

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
September 21, 2020 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** - Pastor Debbie McClure – Nazarene 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 September 8, 2020.](#)
8. [Approval of a temporary Cereal Malt Beverage License for United Way of El Dorado, October 2, 2020 at North Main Park, 900-1036 North Main Street](#)

Old Business

9. None

New Business

10. [Excess Sales Tax Project Recommendations](#)
11. [Application to Rezone 2235 W. Towanda Avenue](#)

Reports

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

Executive Session

14. None

Adjournment

15. Motion to adjourn the September 21, 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

September 8, 2020

The El Dorado City Commission met in a regular session on September 8, 2020 at 6:30 p.m. in the Commission Room with the following present: Vice Mayor Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard (via zoom) and City Clerk Tabitha Sharp. Absent: Mayor Bill Young and City Attorney Ashlyn Lindskog

VISITORS

Colonel Roger Eaton	U.S. Air Force Auxiliary	Wichita, KS
Major Eric Davis	U.S. Air Force Auxiliary	Wichita, KS
Lt. Colonel Doug Dutton	U.S. Air Force Auxiliary	Wichita, KS
Captain Brad Hawthorn	U.S. Air Force Auxiliary	Wichita, KS
Spider Reagan	416 N Washington	El Dorado, KS
Laura Lombard	U.S. Congressional Candidate	Wichita, KS

CALL TO ORDER

Vice Mayor Matt Guthrie called the September 8, 2020 meeting to order.

INVOCATION

Father John Lanzrath, St. John Catholic Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

Vice Mayor Matt Guthrie read the proclamation declaring Fair Housing in El Dorado.

PERSONAL APPEARANCE

City Manager David Dillner stated that the Civil Air Patrol is presenting ...

Colonel Roger Eaton with the U.S. Air Force Auxiliary presented awards to Major Eric Davis, Lt. Col. Doug Dutton, and Captain Brad Hawthorn.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

Laura Lombard, U.S. Congressional Candidate, stated that she wanted to introduce herself to the Commission.

EL DORADO CITY COMMISSION MEETING

September 8, 2020

Vice Mayor Matt Guthrie asked if she would support helping the City work with the Corp of Engineers to allow the City to

Spider Reagan, 416 N Washington, stated that he would like to present the kids safe project that he is interested in raising funds to donate to the city for cameras in the parks.

Vice Mayor Guthrie confirmed that he had started a group and they were raising funds.

Mr. Reagan stated that he has spoken to some businesses and would like to raise some funds and asks the Commission to consider helping fund some of the cameras.

The Commission asked if it could be added to a work session for discussion.

CONSENT AGENDA

Approval of the City Commission minutes from August 17, 2020 and Special City Commission Meeting Minutes from August 12, 2020.

Approval of Appropriation Ordinance No. 08-20 in the amount of \$1,792,948.55.

Authorization for the City manager to negotiate the sale of lots 48, 46 and 44 of the Riverside Addition.

Authorization for the City Manager to negotiate the sale of 737 N Gordy.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

AUDIT RFQ SELECTION APPROVAL

City Clerk Tabitha Sharp stated that the City of El Dorado bids auditing services every five years per the City's financial policy. She stated that four bids were received on August 19th, and after review, staff have decided to recommend Adams Brown Beran & Ball as the lowest and best bid.

Commissioner Nick Badwey stated that he really liked the previous auditing company.

City Clerk Sharp stated that staff have enjoyed working with BT & CO, but the recommended company has local offices and came in significantly lower than the others.

Commissioner Kendra Wilkinson asked about the difference in the first year.

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City Clerk Sharp stated that the first year with Adams Brown Beran & Ball includes a setup fee.

Commissioner Nick Badwey moved to authorize the City Manager to complete a contract with Adams Brown Beran & Ball for auditing services.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

CITY HEALTH INSURANCE RFQ SELECTION APPROVAL

City Clerk Tabitha Sharp stated that the City bids Health Insurance Broker services every three years per the financial policy. She stated that the City received six bids on August 12th and after reviewing them, staff have recommended Heartland Retirement and Benefits Consulting, LLC.

Commissioner Nick Badwey expressed concern that the bid was significantly lower than the others presented.

City Clerk Sharp stated that the company had fewer employees and less overhead.

Commissioner Kendra Wilkinson moved to authorize the City Manager to complete any paperwork associated with the selection of Heartland Retirement & Benefits Consulting, LLC as the Health Insurance Broker.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

SELF CONTAINED BREATHING APPARATUS BID

City Manager David Dillner stated that the fire department relies on SCBA's or self contained breathing apparatus while fighting fires and the useful life of these apparatus was 15 years. He stated that it came to our attention that ten cylinders would be reaching the end of their useful life in August of this year and another 15 will reach the end of theirs in 2021. He stated that staff have requesting funding through the SPARK program for the SCBA's and he found out earlier in the day that it was approved.

City Manager Dillner stated that staff had provided a second option to purchase ten should the funding not have been approved through SPARK. He stated that the motion allows staff to purchase all 25 as the recommendation of staff was to purchase 25 if funding was available.

Commissioner Gregg Lewis moved to approve the recommendation from staff.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

WALNUT RIVER BANK STABILIZATION PERMITTING AGREEMENT

City Engineer Scott Rickard stated that the banks along the Walnut River along the low water dam and near US-54 are eroding and need stabilization. He stated that FEMA disaster funds are available to repair the problem because it was a result of the flooding from the previous year. He stated that the City would like to contract with PEC so that they can ensure that all proper permits are completed. He stated that after this is done, the City will create plans and bidding documents for awarding the repair work.

City Manager David Dillner filled in as City Engineer Rickard's phone cut out. He stated that the cost for PEC is \$15,800 and the estimated repair cost will be \$35,000. He stated that all costs would be covered under the FEMA declaration.

Commissioner Gregg Lewis moved to direct the City Manager to sign the agreement with PEC, authorizing them to complete the paperwork associated with the permitting for the Walnut River Stabilization project.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

UNIFORM PUBLIC OFFENSE CODE

Police Chief Curt Zieman reviewed the changes to the Uniform Public Offense Code. He stated that they were primarily edits to previous laws. He stated that the only new addition is the Violation of a Public Health Order in response to the pandemic.

Commissioner Nick Badwey asked about the change in the smoking age.

City Manager David Dillner stated that the law was changed at the federal level earlier in the year and that the League's Manual incorporates them so that the City does not have to do each change in the law individually.

Commissioner Kendra Wilkinson moved to approve Ordinance No. G-1335, an Ordinance amending Section 9.04.010 of the El Dorado Municipal Code pertaining to traffic and referencing the "Uniform Public Offense Code" for Kansas Cities, Edition 2020, be passed and approved.

Commissioner Nick Badwey seconded the motion.

Roll Call Vote

Position No. 4	Commissioner Kendra Wilkinson	Yes
	Mayor Bill Young	Absent

EL DORADO CITY COMMISSION MEETING

September 8, 2020

	Vice Mayor Matt Guthrie	Yes
Position No. 2	Commissioner Gregg Lewis	Yes
Position No. 3	Commissioner Nick Badwey	Yes

ANNUAL STREET MAINTENANCE PROGRAM

Brad Meyer, Public Works Director, stated that this is the annual reclaimite program. He stated that this is for older asphalt, and is approximately the same square footage as projects in the past.

Commissioner Gregg Lewis asked when it would begin.

Public Works Director Meyer stated that they want to begin tomorrow, but it will be dependent on the weather.

Commissioner Kendra Wilkinson asked why the intersection at Locust and Vine wasn't included.

Public Works Director Meyer stated that the intersection is concrete.

Commissioner Gregg Lewis moved that since PROSEAL, Inc. has submitted the lowest and best bid of \$88,761.76, the City Manager be directed to award the contract to said bidder, providing that the company furnish the proper bonds.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

ITEMS FOR DISCUSSION

City Engineer Scott Rickard stated that when we met in June regarding Post Road, the Commission asked staff to look at some other options. He stated that while PEC was looking at the Riverview project, he asked them to look at Post Road. He stated that in order to meet the speed limit and street requirements, the only way to address it appropriately would be to put a sidewalk from Main to Country Club on Post Road. He stated that the estimated cost is \$98,000.

Commissioner Kendra Wilkinson stated that she assumed that there would be quite a few people who did not want a sidewalk in their yard.

City Engineer Rickard stated that it's usually about 50-50 when it is proposed. He stated that when they discussed pavement markings, the engineer was concerned that it would cause a sense of safety for drivers and cause speed to increase in the area.

Vice Mayor Matt Guthrie asked if he had spoken to Mr. Ward yet.

City Engineer Rickard stated that he had not, but would be willing to call him.

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Commissioner Wilkinson stated that it seemed like it might need to be left alone.

Commissioner Gregg Lewis stated that he wanted to leave it alone and if they want a sidewalk, they can petition for one.

Vice Mayor Guthrie stated that he was comfortable with that.

City Engineer Rickard stated that if anyone in the neighborhood is interested, they can contact Engineering and they would help them with the petition.

Commissioner Nick Badwey stated that he wasn't aware of an issue until they came forward and the Commission and staff have reviewed it at great lengths, he stated that he was willing to go with the will of the Commission.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

There were no reports.

CITY MANAGER

City Manager David Dillner stated that year to date, sales tax receipts are trending 2.6% higher than last year, which was a record breaking year.

City Manager Dillner stated that the CDBG-CV grant is open and businesses may apply.

City Manager Dillner stated that the citizen surveys will be sent this week.

City Manager Dillner stated that Ballet in the Park would be Saturday at 6:30 p.m.

City Manager Dillner stated that the company doing the rebranding has reached out and scheduled the Community Branding Forum for September 22, 2020 at 5:30 p.m.

ADJOURNMENT

Commissioner Kendra Wilkinson moved to adjourn the meeting at 7:40 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

CORPORATE APPLICATION FOR LICENSE TO SELL CEREAL MALT BEVERAGES

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

☐ City or ☐ County of _____

SECTION 1 - LICENSE TYPE

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

Check One:

☐ License to sell cereal malt beverages for consumption on the premises.

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

SECTION 2 - APPLICANT INFORMATION

Kansas Sales Tax Registration Number (required): 23 7199368

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

Name of Corporation <u>United Way of El Dorado</u>		Principal Place of Business <u>116 W. Pine</u>	
Corporation Street Address <u>116 W. Pine Suite 106</u>		Corporation City <u>El Dorado</u>	State <u>KS</u>
Date of Incorporation <u>March 1973</u>		Zip Code <u>67042</u>	
Resident Agent Name		Articles of Incorporation are on file with the Secretary of State. ☐ Yes ☐ No	
Residence Street Address		Phone No. <u>316.321.6200</u>	
		City <u>El Dorado</u>	State <u>KS</u>
		Zip Code <u>67042</u>	

SECTION 3 - LICENSED PREMISE

Licensed Premise (Business Location or Location of Special Event)		Mailing Address (If different from business address)	
DBA Name <u>North Main Park</u>		Name	
Business Location Address <u>900-1036 N. Main St.</u>		Address	
City <u>El Dorado</u>	State <u>KS</u>	City	State <u>KS</u>
Business Phone No. <u>316.321.9100</u>	Zip <u>67042</u>		Zip
Business Location Owner Name(s) <u>City of El Dorado</u>		☐ Applicant owns the proposed business location. ☐ Applicant does not own the proposed business location.	

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

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

Name	Position	Date of Birth
Residence Street Address	City	State
Spouse Name	Position	Date of Birth
Residence Street Address	City	State
Zip Code		

Name	Position	Date of Birth
Residence Street Address	City	State
Spouse Name	Position	Age
Residence Street Address	City	State
Zip Code		

Name	Position	Date of Birth
Residence Street Address	City	State
Spouse Name	Position	Age
Residence Street Address	City	State
Zip Code		

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

Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
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Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Name	Position	Date of Birth
Residence Street Address	City	State Zip Code
Spouse Name	Position	Date of Birth
Residence Street Address	City	State Zip Code

SECTION 5 – MANAGER OR AGENT INFORMATION

My place of business or special event will be conducted by a manager or agent.

☒ Yes ☐ No

If yes, provide the following:

Manager/Agent Name Tiffany Herrman	Phone No. [REDACTED]	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City El Dorado	Zip Code 67042

Manager or Agent Spousal Information*

Spouse Name Jordan Herrman	Phone No. [REDACTED]	Date of Birth [REDACTED]
Residence Street Address [REDACTED]	City El Dorado	Zip Code 67042

SECTION 6 – QUALIFICATIONS FOR LICENSURE

Within 2 years immediately preceding the date of this application, have any of the individuals identified in Sections 4 & 5 have been convicted of, released from incarceration for or released from probation or parole for any of the following crimes*:

(1) Any felony; (2) a crime involving moral turpitude; (3) drunkenness; (4) driving a motor vehicle while under the influence of alcohol (DUI); or (5) violation of any state or federal intoxicating liquor law.

☐ Yes ☒ No

Have any of the individuals identified in Sections 4 and 5 been managers, officers, directors or stockholders owning more than 25% of the stock of a corporation which:

(1) had a cereal malt beverage license revoked; or (2) was convicted of violating the Club and Drinking Establishment Act or the CMB laws of Kansas.

☐ Yes ☒ No

All of the individuals identified in Sections 4 & 5 are at least 21 years of age*.

☒ Yes ☐ No**SECTION 7 – DURATION OF SPECIAL EVENT**

Start Date 10/2/20	Time 5pm	☐ AM ☒ PM
End Date 10/2/20	Time 9pm	☐ AM ☒ PM

Proceed to Section 8 on the next page.

SECTION 8 – LICENSED PREMISE

In the space below, draw the area you wish to sell or deliver CMB. Include entrances, exits and storage areas. Do not include areas you do not wish to license. If you wish to attach a drawing, check the box: ☐ 8 1/2" by 11" drawing attached.



I declare under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct and that I am authorized by the corporation to complete this application. (K.S.A. 53-601)

SIGNATURE

DATE

9/14/20

FOR CITY/COUNTY OFFICE USE ONLY:

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

☐ \$25 CMB Stamp Fee Received Date _____

☐ Background Investigation ☐ Completed Date _____ ☐ Qualified ☐ Disqualified

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

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

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

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

A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE STAMP FEE REQUIRED BY K.S.A. 41-2702(e), MUST BE SUBMITTED WITH YOUR MONTHLY REPORT (ABC-307) TO THE ALCOHOLIC BEVERAGE CONTROL, 109 SW 9TH ST, 5TH FLOOR, PO BOX 3506, TOPEKA, KS 66601.

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

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Excess Sales Tax Project Recommendations
DATE: September 1, 2020

Background:

The 2020 Excess Sales Tax Committee met this year to discuss the allocation of the excess sales tax funds from 2019. The City of El Dorado collected \$2,678,447 in 2019 from the one cent sales tax. After ordinance items were removed (\$600,000 for street rehabilitation, \$1,350,000 for property tax reduction and \$50,000 for economic development), a total of \$678,447 was available for allocation by the excess sales tax committee. The committee met to review the process and proposals after which they provided the following recommendations with a unanimous vote.

Committee Chair Dan Davis will be present to the recommendations of the group.

Recommendation #1:

Re-allocate the funds (\$4,000) from the activity center to the excess sales tax fund and re-distribute them to new projects.

Recommendation #2:

Proposed Projects	Amount
Additional Property Tax Reduction	\$300,000
Riverview Playground	\$60,000
McDonald Stadium Project Bank	\$50,000
Civic Center Parking Lot	\$141,402
Spray Park Pump Equipment Replacements	\$20,000
Senior Center Painting	\$7,400
Central/East Bleachers	\$25,845
Park Maintenance Shop Painting	\$4,800
Graham Park Playground North	\$50,000
East Park Batting Cage	\$15,000
Additional funds to McDonald Stadium Electrical Project	\$8,000
TOTAL PROPOSED AMOUNT	\$682,447

The committee also requested that any funds that are saved while completing the projects listed, be placed in the McDonald Stadium project bank.

Attachments:

Excess Sales Tax Committee Presentation
Excess Sales Tax Committee Minutes
Excess Sales Tax Ordinance

Policy Issue:

The City Commission must accept or reject the recommendations of the Sales Tax Committee as they are the ultimate authority for the expenditure of these funds. If they are accepted for consideration and the Commission determines a greater need prior to 2020 when the funds can be spent, they could re-allocate them as they see fit.

Fiscal Impact:

The additional property tax reduction listed allows the City of El Dorado to use up to 3.5 mills for general government services while keeping the mill levy at a lower rate. The funds allocated to the Parks and Recreation Master Plan, Senior Center and Civic Center are not available within the budget, and therefore without the sales tax monies, these projects would not be completed for many years.

Trade-offs:

N/A

Staff Recommendation:

Accept the recommendation of the excess sales tax committee.

Commission Actions:

Motion #1

Commissioner _____ moved to reallocate the excess sales tax funds for the activity center to the excess sales tax fund for use on other sales tax projects.

Commissioner _____ seconded the motion.

Motion #2

Commissioner _____ moved to accept the recommendation of the Excess Sales Tax Committee.

Commissioner _____ seconded the motion.

[Return to Agenda](#)

2020

Sales Tax Committee

Ordinance G-1281

- The City of El Dorado has voted in favor of a 1 percent sales tax since 1990.
- The current sales tax began October 1, 2019 and will end September 30, 2024.
- The ordinance states the following (funds allocated in 2020 were collected prior to the new ordinance):
 - \$1,350,000 for property tax reduction
 - \$600,000 for street rehabilitation
 - \$50,000 for economic development

Excess Sales Tax

- After Ordinance items are removed, the remaining balance is considered excess and a committee appointed by the Commission provides recommendations for those funds.
- Per Ordinance, the excess sales tax can be used for services and functions provided directly by the City, or Capital Expenditures that directly support City operations and that are included in the current Capital Improvement Plan.
 - Capital Expenditure – an addition or structure that enhances the value of a property, a replacement or upgrade that extends the life of an asset or equipment acquisition.
 - Capital Improvement Plan – the current Capital Improvement Plan of the City of El Dorado, Kansas as adopted by the City Commission.

Calendar

- August 10th – Introduction Meeting at 5:30 p.m.
- August 24th – Follow-up Meeting if necessary.
- September 16th – Tentative Work Session Presentation 5:00 p.m.
- October 5th – Commission Presentation 6:30 p.m.

Update on Prior Allocations to Other Groups

- Main Street Façade Grant (\$3,000 in 2016, 2017 and 2018 and \$5,000 in 2019) – At this time, they have \$5,176 remaining of their \$14,000.
- El Dorado Chamber of Commerce (2018 \$10,000 and 2019 \$5,000) – At this time, they have \$9,766 remaining of their \$15,000.
- Miniature Golf Course - \$80,000 Contract not yet complete, awaiting response from recipient.
- Oil Museum Sign Replacement – Funds Disbursed, sign scheduled to be in place sometime in August.

Update on Prior Allocations - 2017

- McDonald Stadium (\$35,000) – Remaining electrical work came in over budget, staff are discussing how to complete, \$7,337 remaining.
- Bike Path Solar Lights (\$59,000) – Waiting on poles to be shipped, \$12,297 remaining.
- Ball Field improvements (\$20,198) – Working on additional fence replacement, \$6,088 remaining.

Update on Prior Allocations - 2018

- Graham Park Restroom (\$60,000) – \$40,000 reallocated to North Main Playground for concrete base. Restroom facility planned for fall/winter.
- Graham Park Shelter (\$16,000) – Project originally planned for last winter; weather, staffing and then COVID have prevented its completion.

Update on Prior Allocations - 2019

- East Park Concession/Restroom Facility (\$30,000) – Project expanded, in discussion with BCC regarding a partnership to complete the project.
- Batting Cage at Central Park (\$15,000) – Purchased fencing, waiting on concrete for the pad, \$14,157 remaining.
- Wireless Controllers at the Activity Center (\$4,000) – Staff would recommend re-allocating this to the fund sales tax, discussions are taking place with 490 on a new scoreboard system.

Update on Prior Allocations - 2020

- McDonald Stadium Project Bank - \$40,000
- North Main Playground Replacement – In Progress, scheduled for completion in August, weather permitting.
- Senior Center Parking Lot – Complete
- Public Works Roof Replacement – Complete
- Fire Station No. 1 Doors – Almost Complete, window panes are being shipped.

2019 Collections

Date Received	Amount
1/29/2019	\$244,348
2/26/2019	\$226,689
3/26/2019	\$196,537
4/28/2019	\$194,270
5/27/2019	\$225,323
6/26/2019	\$219,292
7/23/2019	\$209,589
8/28/2019	\$209,624
9/29/2019	\$227,831
10/31/2019	\$229,087
11/28/2019	\$253,223
12/30/2019	\$242,628
Total	\$2,678,447

Excess available for allocation

Sales Tax Calculation	
2019 Total Sales Tax Collections	\$2,678,447
Subtract Street Rehabilitation	\$600,000
Subtract Property Tax Reduction	\$1,350,000
Subtract Economic Development	\$50,000
Additional Property Tax Reduction	\$300,000
Money Added Back to Excess Sales Tax Fund	
Activity Center Controllers	\$4,000
Total Excess Sales Tax Available for 2020	\$382,447

Proposed Projects	Amount
Riverview Playground	\$60,000
McDonald Stadium Project Bank	\$50,000
Civic Center Parking Lot	\$141,402
West Park Development	\$100,000
Spray Park Pump Equipment Replacements	\$20,000
Senior Center Painting	\$7,400
Central/East Bleachers	\$80,000
Park Maintenance Shop Painting	\$4,800
Graham Park Playground North	\$50,000
East Park Batting Cage	\$15,000
TOTAL PROPOSED AMOUNT	\$528,602

Excess Sales Tax Advisory Committee
August 10, 2020 5:30 p.m.
City Commission Room

Members Present

Dan Davis
Lindsay Mills
Matt Jacobs
Brad Long
Victoria Humig
Wade Wilkinson

Members Absent

Mel Arnold

Staff Present

Tabitha Sharp
Tammy Schaffer
Kevin Wishart
Scott Rickard (via phone)

City Clerk Tabitha Sharp provided an introduction to the sales tax committee. She reviewed the ordinance and process for the committee and then gave updates on previous projects. She stated that collections for 2019 totaled \$2,678,447. She stated that after Ordinance items were removed, there would be \$678,447. She also stated that staff were recommending that the \$4,000 previously allocated to controllers at the Activity Center be reallocated to the excess fund. She stated that City and USD 490 staff have discussed a different option and so they would return to a future committee if necessary.

Tabitha Sharp presented the following projects for consideration by the excess sales tax committee.

Proposed Projects	Amount
Riverview Playground	\$60,000
McDonald Stadium Project Bank	\$50,000
Civic Center Parking Lot	\$141,402
West Park Development	\$100,000
Spray Park Pump Equipment Replacements	\$20,000
Senior Center Painting	\$7,400
Central/East Bleachers	\$80,000
Park Maintenance Shop Painting	\$4,800
Graham Park Playground North	\$50,000
East Park Batting Cage	\$15,000
TOTAL PROPOSED AMOUNT	\$528,602

Tabitha Sharp stated that a chair would need to be selected for the purpose of presenting recommendations to the Commission.

Wade Wilkinson nominated Dan Davis to serve as chair.

Victoria Humig seconded the motion.

Motion carried 6 – 0.

The committee discussed how they would like to allocate the funds.

Matt Jacobs stated that they could fund everything through the Senior Center painting and add any other remaining funds to the allocation for McDonald Stadium.

Dan Davis stated that they could use some for the shortfall on the electrical work from previous allocations to McDonald Stadium.

Brad Long asked if there was a contractor for McDonald Stadium.

Parks and Recreation Director Kevin Wishart stated that there was, Bill's Electric submitted a bid, it was more than what was available in the fund and so staff were trying to rework the bid.

Brad Long asked about money from the budget.

Kevin Wishart stated that budget funds were limited and so they try to do the larger ticket items from sales tax.

The committee discussed the Civic Center parking lot project. They asked how old it was and the reasoning for the replacement. They also asked for the cost of the additional pavement around the dock.

City Engineer Scott Rickard called in to the meeting to discuss the parking lot. He stated that the parking lot was original to the expansion of the Civic Center. He stated that there were significant cracks and deficiencies that needed to be repaired. He estimated that the additional concrete around the dock and trash cart areas would be around \$30,000 or \$40,000.

Wade Wilkinson stated that they should not fund the West Park this year and only repair the existing parking at the Civic Center. He stated that removing those two items would provide enough funding for the remainder of the proposed projects.

There was more discussion regarding each project.

The committee asked if the bleachers had to be ordered all at one time.

Kevin Wishart stated that they did not.

The committee asked how much money it would take to complete the funding for the McDonald Stadium electrical project.

Kevin Wishart stated that it would be about \$8,000.

The committee agreed on the following funding recommendations:

Reallocate the \$4,000 for activity center controllers to the excess sales tax fund.

Allocate \$300,000 for additional property tax reduction.

Proposed Projects	Amount
Riverview Playground	\$60,000
McDonald Stadium Project Bank	\$50,000
Civic Center Parking Lot	\$141,402
Spray Park Pump Equipment Replacements	\$20,000
Senior Center Painting	\$7,400
Central/East Bleachers	\$25,845
Park Maintenance Shop Painting	\$4,800
Graham Park Playground North	\$50,000
East Park Batting Cage	\$15,000
Additional funds to McDonald Stadium Electrical Project	\$8,000
TOTAL PROPOSED AMOUNT	\$382,447

The committee requested that any funds that are saved while completing the projects listed, be placed in the McDonald Stadium project bank.

Dan Davis made the motion to approve the recommendations to the City Commission as listed.
Brad Long seconded the motion.
Motion carried 6-0

Meeting adjourned at 7:04 p.m.

ORDINANCE NO. S - 1323

AN ORDINANCE PLEDGING THE FUTURE USE OF ALL THE REVENUE WHICH MAY BE RECEIVED BY A ONE PERCENT RETAILERS' SALES TAX LEVIED IN THE CITY OF EL DORADO, SHOULD THE QUALIFIED ELECTORS OF SUCH CITY VOTE IN FAVOR THEREOF.

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

Section 1: In the event the electors of El Dorado, Kansas, approve the continuation of the one percent (1%) retailers' sales tax, at an election to be held in association with the general election on April 2, 2013, the Governing Body hereby pledges to use the revenues in the following manner:

- "The first \$600,000 shall be allocated annually for street rehabilitation within the City of El Dorado; and
- The next \$1,350,000 from the tax shall be used annually for property tax reduction for the inhabitants of the city; and
- The next \$50,000 to be allocated annually for a fund for economic development/job creation; and
- The balance will be distributed per Ordinance. The retailers' sales tax shall continue in full force and effect for a period of five (5) years from and after the first day of October 2014."

Section 2: In the event the electors determine to extend the one percent (1%) sales tax for another five (5) year period, the existing Sales Tax Advisory Committee shall continue in existence, the membership to remain the same or be changed as per prior action by the Governing Body. The Committee shall continue to solicit input from the community for suggestions on appropriate uses, and shall annually hold meetings and a public hearing concerning the proposed uses of the sales tax revenue in accordance with the provisions of this ordinance.

Section 3: The purposes for the use of any excess sales tax collections are additional street rehabilitation, additional property tax reduction, and capital expenditures. The Sales Tax Advisory Committee shall consider consistent requests.

Section 4: The Governing Body pledges, after a full and open discussion, to annually prepare a Capital Improvement Plan that will list specific projects which will be undertaken in the subsequent year and projects anticipated for the next five (5) years.

This plan will include funding sources including any recommendations for proposed future uses of excess sales tax revenues collected.

Section 5: No more than \$1,650,000 of the sales tax collections may be used for property tax reduction annually.

Section 6: The Governing Body shall annually publish and make available to the public the estimated sales tax revenue and the proposed uses of the funds. The Governing Body shall hold a public hearing to hear and consider comments and suggestions made by interested individuals, special interest groups, advisory commissions and other parties prior to making a decision on the utilization of any excess sales tax revenues, prior to the adoption of the annual budget.

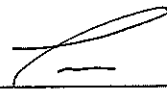
Section 7: For the purposes of this ordinance, the following definitions are included:

Capital expenditure: An addition or structure that enhances the value of a property, a replacement or upgrade that extends the useful life of an asset or equipment acquisition.

Street rehabilitation: Maintaining and rehabilitating the existing geometrical alignment of improved city streets, which includes portions of curb and gutter removal and replacement, mill and overlays, pavement surface treatments, full depth pavement replacement, and pavement related storm drainage facilities.

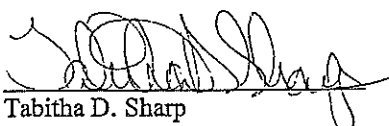
Section 8: This Ordinance shall be published once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and
APPROVED by its Mayor, this 22nd day of January 2013.



Tom McKibban
Mayor

Attest:



Tabitha D. Sharp
City Clerk

TO: City Commission
FROM: Engineering Department
SUBJ: Application to Rezone 2235 W. Towanda Ave.
DATE: September 11th, 2020

Background:

The Planning Commission held a public hearing on August 27th, 2020, to review an application to rezone 3.6 acres at 2235 W. Towanda Avenue from Agricultural Residential District (A-R) to General Business District (C-1). The Planning Commission voted to recommend approval of the rezoning application (6-0). The property is located within El Dorado's Extraterritorial Jurisdiction (ETJ). On September 8th, 2020, the Butler County Commission reviewed the proposal and voted to recommend approval of the Special Use Permit. The staff memo, map, and Planning Commission minutes are attached.

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Map
Zoning Map
Survey
BUCO Letter
Ordinance

Policy Issue:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity. C-1 General Business retail and service-based businesses, such as retail, restaurant, office, and light automobile repair uses.

Fiscal Impact:

Approval of the zoning map amendment will create little to no fiscal impact on the City of El Dorado at this time.

Trade-offs:

The decision of a governing body to approve zoning districts of higher intensities ultimately encourages and broadens the range of development opportunities. In such instances, this requires balancing community benefits with potential impacts on neighboring properties and municipal infrastructure.

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 20-02-REZ, requesting a rezoning of 2235 W. Towanda Avenue to C-1 General Business District and that Ordinance No. _____ be approved.

Commissioner _____ seconded the motion.

(Next page)

Roll Call Vote

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

[Return to Agenda](#)



EL DORADO

THE FINE ART OF LIVING WELL

PLANNING COMMISSION MINUTES - DRAFT

August 27th, 2020

6:30p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Tetrick called the meeting to order at 6:30pm.

Members Present

Steve Fellers
Scott Leason
Brad Long
David Stewart
Kelly Tetrick
Gerald Watson

Staff Present

Jay Shivers

2. APPROVAL OF MINUTES

Commissioner Stewart moved to approve the minutes of the previous meeting, seconded by Commissioner Leason. The motion passed (6-0).

3. NEW BUSINESS

ITEM NO. – CASE NO. 20-02-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 3.6 ACRES AT 2235 W. TOWANDA AVE. FROM A-R AGRICULTURAL RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

1. Presentation of Request

Jay Shivers reviewed the staff memo and said the rezoning would better represent what is occurring on the property, allow the applicant to purchase and subdivide the property, and that commercial uses are a good fit at this location.

Jon Walker, applicant, said he is currently downsizing his vehicle storage yard and has no plans to expand it.

2. Public Hearing

Chairman Tetrick opened the public hearing. Zach Cannady, representing 700 S. Haverhill, said he was only there to learn more about the rezoning. There being no one else to speak, the public hearing was closed. Mr. Shivers said the state requires notifications to be sent out to 1,000 feet when a property is outside city limits. He said he received only one email asking for more information, also from 700 S. Haverhill Road.

3. Discussion by Planning Commission

Commissioners Stewart and Fellers asked how the property can be on city water and sewer without being inside city limits. Mr. Walker said the property has been connected for at least 20 years. Mr. Shivers said there is a current policy that requires annexation but is not sure what policies were in place 20 or 30 years ago when it was connected.

4. Motion

Commissioner Leason moved to recommend approval of Case No. 20-02-REZ, an application by Jon Walker to rezone 2235 W. Towanda Avenue, from A-R Agricultural Residential District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Long.

Roll Call Vote

Steve Fellers	Y
Scott Leason	Y
Brad Long	Y
David Stewart	Y
Kelly Tetrick	Y
Gerald Watson	Y

The motion passed (6-0).

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers said there will be a September Planning Commission meeting.

6. ADJOURNMENT

The meeting was adjourned at 6:50pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – 2235 W. Towanda Ave.

Jon Walker submitted an application to rezone 3.6 acres at 2235 W. Towanda Avenue from A-R Agricultural Residential District to C-1 General Business District. The property is located at the southeast corner of Towanda Avenue and S. Haverhill Road. The current land use on the property is commercial. The applicant is currently leasing the property and is requesting a rezoning to purchase and create a new lot. The current zoning, A-R, has a minimum lot size requirement of 40 acres. C-1 General Business allows lot sizes as small as 6,000 square feet and generally allows retail, restaurant, office, and limited auto repair uses.

The property is located in the City of El Dorado's Extraterritorial Jurisdiction (ETJ), also known as the Growth Area. The City of El Dorado has jurisdiction over land uses within this area. However, all building permits are issued by Butler County. The City of El Dorado assumed zoning authority in this area in 2009. The Butler County Commission has tentatively scheduled this request for review at their September 1st meeting. By agreement with Butler County, their role is to determine if the request is in line with their comprehensive plan.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

A) Character of the neighborhood. The area consists of a mix of institutional, high-density residential, commercial, and industrial uses. Areas south of Towanda Avenue and east of S. Haverhill Road are commercial near the intersection and more industrial to the south; this area is located outside city limits. Butler Community College is located to the west, a few commercial buildings are located to the northwest, and multi-family apartments can be found to the north across Towanda Avenue.

B) Consistency with the Comprehensive Plan and ordinances of the City of El Dorado. The Future Land Use Map (FLUM) designates the subject property and the general area Neighborhood Mixed Use; the zoning ordinance defines this as containing "a mix of residential types and small-scale commercial and institutional uses that are typically meant to serve the needs of the surrounding neighborhood." The Comprehensive Plan recommends placing commercial properties along arterial street or major thoroughfares and to avoid directing traffic onto residential streets.

C) Adequacy of public utilities and other needed public services. The lot is connected to city water and sewer service.

D) *Suitability of the uses to which the property has been restricted under its existing zoning.* A-R is one of the most restrictive zoning districts in the zoning ordinance. The property is restricted to its current grandfathered commercial use and agricultural.

E) *Length of time property has remained vacant as zoned.* N/A

F) *Compatibility of the proposed district classification with nearby properties.* The proposed zoning is consistent with the current mix of commercial, institutional, and multi-family residential uses in this area.

G) *The extent to which the zoning amendment may detrimentally affect nearby properties.* The property has been used for commercial purposes for some time. Staff does not anticipate additional detrimental effects on adjacent properties. The applicant has stated he is downsizing the vehicle storage yard on the property. To make the storage yard larger, the applicant would need a Special Use Permit.

H) *Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.* Rezoning will allow the property owner to split this lot. The rezoning also gives the existing and future owners of the property a wider range of development options. This area is well-suited for a mix of commercial uses, especially considering the lack of single-family residential in the area. A disproportionately great loss to neighboring land owners is not expected.

The proposed rezoning conforms to the Comprehensive Plan and Future Land Use Map. The location and road access for this property make it ideal for commercial, even though such uses are already occurring on the property. The vehicle storage yard on the property is grandfathered and allowed to continue; as mentioned above, any enlargement of the yard will require a Special Use Permit. At this time, the owner is planning to decrease the size of the storage yard. Staff recommend approval of the rezoning request.

The Butler County Commission will review the case at their September 1st, 2020, regular meeting and vote to make a recommendation.

Adoption of this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 20-02-REZ, an application by Jon Walker to rezone 2235 W. Towanda Avenue, from A-R Agricultural Residential District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing.

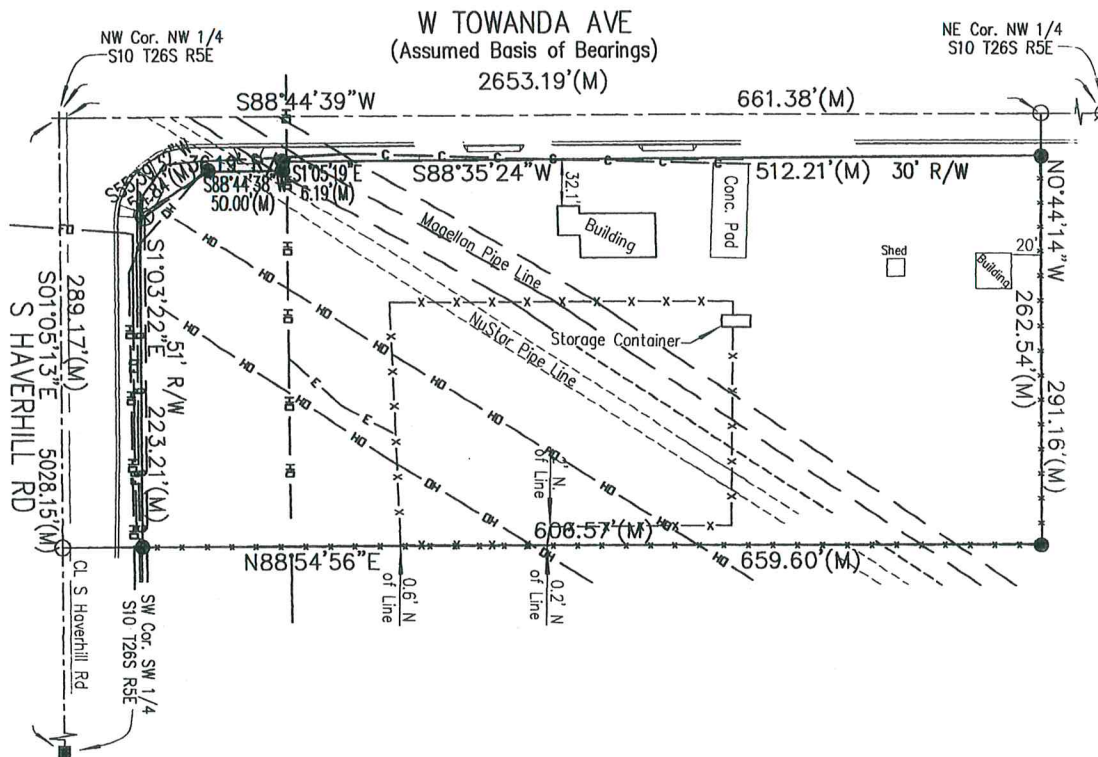


2235 W. Towanda Ave.



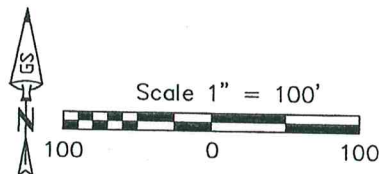
2235 W. Towanda Ave.—Zoning Map

CERTIFICATE OF SURVEY FOR JON WALKER



Legend

- Set 5/8"x 24" Rebar & CLS 251 Cap
- ⊗ Set Plus Cut in Side Walk
- Set PK Nail
- + Found Plus Cut
- ⊘ Found PK Nail
- Found 5/8" Bar
- (M) Measured
- (D) Deeded



CERTIFICATE OF SURVEY

I Gerald E. Dixon, a Professional Land Surveyor in the State of Kansas, do hereby certify that this is A true and correct Plat of Survey and Legal Description made by me on June 11, 2020, and is Described as follows: Beginning at the Northwest corner of the Northwest Quarter of Section 10, Township 26 South, Range 5 East of the 6th P.M., Butler County Kansas; thence S01°05'13"E along the West line of said Northwest Quarter a distance of 289.17 feet; thence N88°54'56"E, 659.60 feet; thence N00°44'14"W, 291.16 feet to the North line of said Northwest Quarter; Thence S88°44'39"W along said North line a distance of 661.38 feet to the point of Beginning. Contains 4.4 Acres Right of Way included, 3.6 Acres Right of Way Not included.

June 19, 2020



CERTIFICATION

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2020

 R.L.S. 1160
 Michael A. Work, Butler County Surveyor



September 8, 2020

Memo to: Jay Shivers

From: David A. Alfano, Director

Ref: 2235 W. Towanda Zoning Change Request

Jay: On Tuesday September 8, the Board of County Commissioners discussed the proposed change in Zoning on property located at 2235 W. Towanda and within the City of El Dorado Extraterritorial Jurisdiction (ETJ). After some discussion, the Commissioners directed staff to send to the City of El Dorado a recommendation of approval for the change from A-R to C-1.

If you need any additional information, please don't hesitate to give me a call at 316-322-4325 and I will be happy to visit with you.

ORDINANCE NO. _____

AN ORDINANCE ZONING CERTAIN LAND IN THE CITY OF EL DORADO, KANSAS, EXTRATERRITORIAL JURISDICTION C-1 GENERAL BUSINESS DISTRICT AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS, an application has been filed with the El Dorado Planning Commission requesting rezoning of certain land from A-R Agricultural Residential District to C-1 General Business District;

WHEREAS, on the 8th day of September, 2020, the Butler County Commission reviewed the rezoning application and voted to recommend approval, and;

WHEREAS, on the 27th day of August, 2020, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning;

WHEREAS, it is determined by the Governing Body of the City of El Dorado, Kansas, that certain property located within the City’s Extraterritorial Jurisdiction should be zoned;

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

Section 1: That the following described real estate should be and is zoned C-1 General Business District:

Beginning at the Northwest corner of the Northwest Quarter of Section 10, Township 26 South, Range 5 East of the 6th P.M., Butler County Kansas; thence S01°05’13”E along the West line of said Northwest Quarter a distance of 289.17 feet; thence N88°54’56”E, 659.60 feet; thence N00°44’14”W, 291.16 feet to the North line of said Northwest Quarter; Thence S88°44’39”W along said North line a distance of 661.38 feet to the point of beginning. Contains 3.6 acres, right-of-way not included.

Section 2: The Governing Body hereby directs that the City Zoning map be amended to conform herewith.

Section 3: This Ordinance shall take effect and be in full force from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and

APPROVED by its Mayor, this 21st day of September, 2020.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM:

Ashlyn Lindskog, City Attorney