

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
January 19, 2021 – 6:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** – Pastor Corey Landreth – Real Life Christian Church
- 4. Pledge of Allegiance**

Proclamations and Recognition

- 5. 150 Year Proclamation**

6. 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.

7. 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.

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.*)

- 8. Approval of City Commission Minutes from January 4, 2021**
- 9. Approval of Appropriation Ordinance No. 12-20 in the amount of \$1,692,318.26**

Old Business

- 10. None**

New Business

- 11. Department Presentation for Public Works and Parks and Recreation**
- 12. Vice-Mayor Appointment**
- 13. Community Brand Acceptance**
- 14. Application to Rezone 7.7 Acres at 737 2540 Kinder Drive**
- 15. Vacate Right-of-Way in Riverside Addition**
- 16. Proposed Equipment Purchases**
- 17. Mask Ordinance Continuation**

Reports

- 18. City Commission and Advisory Board Updates**
- 19. City Manager**

Adjournment

15. Consideration of a motion to adjourn the January 19, 2021 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.

PROCLAMATION

THE CITY OF EL DORADO, KANSAS *FOUNDED IN 1871*

WHEREAS, the year 2021 is the 150th anniversary of the City of El Dorado; and

WHEREAS, the City of El Dorado recognizes the toil of early citizens to establish a town in the midst of the trials and tribulations of early prairie living; and

WHEREAS, the citizens of El Dorado have continued to invest in our community by valuing education, building businesses, raising families, and cultivating the land; and

WHEREAS, the City of El Dorado anticipates a future where active and involved citizens Continue to appreciate the beauty of south-central Kansas and value the livability of the El Dorado community; and

WHEREAS, El Dorado marks its 150th anniversary by celebrating its citizens, volunteers, elected officials and staff who strive to preserve our history and enhance our community;

NOW, THEREFORE, BE IT RESOLVED, that I, Bill Young, Mayor of the City of El Dorado, Kansas, do hereby proclaim 2021 as:

A YEAR OF CELEBRATION

Mayor Bill Young

Seal

Tabitha Sharp, City Clerk



EL DORADO CITY COMMISSION MEETING

January 4, 2021

The El Dorado City Commission met in a regular session on January 4, 2021 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 (via zoom).

VISITORS

Curt Zieman	128 N Vine	El Dorado, KS
Joe Haag	220 E 1st Avenue	El Dorado, KS
Christine Gilson	1305 Park Avenue	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the January 4, 2021 meeting to order.

INVOCATION

Pastor Jurdan Counts, Park Avenue Baptist 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.

Christine Gilson, 1305 Park Avenue, stated that she wanted to thank the Commission, her neighbors, the Engineering Department and Pearson Construction for their work on the project on Douglas Road. She said the road and sidewalks are wonderful.

CONSENT AGENDA

Approval of City Commission Minutes from November 16 and December 7, 2020 and Special City Commission Minutes from November 18 and December 2, 2020.

Approval of Appropriation Ordinance No. 11-20 in the amount of \$1,821,452.53.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

EL DORADO CITY COMMISSION MEETING
NEW BUSINESS

January 4, 2021

DEPARTMENT PRESENTATIONS

Fire Chief Joe Haag presented the department's 2020 activity report.

Mayor Bill Young stated that he too had heard a lot of good things about the Santa tour on the fire truck. He asked about the increase in training hours.

Chief Haag stated that fire fighters don't do idle very well and so with the limits on public interaction, they put their efforts into training.

Commissioner Gregg Lewis stated that the new doors on station one look great.

Chief Haag thanked the Commission for funding those, he stated that they have really changed the way that station one looks and operates.

Police Chief Curt Zieman presented the department's 2020 activities.

Commissioner Nick Badwey stated that the numbers looked good despite the shortage of officers.

Mayor Young thanked the Police Department for their work.

SET PUBLIC HEARINGS FOR STREET IMPROVEMENT PROJECTS – PAVING 9TH AVENUE (GORDY TO TAYLOR)

City Engineer Scott Rickard stated the Commission had reviewed this project at a previous work session. He stated that this will begin the process of the Commission initiating this street project so that it may be brought up to city standards. He stated that the total project cost is \$1,244,987.38.

Commissioner Matt Guthrie asked if it would go past the railroad tracks.

City Engineer Rickard stated that it would go from Gordy to Taylor.

Commissioner Guthrie asked if we were still waiting on something for the sidewalk on 6th Avenue.

City Engineer Rickard stated that they have negotiated with BNSF on 6th Avenue and got that portion done. He stated that Union Pacific wanted the City to do a whole new crossover at a cost of \$153,000 and so that has not been completed.

Commissioner Guthrie asked if the same issue would happen with this project.

City Engineer Rickard stated that this project crosses BNSF tracks and so there will be some time for permitting and such.

Commissioner Nick Badwey stated that the numbers on the report weren't correct.

City Engineer Rickard stated that one of the numbers is missing. He stated that the city at large costs will be \$737,012.72, and the improvement district costs are \$507,974.66, \$144,518.70 of that is the City's property.

Commissioner Badwey confirmed that this just sets the public hearing, it does not yet approve the project.

City Engineer Rickard stated that he was correct, letters would go out tomorrow if the Resolution is passed. He stated that there will also be a public meeting prior to the hearing at Commission in which Engineering staff will be present to answer questions.

Commissioner Guthrie asked when these projects would happen.

City Engineer Rickard stated that it would be in 2022. He stated that the following street projects will likely have some utility work start this year if they are approved.

Commissioner Matt Guthrie moved that Resolution No. 2915, a Resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 et seq., as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/paving 9th Avenue).

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

SET PUBLIC HEARINGS FOR STREET IMPROVEMENT PROJECTS – PAVING HUNTON ROAD AND SIMPSON ROAD

City Engineer Scott Rickard stated that the Commission also discussed this at a previous meeting and wished to initiate the process of improving these streets. He stated that the total cost of the project is \$1,204,880.51, the improvement district will pay \$997,407.20 and city-at-large costs will be \$207,473.31.

Commissioner Gregg Lewis asked if this would finish Township Village.

City Engineer Rickard stated that it would complete everything but Norris.

Commissioner Matt Guthrie moved that Resolution No. 2916, a Resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 et seq., as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/paving Hunton Road and Simpson Road).

EL DORADO CITY COMMISSION MEETING

January 4, 2021

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

SET PUBLIC HEARINGS FOR STREET IMPROVEMENT PROJECTS – PAVING 5TH AVENUE (SCHOOL TO HUNTON) AND 2ND AVENUE (SCHOOL TO DIAGONAL)

City Engineer Scott Rickard stated that this project was also discussed at a previous work session at which the Commission decided to initiate this project. He stated that this will tie Hunton and Simpson Roads together. They are separate as part of the accounting, and each resident in the area will be assessed for two streets per our street policy. He stated that they will be bid as one in order to save money. He stated that the total cost of this project would be \$4435,243.65, city-at-large costs would be \$55,936.18 and improvement district costs would be \$379,307.47.

Commissioner Matt Guthrie moved that Resolution No. 2917, a Resolution calling and providing for the giving of notice of a public hearing on the advisability of the making of a certain internal improvement in the City of El Dorado, Kansas, under the provisions of K.S.A. 12-6a01 et seq., as amended and supplemented; and providing for the giving of notice of said hearing (paving improvements/paving 5th Avenue and 2nd Avenue).

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

EVERGY EASEMENT (WETLANDS AND WATER RECLAMATION FACILITY)

City Engineer Scott Rickard stated that Evergy currently owns a 50 foot easement through property owned by the City of El Dorado where their transmission lines cross. He stated that they are rebuilding those lines and are requesting an extension of 75 feet, and have offered compensation of \$31,400 for that easement extension.

Commissioner Matt Guthrie asked if they would be placing larger towers in town.

City Engineer Rickard stated that it the same as what is going through town already. He stated that it still allows us to lease it for crops as done today and there are buffers protecting the native vegetation near the river.

Commissioner Kendra Wilkinson asked if this was a typical rate for agricultural land.

City Engineer Rickard stated that because it was just a right of way easement, the price was fair.

Commissioner Gregg Lewis moved to accept the offer from Evergy and authorize the Mayor to sign a grant of easement to Evergy for the purpose of constructing a transmission line across City owned property at the Wetlands and Water Reclamation Facility.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

APPLICATION TO REZONE 2242 AND 2278 SE HIGHWAY 54

City Engineer Scott Rickard stated that these properties are in the extraterritorial jurisdiction. He stated that they are zoned for a manufactured mobile home park. He stated that the applicant is requesting rezone to C-1. He stated that the Planning Commission approved the rezone 7 – 0. He stated that the applicant plans to build some storage units on the lots.

Commissioner Nick Badwey moved to approve Case No. 20-05-REZ, requesting a rezoning of 2242 and 2278 SE Highway 54 to C-1 General District and that Ordinance No. G-1342 be approved.

Commissioner Kendra Wilkinson seconded the motion.

Roll Call Vote

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

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Kendra Wilkinson stated that the Parks and Recreation board met. She stated that recreation numbers were down.

Commissioner Nick Badwey wished everyone a Happy New Year.

Mayor Bill Young also wished everyone a Happy New Year.

Mayor Young stated that he appreciated all of the work the first responders, health care professionals and educators have done to get through this pandemic.

CITY MANAGER

City Manager David Dillner stated that for the third consecutive year, the City has broken it's sales tax record. He thanked the citizens for shopping local.

City Manager Dillner stated that the activity center has reopened with modified hours. He stated that face coverings are required unless participating in an activity that prevents it. He stated that it will also be closed for El Dorado High School basketball games.

EL DORADO CITY COMMISSION MEETING

January 4, 2021

City Manager Dillner stated that the City will be closed on January 18th in observance of Martin Luther King Jr Day. He stated that the trash routes will change as a result, citizens should be receiving a magnet in the mail with the year's trash routes on it.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:29 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

TO: City Commission
FROM: Kristina Traina, Administrative Assistant
SUBJ: Department Presentations for Public Works and Parks and Recreation
DATE: January 11, 2020

Background:

Each department provides a brief presentation for the City Commission and the citizens. They have been asked to provide 1) a summary of the past year's accomplishments; 2) a brief summary of projects and initiatives planned for the upcoming year; and 3) a brief summary of major trends/challenges affecting the department's operations.

The Engineering and Public Utilities departments are scheduled for the February 1st meeting.

Policy Issue:

None

Fiscal Impact:

None

Trade-offs:

None

Staff Recommendation:

None

Commission Actions:

None

[Return to Agenda](#)

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Vice-Mayor Appointment
DATE: January 11, 2021

Background:

Our City Commission form of government calls for the Commission to appoint a Vice-Mayor to serve for the Mayor in his/her absence. This position is a one-year term. Previous Vice-Mayors were Matt Guthrie (2020), Kendra Wilkinson (2019), Gregg Lewis (2018), Chase Locke (2016-2017), Nick Badwey (2015-2016), David Chapin (2014-2015), Bill Young (2013-2014), Nick Badwey (2012-2013), Shane Krause (2011 – 2012), David Chapin (2009 – 2010 and 2010 – 2011), Steve Reynolds (2008-2009), and Linda Clark (2007 – 2008).

Policy Issue:

In order to ensure that business can continue when the Mayor is unable to attend a meeting, the City Commission form of government requires a Vice-Mayor to serve in their place.

Alternatives:

N/A

Fiscal Impact:

N/A

Trade-offs:

N/A

Staff Recommendation:

Select a Commissioner to fulfill the duties of Vice-Mayor.

Commission Actions:

Commissioner _____ moved to select Commissioner _____ as Vice-Mayor for the year 2021.

Commissioner _____ seconded the motion.

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TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Community Brand Acceptance
DATE: January 11, 2021

Background:

In 2019, the City Commission directed staff to hire a company to create a new brand for the City of El Dorado. The intention of this process was to update the brand for the City of El Dorado and provide marketing tools for recruitment of employees, visitors and residents to the city. The City hired Bajillion Agency to create the brand and they have provided the work included for the City's brand and a badge for the 150th Celebration. The company will be providing a marketing plan as well as mock ups for the replacement of signs and other information in the City of El Dorado in the coming month.

Alternatives:

The City Commission has the following options:

1. Approve the brand as presented.
2. Request further edits by either City staff or Bajillion Agency, further edits by the company could come at a cost, staff would need to talk to the agency about that work.
3. Reject the brand and remain with the current branding, or hire another company to provide something different.

Fiscal Impact:

The work for the initial brand development was paid for using the tourism funds, and totaled \$26,077.50. Staff are working on a list of items that would need to be changed and will get costs for those when the list is complete.

Staff Recommendation:

Adopt the brand as presented.

Commission Actions:

Commissioner _____ moved adopt the brand as presented for the City of El Dorado.

Commissioner _____ seconded the motion.

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Memo

To: City of El Dorado
From: Bajillion Agency
Re: Rationale for El Dorado Logo
Date: December 2, 2020

Logo Rationale

To tell the visual story of El Dorado, we wanted to focus on the things that make the community special.

The design features symmetry and character that is unique to El Dorado. The line underneath the 'L' represents the generosity of the community, it is shown lifting up another, the same way the members of the community lift each other up and rise to meet the needs of their fellow citizens.

Also of note in the design, are the two 'Os'. The letterforms are designed with a slight lean, the intentional placement of the letters is a nod to the laid-back nature of El Dorado. When you work hard, it's important to play hard.

We identified a color palette that speaks to the Americana routes and historic pride in the community. The central colors; red, white, and blue are inspired by the stars and stripes of the American flag. The colors are darkened to create an elegant, mature tone in the palette. We have also intentionally included a gold accent to the colors, a playful nod to the folklore surrounding the name El Dorado and the city of gold.

The supporting elements for the brand again point to the We Wave message with geometric water, which takes the shape of the O in El Dorado, plus wheat, and a flag that all complement each other and the word mark. We have added a second geometric pattern that can be used in designs, the pattern takes on the look of a folded paper chain. As another intentional nod to the generosity of the community, the chain represents what can happen when individuals in a community join together for the greater good.

Memo

To: City of El Dorado
From: Bajillion Agency
Re: Rationale for El Dorado Anniversary Badge
Date: January 7, 2021

Anniversary Badge Design Rationale

To create a badge for El Dorado's 150th anniversary, we aimed for a meaningful complement to the new city branding in sesquicentennial style that honors its history in the oil industry.

We created a multilayered oval badge full of El Dorado history and symbolism. The design features an oil derrick at its heart, radiating light from its top to symbolize El Dorado's position as a beacon of light in the entry point to the Flint Hills. It's surrounded by the 1871-2021 dates of El Dorado's sesquicentennial. The new El Dorado wordmark is proudly displayed across the middle of the badge on a banner. The red, blue, and gold colors are from new branding.

The logo offers opportunity for a variety of color schemes. The option on the right especially shows the subtle detail of waves as a background pattern. These are the waves found in the new branding that pay tribute to the lake with which the city shares its name.

The outer rim of the oval says "Celebrating 150 Years" in upper case font from the new brand. The wheat detail on the outer rim adds Kansas additional flair.

The badge works nicely as a monochrome color and makes the wave background even more apparent. The badge is versatile and striking in any application, such as official city documents or lifestyle gear. A badge pin would be a classic and enduring way to mark the sesquicentennial.

Overall, the badge represents 150 years of proud history that lights the way toward an outstanding future.

BAJILLION
—
AGENCY

EL DORADO

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EL DORADO

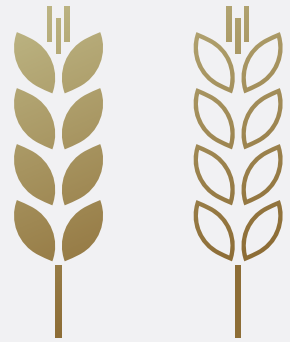
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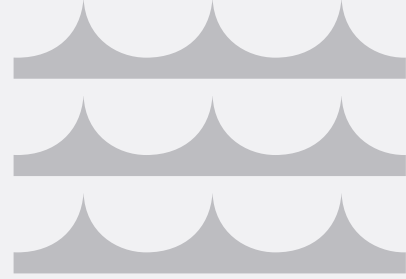
PRIMARY WORDMARK



SECONDARY COMBINATION MARKS



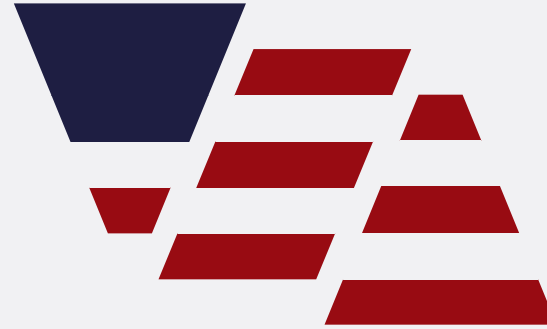
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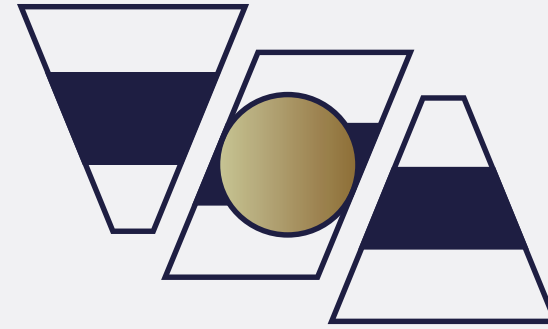
WATER



BADGE



AMERICAN FLAG



EL DORADO FLAG

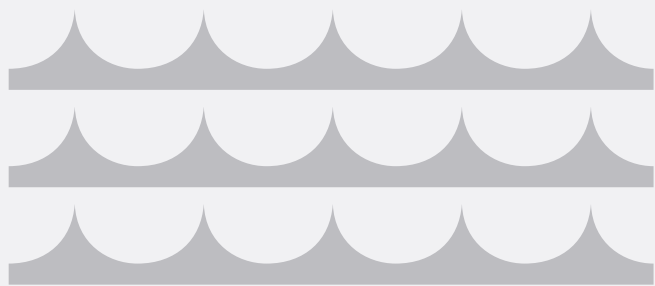
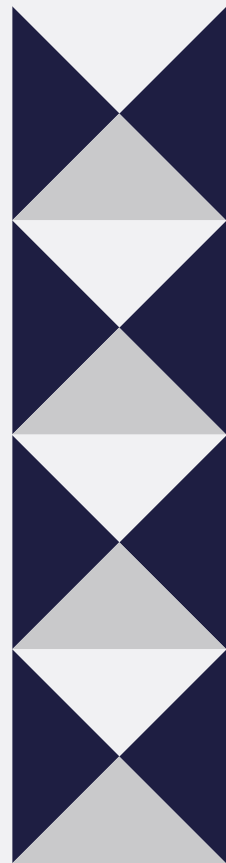
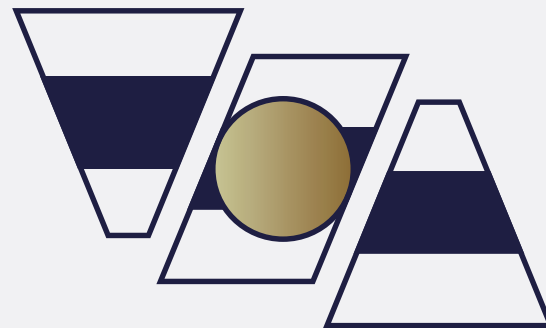
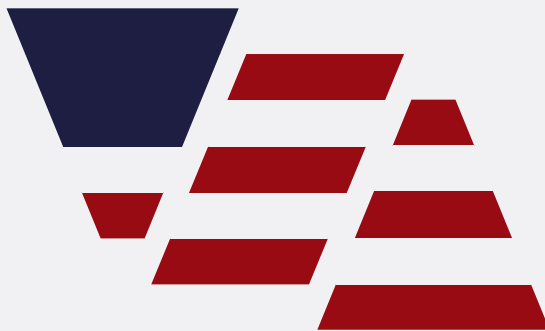


OIL DERRICK

BRAND ACCENT ICONS

EL DORADO

KANSAS





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DO

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WELL DORADO
KANSAS
WELL DORADO
KANSAS



ELDORADO

KANSAS

BLAST FROM THE PAST

The image features a central photograph of an oil drilling rig at sunset. The rig's silhouette is set against a warm, golden sky with scattered clouds. The rig consists of several tall, vertical derrick structures. On the left and right sides of the image, there are vertical borders with a repeating geometric pattern of dark blue, light blue, and white triangles. A dark blue banner with a red border is centered over the rig, containing the text 'EL DORADO' and 'KANSAS' in white.

EL DORADO

K A N S A S

WELL REFINED LIVING



El Dorado provides a life stripped of all the pretense. Life in El Dorado is what you make it and the wonderful people of the community have made it pure joy.



EL DORADO
KANSAS

Dear Mr. Smith

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Yours Truly,



123-456-7890

1234 Main St. El Dorado, KS

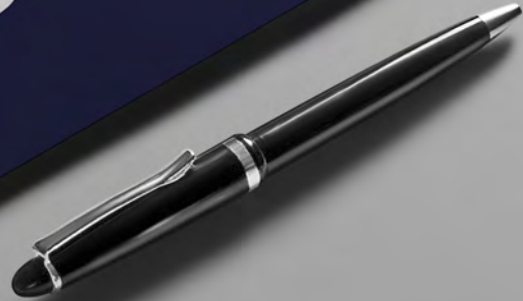
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KANSAS



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KANSAS

**WELL
REFINED
LIVING**



EL DORADO
KANSAS

EL DORADO
K A N S A S

Life in El Dorado is a gift. The residents of El Dorado freely give of themselves because they know the community has given so much to them. The generous people of El Dorado don't focus on 'I', they only think of 'us', together.



GENERO*us*

EL DORADO
K A N S A S



EL DORADO
KANSAS



EL DORADO
KANSAS

A close-up photograph of the rear window of a light-colored car. A red spoiler light is mounted on the top edge of the window. A white decal on the window reads "ELDORADO" in a large, bold, sans-serif font, with "KANSAS" in a smaller font below it. A black wiper blade is visible at the bottom of the window. The background is blurred, showing other cars and a bright, golden light source, likely the sun at sunset or sunrise.

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KANSAS







1:20



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EL DORADO
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Comment

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WE WAVE

EL DORADO
KANSAS



ELDORADO^{KS}

In El Dorado We Wave

A simple wave is a profound statement in the world. It is an acknowledgement of the welcoming nature of the residents. And while it seems to be a lost art, the practice is alive in El Dorado. But the wave carries deeper meaning in the community. In addition to the simple act of waving at neighbors and passers-by, in El Dorado, we wave the American, Kansas, and city flags with pride. We enjoy the waves of El Dorado lake. A single ripple can become a wave and every member of this community has an opportunity to make a splash. You'll feel at home in El Dorado because We Wave.



EL DORADO
KANSAS



EL DORADO

K A N S A S

















TO: City Commission
FROM: Engineering Department
SUBJ: Application to Rezone 7.7 Acres at 737 2540 Kinder Drive
DATE: December 11th, 2021

Background:

The Planning Commission held a public hearing on December 17th, 2020, to review an application to rezone 7.7 acres at 2540 Kinder Drive from Agricultural Residential District (A-R) to Low Density Residential District (R-1). The Planning Commission voted to recommend approval of the rezoning application (6-0). The property is located outside city limits and within the City of El Dorado Extraterritorial Jurisdiction (ETJ); the Butler County Commission voted to recommend approval of the rezoning request at their December 15th, 2020, meeting.

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Butler County Commission Letter
Zoning Map
Property Survey
Ordinance

Policy Issue:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity. R-1 low density residential allows higher residential densities and is limited to single-family residential only.

Fiscal Impact:

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

Trade-offs:

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

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 20-04-REZ, requesting a rezoning of 7.7 acres at 2540 Kinder Drive to R-1 Low Density Residential District and that Ordinance No. G-1343 be approved.

Commissioner _____ seconded the motion.

(Next page)

Roll Call Vote

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

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EL DORADO

THE FINEST ART OF LIVING WELL

PLANNING COMMISSION MINUTES - DRAFT

December 17th, 2020

6:30p.m.

1. CALL TO ORDER & ROLL CALL

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

Members Present

Steve Fellers (via Zoom)

Scott Leason

Brad Long (via Zoom)

Kyle McLaren (via Zoom)

Kelly Tetrick

Gerald Watson

Staff Present

Jay Shivers

2. APPROVAL OF MINUTES

Commissioner Long moved to approve the minutes of the November 19th, 2020, meeting, seconded by Commissioner Leason. The motion passed (6-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 20-04-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 7.7 ACRES AT 2540 KINDER DRIVE FROM A-R AGRICULTURAL RESIDENTIAL DISTRICT TO R-1 LOW DENSITY RESIDENTIAL DISTRICT.

1. Presentation of Request

Jay Shivers reviewed the staff memo and said it is part of a lot split application. Mr. Shivers said the Butler County Commission reviewed the application on Tuesday and recommended approval. He sent notices to the neighbors and only heard from one nearby property owner.

However, it seemed to be a misunderstanding. Mr. Shivers and Mr. Bookout spoke with them and they no longer have a concern.

Commissioner Watson asked if the streets would be extended into this area. Mr. Bookout said Kinder Drive will be extended eventually.

Commissioner Long asked where his driveway will be. Mr. Bookout said they plan to dedicate right-of-way for Kinder Drive for legal access. He expects land to the west to develop, it already has utilities installed. Until Kinder Drive is paved in the future, it will also act as part of their driveway.

2. Public Hearing

Chairman Tetrick opened the public hearing. There being no one to speak, the public hearing was closed.

3. Discussion by Planning Commission

No further discussion.

4. Motion

Commissioner Leason moved to recommend approval of Case No. 20-04-REZ, an application by Kurt Bookout on behalf of Tom and Karen Kinder to rezone 7.7 acres at 2540 Kinder Drive from A-R Agricultural Residential District to R-1 Low Density Residential District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Watson.

Roll Call Vote

Steve Fellers	Y
Scott Leason	Y
Brad Long	Y
Kyle McLaren	Y
Kelly Tetrick	Y
Gerald Watson	Y

The motion passed (6-0).

4. OLD BUSINESS

5. STAFF ITEMS

6. ADJOURNMENT

The meeting was adjourned at 6:38pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – 2540 Kinder Drive

Kurt Bookout has submitted a rezoning application on behalf of Tom and Karen Kinder to rezone 7.7 acres at 2540 Kinder Drive from A-R Agricultural Residential District to R-1 Low Density Dwelling District. R-1 allows single-family residential by right and schools and public assembly, such as churches, with a Special Use Permit.

The total size of the property is 15.5 acres with the proposed rezoning being the southeastern portion. Mr. Bookout has also submitted a lot split application to split this 7.7 acres from the larger tract. Mr. Bookout is in the early stages of planning for a new home in this area and working with the City and County to iron out options and processes. Mr. and Mrs. Kinder are not interested in rezoning the entire property at this time.

The rezoning is required for the creation of this lot. The minimum lot size for a new lot in A-R is 40 acres. Though the remaining A-R land will be reduced in size, the State of Kansas exempts agricultural land and buildings from zoning regulations when outside city limits.

This property is located just outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The Butler County Commission will review the request at their December 15th meeting.

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

Character of the neighborhood.

The existing land uses in the immediate area consist of single-family residential and agricultural open space. Zoning in the area is primarily R-1 to the south and A-R to the west, north, and east. The property borders railroad right-of-way to the east and El Dorado Lake property.

Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.

The Future Land Use Map (FLUM) designates the subject property as Low Density Residential, defined as “single or two-family residential land uses with a density generally no greater than eight units per acre. “

Adequacy of public utilities and other needed public services.

The City of El Dorado has available utility capacity for single-family residential in this area.

Suitability of the uses to which the property has been restricted under its existing zoning.

R-1 is one of the most restrictive zoning districts in the zoning ordinance. The property is generally restricted to its current use, agricultural open space and very low density single-family residential.

Length of time property has remained vacant as zoned.

Not applicable.

Compatibility of the proposed district classification with nearby properties.

Low density single-family residential is consistent with surrounding development in this area. The City anticipates additional single-family development in this area.

The extent to which the zoning amendment may detrimentally affect nearby properties.

Additional single-family residential is not expected to detrimentally affect neighboring properties, given that single-family residential is the primary land use in the area.

Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

Staff does not anticipate a disproportionately great loss to nearby land owners for reasons mentioned above.

The proposed zoning conforms to the Comprehensive Plan and would allow a smaller minimum lot size for the applicant. In the long term, the City anticipates additional single-family development in this area of town. Future development will likely move northward using Kinder Drive, Hazlett Street, Belmont Parkway, and North Crest Road. The proposed large lot is also a good fit geographically, as a large portion of the land consists of a pond and drainage areas not easily subdivided and developed. For these reasons, staff recommends the Planning Commission recommend approval of the request.

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

Suggested Motion:

I move to recommend approval of Case No. 20-04-REZ, an application by Kurt Bookout on behalf of Tom and Karen Kinder to rezone 7.7 acres at 2540 Kinder Drive from A-R Agricultural Residential District to R-1 Low Density Residential District, for reasons stated in the staff recommendation and heard at this public hearing.



December 16, 2020

Memo to: Jay Shivers

From: David A. Alfaro, Director

Item: Zoning Change on Property located at 2540 N. Kinder Dr. El Dorado

Jay: On Tuesday, the Board of Butler County Commissioners discussed a request for a Change in Zoning on property located at 2540 N. Kinder Dr. El Dorado as requested by Kurt Bookout. The requested change was from A-R, Agricultural Residential to R-1, Low Density Residential. After minimal discussion and hearing from County Staff, the Commissioners directed Staff to send to the City a positive recommendation supporting the request.

Staff supports the recommendation as well and would be happy to address any questions you might have concerning the discussion.

If you need anything else please don't hesitate to call me at 322-4325 and will be happy to visit with you.

A handwritten signature in black ink that reads "David A. Alfaro". The signature is written in a cursive style.

David A. Alfaro
Director



1 inch = 200 feet

R-1

AR

AR

AR

AR

R-1

R-1

R-1

R-1

N KINDER DR

R-1

N KACY CT

R-1

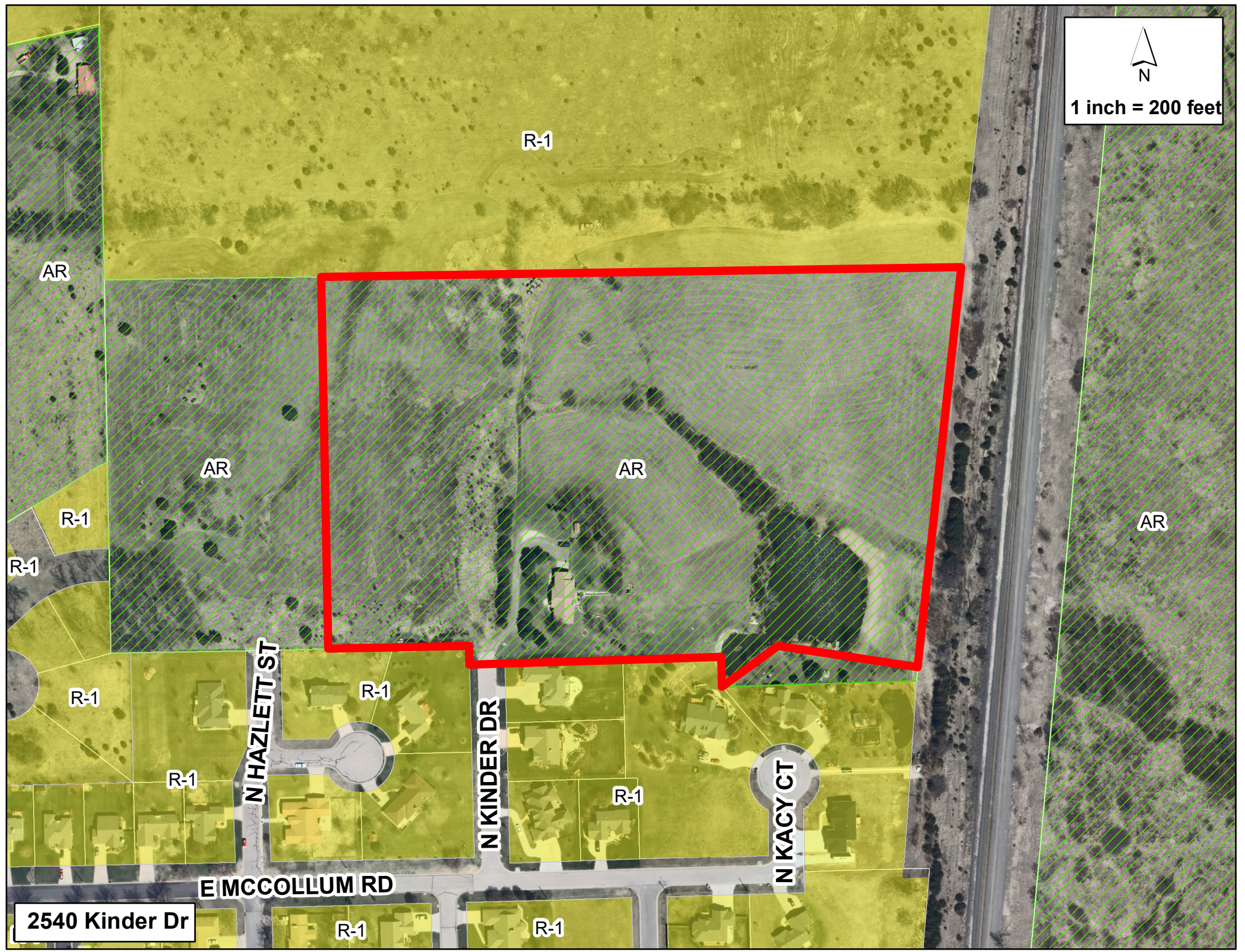
E MCCOLLUM RD

N HAZLETT ST

2540 Kinder Dr

R-1

R-1





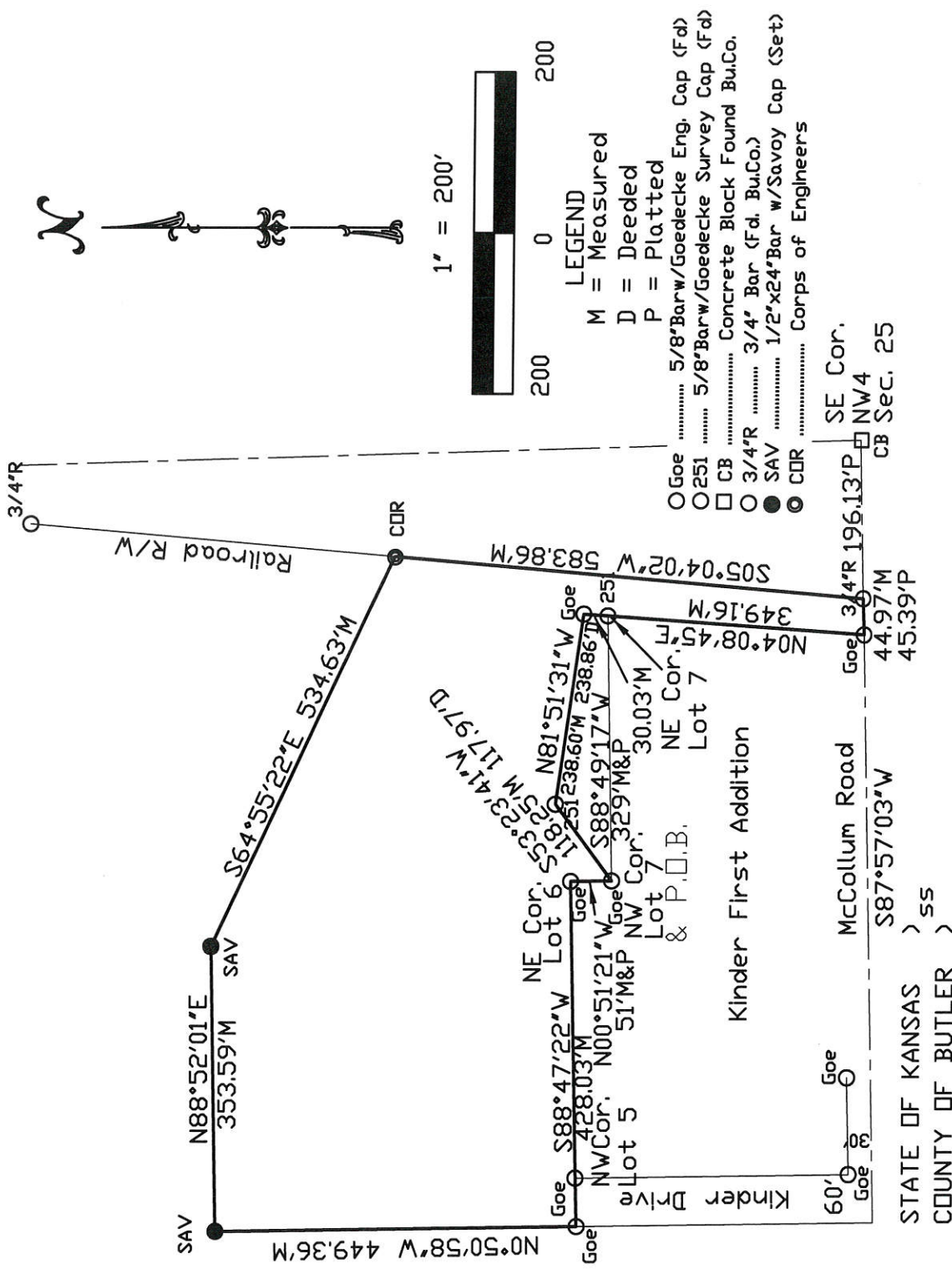
Savoy Company, P.A.
Land Surveyors
www.savoyco.com

Wichita, Kansas
433 S. Hydraulic
Wichita, KS 67211-1911
Tel. (316) 265-0005
Fax. (316) 265-0275

El Dorado, Kansas
120 N. Main, Suite 3
El Dorado, KS 67042-2058
Tel. (316) 452-5552
Fax. (316) 452-5682

LOT SPLIT FOR KURT BOOKOUT

Part of the NW4 Section 25-25-5E

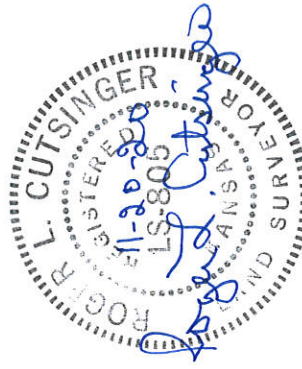


STATE OF KANSAS)
COUNTY OF BUTLER)

We, Savoy Company P.A., Surveyors in aforesaid County and State, do hereby certify that under the supervision of the undersigned, we did on this 18th day of September, 2020, perform a survey of the following described tract: Beginning at the Northwest corner of Lot Seven (7) Block One (1) of Kinder First Addition to the City of El Dorado, Kansas; thence N00°51'21"W, (bearings taken from NAD83 Kansas South Zone), a distance of 51 feet to the Northeast corner of Lot Six (6) of said Block One (1); thence S88°47'22"W, a distance of 428.03 feet; thence N00°50'58"W, a distance of 449.36 feet; thence N88°52'01"E a distance of 353.59 feet; thence S64°55'22"E, a distance of 534.63 feet; thence S05°04'02"W, a distance of 583.86 feet; thence S87°57'03"W, a distance of 44.97 feet; thence N04°08'45"E, a distance of 349.16 feet; thence N81°51'31"W, a distance of 238.60 feet; thence S53°23'41", a distance of 118.25 feet to the Point of Beginning. Said tract contains 7.69 Acres.

November 20, 2020

Roger L. Cutsinger
Roger L. Cutsinger P.S.805



STATE OF KANSAS)
COUNTY OF BUTLER)

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

Michael Work, P.S. 1160
Butler County Surveyor
Project No. 20I00901

ORDINANCE NO. G-1343

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

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

WHEREAS, on the 15th day of December, 2020, the Butler County Commission reviewed the rezoning application and voted to recommend approval, and;

WHEREAS, on the 17th day of December, 2020, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning;

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

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

Section 1: The following property should be and is zoned R-1 Low Density Residential District:

Beginning at the Northwest corner of Lot Seven (7) Block One (1) of Kinder First Addition to the City of El Dorado, Kansas; thence $NOO^{\circ}51^{\circ}21^{\circ}1^{\circ}W$, (bearings taken from NAD83 Kansas South Zone), a distance of 51 feet to the Northeast corner of Lot Six (6) of said Block One (1); thence $588^{\circ}47^{\circ}22^{\circ}1^{\circ}W$, a distance of 428.03 feet; thence $NOO^{\circ}50^{\circ}58^{\circ}W$, a distance of 449.36 feet; thence $N88^{\circ}52^{\circ}01^{\circ}T$ a distance of 353.59 feet; thence $564^{\circ}55^{\circ}22^{\circ}T$, a distance of 534.63 feet; thence $505^{\circ}04^{\circ}02^{\circ}W$, a distance of 583.86 feet; thence $587^{\circ}57^{\circ}03^{\circ}W$, a distance of 44.97 feet; thence $N04^{\circ}08^{\circ}45^{\circ}T$, a distance of 349.16 feet; thence $N81^{\circ}51^{\circ}31^{\circ}1^{\circ}W$, a distance of 238.60 feet; thence $553^{\circ}23^{\circ}41^{\circ}1^{\circ}$, a distance of 118.25 feet to the Point of Beginning. Said tract contains 7.69 Acres.

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

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

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

APPROVED by its Mayor, this 19th day of January, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM:

Ashlyn Lindskog, City Attorney

TO: City Commission
FROM: Engineering Department
SUBJ: Vacate Right-of-Way in Riverside Addition
DATE: 1/04/2021

Background:

At the request of adjacent property owners, we are asking the City Commission to consider the vacation of platted Right-of-Way in the Riverside Addition. The right-of-way serves no purpose and staff feels it is justified to vacate. When vacated it would convert to private property with an under lying 16’ utility easement in the same alignment.

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

Project Schedule:

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

Attachments:

See Ordinance & Location Map

Policy Issue:

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

Alternatives:

The Commission can decide to leave the public right-of-way intact as platted.

Fiscal Impact:

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

Staff Recommendation:

Vacate the Right-of-Way

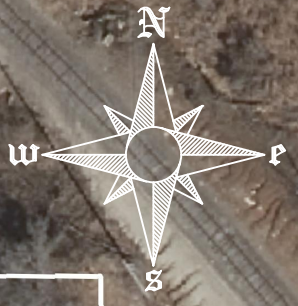
Commission Actions:

Commissioner _____ moves to adopt Ordinance No. G-1344 an ordinance vacating Right-of-Way in Riverside Addition to the City of El Dorado and maintaining a utility easement.

Commissioner _____ seconded the motion.

Roll Call Vote

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

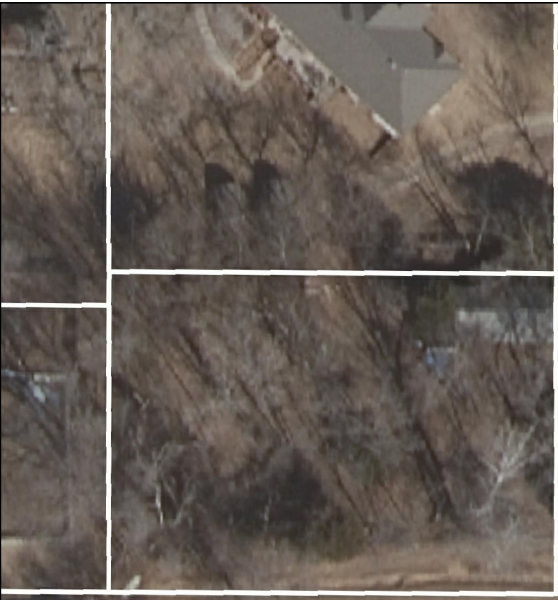


Oak St

9th Ave



16



ORDINANCE NO. G -1344

AN ORDINANCE RELATING TO AND PROVIDING
FOR THE VACATION OF RIGHT OF WAY OF 9th AVENUE
BETWEEN BLOCKS 15 AND 30 IN RIVERSIDE ADDITION
TO THE CITY OF EL DORADO, KANSAS,
HEREINAFTER MORE SPECIFICALLY DESCRIBED.

WHEREAS, it is declared by the Governing Body that it would be in the best interest of the City that a certain Right-of-Way of 9th Avenue between Blocks 15 and 30 in Riverside Addition to the City of El Dorado, Kansas be vacated, reserving a permanent utility easement.

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

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

Vacation of the existing Right-of-Way of 9th Avenue: Beginning at the southwest corner of Lot 49, Block 15 in the Riverside Addition to El Dorado; thence east 165 feet; thence south 100 feet; thence west 165 feet to the northwest corner of Lot 50, Block 30; thence north 100 feet to the point of beginning. All within Section 35, Township 25, Range 5 east in Butler County.

Should be and is hereby vacated; provided, however a retained permanent utility easement, described as:

A utility easement to be maintained: Beginning 42 feet south of the southwest corner of Lot 49, Block 15 in the Riverside Addition to El Dorado; thence east 165 feet; thence south 16 feet; thence west 165 feet; thence north 16 feet to the point of beginning. All within Section 35, Township 25, Range 5 east in Butler County.

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

PASSED by the Governing Body of the City of El Dorado, Kansas, and
APPROVED by its Mayor this 19th day of January, 2021

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Proposed Equipment Purchases
DATE: January 11, 2021

Background: In 2020, City departments provided the City Commission with a showcase of its fleet to provide the governing body with an understanding of the current state of the City's vehicles and equipment used to provide public services to the community. Many pieces of the City's fleet exceeded their useful life years ago. Some pieces have had considerable maintenance dollars put into them over the years to keep them operating as a way to minimize replacement expenses. The City has not replaced much of its rolling fleet due, in part, to not having identified an adequate funding source.

Larger pieces of equipment, such as dump trucks, cost a considerable amount of money to purchase and outfit. The City likely deferred replacement of these larger vehicles and equipment by spending more in maintenance. The City also had to balance the need to replace smaller operational vehicles and equipment with more expensive vehicles and equipment. A replacement plan for the City's fleet was either not developed or not followed. This constant deferral eventually led to the situation today where departments have a fleet deficiency that has started to affect the delivery of public services.

Several of the City's operating funds managed to end the year with a larger cash balance than anticipated due to cost savings arising from a conservative approach amid COVID-19. Per the City's financial policies, fund balances in excess of a defined maximum may transfer funds for an authorized one-time expenditure, such as fleet replacement.

Policy Issue: Should the City authorize fund balances in excess of the defined fund balance targets toward fleet replacement?

To that end, the City Manager, in collaboration with department directors, have prepared a Fleet Replacement Plan that proposes to replace the following vehicles and equipment in 2021:

- Four police patrol vehicles (\$160,000)
- One fire Squad 3 replacement (\$55,000)
- Three (snow-equipped) single-axle dump trucks (\$190,000)
- One (snow-equipped) tandem-axle dump truck (\$155,000)
- One side-mount mower (\$80,000)
- Three mowers (\$45,000)
- Three gator utility vehicles (\$36,000)
- One light-duty truck (\$35,000)
- One light-duty truck (\$15,000)

In addition to the aforementioned vehicles, the Enterprise Funds will replace the following vehicles and equipment:

- ¾-ton crew truck (\$70,000)
- One single-axle dump truck (\$60,000)
- Automated trash truck (\$300,000)

Strategic Priority: Fiscal Stewardship – Fleet Replacement Plan

Fiscal Impact: The general Equipment Replacement Fund started the year with a balance of \$688,889, which will increase to \$1,614,012 after additional transfers of \$450,000 (budgeted) and \$856,000 (year-end). The fund balance will decrease to \$448,012 after these purchases, which will give the City some “insurance” in case of significant equipment failure. It also provides resources that may be used in the future to continue the replacement plan (attached).

The Water Equipment Replacement Fund will receive a budgeted transfer of \$300,000 and the Sewer Replacement Fund will receive a budgeted transfer of \$200,000 for future equipment needs. The Refuse Fund saves up funds for the replacement of an automated trash truck. All of the proposed purchases will meet fund balance requirements.

Legal Review: This is a policy decision and does not require the review of the city attorney.

Trade-offs: Not making needed fleet purchases will only increase dollars needed for maintenance expenses. Several pieces of equipment are obsolete, so parts must be fabricated internally. In addition, mechanical breakdowns lead to downtime that eventually affects service delivery. New or even used vehicles seem to cost quite a bit, although this expense must be balanced with increasing maintenance expenses, service delivery impacts, and potential safety issues that arise from an aging fleet.

Staff Recommendation: The City Manager recommends authorizing the proposed fleet purchases to continue to address significant deficiencies with the City’s existing fleet.

Commission Actions:

Commissioner _____ moved to authorize the purchase of vehicles and equipment for 2021 as presented by the City Manager.

Commissioner _____ seconded the motion.

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FLEET REPLACEMENT PLAN 2021-2028

REVENUE	2021	2022	2023	2024	2025	2026	2027	2028
Beginning Balance	\$ 688,889	\$ 448,012	\$ 463,012	\$ 432,012	\$ 277,012	\$ 202,012	\$ 155,012	\$ 145,012
Budgeted Transfer	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Fund Transfer	\$ 856,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 300,000	\$ 300,000
Interfund Loan Payments	\$ 59,123	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proceeds from Sales	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Total Revenue	\$ 925,123	\$ 260,000	\$ 260,000	\$ 260,000	\$ 285,000	\$ 310,000	\$ 310,000	\$ 310,000
Total Available Resources	\$ 1,614,012	\$ 708,012	\$ 723,012	\$ 692,012	\$ 562,012	\$ 512,012	\$ 465,012	\$ 455,012
EXPENDITURES								
Police	\$ 160,000	\$ 120,000	\$ 120,000	\$ 80,000	\$ 120,000	\$ 80,000	\$ 120,000	\$ 80,000
Fire	\$ 55,000	\$ 40,000	\$ 55,000	\$ -	\$ -	\$ -	\$ 200,000	\$ -
Public Works	\$ 725,000	\$ -	\$ -	\$ 240,000	\$ 155,000	\$ 222,000	\$ -	\$ 190,000
Parks and Recreation	\$ 226,000	\$ 85,000	\$ 116,000	\$ 95,000	\$ 85,000	\$ 55,000	\$ -	\$ 30,000
Total Expenditures	\$ 1,166,000	\$ 245,000	\$ 291,000	\$ 415,000	\$ 360,000	\$ 357,000	\$ 320,000	\$ 300,000
Ending Balance	\$ 448,012	\$ 463,012	\$ 432,012	\$ 277,012	\$ 202,012	\$ 155,012	\$ 145,012	\$ 155,012

2021 PURCHASE NOTES

Police

(4) Police Patrol Cars at \$40,000 each

Fire

(1) Squad 3 replacement at \$55,000

Public Works

(3) Single-axle dump truck (snow equipped) at \$190,000 each
 (1) Tandem-axle dump truck (snow equipped) at \$155,000 each

Parks and Recreation

(3) Gators at \$12,000 each
 (2) Light-duty truck at \$15,000
 (1) Light-duty truck at \$35,000
 (3) Mowers at \$15,000 each
 (1) Side-mount mower at \$80,000

Public Utilities (not included in the budget above due to Enterprise Fund)

(1) 3/4 ton Crew Truck at \$70,000
 (1) Single-axle dump truck at \$60,000

Transferring \$300,000 into Water Equipment Reserve for future needs
 Transferring \$200,000 into Sewer Equipment Reserve for future needs

Refuse (not included in the budget above due to Enterprise Fund)

(1) Automated trash truck at \$300,000

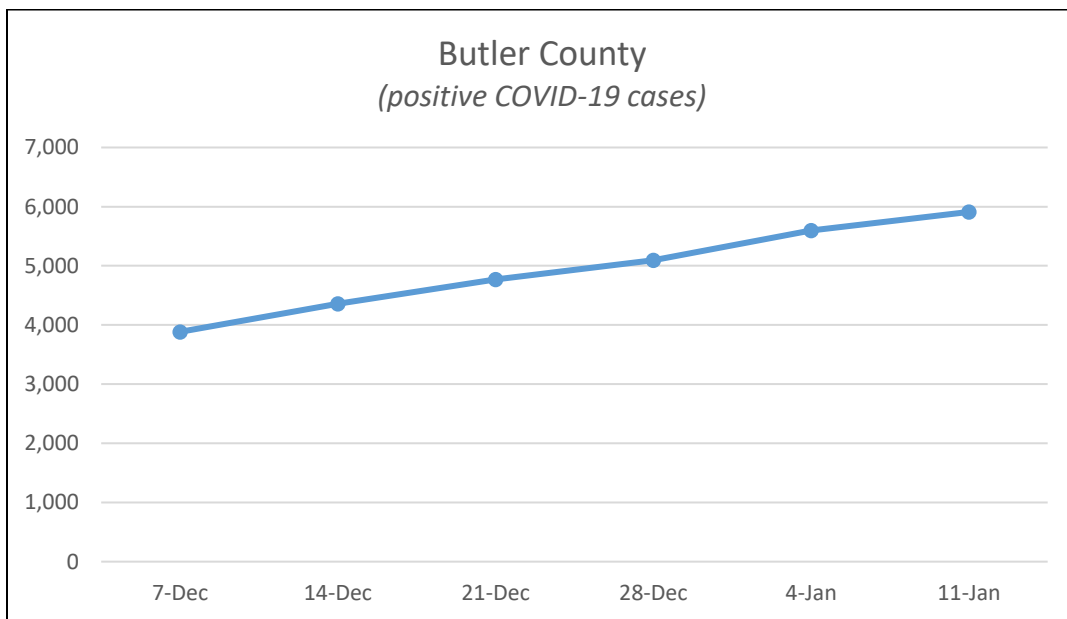
EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Mask Ordinance Continuation
DATE: January 15, 2021

Background: On December 7, 2020, the City Commission adopted Ordinance No. G-1341 requiring the wearing of a mask or face covering to mitigate the spread of COVID-19. The ordinance was effective for forty-five days following its publication in the official newspaper, meaning the ordinance expires on February 1, 2021 unless extended by the City Commission with the adoption of an ordinance extending the mandate.

As of January 11, 2021, the State of Kansas reported 252,041 positive cases of COVID-19 spread among 105 counties, including 3,355 deaths. The Kansas Department of Health and Environment reports 6,198 cases of COVID-19 in Butler County as of January 13, 2021 compared to 6,077 positive cases on January 11, 2021. Positive cases have increased in Butler County 7.25% since the ordinance's adoption.



Policy Commentary: Adoption of a municipal mask ordinance will create a novel offense requiring attention and enforcement by the El Dorado Police Department. The department will respond to possible violations of the ordinance only as law enforcement resources allow. Higher priority calls for service, as determined by the Police Department, will receive attention before responding to any alleged mask ordinance violations. In addition, the El Dorado Police Department's initial enforcement duties will involve education rather than strict enforcement. To date, the Police Department has not issued any citations for violations of Ordinance No. G-1341.

Fiscal Impact: The City does not anticipate any meaningful impact to the City's budget as a result of adoption of any local ordinance requiring encourage mask or face coverings. The City will conduct an education

campaign to inform the public of the adoption of a mask ordinance and communicate the rationale for wearing a mask, although this effort is expected to require negligible public resources. Enforcement of the ordinance will use existing resources; a dedicated police officer will not be made available to respond to anticipated high volumes of call activity related to the mask ordinance.

Staff notes that if court costs and fees are included with the fine for violating the ordinance, the total cost to violators increases as follows. The City retains \$66.50 of the \$90 in court costs assessed by Ordinance No. G-1250. The remaining \$23.50 are sent to the State of Kansas.

- a. First offense from \$25 to \$115
- b. Second offense from \$50 to \$140
- c. Third and subsequent offenses from \$100 to \$190

Legal Review: The City Attorney believes the ordinance, as written, is enforceable under the City’s home rule authority.

Trade-offs: There is no clear evidence that a mask mandate will reduce the number of positive cases in El Dorado. Non-compliance will still occur because the City lacks the resources to meticulously enforce an ordinance. People who wear masks or face coverings are still susceptible to infection from the coronavirus. Even so, wearing masks or face coverings reduces the probability of infection and minimizes the potential for continued spread of COVID-19 throughout the community.

Commission Action:

Commissioner _____ moved to approve Ordinance No. G-1345, an Ordinance continuing the requirement for the wearing of masks or other face coverings in public space in El Dorado, Kansas.

Commissioner _____ seconded the motion.

Roll Call Vote

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

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ORDINANCE NO. G-1345

AN ORDINANCE CONTINUING THE REQUIREMENT FOR THE WEARING OF MASKS OR OTHER FACE COVERINGS IN PUBLIC SPACES IN EL DORADO, KANSAS

WHEREAS, securing the health, safety, and economic well-being of residents of the City of El Dorado is the priority of the City Commission; and

WHEREAS, on December 7, 2020, the City Commission adopted Ordinance No. G-1341 requiring the wearing of masks or other face coverings in public spaces in El Dorado;

WHEREAS, said ordinance expires forty-five days from and after its adoption and publication once in the official city newspaper by the following summary and after its effective date of December 18, 2020 unless otherwise extended by an ordinance duly adopted by the City Commission;

WHEREAS, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths continue to increase throughout Kansas and across the nation; and

WHEREAS, in Butler County, there continues to be an increase in cases as is reported; and

WHEREAS, this of increased COVID-19 spread is a danger to the health and safety of residents of El Dorado and also presents a serious threat to keeping the El Dorado economy open and thriving; and

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other and help keep our businesses open and our economy running; and

WHEREAS, the City Commission of the City of El Dorado deems it necessary and appropriate to adopt a local ordinance continuing the provisions of Ordinance No. G-1341 within the corporate limits of the City of El Dorado; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of our responsibility to provide for and ensure the health, safety, security, and welfare of the people of the City of El Dorado, requiring that masks or other face coverings be worn in public spaces is necessary to promote and secure the safety and protection of the civilian population,

SO NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of El Dorado, Kansas:

SECTION 1. Definitions. The following terms shall have the following meanings:

- a. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- b. "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

SECTION 2. Requirements of persons. All persons in the City of El Dorado shall cover their mouths and noses with a mask or other face covering when they are in the following situations:

- a. Inside any indoor public space where distancing of six feet at all times is not possible;
- b. In line and waiting to enter an indoor public space;
- c. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee or healthcare provider;
- d. Waiting for or riding on public transportation or while in a taxi, private car service, or ridesharing vehicle; or
- e. While outdoors in public spaces and unable to maintain a six-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

SECTION 3. Requirements of businesses, organizations, and non-profit associations. All businesses, organizations, and non-profit associations operating within the corporate limits of the City of El Dorado must require all employees, customers, visitors, members, and the public to wear a mask or other face covering when:

- a. Employees are working in any space visited by customers, members of the public or co-workers, who are present at the time;
- b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
- c. Customers, members, visitors, or members of the public are in a facility managed by the business or organization; or
- d. Employees are in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a six-foot distance except for infrequent or incidental moments of closer proximity.

SECTION 4. Exemptions. The following individuals are exempt from wearing masks or other face coverings in the situations described in Sections 2 and 3:

- a. Persons age five years or under; children age two years and under in particular should not wear a face covering because of the risk of suffocation;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;

- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a six-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
- g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a six-foot distance from others with only infrequent or incidental moments of closer proximity;
- h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- i. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- j. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

SECTION 5. Enforcement, violations and penalties.

- a. Any person, business, organization, or non-profit association violating the provisions of this ordinance shall be guilty of misdemeanor, punishable by:
 - 1. A fine of no less than twenty-five dollars (\$25.00) upon a first violation.
 - 2. A fine of no less than fifty dollars (\$50.00) upon a second violation.
 - 3. A fine of no less than one hundred dollars (\$100.00) upon a third or subsequent violation.
 - 4. Each occurrence of a violation of this ordinance shall be considered a separate and distinct violation.

SECTION 6. Effective. This ordinance shall be in full force and effect for forty-five days from and after its adoption and publication once in the official city newspaper by the following summary unless otherwise extended by an ordinance duly adopted by the City Commission.

Ordinance No.G-1345 Summary

On January 19, 2021, the City Commission passed Ordinance No. G-1345. The Ordinance requires the wearing of masks or other face coverings in public spaces; addresses the requirements of persons, businesses, organizations, and non-profit associations; outlines specific exemptions from the requirement of wearing masks or other face coverings; and addresses the penalties for a first, second, and any subsequent violations of the Ordinance. A complete copy of the Ordinance may be found at www.eldoks.com or in the office of the City Clerk, 220 W. First Avenue, El Dorado, KS 67042, free of charge. This summary is certified by the City's legal counsel.

PASSED AND APPROVED by the Governing Body of the City of El Dorado, Kansas, this ____ day of January 2021.

Bill Young, Mayor

[SEAL]

ATTEST:

Tabitha Sharp, City Clerk

The publication summary set forth above is certified this ____ day of January 2021.

Ashlyn Lindskog, City Attorney