EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
October 5, 2020 – 6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Invocation –** Pastor Mark Somerville, Family Worship Center
4. **Pledge of Allegiance**

Proclamations and Recognition

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

5. Pastor Debbie McClure from Nazarene Church – Cold Weather Shelter

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 21, 2020 and Special City Commission Minutes from September 2, 2020.

Old Business

8. None

New Business

9. Resolution Amending the General Financial and Budgetary Policies of the City of El Dorado, Kansas
10. Resolution Setting Public Hearing for the Abatement of Dangerous Structures

Reports

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

Executive Session

13. None

<u>Adjournment</u>
14. Motion to adjourn the October 5, 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 21, 2020**

The El Dorado City Commission met in a regular session on September 21, 2020 at 6:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, and City Clerk Tabitha Sharp. Absent: Commissioner Matt Guthrie, City Engineer Scott Rickard and City Attorney Ashlyn Lindskog

VISITORS

Jay Shivers	Planning & Zoning Coordinator	El Dorado, KS
Dan Davis	Excess Sales Tax Committee Chair	El Dorado, KS
Kevin Wishart	Parks & Recreation Director	El Dorado, KS
Curt Zieman	Police Chief	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Linda Jolly	El Dorado Inc.	El Dorado, KS
John Walker	2235 W Towanda	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the September 21, 2020 meeting to order.

INVOCATION

Pastor Debbie McClure, Nazarene Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of the City Commission minutes from September 8, 2020.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

NEW BUSINESS

EXCESS SALES TAX PROJECT RECOMMENDATIONS

Dan Davis, Excess Sales Tax Committee Chair, stated that the committee proposed the following recommendations.

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.

Commissioner Kendra Wilkinson asked about the playground equipment at Riverview Park.

Mr. Davis stated that the equipment at Riverview Park has been on the request list for a few years, it is one of the older wooden structures and is in need of replacement.

Commissioner Wilkinson asked about the playground at Graham Park.

Kevin Wishart, Parks and Recreation Director, stated the equipment near the splash park is near 20 years old and is past its useful life.

Commissioner Nick Badwey asked how much was in the McDonald Stadium project bank.

Parks and Recreation Director Wishart stated that there was $40,000 from last year’s funds in the bank right now.

Mayor Bill Young confirmed that the bank was for large maintenance projects.

Parks and Recreation Director Wishart stated that its initial purpose will be to save for the replacement of the turf, there are also some fencing and other maintenance projects that need to be done.

Commissioner Wilkinson asked about the bleacher funds.

Parks and Recreation Director Wishart stated that the original request was for more funds but in order to completely fund other projects, they reduced this request. He stated that the funds will still help them replace some bleachers that have been damaged or stolen over the years and they will request more funds later.

Mayor Young thanked the excess sales tax committee for volunteering their time.

Commissioner Kendra Wilkinson 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 Nick Badwey seconded the motion.

Motion carried 4 – 0.

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

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

APPLICATION TO REZONE 2235 W TOWANDA AVENUE

Jay Shivers, Planning and Zoning Coordinator, stated that the Planning Commission received an application to rezone 2235 W Towanda Avenue from AR Agricultural Residential to a C-1 General Business District. He stated the applicant recently had the opportunity to purchase the property that he has been utilizing for many years, but the size prohibits the use. He stated that it is within the accepted use for that area. He stated that because this is located within the Extra Territorial Jurisdiction, the City reviews the request. He stated that the Planning Commission and Butler County Commission

Mayor Bill Young confirmed that this would bring the property under the zoning that it is currently being used for.

Mr. Shivers stated that he was correct, the use was originally set before the County was using zoning procedures. He stated that Mr. Walker operates a small vehicle storage area on the property, the actual buildable space is limited due to the pipelines running through the area.

Commissioner Nick Badwey 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. G-1336 be approved.

Commissioner Kendra Wilkinson seconded the motion.

Roll Call Vote

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

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Mayor Bill Young reminded citizens that Tuesday from 5:30 to 7 p.m., the City will be holding a public forum for interested individuals to comment on the re-branding initiative.

CITY MANAGER

City Manager David Dillner reviewed the 2020 Strategic Planning Survey and the prizes available.

City Manager Dillner stated that the sales tax collections are up 3% over last year.

Mayor Bill Young asked for an update on the contract for Prairie Trails.

City Manager Dillner stated that he and the City Attorney have met with Mr. Palmer and will be providing a contract based on that meeting to the City Commission soon.

ADJOURNMENT

Commissioner Kendra Wilkinson moved to adjourn the meeting at 6:53 p.m.

Commissioner Nick Badwey seconded the motion.

Motion carried 4 – 0.

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City Clerk Tabitha D. Sharp Mayor Bill Young

EL DORADO CITY SPECIAL COMMISSION MEETING September 2, 2020

The El Dorado City Commission met in special session on September 2, 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, and City Clerk Tabitha Sharp.

VISITORS

Curt Zieman	128 N Vine	El Dorado, KS
Tammy Schaffer	220 E 1st	El Dorado, KS
Steve Waite	El Dorado Main Street	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the September 2, 2020 Special City Commission meeting to order at 5:00 p.m.

STRATEGIC PLAN SURVEY

City Manager David Dillner reviewed the proposed survey.

The City Commission asked him to take off health and wellness and to change the term homeless abatement. They wanted the survey mailed to every household in El Dorado and stated that there needed to be at least five prizes. They asked if the results could be returned by October 9th.

City Manager Dillner asked if they wanted to accelerate the conversation on the economic development partners or wait until the results were compiled.

Mayor Bill Young stated that he wanted to wait and have a more purposeful conversation next year that can guide the budget once strategic priorities have been confirmed. He stated that he felt the conversation could be better had after the survey results were in and the Commission was able to understand the priorities of the community.

Commissioner Matt Guthrie stated that there was too much turn over in the partner groups expected over the next six months. He stated that he was ready to think about the future and utilize the funds we have been giving them.

Commissioner Nick Badwey stated that he felt it was time to move forward as well. He stated that there are existing businesses who are members of Inc. but they only support new businesses.

Commissioner Kendra Wilkinson stated that we were rushing into the conversation, but also agreed that Inc. was going to struggle over the next year due to turnover.

Commissioner Gregg Lewis agreed that the status of Inc and the Chamber are unknown right now.

The Commission decided to take the time and work on it for next year.

2019 CITIZEN SURVEY & CORE SERVICES

The City Commission decided to review this after the results of the next survey.

PROPOSED POSITIONS

City Manager David Dillner reviewed the positions he was recommending to replace the Marketing Manager and Assistant Finance Director. He stated that he would use the Assistant Finance Director funds to hire a Municipal Information Officer. He stated that next year, we would replace the marketing manager with a position focused on events and event recruitment.

The Commission supported both positions.

UPCOMING AGENDA REVIEW

Staff reviewed items on the upcoming agenda.

REPORTS

Commissioner Matt Guthrie stated that he had been working on the lake development conversation and has some individuals coming to town to look at the proposed site for an amphitheater. He asked if the City Commission would be willing to pay for a hotel room for them.

The Commission agreed.

Commissioner Kendra Wilkinson asked how to get rid of Mountain Mud.

Mayor Bill Young stated that he wanted to have a bigger discussion about condemning more buildings.

Commissioner Guthrie asked about a curfew ordinance.

City Manager David Dillner stated that staff were considering one for parks and would include this in the proposal.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 7:04 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

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City Clerk Tabitha D. Sharp Mayor Bill Young

"Enhancing Quality of Life by Embracing Service Excellence"

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

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

EL DORADO
THE FINE ART OF LIVING WELL

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Resolution Amending the General Financial and Budgetary Policies of the City of El Dorado, Kansas
DATE: October 2, 2020

Background: Per direction from the City Commission at the September 20, 2020 work session, staff prepared an amendment to the General Financial and Budgetary Policies most recently adopted by Resolution No. 2885 on July 1, 2019.

The current version of the policies requires the City Commission approval of all real estate acquisitions. Staff proposes amending this requirement to allow the city manager to approve real estate acquisitions up to the city manager's current spending authority of $50,000. The primary reason for the change is to expedite purchases of dilapidated structures when a property owner agrees to a negotiated price.

Policy Issue: Should the city manager's authority be expanded to expedite purchases of real estate?

Strategic Priority: Fiscal Stewardship; Quality of Life (Blight Reduction)

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

- Approve the proposed resolution amending the General Financial and Budgetary Policies of the City to expand the city manager's authority to acquire real property on behalf of the City.
- Approve the resolution with a modification to the proposed spending limit for real property to an amount deemed appropriate by the City Commission.
- Deny approval of the proposed resolution and preserve the existing policy.

Fiscal Impact: Generally, the City acquires property from resources in the Building Demolition Fund. This fund receives an annual transfer from the General Fund, as well as any proceeds from the sale of property or assessments paid resulting from demolition actions. Per policy, the city manager would be required to obtain City Commission approval if funds were needed beyond the resources of the Building Demolition Fund. The proposed amendment is not anticipated to have a material effect on the City's financial position due largely to the limited resources in the Building Demolition Fund and infrequent need to acquire real property by the City.

Legal Review: The city attorney has not reviewed the proposal because its substance pertains to policy and does not have any legal considerations.

Trade-offs: Staff has run into situations where a verbal agreement was reached with a property owner on the purchase of a blighted property only to have the owner accept another offer prior to the City Commission's approval of the transaction

Staff Recommendation: The city manager recommends approval of the proposed amendment to the General Financial and Budgetary Policies of the City.

Commission Actions:

Commissioner _____________ moved to approve Resolution No. 2908, a Resolution amending the General Financial and Budgetary Policies for the City of El Dorado, Kansas.

Commissioner _____________ seconded the motion.

Return to Agenda

GENERAL FINANCIAL AND BUDGETARY POLICIES

City of El Dorado, Kansas

July 1, 2019

Adopted with Resolution No. 2885

Revenue

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

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

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

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

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

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

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

Expenditures

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

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

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

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

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

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

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

Enterprise Funds

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

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

Cash Reserves

The City recognizes the need to maintain appropriate cash reserves to secure and maintain investment-grade credit ratings, meet seasonal requirements in cash flow, and reduce susceptibility of negative impacts from emergency or unanticipated expenditures or revenue shortfalls. To meet these requirements, the City will adopt an annual budget that will provide for an undesignated cash reserve in each of the City's budgeted funds, in accordance with the following guidelines. Any funds in excess of the minimum balance may be allocated to one-time expenses at the discretion of the governing body. In the event the cash reserve for any fund falls below the required minimum balance, the City Manager will report such event to the governing body with a plan to return the cash reserve to at least the required minimum balance within a reasonable period of time.

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

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

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

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

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

Cash Management

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

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

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

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

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

Debt

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

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

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

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

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

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

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

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

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

Post-Issuance Compliance

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

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

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

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

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

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

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

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

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

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

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

Investments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Budget

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

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

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

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

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

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

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

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

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

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

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

Capital Improvement Program

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

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

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

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

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

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

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

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

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

A listing of capital projects for which an estimated cost and identified funding source have been reviewed and matched with a funding year(s) with an adequate amount of debt capacity, if applicable, and otherwise unallocated or unencumbered revenue to pay for said project in the year of implementation (cash financing) or over the duration of debt service in the event bonds are issued to finance said project. This section shall be titled "Preliminarily Approved Projects."

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

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

Financial Reporting

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

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

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

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

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

Purchasing

The underlying purposes of this policy are: 1) to ensure fair and equitable treatment of all persons who wish to, or do conduct business with the City of El Dorado; 2) to provide for the greatest possible economy in city procurement activities; and 3) to foster effective broad-based competition within the free enterprise system to ensure that the city will receive the best possible service or product at the lowest responsible bid price.

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

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

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

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

Change orders are issued to cover costs or address changes in terms and conditions associated with unforeseen problems not addressed in the bidding or contract document, or changes/modifications that may be recommended after a contract award. Change orders on contracts may be approved by the City Manager for amounts less than $50,000. Change orders of $50,000 or greater must be approved by the City Commission, provided, however, that in instances where it is in the best interest of the City for a change order to be implemented prior to the next regularly scheduled meeting of the City Commission, the City Manager shall have the authority to authorize the change subject to ratification by the City Commission.

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

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

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

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

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

Sole Source Procurement

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

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

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

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

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

<u>Requests for Qualifications</u>

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

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

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

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

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

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

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

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

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

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

Real Estate

All real estate transactions, either for the acquisition of real property less than $______ can be made with the approval of the City Manager. All real estate transactions including purchases over $______ and the sale of any public property must be approved by the City Commission.

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

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

Conflicts of Interest; Appeals

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

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

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

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

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

RESOLUTION NO. 2908

A RESOLUTION AMENDING THE GENERAL FINANCIAL AND BUDGETARY POLICIES FOR THE CITY OF EL DORADO, KANSAS

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

WHEREAS, it is advisable and prudent for a local government to maintain and comply with financial policies and procedures; and

WHEREAS, the City Commission has reviewed a proposed amendment to the General Financial and Budgetary Policies, previously adopted by Resolution No. 2885, and desires to adopt said proposed amendment.

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

ADOPTED by the City Commission of the City of El Dorado, in Butler County, Kansas, the 5th day of October, 2020.

SIGNED by the Mayor, this 5th day of October, 2020.

____
Bill Young
Mayor

Attest:

____
Tabitha D. Sharp
City Clerk

TO: City Commission
FROM: Scott Rickard
SUBJ: Resolution Setting Public Hearing for the Abatement of Dangerous Structures
DATE: 9/28/20

Background:
In an effort to address dangerous and unfit structures, staff has determined from our unsafe-unfit structures list, 4 homes that an ultimate resolution needs to be addressed. Those homes are 712 W Ash, 307 S Atchison, 733 S Denver & 805 S Main. Chapter 15.16 of El Dorado Municipal Code sets forth the avenue to rectify the ongoing issues with these structures.

Project Schedule:
Dependent on Commissions outcome

Attachments:
History of Code Violations, Photos

Policy Issue:
To enforce Municipal Code for improved Public Safety, & Community Image.

Alternatives:
N/A

Fiscal Impact:
If the owner of the property is unable to cause a structure to be razed the City Commission is the ultimate entity responsible for demolition cost. A special assessment would be placed on the property in hopes of recovering the cost.

Trade-offs:
Allow the structure to continue to be a blight to the neighborhood until City Staff can find a means of resolution.

Staff Recommendation:
Authorize the Resolution to set the public hearing for November 16th.

Commission Actions:

Commissioner ____________________ moved that Resolution No.2909 a resolution authorizing the scheduling of a public hearing on November 16, 2020 at 6:30 for the purpose of abating or removing the dangerous structures at 712 W Ash, 307 S Atchison, 733 S Denver and 805 S Main.

Commissioner __________________ seconded the motion.

Return to Agenda

	Timeline of 712 W Ash Ave.		
	Owner David and Julie Hill		
Date:	Violations and registered letter sent	Outcome:	
5/12/2009	Tall grass and weed.	Letter signed 5/13/2009	
4/26/2011	Tall grass and weed.	Letter signed for 4/28/2011	
3/27/2012	Tall grass and weed.	Letter signed for 3/30/2012	
8/21/2013	Vehicles parked in backyard are not parked on a hard surface.		
	Non-registered vehicles parked in backyard. Trash and debris in back of pickup.		
	Old furniture and debris in backyard.	Letter signed for 8/26/2013	
5/1/2014	Tall grass and weed.	Letter signed for 5/5/2014	
7/29/2014	Trash and debris by curb. Tall grass and weeds.	Letter signed for 8/11/2014	
8/12/2014	Trash and debris by curb citation #109772c	Citation issued 8/12/2014	
9/8/2014	In full compliance with court case	Court Cost $26.00	
5/15/2017	Tall grass and weed.	Letter signed for 5/17/2017	
8/8/2017	Trash and debris in backyard.	Letter signed for 8/17/2017	
8/31/2017	Metal, lumber and debris in backyard by porch. Citation #112256c	Citation issued 8/31/2017	
9/18/2017	Trash and debris in backyard. Court	Gave Court Date 10/16/2017	
10/16/2017	Trash and debris in backyard. Court	Gave Court Date 10/30/2017	
10/30/2017	In full compliance with court case	Court Cost $90.00	
5/9/2018	Tall grass and weed.	Letter returned 5/14/2018	
12/30/2019	Limbs and debris on/by front porch. Limbs throughout side yard. Vacant	Letter signed for 1/2/2020	
	property needs to be secured to keep vagrants out. Board up all windows		
	and doors.		
1/14/2020	Limbs and debris on front porch. Limbs in side yard. Citation #114214c	Citation issued for 1/14/2020	
2/3/2020	Limbs and debris throughout property. Court	Gave Court Date 2/24/2020	
2/24/2020	Limbs and debris throughout property. Court	Gave Court Date 3/23/2020	
5/26/2020	Tall grass and weeds throughout property.	Letter signed 6/1/2020	
5/11/2020	Limbs and debris throughout property. Court	Gave Court Date 6/15/2020	
6/15/2020	Limbs and debris throughout property. Court	Gave Court Date 7/20/2020	
7/20/2020	Limbs and debris throughout property. Court	Did not appear in court.	
8/31/2020	Tall grass and weeds throughout property. Limbs and debris backyard. Court	Gave Court Date 9/14/2020	
8/3/2020	City Boarded the house up. There were vagrants living in structure with no utilities	Boarded house to keep vagrants out 8/3/2020	
8/3/2020	Unfit/Unsafe Structure completely remove. There is a neighborhood complaint	Letter signed for 8/14/2020	
	about this structure. There are vagrants living in structure with no utilities. There		

are several structural issues. The foundation is crumbling. There are several crawl spaces left open to harbor vermin and rodents. The roof is severaly dilapidated and starting to collapse in. The siding, windows, eaves, and doors are dilapidated. There are several plumbing and electrical issues. Inside structure is full of trash and feces.


8.3.2020


8.3.2020 11:26


8.3.2020 11:27

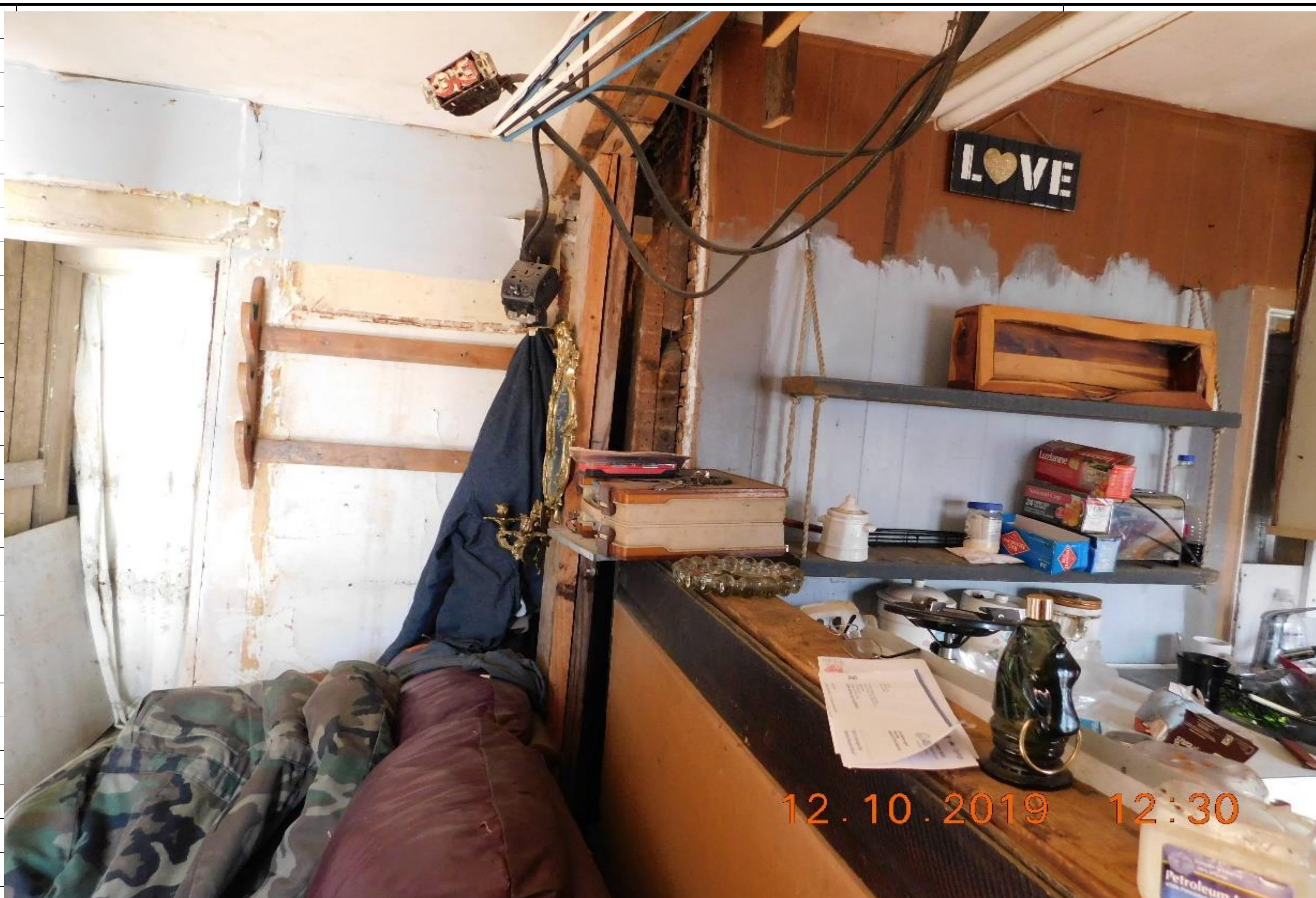
	Timeline of 733 S Denver	
	Owner Giovani De Oliveira Costa	
Date:	Violations and registered letter sent	Outcome:
8/6/2009	Tall grass and limbs.	Letter signed for 8/10/2009
4/20/2010	Tall grass.	Letter signed for 4/22/2010
4/26/2011	Tall grass	Letter signed for 5/2/2011
3/26/2012	Tall grass. Trash on front porch.	Letter signed for 4/9/2012
1/3/2013	Not properly registered vehicle in driveway. Trash and debris on front porch. Debris in	Letter signed for 1/5/2013
	driveway.	
3/20/2013	Camper being used as living quarters. Inoperable vehicle parked in driveway.	Letter signed for 3/20/2013
3/19/2013	Refrigerator and debris in driveway. Metal and debris in backyard. Citation #108905c	Citation issued 3/19/2013
4/8/2013	In full compliance with court	Court Cost $60.00
4/22/2014	Trash and debris on front porch. Debris throughout property and being stored in a trailer	Citation issued 4/22/2019
	citation #109686c. Trailers parked in side yard is not parked on a hard surface. Citation #109687c.	
5/12/2014	In full compliance with court	Court Cost $52.00
2/15/2016	Trash and debris on front porch. Trash and debris in backyard. Vehicle parked in backyard is not	Letter signed for 2/22/2016
	parked on a hard surface. Storing trash and debris in a trailer.	
4/24/2017	Tall grass and weeds. Trash and debris in driveway.	Letter signed for 5/1/2017
8/30/2017	Unfit/Unsafe Structure remove completely or significant repairs. The fascia and soffits need to be	Letter signed for 9/11/2017
	replaced. The birds and wildlife can access the attic of the structure. There are several spots that	
	are bare wood and is dilapidated. The back of the structure needs to be resided. The front porch	
	needs to be cleaned off and free of debris. The backyard is full of debris and tall weeds.	
	Inoperable vehicle parked in driveway. There are several electrical and plumbing issueds with	
	the structure.	
5/8/2018	Tall grass and weeds throughout the property.	Letter signed for 5/12/2018
9/24/2018	Property changed hands to Giovani De Oliveira Costa	Property sold 9/24/2018
11/1/2018	Unfit/Unsafe Structure remove completely or significant repairs. The fascia and soffits need to be	Letter signed for 11/3/2018
	replaced. The birds and wildlife can access the attic of the structure. There are several spots that	
	are bare wood and is dilapidated. The back of the structure needs to be resided. The front porch	
	needs to be cleaned off and free of debris. The backyard is full of debris and tall weeds.	
	Inoperable vehicle parked in driveway. There are several electrical and plumbing issueds with	
	the structure. Will need to get a permit to do work on the sturcture.	
8/22/2019	Tall grass and weeds throughout the property.	Letter signed for 8/26/2019
3/10/2020	Camper being used as living quarters. The building permit has expired. Unfit/Unsafe structure	

	remove completely or needs significant repairs. There are several electrical and plumbing issues	
	There are several windows missing leaving the structure open to all the elements, rodents, and	
	vagrants. The front porch has several structural issues. The front porch is being held up by two	
	pillars. The front porch is missing decking.	
5/18/2020	Camper being used as living quarters and dumping into city sewer. Citation #114402c	Citation issued 5/18/2020
	Hazardous Conditions Unfit/Unsafe Structure Citation #114403c.	
6/22/2020	Hazardous Structure and living in camper court.	Gave Court Date 7/13/2020
7/13/2020	Hazardous Structure and living in camper court.	Did not appear in court.
5/7/2020	Tall grass and weeds throughout the property.	Letter signed for 5/11/2020
6/1/2020	Tall grass and weeds citation #114437c	Citation issued 6/1/2020
7/12/2020	Tall grass and weeds citation #114503c	Citation issued 7/12/2020
8/3/2020	Structure and tall grass court.	Did not appear in court.
8/17/2020	Structure and tall grass court.	Gave Court Date 8/24/2020
8/24/2020	Structure and tall grass court.	Gave Court Date 10/26/2020
8/24/2020	Issued Mow Order	


8.24.2020 08:53

	Timeline of 307 S Atchison	
	Owner Michael Streif Deceased and Brandon Streif	
Date:	Violations and registered letter sent	Outcome:
4/24/2015	Tall grass and weeds. Vehicle parked in front yard is not parked on a hard surface.	Letter signed 4/22/2015
5/2/2017	Container left by curbs. Citation #111689c	Citation issued 5/2/2017
8/8/2017	Lumber, appliance, and debris in driveway and backyard.	Letter signed for 8/17/2017
8/31/2017	Trash, metal, lumber, and debris throughout driveway and side yard. Citation #112253c	Citation issued 8/31/2017
9/15/2017	Camper being used as living quarters. Camper is not parked on a hard surface in backyard.	Letter signed for 9/16/2017
9/18/2017	Trash and debris throughout the property. Court	Gave Court Date 10/30/2017
10/30/2017	Trash and debris throughout property. Court	Gave Court Date 11/27/2017
11/27/2017	Trash and debris throughout property. Court	Gave Court Date 12/18/2017
12/18/2017	In minimal Compliance with court.	Court Cost $90.00
9/24/2020	Citation # 112978c issued no permit for shed or building being built in backyard.	Citation issued 9/24/2020
9/24/2020	Lumber and debris scattered throughout the property. Citation #112979	Citation issued 9/24/2020
10/15/2018	Trash and debris throughout property court	Gave Court Date 10/29/2018
10/29/2018	Trash and debris throughout property court	Gave Court Date 11/26/2018
11/26/2018	Trash and debris in backyard. Court	Gave Court Date 12/10/2018
12/10/2018	Trash and debris throughout property court	Gave Court Date 12/17/2018
12/18/2018	Non-registered inoperable vehicle parked in driveway. Trash and debris throughout	Letter signed for 12/21/2018
	property. Overflowing trash containers.	
12/17/2018	Trash and debris throughout property court	Gave Court Date 1/7/2019
1/14/2019	Trash and debris throughout property court	Gave Court Date 1/28/2019
1/28/2019	Trash and debris throughout property court	Gave Court Date 2/25/2019
2/25/2019	Trash and debris throughout property court	Gave Court Date 3/18/2019
3/11/2019	Trash and debris throughout property court	Gave Court Date 3/18/2019
3/18/2019	Trash and debris throughout property court	Gave Court Date 4/15/2019
4/15/2019	Trash and debris throughout property court	Gave Court Date 5/6/2019
5/6/2019	Trash and debris throughout property court	Gave Court Date 5/20/2019
5/20/2019	Old furniture and debris being stored on a trailer. Trash and debris throughout	
	driveway. Citation #113516c	Citation issued 5/20/2019
6/10/2019	Trash and debris throughout property court	Gave Court Date 6/17/2019
6/17/2019	Trash and debris throughout property court	Gave Court Date 7/8/2019
5/30/2019	Unfit/Unsafe Structure. There are several electrical hazard throughout the house.	
	The ceilings are falling in and cracking in a few rooms of the house.	

	There are several spots in the floor that are weak.	
	There are several spots in the siding that are missing. The roof is dilapidated.	
	The front porch is missing several structural components. Inside the house is full of	
	trash and debris. There is no utilities turned on and there are occupants.	Letter signed for 5/31/2019
7/8/2019	Trash and debris throughout property court	Gave Court Date 8/19/2019
8/1/2019	Occupying dwelling with no utilities Citation #113662c	Citation issued 8/1/2019
8/1/2019	Trash and debris throughout property. Citation#113661c	Citation issued 8/1/2019
8/1/2019	Hazardous Conditions Unfit/Unsafe Structure Citation #113663c	Citation issued 8/1/2019
8/19/2019	Trash and debris throughout property court	Gave Court Date 9/30/2019
9/30/2019	Trash and debris throughout property court	Gave Court Date 11/18/2019
11/18/2019	Trash and debris throughout property court	Gave Court Date 12/23/2019
12/10/2019	Dismissed all court cases 12/10/2019 deceased	
1/10/2020	Boarded up structure to keep vagrants out.	Date Boarded up 1/10/2020
5/7/2020	Tall grass and weed.	Letter returned 5/12/2020
	Issued Mow Order for 2020 once a month from 5/1/2020 to 9/1/2020	


LOVE
12.10.2019 12:30
Petroleum Jelly


11.18.2019 08:55

	Timeline of 805 S Main St.	
	Owner Joseph Hill	
Date:	Violations and registered letter sent	Outcome:
8/19/2014	Tall grass and weed.	Letter signed for 8/22/2014
1/30/2018	Unfit/Unsafe Structure. The roof and siding has inadequate weather protection.	Letter signed for 2/1/2018
	The front porch is deteriorating and starting to collapse. There are several broken	
	windows on the structure. There is no flooring inside the structure and several plumbing	
	issues per building inspector.	
7/31/2018	Hazardous Conditions Unfit/Unsafe Structure Citation #112785c	Citation issued 7/31/2018
8/20/2018	Hazardous Conditions Unfit/ Unsafe Court	Gave Court Date 9/24/2018
8/23/2018	Owner sold property	Court Cost $90.00
10/18/2018	Unfit/Unsafe Structure. The roof and siding has inadequate weather protection.	Letter returned 11/7/18
	The front porch is deteriorating and starting to collapse. There are several broken	
	windows on the structure. There is no flooring inside the structure and several plumbing	
	issues per building inspector.	
3/27/2019	Unfit/Unsafe Structure. The roof and siding has inadequate weather protection.	Letter returned 4/1/2019
	The front porch is deteriorating and starting to collapse. There are several broken	
	windows on the structure. There is no flooring inside the structure and several plumbing	
	issues per building inspector.	


1.30.2018 12:08

RESOLUTION NO. 2909

A RESOLUTION AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING FOR THE PURPOSE OF ABATING OR REMOVING DANGEROUS STRUCTURES KNOWN AS 712 W ASH, 307 S ATCHISON, 733 S DENVER, AND 805 S MAIN. ALL INTERESTED PARTIES MAY APPEAR AND SHOW CAUSE AS TO WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED.

THE PUBLIC HEARING IS SCHEDULED TO BE HELD ON NOVEMBER 16, 2020 AT 6:30PM IN THE COMMISSION ROOM OF CITY HALL AT 220 E FIRST AVENUE EL DORADO, KS 67042.

Legal Descriptions:

712 W Ash – The west 50 feet of Lot 2, Except the North 20 feet thereof and the West 50 feet of Lot 1 all in Block 9 in Wilson's Addition to the Town now City of El Dorado in Butler County, Kansas.

307 S Atchison – Lot 3, Block 12 Wilson's Addition to the Town, now City of El Dorado, Butler County, Kansas.

733 S Denver – Beginning at the Northeast corner of the South half of Block 43 in The Original Town, now City of El Dorado, Kansas, thence running South 64 feet; thence West 120 feet; thence North 64 feet and thence East 120 feet to the place of beginning.

805 S Main - Lot 2, Except the West 67 feet thereof, in Block 3, Gordon's Addition to the City of El Dorado, Butler County, Kansas.

ADOPTED by the City Commission of the City of El Dorado, in Butler County, Kansas, the 5th day of October, 2020.

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Bill Young
Mayor

Attest:

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Tabitha D. Sharp
City Clerk