in the business park. He stated that his staff posted a sign at the hotels stating that semi-truck parking is not allowed on streets in El Dorado.

Commissioner Gregg Lewis stated that he was concerned about the trucks here as part of the BNSF project. He didn't want to prevent them from parking on the street in their larger trucks because it would hurt the hotels.

Police Chief Zieman stated that he hadn't received complaints about that, he stated that the tractor trailer trucks are the ones we have received complaints about. He stated that since Walmart is discouraging truck parking in their lot, they started seeing more semis in the business park.

Mayor Young stated that he did not believe there should be semi parking in that area because we are trying to recruit more businesses in that area and we have spent a lot of money developing the area.

City Engineer Rickard read the current ordinance.

Commissioner Badwey stated that the current ordinance might prevent the railroad trucks from parking there.

Mayor Young stated that he would like to see recommendations on how we can adjust the ordinance to better fit our situation.

City Engineer Rickard stated that we need to consider the new marketing plan and how we might be trying to recruit businesses in that area.

City Manager Dillner asked for direction on downtown parking.

The City Commission agreed that it did not seem to be an issue at this time and didn't see reason to change it.

City Manager Dillner stated that the only issue is that if we do not enforce it, it will be difficult to enforce it in the future.

City Engineer Rickard stated that staff would bring a recommendation for the truck parking issue.

SPECIAL USE PERMIT AT 105 NORTH ARTHUR

City Manager David Dillner stated that the Commission had requested that the SUP for 105 North Arthur be reviewed 30 days after their last discussion. He stated that it appears that the applicant is in compliance with the SUP.

EL DORADO CITY COMMISSION MEETING

July 20, 2020

Commissioner Matt Guthrie stated that it looks much better.

The City Commission agreed to let the SUP stand.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Nick Badwey thanked the Fire Department for helping build playground equipment at Quail Ridge.

Commissioner Badwey stated that the Friends of the Library has canceled the book sale and sloppy joe dinner this year. He stated that the library is running about fifty percent circulation right now. He stated that curbside and outreach are both still available.

Commissioner Gregg Lewis stated that El Dorado Inc. had meetings later in the week.

CITY MANAGER

City Manager David Dillner stated that the Census group would begin making visits door-to-door to encourage individuals to participate in the Census.

City Manager Dillner stated that construction will begin on Douglass Road next week and is expected to be complete in November.

City Manager Dillner stated that Flint Creek is making progress, foundations are almost all in and the work will begin on water lines soon. He stated that the City has contracted out that work, but we are waiting on an additional contractor to help with the extensive amount of rock that needs to be moved in the area.

City Manager Dillner stated that KDOT awarded the City \$300,000 for mill and overlay of Central from Taylor to Griffith. He stated that the City would be required to contribute thirty percent.

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into executive session pursuant to the attorney client privilege exception under K.S.A. 75-4319(b)(2) for the purposes of discussing legal issues and to reconvene the meeting at 8:00 p.m. in the City Commission room.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

Mayor Bill Young called the meeting back to order at 8:00 p.m.

EL DORADO CITY COMMISSION MEETING
ADJOURNMENT

July 20, 2020

Commissioner Nick Badwey moved to adjourn the meeting at 8:01 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

The El Dorado City Commission met in special session on July 8, 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
Kevin Wishart	220 E 1 st	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Joe Haag	220 E 1 st	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the July 8, 2020 Special City Commission meeting to order at 5:00 p.m.

2021 BUDGET DISCUSSION

The City Commission discussed the proposed budget and made several additions. City Manager David Dillner stated that he would resend the file with the additions so that they could review it before the next meeting.

Commissioner Nick Badwey asked to see the Memorandum of Understanding for each partner agency.

OVERVIEW OF 5-YEAR CAPITAL IMPROVEMENT PROGRAM

City Manager David Dillner presented the proposed Capital Improvement Program (CIP) schedule. He stated that after the meeting, staff have lined up some of our equipment so that the Commission can look at what they are needing to replace. He stated that he would provide the Equipment Replacement Plan to the City Commission.

UPCOMING AGENDA REVIEW

Staff reviewed items on the upcoming agenda.

REPORTS

Commissioner Nick Badwey thanked the Chamber for their work on the grant program.

Commissioner Kendra Wilkinson stated that she had provided some language for a proclamation encouraging masks, and asked if the Commission would support it.

The Commission agreed.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:05 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

EL DORADO CITY SPECIAL COMMISSION MEETING

July 15, 2020

The El Dorado City Commission met in special session on July 15, 2020 at 5:00 pm at City Hall with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey (left at 6:46 p.m.), 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
Kevin Wishart	220 E 1 st	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Joe Haag	220 E 1 st	El Dorado, KS
Tammy Schaffer	220 E 1 st	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS
Darin Rains	HollyFrontier (El Dorado Inc.)	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Glen Buckholz	1951 Hazlett (El Dorado Inc.)	El Dorado, KS
Steve & Pam Waite	1715 E Payton Cir (Main Street)	El Dorado, KS
Craig Yaryan	2325 Potters Court (Main Street)	El Dorado, KS
Loren Jack	1701 Country Club (Chamber)	El Dorado, KS
Olivia Haselwood	El Dorado Chamber of Commerce	El Dorado, KS
Sherry Hagemeister	Heritage Funeral Home (Main Street) 715 W Pond Ct	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the July 15, 2020 Special City Commission meeting to order at 5:00 p.m.

2021 BUDGET DISCUSSION

The City Commission discussed the proposed budget. After much discussion, they decided to go back to the original budget with some additions and a 2% merit. City Manager Dillner stated that he would re-work the numbers and bring them back to the following work session.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 7:20 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

EL DORADO CITY SPECIAL COMMISSION MEETING

July 22, 2020

The El Dorado City Commission met in special session on July 22, 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
Kevin Wishart	220 E 1 st	El Dorado, KS
Brad Meyer	222 E 2 nd	El Dorado, KS
Joe Haag	220 E 1 st	El Dorado, KS
Kurt Bookout	220 E 1 st	El Dorado, KS
Tammy Schaffer	220 E 1 st	El Dorado, KS
Jordan Buxton	El Dorado Chamber of Commerce	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
Steve Waite	Main Street	El Dorado, KS
Sherry Hagemeister	Main Street	El Dorado, KS
Craig Yaryan	Main Street	El Dorado, KS
Lee White	Butler County, Kansas News	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the July 22, 2020 Special City Commission meeting to order at 5:00 p.m.

2021 BUDGET DISCUSSION

The City Commission discussed the proposed budget and agreed on the following approximate mill levy (Finance Director Tammy Schaffer stated that the numbers might change slightly after the County does their assessment): General Fund – 36.205, Bond and Interest – 10.174, Airport - .621, Industrial Mill Levy – 1, and Library – 5, for a total of 53 mills.

City Manager David Dillner provided a memo on how they would approach the budget process in the future.

Commissioner Matt Guthrie stated that they need to stay on topic and complete the discussions regarding the partner agency agreements in the near future.

Steve Waite, Main Street Vice President, began to try and talk from the audience.

Commissioner Guthrie told him that the Commission was not accepting public comment at this meeting.

Commissioner Nick Badwey moved to adjourn the meeting.

Commissioner Matt Guthrie seconded the motion.

Motion failed 2 – 3.

Mayor Bill Young stated that the Commission needed to complete the budget discussions and move forward so that staff could do what they needed to publish it. He stated that those in the audience representing the partner agencies needed to let them work through the budget process, he reiterated that currently, the funding they each had received in previous years was budgeted for next year. He stated that conversations would continue on how to move forward after the budget had been finalized.

Commissioner Kendra Wilkinson stated that the discussion would happen with each organization and if needed MOU's would be re-written to allow for new direction.

Commissioner Guthrie stated that the Commission has until October 23rd to make a decision per the existing MOU's.

The Commission agreed to send the budget as presented for publication.

CARES ACT DIRECT AID PROJECTS

City Manager David Dillner presented the proposed projects to be sent to the County for funding through the CARES Act.

The City Commission stated that they believe that staff knew what was needed and that they could move forward as they saw fit as long as they fit the criteria.

UPCOMING AGENDA REVIEW

Staff reviewed items on the upcoming agenda.

REPORTS

No Reports.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 6:20 p.m.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

TO: City Commission
FROM: Engineering Department
SUBJ: Vacate Alley in Lawndale Addition
DATE: 7/15/2020

Background:

At the request of an adjacent property owner we are asking the City Commission consider the vacation of a platted alley in the Lawndale Addition. The alley runs North and South from Random Road to Warren Road. The alley serves no purpose as a public right of way and staff feels it is justified to vacate the alley. As platted the alley is 20' in width and when vacated would convert to private property with an under lying 20' utility easement in the same alignment.

Staff has reached out to all franchised utilities and adjacent property owners for input. No franchised utilities have voiced a concern.

Project Schedule:

The vacation would be effective 31 days after publication of the approved ordinance. Interested parties can file a written protest within those 31 days and, if such protest is file the Commission must set a hearing and consider adopting a resolution.

Attachments:

See Ordinance & Location Map

Policy Issue:

The Commission must pass an Ordinance to vacate public right of way.

Alternatives:

The Commission can decide to leave the public right intact as platted in 1959.

Fiscal Impact:

Publication of the Ordinance is estimated to be \$100. The increase in property tax paid to the City would be negligible.

Trade-offs:

N/A

Staff Recommendation:

Vacate the Alley

Commission Actions:

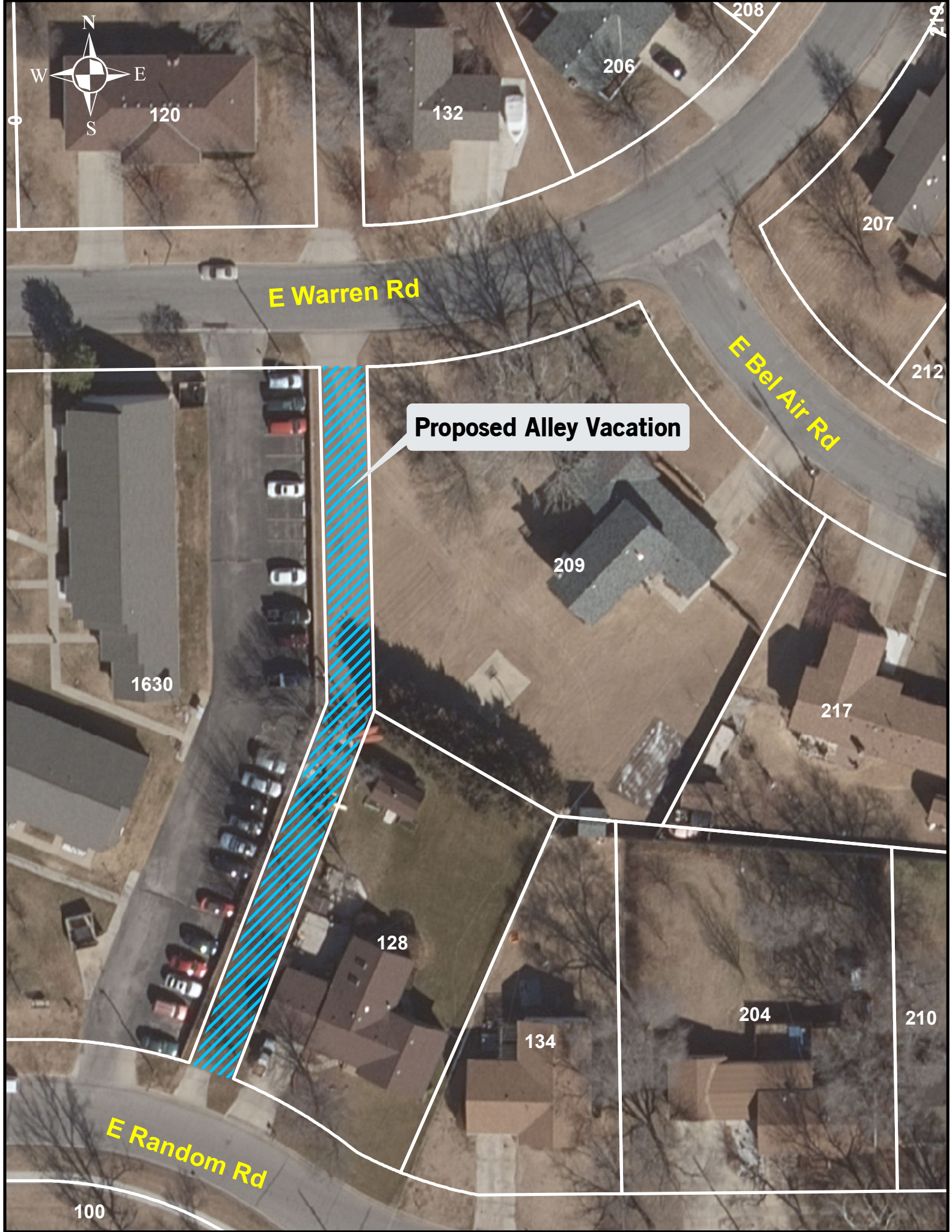
Commissioner _____ moves adopt Ordinance No. _____ an ordinance vacating an alley in Lawndale Addition to the City of El Dorado and maintaining a utility easement.

Commissioner _____ seconded the motion.

Roll Call Vote

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

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E Warren Rd

E Bel Air Rd

E Random Rd

Proposed Alley Vacation

120

132

206

208

207

212

209

217

210

204

134

128

1630

100

ORDINANCE NO. _____

AN ORDINANCE RELATING TO AND PROVIDING
FOR THE VACATION OF A CERTAIN ALLEY
IN LAWNDALE ADDITION
TO THE CITY OF EL DORADO, KANSAS,
HEREINAFTER MORE SPECIFICALLY DESCRIBED.

WHEREAS, it is declared by the Governing Body that it would be in the best interest of the City that a certain alley in Lawndale Addition to the City of El Dorado, Kansas be vacated, reserving a permanent utility easement

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

Section 1: That the real estate located in the City of El Dorado, Kansas Described as follows, to wit:

Vacation of an existing alley in block 4 of the Lawndale Addition to El Dorado, Section 35, Township 25, Range 5 East, described as follows: Beginning at the northeast corner of lot 21, thence south 146.03 feet; thence southwesterly 158.52 feet to the southeast corner of lot 21; thence southeasterly 20 feet to the southwest corner of lot 20; thence northeasterly 161.59 feet; thence north 140.85 feet to the northwest corner of lot 1; thence west 20 feet to the point of beginning.

Should be and is hereby vacated; provided, however that the above described area be retained as a 20' wide permanent utility easement.

Section 2: This Ordinance shall become effective thirty-one (31) days after publication, unless one or more interested parties files a written protest before the expiration of said time. In the event such a protest is filed in the office of the City Clerk of the City within such time, the governing body shall set the matter for hearing ten (10) days after the end of the thirty (30) day period. The hearing may be continued from time to time and at the conclusion thereof the Governing Body shall adopt a resolution confirming the vacation ordinance and the same shall be filed with the County Clerk and the Register of Deeds as provided by K.S.A. 14-423 or in the event such resolution is not adopted, this vacation ordinance shall be void and of no effect.

PASSED and APPROVED by the Governing Body of the City of El Dorado, Kansas on August 3, 2020.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

TO: City Commission
FROM: Engineering Department
SUBJ: KDOT Connecting Link Project Request for Mill and Overlay Project on K-254/US-54 (Central Ave) from Taylor Street to Griffith Street
DATE: 7/15/2020

Background:

The City has been allocated funding for surface preservation on Central Avenue from Taylor St. to Griffith St. which will include a 2" mill & overlay. This award is a competitive process to receive funds for the rehabilitation of the State highway system within City Limits. The City of El Dorado is responsible for the maintenance of Central Ave. and Main St. and as such these funds will significantly reduce the burden to our local tax base.

Project Schedule:

The project will be part of the KDOT 2022 Fiscal Year. Once the City submits the attached 1302 form a project schedule will be developed by KDOT. The City anticipates that the project will be bid in the summer of 2021.

Attachments:

See KDOT project programming request, award letter & Location Map

Policy Issue:

Approval of the City Commission to authorize the Mayor to sign and submit KDOT form 1302, and submit that sufficient funds are available to cover the City's 10% responsibility.

Alternatives:

Decline the project, which then KDOT would allocate the funds to another community

Fiscal Impact:

KDOT \$300,000 City 10%. The City's funding would be paid from Sales Tax street rehabilitation funds. Annually \$600,000 in sales tax dollars are allocated to street rehabilitation.

Trade-offs:

N/A

Staff Recommendation:

To approve KDOT project programming request

Commission Actions:

Commissioner _____ moves to authorize the Mayor to sign and submit KDOT form 1302 for the preservation project of Central Ave. from Taylor St. to Griffith St.

Commissioner _____ seconded the motion.

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PROJECT PROGRAMMING REQUEST

☒ New Project		☐ Amend Existing Project		Date:	7/17/2020
Program Year: 2022		Funding Program: CCLIP-SP (Surface Preservation)			
KDOT District		MPO		MPO TIP #	
5		N/A			
County	City	Route / Corridor		Functional Classification	
Butler	El Dorado	K-254/US 54		5 = Major Collector	
Project Sponsor / Lead Agency					
City of El Dorado					
Project Mgr / Contact		Phone		E-mail Address	
Scott Rickard		316-321-9100 x151		srickard@eldoks.com	
Project Title					
Mill & overlay on K-254/US-54 (Central Ave) from Taylor St to Griffith St					
Project Length:		0.430 miles	Desired Letting Date:		May 2020
Letting Type:		☐ KDOT	☒ LPA	☐ Force Account	
Location, Project Limits, Description, Scope of Work					
2" Mill & overlay with pavement marking on K-254/US-54 (Central Ave) from Taylor St to Griffith St					
Purpose and Need					
The roadway is in need of a mill and overlay to protect the sub-base and improve ride quality					
Project Benefits					
Preservation of K-254/US-54 within the City of El Dorado					
RR within 1/2 mile?	RR Company Name		No. of Tracks	Existing Crossing Protection	
Yes	BNSF		2	Grade separated 1/4 mile east of limits	

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP), to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments. Please show your estimate of the cost for all work phases below:

Project Cost Estimate				
	Participating	Non-Participating	Total	
PE (Design)	\$ -	\$ 27,724.73	\$ 27,724.73	
Utilities	\$ -	\$ -	\$ -	
ROW	\$ -	\$ -	\$ -	
CE (Inspection)	\$ 33,000.00	\$ -	\$ 33,000.00	
Construction Total	\$ 269,406.57	\$ -	\$ 269,406.57	
Grading	\$ 40,750.86	\$ -	\$ 40,750.86	
Surfacing (Asphalt)	\$ 172,372.96	\$ -	\$ 172,372.96	
Signing and Pavement Marking	\$ 46,282.75	\$ -	\$ 46,282.75	
Other	\$ 10,000.00	\$ -	\$ 10,000.00	
	\$ -	\$ -	\$ -	
	\$ -	\$ -	\$ -	
	\$ -	\$ -	\$ -	
Project Totals	\$ 302,406.57	\$ 27,724.73	\$ 330,131.30	

KANSAS DEPARTMENT OF TRANSPORTATION - BUREAU OF LOCAL PROJECTS

PROJECT PROGRAMMING REQUEST

BE IT RESOLVED: That sufficient funds from City of El Dorado

are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Please sign below in accordance with your local policy.

Recommended for Approval:

Appropriate Local Officials

Title

Title

ATTEST:

Title

Title

Title

July 15, 2020

Mr. Scott Rickard
Director of Engineering
220 E. 1st Ave.
El Dorado, KS 67042

Dear Mr. Rickard,

Congratulations! Your application for a Surface Preservation project has been selected for funding as part of the Kansas Department of Transportation (KDOT) State Fiscal Year (SFY) 2022 City Connecting Link Improvement Program. KDOT has allocated \$300,000.00 for Construction and Construction Engineering for this project:

Mill and overlay on K-254/US-54 (Central Ave.) from Taylor St. to Griffith St.

The City will be required to contribute a minimum of 10% plus anything over the amount shown above and will also be responsible for all Preliminary Engineering, Right-of-Way, and Utility costs.

For KDOT to program your project, KDOT must receive a completed 1302 form from you before August 17, 2020. Please complete the enclosed form and return it as soon as possible to KDOT.LPePlans@ks.gov.

Once KDOT receives your completed 1302 form, KDOT will program the project and send a project schedule as a reference in developing the project in accordance with KDOT's procedures. Project development details may be found in the LPA Project Development Manual at [KDOT: Local Projects](#). After receiving and reviewing field check plans, a project manager from KDOT Bureau of Local Projects will contact you to schedule the field check for the project.

To keep the project on schedule, this letter serves as the commitment from KDOT to fund this project at the amount written above. An agreement between KDOT and the City will be forthcoming that outlines all terms and conditions of KDOT's funding. However, to allow for you to begin preliminary engineering, the following clauses will be included in the agreement between the City and KDOT and shall be included in your contract with a consultant to provide preliminary engineering services:

Conformity with State and Federal Requirements. The City shall be responsible to design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP's) project memorandums, memos, the KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Road Design's road memorandums, the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), the current version of the Bureau of Transportation Safety and Technology's Traffic Engineering Guidelines, and the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions, and with the rules and regulations of the FHWA pertaining to the Project.

Consultant Contract Language. The City shall include language requiring conformity with Article III, paragraph 3 above, in all contracts between the City and any Consultant with whom the City has contracted to perform services for the Project. In addition, any contract between the City and any Consultant retained by them to perform any of the services described or referenced in this paragraph for the Project covered by this Agreement must contain language requiring conformity the paragraph entitled Conformity with State and Federal Requirements. In addition, any contract between the City and any Consultant with whom the City has contracted to prepare and certify Design Plans for the Project must also contain the following provisions:

- (a) Completion of Design. Language requiring completion of all plan development stages no later than the current Project schedule's due dates as issued by KDOT, exclusive of delays beyond the Consultant's control.
- (b) Progress Reports. Language requiring the Consultant to submit to the City (and to the Secretary upon request) progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.
- (c) Third Party Beneficiary. Language making the Secretary a third party beneficiary in the agreement between the City and the Consultant. Such language shall read:

“Because of the Secretary of Transportation of the State of Kansas’ (Secretary’s) obligation to administer state funds, federal funds, or both, the Secretary shall be a third party beneficiary to this agreement between the City and the Consultant. This third party beneficiary status is for the limited purpose of seeking payment or reimbursement for damages and costs the Secretary or the City or both incurred or will incur because the Consultant failed to comply with its contract obligations under this Agreement or because of the Consultant’s negligent acts, errors, or

omissions. Nothing in this provision precludes the City from seeking recovery or settling any dispute with the Consultant as long as such settlement does not restrict the Secretary's right to payment or reimbursement."

Regretfully, your second project was not selected for this round of funding. This does not mean the project was not a good one, but merely, KDOT did not have adequate funds to approve all requests.

If you have any questions, please do not hesitate to contact us. Questions may be directed to Dawn Hueske at (785) 207-1420 or Dawn.Hueske@ks.gov.

Sincerely,

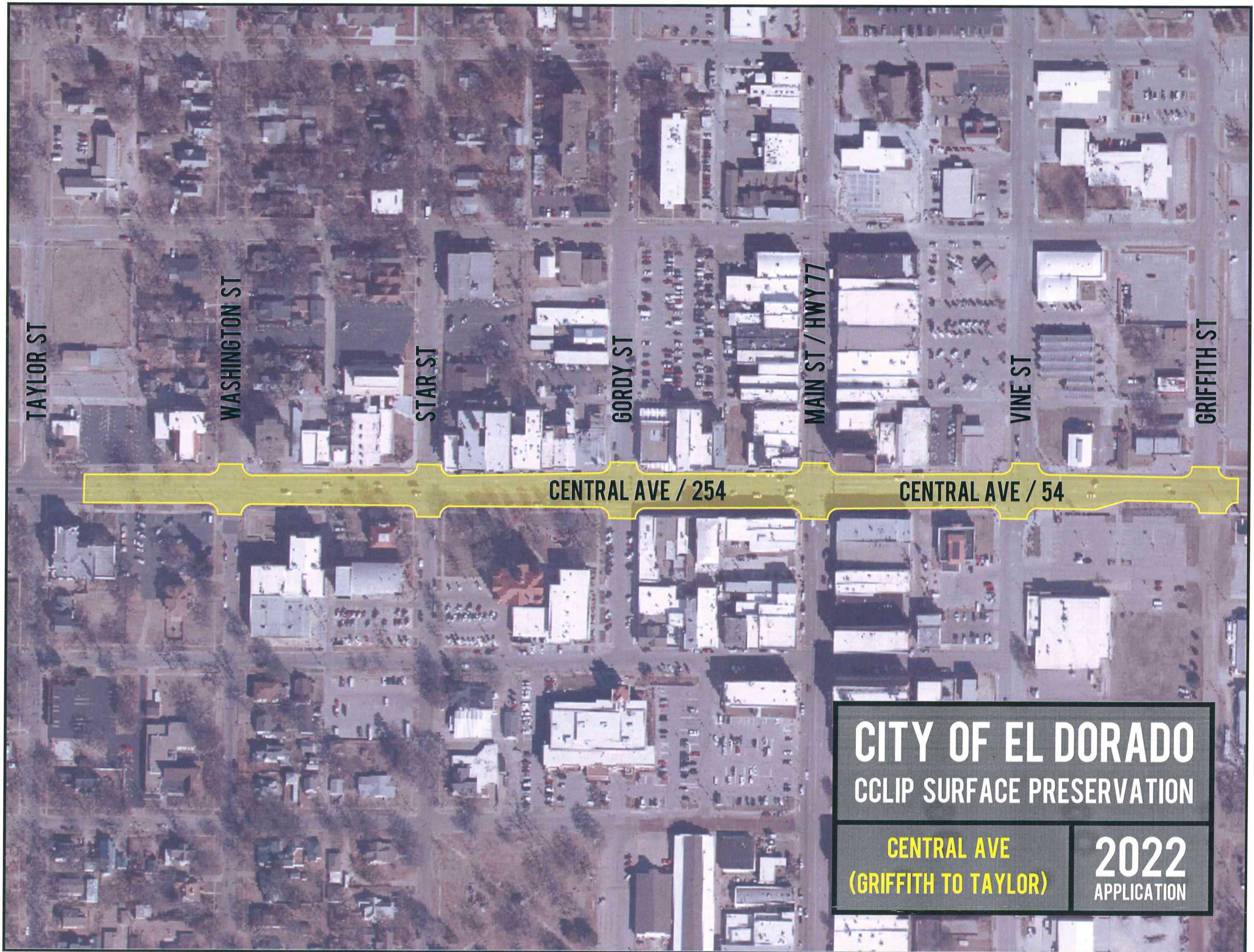
A handwritten signature in black ink, appearing to read "Michael J. Stringer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael J. Stringer, P.E., Chief
Bureau of Local Projects

CC: Brent Terstriep

Scott Koopmann

Matt Graham



CITY OF EL DORADO
CCLIP SURFACE PRESERVATION

CENTRAL AVE
(GRIFFITH TO TAYLOR)

2022
APPLICATION

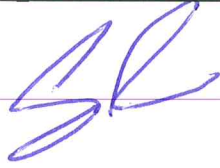
Engineering Department Memo

To: David Dillner

From: Scott Rickard

Date: 7/15/2020

Re: Post Rd. Traffic Study



In the fall of 2019 I was contacted by Mr. Michael Ward who owns and resides at 1805 N. Lawndale Ave. Mr. Ward shared his concern over the safety, traffic volume, and speed at which vehicles were traveling along Post Rd. He shared with me his desire to see a structural modification of Post Rd., which would no longer make it a thru street.

Post Rd. was platted as part of the Westwood addition in 1978 at the location Mr. Ward's residence. Post Rd. has served as a thru street since 1987 when Westwood 2nd Addition was platted and created the connection of Post Rd. from Country Club Rd. to Main St. Since that time Post Rd. serves as a minor collector street which serves a number of neighborhoods in the area. Per our sub-division regulations Post Rd. was laid out to serve as a connection between a major arterial (Main St.) and a major collector (Country Club Rd.)

Following our discussion we reviewed the history of traffic accidents in the area, placed traffic classifiers, and completed an onsite review for any site obstructions or issues. This work was completed from 10/02/2019 to 10/11/2019. Below you will see the findings

One traffic classifier was placed at the intersection of Post Rd. and Lawndale Ave. the data was collected for traffic on Post Rd.

- The volume of vehicles recorded during the time period reflected an average of **695** vehicles per day on Post Rd. at the intersection of Lawndale Ave.
- The average speed of the vehicles recorded was **24.7 MPH**.
- History of accidents in the area over the last 7 years. (1) Recorded in 2014 at the intersection of Post Rd. and Lawndale Ave.
 - There was one more accident in the area from 2016 on Lawndale Ave. however it was a vehicle backing out of a driveway which struck another vehicle and not relative to information needed for this study.

At the conclusion of the study I shared my findings with Mr. Ward and told him based on the information no modifications are warranted at Post Rd. and Lawndale Ave. I did share that at some point I may recommend that a stop sign be placed on Lawndale Ave. due to the higher volume of traffic on Post Rd. compared to Lawndale Ave. Modifying the intersection from uncontrolled to controlled may in theory raise the vehicle speeds and may lead to more accidents.

In the spring of 2020 Mr. Ward was scheduled a work session agenda item with the City Commission. He shared the same overall concern to the City Commission as he did with me. Part of the discussion with the City Commission was the desire to close Post Rd. as a thru street just east of Lawndale Ave. by way of modifying the current roadway and placing a permanent

barricade or median restricting east bound traffic. In addition, it was also suggested by Mr. Ward that the speed and volume of vehicles were higher East of Lawndale Ave. With receiving this information the City Commission directed the City Manager to complete a second study which would classify the traffic both East and West of Lawndale Ave. on Post Rd.

From 6/11/2020 to 6/25/2020 two traffic classifiers were placed on Post Rd. one near 249 Post Rd. and the second near 521 Post Rd. Staff placed these in strategic locations outside of curves and intersections to try to determine the highest speeds of the traffic, since that was a significant concern brought to the City Commission.

- Volume data recorded at **249 Post Rd.** during the time period reflected an average of **681** vehicles per day. The average speed of the vehicles was recorded at **24.7 MPH.**
- Volume data recorded at **521 Post Rd.** during the time period reflected an average of **360** vehicles per day. The average speed of the vehicles was recorded at **25.6 MPH.**
- No additional accidents had been recorded since the prior study.

Attached is a map showing the location of the traffic classifiers over the last two studies for reference.

The volume of traffic on Post Rd. over the last two studies have been relatively low compared to other minor collectors in the City, see attached City wide traffic count map. In, addition we found no evidence of speed concerns, or site obstructions. There were no substantial differences between the two studies.

My recommendation would be to leave Post Rd. in its existing alignment and make no modifications. Post Rd. in its current configuration serves as an important means for the movement of vehicles throughout the neighborhood's along with access for emergency vehicles. As we are all aware Main St. floods on occasion and Post Rd. functioning as a thru street serves an important role for the NE area of El Dorado.

N MAIN / HWY 77

POST RD

Summer 2020

TERRACE DR

LAWNDALE AVE

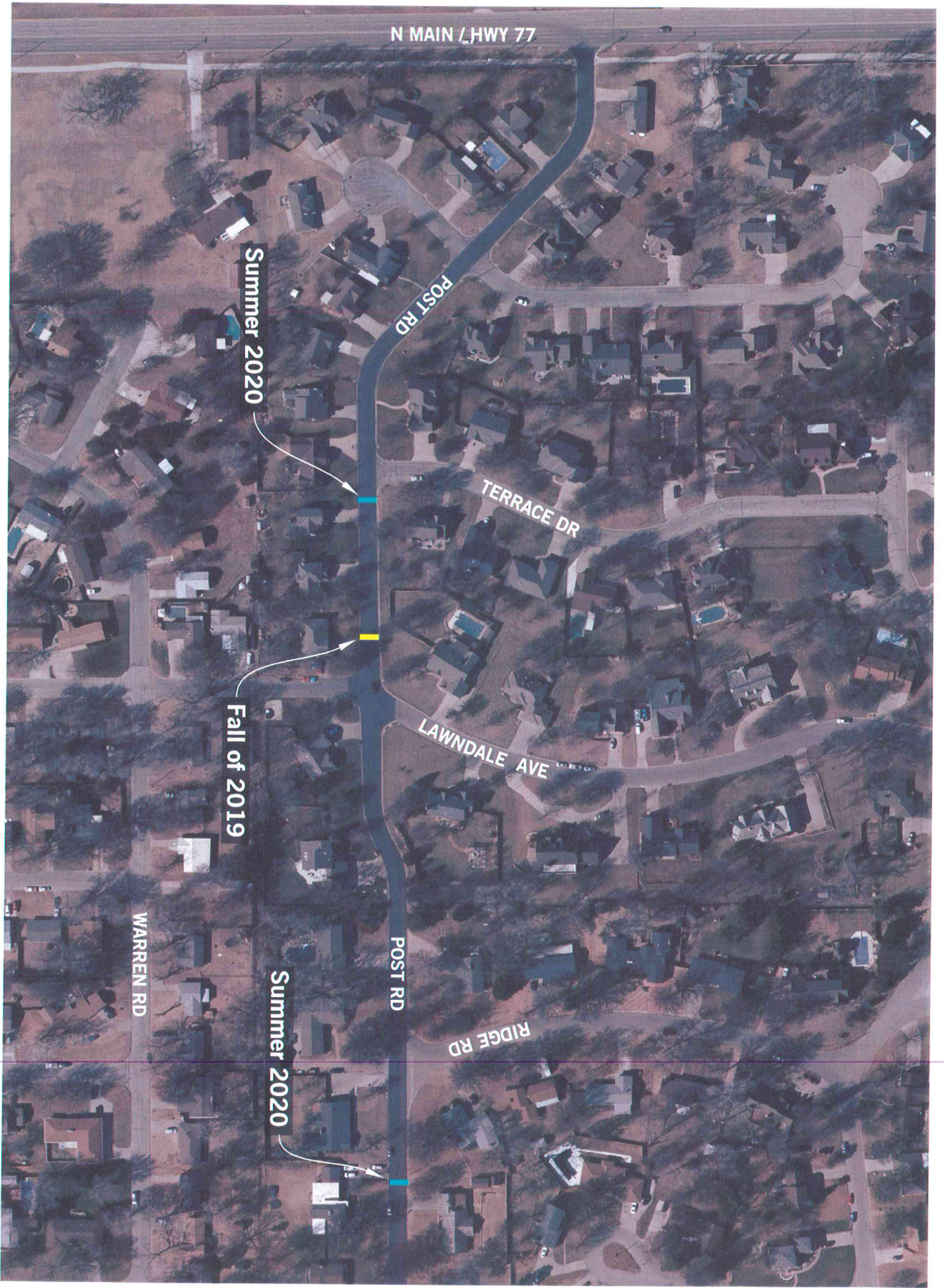
Fall of 2019

POST RD

RIDGE RD

Summer 2020

WARREN RD



2019
TRAFFIC
COUNTS

