

The El Dorado City Commission met in a regular session on December 7, 2020 at 6:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Attorney Ashlyn Lindskog (via zoom) City Engineer Scott Rickard and City Clerk Tabitha Sharp.

VISITORS

Curt Zieman 128 N Vine El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the December 7, 2020 meeting to order.

INVOCATION

Pastor David Crook, First Southern Baptist Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

Mayor Bill Young read the proclamation for Kay Citizenship Week.

Service Awards were presented for the following:

10 Years

Curt Bradshaw
Sam Humig
Gabe Hutson
Kevin Leinart

15 Years

Sue Meyer
Kevin Wishart

20 Years

Jack Zimmerman

25 Years

Tad Schelsener
Allen Stalnaker
Brad Meyer

40 Years

Curt Zieman

Police Chief Curt Zieman presented Life-Saving awards to Patrol Officer Sean McCormick and Detective Lieutenant Maggie Schreiber and a Certificate of Commendation to Patrol Officer Brett Sanchez. He stated that another certificate was also given to Officer Scott Stewart.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of the 2021 Cereal Malt Beverage licenses.

Casey's General Store #3331	2627 W Central
Casey's General Store #1810	1310 N Main
Dillons #29	700 N Main
Dollar General	536 N Main & 2408 W Central
Jumpstart Central	1631 W Central
Jumpstart Inc.	701 N Main
LaCasita Mexican Food & Bakery	212 E Central
Pizza Hut	2423 W Central & 729 N Main
QuikTrip #310	2314 W Central
Sunny Stop West	2575 W Central
Sunny Stop East	301 E Central
Two Brothers BBQ	1701 W Central
Walgreen #10721	119 W 6 th
Walmart #186	301 S Village

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

CANCELLATION OF THE DECEMBER 21ST CITY COMMISSION MEETING

Commissioner Gregg Lewis moved that the second City Commission meeting in December, Monday, December 21, 2020 be canceled.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

BUDGET AMENDMENT

City Manager David Dillner stated that the City Commission must approve a budget amendment if we go over the published budget. He stated that the Economic Development Fund went over by \$219,977 due to receipt and expenditure of funds through the Cares Act and the receipt of funds for lots in the Griler Addition. He stated that the CNG Fund went over the published expenditures due to the unexpected need for a compressor in the amount of \$54,000. He stated that both of the expenditures were covered by the unexpected revenues.

Mayor Bill Young opened the public hearing.

There were no comments.

Mayor Young closed the public hearing.

Commissioner Matt Guthrie moved to approve the amendment to the 2020 Operating Budget in the Economic Development and CNG funds as presented.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

PROPOSED MASK/FACE COVERING ORDINANCE

City Manager David Dillner reviewed the proposed ordinance. He stated that the proposed ordinance would go into effect on December 18th through February 1st. He stated that it would require individuals in El Dorado to wear a mask when any public place. He stated that if a citizen were to be ticketed for not wearing a mask, the fines range from \$25 to \$190 depending

on the offense. He stated that a phone number will be provided for individuals who wish to report someone not wearing a mask.

Jackie and John Peiffer, 880 NW 34th St, both stated that they opposed the ordinance.

Shelby and Heather Smith, 720 State Augusta, KS, also opposed the ordinance.

Lavaughn Yordy, 120 Woodland, opposed the ordinance.

Pastor David Crook asked the Commission not to pass the ordinance.

Commissioner Kendra Wilkinson stated that the Commission was not taking the decision lightly and hoped that the citizens of El Dorado would understand their position. She stated that the Commission has heard from the hospital, both school districts, several small business owners and many citizens. She stated that the community has a responsibility to help the students in the schools who are receiving a lesser education due to the remote learning. She stated that the hospitals in our County are suffering from staff shortages, fatigue and burn out. She stated that businesses are closed to public access as well as local governments who are suffering staff shortages. She stated that some churches are closed and others are open with very strict guidelines. She stated that the responsibility of the Commission is to deal with public health situations.

Commissioner Wilkinson shared her personal experience with a serious illness that hospitalized her. She stated that she could not imagine having made it through without the support of her family. She stated that many COVID patients do not receive that support because of the limitations in hospitals. She stated that now is the time to work together, not against each other.

Commissioner Gregg Lewis stated that 60% of the e-mails he received were for the mask mandate. He stated that all of the e-mails urged him to do the right thing. He stated that many of the e-mails came from those outside of the City. He stated that he spoke to some business owners who felt that they had to wear a mask and wanted their customers to wear one as well.

Commissioner Matt Guthrie stated that he has also received many e-mails. He stated that many of them encouraged him to look at the data. He stated that the number of cases has increased from 200 to 2,200 over the last four months. He stated that one of the arguments is that CO2 gets trapped in masks, he stated that CO2 is smaller than the virus and escapes the masks.

Commissioner Guthrie stated that many say that masks don't work, he stated that he received many studies from around the world. He stated that a study from KU stated that masks cut cases by 50%. He stated that prior to the meeting, he received another e-mail from the professor stated that there is a 50% decrease in death rates in counties with a mask mandate.

Commissioner Guthrie stated that they have also heard that it is unconstitutional. He stated that it has been proven that a mask mandate is not unconstitutional. He stated that there is also the argument that there are more dental issues, he spoke to a dentist who said that there is no information supporting that statement either.

Commissioner Guthrie stated that he was for a mask mandate in May and is glad that the Commissioners are re-addressing the issue. He stated that this is not about control or fear for him, he stated that this is about saving his neighbors.

Commissioner Nick Badwey stated that he doesn't have the know how to do the research, he relies on talking to people. He stated that for him, an Ordinance that is estimated to be in effect for a little over five weeks isn't asking a lot. He stated that if for no other reason then it makes people who are afraid more comfortable, then we should do it for our neighbors. He stated that there is science on both sides, but the bottom line is that they don't know for sure. He stated that it can't hurt but it might help.

Mayor Bill Young stated that this is the great part of local government, we can have these conversations, make a decision and move on. He stated that he did not want to argue the efficacy

of masks, he agreed that there is information that goes both ways. He stated that he wears a mask because he feels it is part of his civic responsibility to be a good neighbor.

Mayor Young stated that the reason he is opposed to a mask mandate is that he felt that people should be able to make the decision on their own. He stated that other cities who have a mask mandate are experiencing the same rate that El Dorado is. He read an e-mail from a citizen who wished to be anonymous, a police officer in another community felt that a mask mandate would cause undo pressure on the Police Department and increase calls. Mayor Young stated that he didn't feel a mandate was necessary if we weren't going to go out and actively enforce the mandate.

Mayor Young stated that if there is really a belief that the virus will be gone in five and a half weeks, then it would be more reasonable. He stated that it will very likely still be an issue on February 1st and so the mask mandate would have to be reconsidered at that time until vaccines are available.

Mayor Young stated that he knows that the decisions of the other Commissioners are coming from a good place. He stated that he also believed that the citizens of El Dorado also make decisions that are also from a good place. He apologized to the Police Department and City Staff for the extra work that this mandate will likely cause.

Commissioner Wilkinson asked if the other individuals had been able to join.

City Clerk Tabitha Sharp stated that she had sent an e-mail but had not received a response.

Commissioner Nick Badwey moved to approve Ordinance No. G-1341, an Ordinance requiring the wearing of masks or other face coverings in public spaces in El Dorado, Kansas.

Commissioner Kendra Wilkinson seconded the motion.

ROLL CALL VOTE

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

EQUIPMENT RESERVE TRANSFERS

City Manager David Dillner stated that the City's Financial Policies allow for any funds in excess of the minimum fund balance to be transferred to one-time expenses at the discretion of the City Commission. He stated that there is excess in the Water, Sewer and General Funds. He stated that staff provided the Commission with examples of the state of the equipment in various departments and are asking that the excess funds be transferred to the equipment reserve to assist with the purchase of new equipment to replace those that need it.

City Manager Dillner stated that they will be transferring a total of \$856,000 from the General Fund, \$300,000 from the Water Fund and \$200,000 from the Sewer Fund. He stated that staff would return with a plan for the funds in 2021 prior to ordering anything.

Commissioner Matt Guthrie asked if this was in addition to the funds already approved.

City Manager Dillner stated that this would be in addition to what was already budgeted for 2021.

Commissioner Nick Badwey moved to authorize the transfer of funds to Equipment Reserve Funds as presented by the City Manager.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Matt Guthrie stated that the CTC board will be discussing a plan for the 150th and bring it to the City Commission in January or February.

Commissioner Lewis asked if there was going to be any work on North Main.

City Engineer Scott Rickard stated that there is going to be crack sealing beginning Wednesday from McCollum to the north city limits. He stated that the next priority would be Griffith to Denver on Central.

Commissioner Nick Badwey stated that the library board met earlier today. He stated that they have completed a new personnel policy. He also wished the citizens a Merry Christmas.

Commissioner Kendra Wilkinson stated that the Parks and Recreation Board meeting was rescheduled for next week.

Mayor Bill Young thanked the citizens and Commission for their input and the discussion tonight. He also thanked the officers recognized earlier in the meeting for their work and staff for their many years of service. He also wished the community a Merry Christmas.

CITY MANAGER

City Manager David Dillner stated that sales tax is up about .3% from last year as of November, but the gap is getting narrower.

City Manager Dillner stated that the Parks and Recreation Department anticipates that McDonald Stadium's irrigation work should be completed within the next week or so.

City Manager Dillner stated that the basketball season in recreation has been postponed to January and more information will be out soon.

City Manager Dillner stated that Douglas Road is almost complete with the exception of seeding that will be done in the Spring.

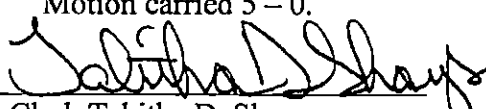
City Manager Dillner stated that the City received the Kansas City Public Improvement Award for the Sam Binter Tennis Courts.

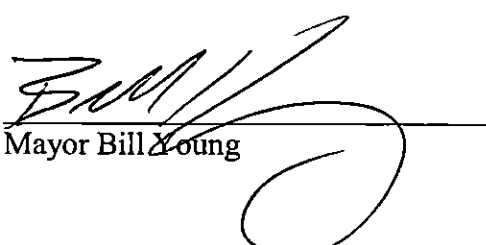
ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 8:14 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.


City Clerk Tabitha D. Sharp


Mayor Bill Young