

EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
January 4, 2021 – 6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Invocation** – Pastor Jurdan Counts – Park Avenue Baptist Church
4. **Pledge of Allegiance**

5. **Proclamations and Recognition**

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 November 16, 2020](#) and [December 7, 2020](#) and [Special City Commission Minutes from November 18, 2020](#) and [December 2, 2020](#).
9. [Approval of Appropriation Ordinance No. 11-20 in the amount of \\$1,821,452.53.](#)

Old Business

11. None

New Business

12. [Department Presentations for Fire and Police](#)
13. [Set Public Hearings for Street Improvement Projects – Paving 9th Avenue \(Gordy – Taylor\)](#)
14. [Set Public Hearings for Street Improvement Projects – Paving Hunton Road and Simpson Road](#)
15. [Set Public Hearings for Street Improvement Projects – Paving 5th Ave and \(School-Hunton\) 2nd Ave \(School-Diagonal\)](#)
16. [Evergy Easement \(Wetlands and Water Reclamation Facility\)](#)
17. [Application to Rezone 2242 and 2278 SE Highway 54](#)

Reports

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

Adjournment

15. Consideration of a motion to adjourn the January 4, 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.

EL DORADO CITY COMMISSION MEETING

November 16, 2020

The El Dorado City Commission met in a regular session on November 16, 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 Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog

VISITORS

Lee White	Butler County, Kansas News	El Dorado, KS
Jamie Downs	Butler County Health Department	El Dorado, KS
Curt Zieman	128 N Vine	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the November 16, 2020 meeting to order.

INVOCATION

Reverend Mark Somerville, Family Worship Center, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PERSONAL APPEARANCE

Jamie Downs, Butler County Health Department, presented information to the City Commission regarding the state of the County in regards to COVID-19.

Commissioner Kendra Wilkinson asked how her staffing was.

Ms. Downs stated that she was very short staffed, she stated that they have requested that citizens do their best to follow the directions they have put out regarding the virus.

Commissioner Wilkinson asked if she knew how the hospital was doing.

Ms. Downs stated that the hospital does not have many beds. She stated that the closest open beds at this time are in Missouri.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no comments.

EL DORADO CITY COMMISSION MEETING
CONSENT AGENDA

November 16, 2020

Approval of the City Commission minutes from November 2, 2020 and Special City Commission minutes from October 14 and 27, 2020.

Approval of Appropriation Ordinance No. 10-20 in the amount of \$1,317,962.77.

Cereal Malt Beverage license for Prairie Trails Golf LLC, located at 1100 Country Club Lane.

Commissioner Gregg Lewis moved to approve the consent agenda as presented.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

NEW BUSINESS

SPECIAL USE PERMIT APPLICATION FOR 930 DOUGLAS ROAD

City Engineer Scott Rickard stated that Temple Baptist Church has requested a special use permit to expand their offsite parking lot at 930 Douglas Road. He stated that the Planning Commission reviewed and voted unanimously to recommend approval of the special use permit.

Commissioner Gregg Lewis moved to approve Case No. 20-09-SUP, requesting a SUP to expand offsite parking at 930 Douglas Road and that Ordinance No. 1340 be approved.

Commissioner Kendra Wilkinson seconded the motion.

Roll Call Vote

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

DILAPIDATED HOMES-PUBLIC HEARING

City Engineer Scott Rickard stated that the public hearing to consider resolutions authorizing the demolition of homes at 712 W Ash, 307 S Atchison, 733 S Denver and 805 S Main was published for this meeting. He stated that if the Commission is inclined to pass the resolutions, it will give the owners 30 days to have the structure repaired or demolished. If that does not happen, they will be demolished by the City and assessed to the property. He stated that staff have not heard from any of the individuals associated with these properties.

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November 16, 2020

Mayor Bill Young confirmed that there had been no contact from any of the owners.

City Engineer Rickard stated that he was correct.

Mayor Bill Young opened the public hearing.

Rachel Lacerda stated that she was speaking for the owner at 733 S Denver, stated that he had received two offers on the property and was working with them now. They asked for a 60 day extension for negotiations.

Commissioner Guthrie stated that he was not supportive of additional time.

Commissioner Kendra Wilkinson also stated that she would like to leave it at thirty days right now.

Ms. Lacerda confirmed that he had thirty days to do something with the property.

City Engineer Rickard stated that he did, and if he had further questions, he could reach out to someone in the Engineering Department.

Mayor Young closed the public hearing.

Commissioner Matt Guthrie moved to approve Resolution No. 2910 stating that a structure at 712 W Ash is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved to approve Resolution No. 2911 stating that a structure at 307 S Atchison is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved to approve Resolution No. 2912 stating that a structure at 733 S Denver is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Commissioner Matt Guthrie moved to approve Resolution No. 2913 stating that a structure at 805 S Main is unsafe or dangerous and directing the structure to be repaired or removed and the premises made safe and secure.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

Mayor Bill Young thanked staff for their work on these properties.

CONFAB AND OCI TAX ABATEMENT PUBLIC HEARING

City Clerk Tabitha Sharp stated that the Commission passed Ordinances allowing for an economic development property tax abatement in late 2019. She stated that the applications were being reviewed at the State and we were informed that the publication was not included. She stated that after checking with the paper, we found that they did not publish the hearing. The State of Kansas requires that a public hearing be published and held before the abatements can be granted.

Mayor Bill Young opened the public hearing.

There were no comments.

Mayor Young closed the public hearing.

SPECULATIVE BUILDING POLICY

City Manager David Dillner stated that staff have developed a policy promoting the development of commercial and industrial buildings in the corporate limits of the City of El Dorado. He stated that the purpose of this policy is to create opportunities for business recruitment and expansion. He stated that the program will be available through December of 2023 and will offer a maximum of a five-year, 80% tax abatement for speculative buildings confirming to the criteria in the policy.

Mayor Bill Young asked if this policy was retroactive since the last policy expired.

City Manager Dillner stated that it could be used on any building done after the Resolution is effective.

Commissioner Matt Guthrie asked if there was interest in this program.

City Manager Dillner stated that he had been to several meetings where individuals are interested in a spec building, but did not want to pay taxes. He stated that there would be interest if the policy was passed.

EL DORADO CITY COMMISSION MEETING

November 16, 2020

Commissioner Gregg Lewis moved to approve Resolution No. 2914, a Resolution providing a supplemental speculative building policy to the Industrial Revenue Bond and Constitutional Tax Abatement Policy for the City of El Dorado, Kansas.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

RIVERVIEW PARK PLAYGROUND EQUIPMENT BID APPROVAL

City Clerk Tabitha Sharp stated that the excess sales tax committee granted \$60,000 for playground equipment at Riverview Park. Staff posted designs that were submitted and the overwhelming winner was Option B submitted by ABCreative, Inc. She stated that staff will be completing the install and the mulch and frame will be taken from the budget.

Commissioner Kendra Wilkinson moved that since ABCreative, Inc. has submitted the best bid for playground equipment at Riverview Park, the City Manager be directed to award the bid to said contractor.

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Gregg Lewis stated that he was approached by some plumbers in other areas who have requested that they be able to submit their backflow reports online.

City Clerk Tabitha Sharp stated that it is something that we could look into.

Commissioner Matt Guthrie asked about the clean up under the bridge at Riverview.

City Manager David Dillner stated that it is on the list, but he was not sure where it was at this time. He would bring information back to the Commission at their next meeting.

Mayor Bill Young thanked Jamie Downs again for coming to the meeting. He encouraged citizens to be responsible while out and about.

CITY MANAGER

City Manager Dillner stated that two funds will have to be republished this year. The Economic Development fund due to the receipt of funds from the sale of lots in the Griler Addition and the CNG fund for the purchase of a new compressor. He stated that the amendments will be presented at the next meeting.

EL DORADO CITY COMMISSION MEETING

November 16, 2020

City Manager Dillner stated that the trash schedule for Thursday next week will change to Wednesday due to the Thanksgiving holiday.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 7:10 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

EL DORADO CITY COMMISSION MEETING

December 7, 2020

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

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December 7, 2020

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

EL DORADO CITY COMMISSION MEETING

December 7, 2020

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 the 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.

EL DORADO CITY COMMISSION MEETING

December 7, 2020

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.

EL DORADO CITY COMMISSION MEETING

December 7, 2020

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.

EL DORADO CITY COMMISSION MEETING

December 7, 2020

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

EL DORADO CITY SPECIAL COMMISSION MEETING

November 18, 2020

The El Dorado City Commission met in special session on November 18, 2020 at 5:00 pm at City Hall with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and City Clerk Tabitha Sharp. Absent: Commissioner Nick Badwey

VISITORS

Curt Zieman

128 N Vine

El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the November 18, 2020 Special City Commission meeting to order at 5:00 p.m.

STRATEGIC PLANNING

The City Commission discussed downtown development, homelessness, street maintenance, work force development and industrial recruitment. Staff will move forward with direction and return to the Commission with further information.

LAKE DEVELOPMENT ANALYSIS SCOPE

City Manager David Dillner provided information about a feasibility study he discussed with our Financial Advisor, Tom Kaleko.

The City Commission asked to see an RFQ regarding the feasibility study.

9TH/5TH/HUNTON/SIMPSON DISCUSSION

City Engineer Scott Rickard discussed each of the projects. The City Commission stated that they would like to move forward with public hearings.

UPCOMING AGENDA REVIEW

Staff reviewed items on the upcoming agenda.

REPORTS

There were no reports.

ADJOURNMENT

Commissioner Matt Guthrie moved to adjourn the meeting at 7:14 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

EL DORADO CITY SPECIAL COMMISSION MEETING

December 2, 2020

The El Dorado City Commission met in special session on December 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

Lindsay Lebahn	Bajillion Agency	Topeka, KS
Kip Kraisinger	Bajillion Agency	Topeka, KS
Rachel Harden	Bajillion Agency	Topeka, KS

CALL TO ORDER

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

EXECUTIVE SESSION

Commissioner Nick Badwey moved to recess into executive session pursuant to the attorney client privilege exception under K.S.A. 75-4319(b)(2) for the purposes of discussing legal issues and to reconvene the meeting at 5:20 p.m. in the City Commission room.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

Mayor Bill Young called the meeting back to order at 5:20 p.m.

Commissioner Nick Badwey moved to delegate the authority to execute the amendment to the contract for deed between Prairie Trails Golf LLC and the City of El Dorado to the City Manager.

BAJILLION BRAND PRESENTATION

Representatives from the Bajillion agency were present to discuss the revisions to the brand. Staff will bring the brand to a meeting in January for approval.

PROPOSED MASK ORDINANCE

City Manager David Dillner reviewed the proposed mask ordinance.

The City Commission discussed and agreed to bring it to the next meeting for official review.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 7:10 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 Fire and Police
DATE: December 28, 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 Fire and Police departments are scheduled for the January 4th meeting.

Policy Issue:

None

Fiscal Impact:

None

Trade-offs:

None

Staff Recommendation:

None

Commission Actions:

None

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TO: City Commission
FROM: Scott Rickard
SUBJ: Set Public Hearings for Street Improvement Projects – Paving 9th Avenue (Gordy – Taylor)
DATE: December 23, 2020

Background:

In a previous work session, the City Commission has stated that they would be willing to initiate street improvements on 9th Avenue. This process allows for the street to be brought up to City standards. If the Commission wishes to proceed, a public hearing will be set for February 1, 2021, at which time you may hear from owners within the Improvement District. If after the Public Hearing the Commission initiates the project, owners will have 20 days to file a protest petition after publication of the resolution. For the protest to be valid both 51% or more of the resident owners and owners of more than half of the property within the Improvement District must sign the petition.

Project Schedule:

Public Hearing February 1, 2021

Attachments:

Improvement District map, Cost Estimates, Resolution, Notice of Hearing

Policy Issue:

The City Commission must determine the advisability and authorize the making of the improvements.

Alternatives:

N/A

Fiscal Impact:

The total cost of the project is \$1,244,987.38. The costs assessed to the improvement district will be \$737,012.72 and city-at-large costs will be \$144,518.70. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty-year period.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Authorize the Resolution to set the public hearing for February 1, 2021.

Commission Actions:

Commissioner _____ 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 _____ seconded the motion.

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IMPROVEMENT DISTRICT

Project 000 - Paving
9th Ave (Gordy St to Taylor St)

Improvement Dist. ----

Property #

1

SF In District

123,456

Property Lines ———



2020

W 10TH AVE

N STAR ST

9TH AVE

N TAYLOR ST

N GORDY ST

W 8TH AVE

1
117,397
Union Tank
Representation

3
6,300
2
12,600

4
6,525
5
13,050

6
22,379

7
56,543

11
135,285

8
10,350
10
52,092
9
22,608

CITY OF EL DORADO, KANSAS

10/20/2020

ENGINEER'S ESTIMATE OF COST FOR PETITION

TOTAL PROJECT COSTS

Project #

Improvement: Paving 9th Gordy to Taylor

CONSTRUCTION QUANTITIES

ITEM NO.	DESCRIPTION	UNITS	NO. OF UNITS	UNIT COST	TOTAL COST
1	Pavement Removal	S.Y.	3,800.0	\$5.00	\$19,000.00
2	Common Excavation	C.Y.	4,237.0	15.25	64,614.25
3	6 1/2" Reinforced Rock Base	S.Y.	7,000.0	15.50	108,500.00
4	2'-6" Curb & Gutter	L.F.	3,200.0	22.00	70,400.00
5	BM-2(10%rap) Asph. Conc. Pvm.	TONS	1,425.6	65.00	92,664.00
6	BM-2 Asph. Conc. Pvm.	TONS	734.0	70.00	51,380.00
7	6" Reinforced Driveways	S.Y.	300.0	60.00	18,000.00
8	Storm Sewer Pipe	L.F.	1,200.0	90.00	108,000.00
9	Storm Sewer Inlets	Ea.	12.0	5,800.00	69,600.00
10	Mobilization	L.S.	1.0	10,000.00	10,000.00
11	Site Restoration	L.S.	1.0	8,500.00	8,500.00
12	Erosion Control	L.S.	1.0	6,000.00	6,000.00
13	Rail Crossings	Ea.	4.0	50,000.00	200,000.0

CONSTRUCTION SUBTOTAL

\$826,658.25

ADMINISTRATION ITEMS

TEMPORARY FINANCING	\$	82,665.83
MISC.	\$	5,000.00
CONTINGENCIES	15.00% \$	123,998.74
DESIGN ENGINEERING	\$	82,665.83
CONSTRUCTION ENGIN / ADMIN	\$	123,998.74

PROJECT TOTAL

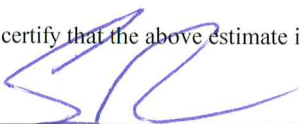
\$ 1,244,987.38

Improvement District Costs \$ 507,974.66

City at Large Improvement Distri \$ 144,518.70

Total City At Large Costs \$ 737,012.72

I hereby certify that the above estimate is correct to the best of my knowledge.



Scott Rickard

Engineering Department

Estimated Assessments

Paving 9th (Gordy to Taylor)
Date:10/20/2020

OWNER OF RECORD	PROP. NO.	PROPERTY DESCRIPTION	ITEM	QUANTITY	UNIT	ASSESSMENT
Union Tank Car Co. Inc. 175 W Jackson Blvd Chicago, IL 60604	1	1802 Star St 167-35-0-20-03-001-00-0	Area Drives	117,397.0	S.F. S.Y.	\$126,385.17
			TOTAL			\$126,385.17
Kellie Naill 615 SE Rosalia Rd Rosalia, KS 67132	2	Lots 7 & 8 Hulls Addition 1002 N Taylor 167-35-0-30-06-004-00-0	Area Drives	12,600.0	S.F. S.Y.	\$13,564.68
			TOTAL			\$13,564.68
Jarrod Hammond Raven Hammond 1006 N Taylor El Dorado KS 67042	3	Lots 9 & 10 Hulls Addition 1006 N Taylor 167-35-0-30-06-003-00-0	Area Drives	6,300.0	S.F. S.Y.	\$6,782.34
			TOTAL			\$6,782.34
Jarrod Hammond 1006 N Taylor El Dorado KS 67042	4	Lots 3 & 4 Hulls Addition 1017 N Washington 167-35-0-30-06-006-00-0	Area	6,525.0	S.F. S.Y.	\$7,024.57
			TOTAL			\$7,024.57
Regina Wisely 402 W 9th El Dorado KS 67042	5	Lots 5 & 6 Hulls Addition 402 W 9th 167-35-0-30-06-005-00-0	Area Drives	13,050.0 35.0	S.F. S.Y.	\$14,049.14 \$2,100.00
			TOTAL			\$16,149.14
Michael Speidel Sherrie Speidel 1930 Lakeland Dr El Dorado KS 67042	6		Area Drives	22,379.0 35.0	S.F. S.Y.	\$24,092.38 \$2,100.00
			TOTAL			\$26,192.38
Richard L Wentworth, Sr 1021 N Gordy El Dorado KS 67042	7	1021 N Gordy 167-35-0-30-01-004-00-0	Area Drives	56,543.0 35.0	S.F. S.Y.	\$60,872.05 \$2,100.00
			TOTAL			\$62,972.05
Vance Tipton Wanda Tipton 924 N Gordy El Dorado KS 67042	8	927 N Gordy 167-35-0-30-09-001-00-0	Area Drives	10,350.0	S.F. S.Y.	\$11,142.42
			TOTAL			\$11,142.42
Larry Kasney Della Kasney 919 N Gordy El Dorado, KS 67042	9	919 N Gordy 167-35-0-30-09-002-01-0	Area Drives	22,608.0	S.F. S.Y.	\$24,338.92
			TOTAL			\$24,338.92

Megan Neff	10		Area	52,092.0	S.F.	\$56,080.28
211 W 9th		211 W 9th	Drives	35.0	S.Y.	\$2,100.00
El Dorado, KS 67042		167-35-0-30-09-002-00-0				
			TOTAL			\$58,180.28
City of El Dorado	11		Area	135,285.0	S.F.	\$145,642.71
PO Box 792			Drives	35.0	S.Y.	\$2,100.00
El Dorado KS 67042		900 N Taylor				
		167-35-0-30-10-001-00-0	TOTAL			\$147,742.71

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON JANUARY 4, 2021**

The governing body met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

**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).**

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the City Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

RESOLUTION NO. _____

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).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the city at large; and

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain improvement in the City pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Public Hearing. It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvements (the “Improvements”):

Paving 9th Avenue (Gordy St. to Taylor St.), to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

Such public hearing will be held on February 1, 2021, at 6:30 P.M., or as soon thereafter as may be possible, at 220 E. 1st Avenue, under the authority of the Act.

Section 2. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form

attached hereto as ***Exhibit A*** two (2) times in the official City newspaper, such publications to be one (1) week apart, and the last publication to be at least three (3) days prior to the date of the hearing.

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ADOPTED by the governing body of the City on January 4, 2021.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on January 4, 2021, as the same appears of record in my office.

DATED: January 4, 2021.

City Clerk

EXHIBIT A

(Published in the **Butler County Times-Gazette** on January 16, 2021 and January 23, 2021)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE CITY OF EL DORADO, KANSAS:

You and each of you are hereby notified that the governing body of the City of El Dorado, Kansas (the “City”), will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at 220 E. 1st Avenue on February 1, 2021, at 6:30 P.M. or as soon thereafter as may be possible. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

(a) The general nature of the proposed Improvements (the “Improvements”) are:

Paving 9th Avenue (Gordy St. to Taylor St.), to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$1,244,987.38, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

(c) The extent of the proposed improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

See **Schedule I** attached hereto.

(d) The method of assessment is: equally per square foot.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 40.8% or approximately \$507,974.66 to be assessed against the Improvement District and 59.2% or approximately \$737,012.72 to be paid by the City-at-large.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body; **provided**, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.

DATED: January 4, 2021.

/s/ Tabitha Sharp, City Clerk

SCHEDULE I

PROPERTY DESCRIPTION PAVING 9th AVENUE (GORDY ST. TO TAYLOR ST.)

Beginning at a point which is on the East right-of-way line of the A.T. & S.F. RR. And 1,404.11 feet East of the Southwest corner of the Northwest Quarter of Section 35, Township 25 South, Range 5 East of the Sixth PM; thence Northerly along said Est right-of-way line 2,763.62 feet to a point on the North line of said Northwest Quarter and 547.8 fee East of the Northwest Corner of the said Northwest Quarter; thence East 326 feet along said North line to a point on the West right-of-way line of the A.T. & S.F. RR Spur; thence Southeasterly along said RR Spur right-of-way 1,571.92 feet to the centerline of the West Branch of the Walnut River; thence Southwesterly along said center line of the said River and said RR Spur right-of-way line to a point which is 350 feet at a right angle to the center line of said RR Spur; thence Southeasterly along said Spur right-of-way line 78 feet to a point on the East Bank of said river; thence following the East bank of said river to a point of intersection with the East line of the Northwest Quarter of the Northwest Quarter of said Section 35; thence North along said East line of said Section 110 feet to the center line of said river; thence following the centerline of said river to a pint on the South line of the Northwest Quarter of Section 35; thence West 295.93 feet to the point of beginning, in Butler County.

Property Address - 1802 Star St

Lots 7 & 8 Hulls Addition

Property Address - 1002 N Taylor

Lots 9 & 10 Hulls Addition

Property Address - 1006 N Taylor

Lots 3 & 4 Hulls Addition

Property Address - 1017 N Washington

Lots 5 & 6 Hulls Addition

Property Address - 402 W 9th

That part of the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th PM described as: Beginning 14 feet North of the cornerstone of the Northwest corner of the Atchison, Topeka and Santa Fe Railroad land thence West 22 feet, more or less to the East line of Washington Street, formerly Broad Street; thence South 310 feet, more or less, to the North line of Ninth Avenue, formerly Fourth Avenue; thence East 112 feet, more or less, to the West boundary line of the Atchison, Topeka and Santa Fe Railroad land, thence Northwesterly along the Westerly line of said railroad land 324 feet, more or less, to the beginning; AND beginning at the Intersection of the North line of said Ninth Avenue and the East line of said Washington Street; thence West 40 feet; thence North to the North line of Tenth Avenue; thence East 40 feet; thence South along the Est line of Washington Street to the point of beginning, in the City of El Dorado, Butler County, Kansas

Property Address - 330 W 9th

Commencing at the Northeast corner of the depot grounds of the Florence, El Dorado and Walnut Valley Railroad, thence running in a Southeasterly direction along the East side of said depot grounds 265 feet to a stake; thence North 88° 30' East 487 feet; thence North 314 feet, more or less, to the Northeast corner of the public highway known as Bogardus Ave *now Gordy Street) thence West 156 feet, more or less, to the Southeast corner of a tract of land which was at one time owned by Harry Cousland; thence West 430 feet, more or less, to the place of beginning, being in the Southwest Quarter of Section 35, Township 25 S0outh, Range 5 East of the 6th P.m. and Commencing at a stake on the East line of the Florence, El Dorado and Walnut Valley depot grounds 265 feet south of the northeast corner of said depot grounds, thence North 88° 30' East about 459 feet to the West line of a street; thence South along the West line of said street 202.9 feet; thence South 88° 30' West nearly parallel to said

North line, 400 feet, more or less, to the East line of said depot grounds; thence North 18 West along said East line of said depot grounds to the place of beginning, being in the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th P.M. in Butler County, Kansas.

Property Address - 1021 N Gordy

That part of the Southwest Quarter of Section Numbered 35, Township Numbered 25 South, Range Numbered 5 East of the 6th P.M., described as Beginning at a point 240 feet East of a point that is 467 ½ feet South and 18 degrees East of the Northeast Corner of the Depot Grounds of the Florence-El Dorado and Walnut Valley Railroad Company; thence East 160 feet; thence South 90 feet; thence West 160 feet; thence North 90 feet to the place of beginning, EXCEPT Beginning at a point 240 feet East of a point that is 467.5 feet South and 18 degrees East of the Northeast Corner of the Depot Grounds of the Florence-El Dorado and Walnut Valley Railroad Company, thence East 45 feet; thence South 90 feet; thence West 45 feet; thence North 90 feet to the point of beginning of excepted tract, all in Butler County, Kansas

Property Address - 927 N Gordy

Beginning at a point 400 feet East and 90 feet South of a point 467 ½ feet South 18 degrees East of the Northeast Corner of the Depot Grounds of the Florence, El Dorado and Walnut Valley Railroad Company, the same being in the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th P.M., thence West 115 feet; thence South 115 feet; thence East 115 feet; thence North 115 feet to the place of beginning in Butler County, Kansas AND Beginning at a point on the East line of the Florence, El Dorado and Walnut Valley Railroad Depot grounds at the Northwest Corner of the One-Half acre of land deeded to August Kullman by Josiah P Champion July 22, 1885; thence East on Kullman's North line 314 feet, more or less, to the West line of a street; thence North 67.25 feet along the West line of said street, West parallel to the South line of said tract 337 feet, more or less, to the East line of said Depot grounds, South 18 degrees East 70 feet, more or less, to beginning, being a part of the Southwest Quarter of Section

35, Township 25 South, Range 5 East of the 6th P.M., Butler County, Kansas

Property Address - 919 N Gordy

Beginning at a point 141.22 feet East of a point 467 ½ feet South 18 degrees East of the Northeast Corner of the Depot Grounds of the Florence, El Dorado and Walnut Valley Railroad Company, the same being in the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th P.m., Butler County, Kansas; thence East 145.00; thence South 205 feet; thence West 222 feet; to the East line of the Right of Way of the Florence, El Dorado and Walnut Valley Railroad; thence in a Northwesterly direction along the East line of said right of way 52.40 feet; thence East 92.66 feet; thence North 155 feet to the point of beginning. AND Beginning at a point 467 ½ feet South and 18 degrees East of the Northeast Corner of the Depot Grounds of the Florence, El Dorado and Walnut Valley Railroad Company, then same being in the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th P.m., Butler County Kansas; thence East 141.22 feet; thence South 155 feet; thence West 92.66 feet to the East line of the Right of Way of the Florence, El Dorado and Walnut Valley Railroad; thence in a Northwesterly direction along the East line of said right of way to the point of beginning.

Property Address - 211 W 9th

Beginning at a point 75 feet North of the Northeast Corner of Block 5 in North El Dorado, now an Addition to the City of El Dorado, and running thence North 258 feet; thence East 58 feet, more or less, to the West line of the right of way of the Atchison, Topeka & Santa Fe Railway; thence Southeasterly with said West line of said right of way to a point due East of the place of beginning, and thence West to the place of beginning, being a part of the Southwest Quarter of Section 35, Township 25 South, Range 5 East of the 6th P.M. AND Lots 1, 2, 3, 4 and the South 13 feet of Lot 5 in West View Addition to the City of El Dorado' and beginning at the Southwest Corner of said Lot 1; thence East 140 feet; South 12 ½ feet; West 140 feet; North 12 ½ feet, to place of beginning

Property Address - 900 N Taylor

TO: City Commission
FROM: Scott Rickard
SUBJ: Set Public Hearings for Street Improvement Projects – Paving Hunton Road and Simpson Road
DATE: December 23, 2020

Background:

In a previous work session, the City Commission has stated that they would be willing to initiate the street improvements on Hunton Rd. & Simpson Rd. This process allows for the streets to be brought up to City standards. If the Commission wishes to proceed, a public hearing will be set for February 15, 2021, at which time you may hear from owners within the Improvement District. If after the Public Hearing the Commission initiates the project, owners will have 20 days to file a protest petition after publication of the resolution. For the protest to be valid both 51% or more of the resident owners and owners of more than half of the property within the Improvement District must sign the petition.

Project Schedule:

Public Hearing February 15, 2021

Attachments:

Improvement District map, Cost Estimates, Resolution, Notice of Hearing

Policy Issue:

The City Commission must determine the advisability and authorize the making of the improvements.

Alternatives:

N/A

Fiscal Impact:

The total cost of the project is \$1,204,880.51. The costs assessed to the improvement district will be \$997,407.20 and city-at-large costs will be \$207,473.31. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty-year period.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

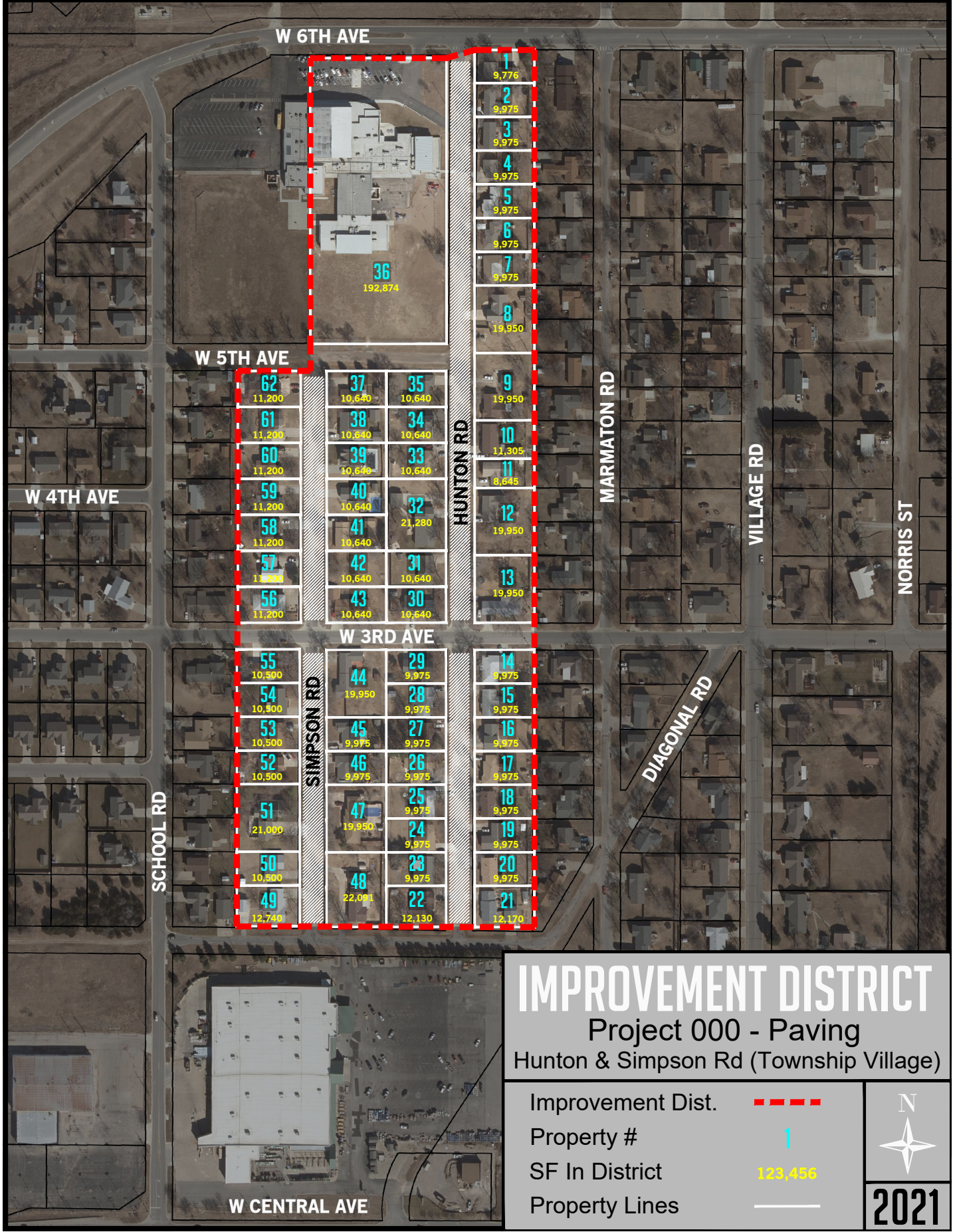
Authorize the Resolution to set the public hearing for February 15, 2021.

Commission Actions:

Commissioner _____ 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 Rd. and Simpson Rd.).

Commissioner _____ seconded the motion.

[Return to Agenda](#)



IMPROVEMENT DISTRICT

Project 000 - Paving
Hunton & Simpson Rd (Township Village)

Improvement Dist.	---
Property #	1
SF In District	123,456
Property Lines	—

2021

City of El Dorado, Kansas
Engineers Estimate of Cost for Petition
Total Project Cost

11/17/2020

Paving Hunton Rd. (2nd Ave. to 6th Ave) & Simpson Rd. (2nd Ave. to 5th Ave.) (Township Village)

70% of Total Combined Hunton, Simpson, 2nd, and 5th

Item No.	Description	Unit	No. of Units	Unit Cost	Total Cost
1	Common Excavation	C.Y.	6900.6	\$ 15.00	\$ 103,509.00
2	6 1/2" Reinforced Rock Base	S.Y.	11050.9	\$ 12.00	\$ 132,610.80
3	2'-6" Curb & Gutter	L.F.	5703.6	\$ 16.00	\$ 91,257.60
4	6" Reinforced Concrete Drive	S.Y.	2652	\$ 50.00	\$ 132,600.00
5	BM-2 (10%rap) Asph. Conc. Pvm. Base	TONS	2661.4	\$ 85.00	\$ 226,219.00
6	BM-2 Asph. Conc. Pvm. Surface	TONS	1190.7	\$ 95.00	\$ 113,116.50
7	Mobilization	L.S.	0.7	\$ 40,000.00	\$ 28,000.00
8	Site Restoration	L.S.	0.7	\$ 15,000.00	\$ 10,500.00
9	Erosion Control	L.S.	0.7	\$ 15,000.00	\$ 10,500.00
10	Type 22 Inlet	EA	6	\$ 5,000.00	\$ 30,000.00
11	18" Concrete Pipe	L.F.	700	\$ 90.00	\$ 63,000.00

Construction Sub Total	\$ 941,312.90
Design	\$ 94,131.29
Admin Items	\$ 47,065.65
Temp Financing	\$ 47,065.65
Engineering	\$ 75,305.03
TOTAL	\$ 1,204,880.51
CAL	\$ 207,473.31
BD	\$ 997,407.20

I hereby certify that the above estimate is correct to the best of my knowledge.

Scott Rickard
Engineering Department

Estimated Assessments

Improvement: Paving Hunton Rd (2nd-6th) & Simpson Rd (2nd to 5th)

Date:10/14/20

OWNER OF RECORD	PROP. NO.	PROPERTY DESCRIPTION	ITEM	QUANTITY	UNIT	ASSESSMENT
Michael Dubus Jennifer Dubus 668 Hunton El Dorado KS 67042	1	Lot 34 Block 2 Township Village Addition 668 Hunton 212 04 0 00 07 002 00 0	Area Drives TOTAL	9,776.0 0.0	S.F. S.Y.	\$9,179.32 \$9,179.32
	2	Lot 33 Block 2 Township Village Addition 656 Hunton El Dorado KS 67042 212 04 0 00 07 003 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
	3	Lot 32 Block 2 Township Village Addition 646 Hunton 212 04 0 00 07 004 00 0	Area Drives TOTAL	9,975.0 42.0	S.F. S.Y.	\$9,366.17 \$2,100.00 \$11,466.17
	4	Lot 31 Block 2 Township Village Addition 640 Hunton 212 04 0 00 07 005 00 0	Area Drives TOTAL	9,975.0 35.0 8.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$400.00 \$11,516.17
Wedel Property & Management 3625 SE 137 Ter Leon KS 67074	5	Lot 30 Block 2 Township Village Addition 632 Hunton 212 04 0 00 07 006 00 0	Area Drives TOTAL	9,975.0 35.0 42.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$2,100.00 \$13,216.17
	6	Lot 29 Block 2 Township Village Addition 626 Hunton 212 04 0 00 07 007 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
	7	Lot 28 Block 2 Township Village Addition 618 Hunton 212 04 0 00 07 008 00 0	Area Drives TOTAL	9,975.0 35.0 5.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$250.00 \$11,366.17
	8	Lots 26 & 27 Block 2 Township Village Addition 602 Hunton 212 04 0 00 07 009 01 0	Area Drives TOTAL	19,231.0 40.0	S.F. S.Y.	\$18,057.23 \$2,000.00 \$20,057.23

Roger Storm 520 Hunton El Dorado KS 67042	9	Lots 24 & 25 Block 2 Township Village Addition 520 Hunton 212 04 0 00 07 010 00 0	Area Drives TOTAL	19,950.0 44.0 56.0	S.F. S.Y. S.Y.	\$18,732.35 \$2,200.00 \$2,800.00 \$23,732.35
Jack Perry Laleita Perry 512 Hunton El Dorado KS 67042	10	Lot 23 N10 Lot 22 Block 2 Township Village Addition 512 Hunton 212 04 0 00 07 011 00 0	Area Drives TOTAL	11,305.0 48.0 54.0	S.F. S.Y. S.Y.	\$10,615.00 \$2,400.00 \$2,700.00 \$15,715.00
Russell Young Sherri Young 502 Hunton El Dorado KS 67042	11	S65 Lot 22 Block 2 Township Village Addition 502 Hunton 212 04 0 00 07 012 00 0	Area Drives TOTAL	8,645.0 35.0	S.F. S.Y.	\$8,117.35 \$1,750.00 \$9,867.35
Daniel Hatfield Rosalie Hatfield 428 Hunton El Dorado, KS 67042	12	Lots 20 & 21 Block 2 Township Village Addition 428 Hunton 212 04 0 00 07 013 00 0	Area Drives TOTAL	19,950.0 35.0	S.F. S.Y.	\$18,732.35 \$1,750.00 \$20,482.35
Jessica Harris 2654 W 3rd El Dorado KS 67042	13	Lots 18 & 19 Block 2 Township Village Addition 2654 W 3rd 212 04 0 00 07 014 00 0	Area Drives TOTAL	19,950.0 0.0	S.F. S.Y.	\$18,732.35 \$1,750.00 \$18,732.35
Miriam Simkins 360 Hunton El Dorado, KS 67042	14	Lot 16 Block 12 Township Village Addition 360 Hunton 212 04 0 00 21 002 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Jeremy Denney 340 Hunton El Dorado, KS 67042	15	Lot 15 Block 12 Township Village Addition 340 Hunton 212 04 0 00 21 003 00 0	Area Drives TOTAL	9,975.0 35.0 13.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$650.00 \$11,766.17
Lori Vanderford 1040 Country Club Ln El Dorado, KS 67042	16	Lot 14 Block 12 Township Village Addition 338 Hunton 212 04 0 00 21 004 00 0	Area Drives TOTAL	9,975.0 35.0 7.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$350.00 \$11,466.17
Patricia Mills Liv Trust 336 Hunton Rd El Dorado, KS 67042	17	Lot 13 Block 12 Township Village Addition 336 Hunton 212 04 0 00 21 005 00 0	Area Drives TOTAL	9,975.0 35.0 25.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$1,250.00 \$12,366.17
Traci Rodgers 324 Hunton El Dorado, KS 67042	18	Lot 12 Block 12 Township Village Addition 324 Hunton 212 04 0 00 21 006 00 0	Area Drives TOTAL	9,975.0 35.0 7.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$350.00 \$11,466.17

Sandra Dunn 320 Hunton El Dorado, KS 67042	19	Lot 11 Block 12 Township Village Addition 320 Hunton 212 04 0 00 21 007 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Orville Brown Jodi Brown 312 Huntoon Rd El Dorado, KS 67042	20	Lot 10 Block 12 Township Village Addition 312 Hunton 212 04 0 00 21 008 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Don Lore Thelma Lore 302 Hunton El Dorado, KS 67042	21	Lot 9 Block 12 Township Village Addition 302 Hunton 212 04 0 00 21 009 00 0	Area Drives TOTAL	12,170.0 35.0 8.0	S.F. S.Y. S.Y.	\$11,427.20 \$1,750.00 \$400.00 \$13,577.20
Ronald Ryser Judith Ryser 301 Hunton El Dorado, KS 67042	22	Lot 8 Block 11 Township Village Addition 301 Hunton 212 04 0 00 22 007 00 0	Area Drives TOTAL	12,130.0 45.0	S.F. S.Y.	\$11,389.64 \$2,250.00 \$13,639.64
Dustin Martin Sara Martin 311 Hunton El Dorado, KS 67042	23	Lot 7 Block 11 Township Village Addition 311 Hunton 212 04 0 00 22 008 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Donald May Karen May 1635 NW Hwy 196 El Dorado, KS 67042	24	Lot 6 Block 11 Township Village Addition 317 Hunton 212 04 0 00 22 009 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Schell Medical Inc 2440 Potters Ct El Dorado, KS 67042	25	Lot 5 Block 11 Township Village Addition 325 Hunton 212 04 0 00 22 010 00 0	Area Drives TOTAL	9,975.0 35.0	S.F. S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
Tony Moore Doris Moore 335 Hunton El Dorado, KS 67042	26	Lot 4 Block 11 Township Village Addition 335 Hunton 212 04 0 00 22 011 00 0	Area Drives TOTAL	9,975.0 35.0 5.0	S.F. S.Y. S.Y.	\$9,366.17 \$1,750.00 \$250.00 \$11,366.17
Jim Miller Lois Miller 345 Hunton El Dorado, KS 67042	27	Lot 3 Block 11 Township Village Addition 345 Hunton 212 04 0 00 22 012 00 0	Area Drives TOTAL	9,975.0 45.0 12.0	S.F. S.Y. S.Y.	\$9,366.17 \$2,250.00 \$600.00 \$12,216.17
Louise King David King 349 Hunton	28	Lot 2 Block 11 Township Village Addition 349 Hunton 212 04 0 00 22 013 00 0	Area Drives TOTAL	9,975.0 43.0	S.F. S.Y.	\$9,366.17 \$2,150.00 \$11,516.17

29	Marc Cogan 357 Hunton El Dorado, KS 67042	Lot 1 Block 11 Township Village Addition 357 Hunton 212 04 0 00 22 001 00 0	Area Drives TOTAL	9,975.0 0.0	S.F. S.Y.	\$9,366.17
30	Michael McAllister 2706 W 3rd El Dorado KS 67042	Lot 7 Block 9 Township Village Addition 2706 W 3rd 212 04 0 00 14 007 00 0	Area Drives TOTAL	10,640.0 0.0	S.F. S.Y.	\$9,990.59
31	Debra Mitchell 411 Hunton El Dorado KS 67042	Lot 6 Block 9 Township Village Addition 411 Hunton 212 04 0 00 14 008 00 0	Area Drives TOTAL	10,640.0 35.0 5.0	S.F. S.Y. S.Y.	\$9,990.59 \$1,750.00 \$250.00 \$11,990.59
32	Dana Jordan 425 Hunton El Dorado KS 67042	Lots 4 & 5 Block 9 Township Village Addition 425 Hunton 212 04 0 00 14 009 00 0	Area Drives TOTAL	21,280.0 56.0	S.F. S.Y.	\$19,981.17 \$2,800.00 \$22,781.17
33	Dana Jordan 425 Hunton El Dorado KS 67042	Lot 3 Block 9 Township Village Addition 509 Hunton 212 04 0 00 14 010 00 0	Area Drives TOTAL	10,640.0 48.0 40.0	S.F. S.Y. S.Y.	\$9,990.59 \$2,400.00 \$2,000.00 \$14,390.59
34	Flint Hills Grass & Cattle LLC 218 E Central El Dorado KS 67042	Lot 2 Block 9 Township Village Addition 511 Hunton 212 04 0 00 14 011 00 0	Area Drives TOTAL	10,640.0 35.0	S.F. S.Y.	\$9,990.59 \$1,750.00 \$11,740.59
35	Raymond Pile Brenda Pile 224 N 10th St Fredonia, KS 66736	Lot 1 Block 9 Township Village Addition 515 Hunton 212 04 0 00 14 001 00 0	Area Drives TOTAL	10,640.0 35.0	S.F. S.Y.	\$9,990.59 \$1,750.00 \$11,740.59
36	USD 375 PO Box 9 Towanda KS 67144	2700 W 6th 212 04 0 00 08 001 00 0	Area Drives TOTAL	192,874.0 51.0	S.F. S.Y.	\$181,101.89 \$2,550.00 \$183,651.89
37	David Richard Denise Richard 520 Simpson El Dorado, KS 67042	Lot 14 Block 9 Township Village 520 Simpson 212-04-0-00-14-002-00-0	Area Drives TOTAL	10,640.00 35.0 20.0	S.F. S.Y. S.Y.	\$9,990.59 \$1,750.00 \$1,000.00 \$12,740.59
38	Chad Carter Madeleine Carter 512 Simpson El Dorado, KS 67042	Lot 13 Block 9 Township Village 512 Simpson 212-04-0-00-14-003-00-0	Area Drives TOTAL	10,640.00 35.0	S.F. S.Y.	\$9,990.59 \$1,750.00 \$11,740.59

Vincent Lara Cherlynn Lara 502 Simpson El Dorado, KS 67042	39	Lot 12 Block 9 Township Village 502 Simpson 212-04-0-00-14-004-00-0	Area Drives TOTAL	10,640.00 S.F. 38.0 S.Y.	\$9,990.59 \$1,900.00 \$11,890.59
	40	Lot 11 Block 9 Township Village 428 Simpson 212-04-0-00-14-004-01-0	Area Drives TOTAL	10,640.00 S.F. 35.0 S.Y.	\$9,990.59 \$1,750.00 \$11,740.59
	41	Lot 10 Block 9 Township Village 420 Simpson 212-04-0-00-14-005-00-0	Area Drives TOTAL	10,640.00 S.F. 35.0 S.Y. 9.0 S.Y.	\$9,990.59 \$1,750.00 \$450.00 \$12,190.59
Donald Richard Rosemarie Richard 2720 W 3rd El Dorado, KS 67042	42	Lot 9 Block 9 Township Village 0000 Simpson 212-04-0-00-14-006-00A	Area Drives TOTAL	10,640.00 S.F. 0.0 S.Y.	\$9,990.59 \$9,990.59
	43	Lot 8 Block 9 Township Village 2720 W 3rd 212-04-0-00-14-006-00B	Area Drives TOTAL	10,640.00 S.F. 0.0 S.Y.	\$9,990.59 \$9,990.59
	44	Lots 15 & 16 Block 11 Township Village 358 Simpson 212-04-0-00-22-002-00-0	Area Drives TOTAL	19,950.00 S.F. 38.0 S.Y.	\$18,732.35 \$1,900.00 \$20,632.35
Kevin Wishart Shawnda Wishart 342 Simpson El Dorado, KS 67042	45	Lot 14 Block 11 Township Village 342 Simpson 212-04-0-00-22-003-00-0	Area Drives TOTAL	9,975.00 S.F. 35.0 S.Y.	\$9,366.17 \$1,750.00 \$11,116.17
	46	Lot 13 Block 11 Township Village 336 Simpson 212-04-0-00-22-004-00-0	Area Drives TOTAL	9,975.00 S.F. 38.0 S.Y.	\$9,366.17 \$1,900.00 \$11,266.17
	47	Lots 11 & 12 Block 11 Township Village 320 Simpson 212-04-0-00-22-005-00-0	Area Drives TOTAL	19,950.00 S.F. 51.0 S.Y.	\$18,732.35 \$2,550.00 \$21,282.35

Austin Prewitt Ulala Prewitt 302 Simpson El Dorado, KS 67042	48	Lots 9 & 10 Block 11 Township Village 302 Simpson 212-04-0-00-22-006-00-0	Area Drives TOTAL	22,091.00 S.F. 35.0 S.Y.	\$20,742.67 \$1,750.00 \$22,492.67
Donald Duvall Debora Duvall 301 Simpson El Dorado, KS 67042	49	Lot 8 Block 10 Township Village 301 Simpson 212-04-0-00-23-009-00-0	Area Drives TOTAL	12,740.00 S.F. 38.0 S.Y.	\$11,962.41 \$1,900.00 \$13,862.41
Jennifer Corkill 315 Simpson El Dorado, KS 67042	50	Lot 7 Block 10 Township Village 315 Simpson 212-04-0-00-23-010-00-0	Area Drives TOTAL	10,500.00 S.F. 35.0 S.Y.	\$9,859.13 \$1,750.00 \$11,609.13
Barry Mohler Susan Mohler 333 Simpson El Dorado, KS 67042	51	Lots 5 & 6 Block 10 Township Village 333 Simpson 212-04-0-00-23-011-00-0	Area Drives TOTAL	21,000.00 S.F. 51.0 S.Y.	\$19,718.26 \$2,550.00 \$22,268.26
Sharon Fox Carol Fox 337 Simpson El Dorado KS 67042	52	Lot 4 Block 10 Township Village 337 Simpson 212-04-0-00-23-012-00-0	Area Drives TOTAL	10,500.00 S.F. 48.0 S.Y.	\$9,859.13 \$2,400.00 \$12,259.13
Barry Mohler Susan Mohler 333 Simpson El Dorado, KS 67042	53	Lot 3 Block 10 Township Village 341 Simpson 212-04-0-00-23-013-00-0	Area Drives TOTAL	10,500.00 S.F. 29.0 S.Y. 18 S.Y.	\$9,859.13 \$1,450.00 \$900.00 \$12,209.13
Phillips Family Rev Liv Trust 2707 N Conway Ave Unit 655 Mission, TX 78573	54	Lot 2 Block 10 Township Village 345 Simpson 212-04-0-00-23-014-00-0	Area Drives TOTAL	10,500.00 S.F. 35.0 S.Y.	\$9,859.13 \$1,750.00 \$11,609.13
Patricia Wilkerson 2739 W 3rd El Dorado KS 67042	55	Lot 1 Block 10 Township Village 2739 W 3rd 212-04-0-00-23-001-00-0	Area Drives TOTAL	10,500.00 S.F. 0.0 S.Y.	\$9,859.13 \$9,859.13
Bonnie Ayers 7437 NW 180th St Burns, KS 66840	56	Lot 7 Block 8 Township Village 2740 W 3rd 212-04-0-00-13-009-00-0	Area Drives TOTAL	11,200.00 S.F. 51.0 S.Y.	\$10,516.41 \$2,550.00 \$13,066.41

Mark Sherwood Qing Sherwood 411 Simpson El Dorado, KS 67042	57	Lot 6 Block 8 Township Village 411 Simpson 212-04-0-00-13-010-00-0	Area Drives TOTAL	11,200.00 S.F. 35.0 S.Y.	\$10,516.41 \$1,750.00
Jeffrey Lytton Ragan Lytton 425 Simpson El Dorado, KS 67042	58	Lot 5 Block 8 Township Village 425 Simpson 212-04-0-00-13-011-00-0	Area Drives TOTAL	11,200.00 S.F. 38.0 S.Y.	\$10,516.41 \$1,900.00
Eddie Simmons 427 Simpson El Dorado, KS 67042	59	Lot 4 Block 8 Township Village 427 Simpson 212-04-0-00-13-012-00-0	Area Drives TOTAL	11,200.00 S.F. 35.0 S.Y. 68.0 S.Y.	\$10,516.41 \$1,750.00 \$3,400.00
Teddi Pope 501 Simpson El Dorado, KS 67042	60	Lot 3 Block 8 Township Village 501 Simpson 212-04-0-00-13-013-00-0	Area Drives TOTAL	11,200.00 S.F. 35.0 S.Y. 54.0 S.Y.	\$10,516.41 \$1,750.00 \$2,700.00
Taci Anderson 511 Simpson El Dorado, KS 67042	61	Lot 2 Block 8 Township Village 511 Simpson 212-040-0-00-13-014-00-0	Area Drives TOTAL	11,200.00 S.F. 35.0 S.Y.	\$10,516.41 \$1,750.00
Brian Bauer 519 Simpson El Dorado, KS 67042	62	Lot 1 Block 8 Township Village 519 Simpson 212-04-0-00-13-001-00-0	Area Drives TOTAL	11,200.00 S.F. 51.0 S.Y. 73.0 S.Y.	\$10,516.41 \$2,550.00 \$3,650.00

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON JANUARY 4, 2021**

The governing body met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

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 RD. AND SIMPSON RD.).

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the City Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

RESOLUTION NO. _____

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 RD. AND SIMPSON RD.).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the city at large; and

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain improvement in the City pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Public Hearing. It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvements (the “Improvements”):

Paving Hunton Rd. (2nd Avenue to 6th Avenue) and Simpson Rd. (2nd Avenue to 5th Avenue), to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

Such public hearing will be held on February 15, 2021, at 6:30 P.M., at 220 E. 1st Avenue, under the authority of the Act.

Section 2. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as ***Exhibit A*** two (2) times in the official City newspaper, such publications to be one (1) week apart, and the last publication to be at least three (3) days prior to the date of the hearing.

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ADOPTED by the governing body of the City on January 4, 2021.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on January 4, 2021, as the same appears of record in my office.

DATED: January 4, 2021.

City Clerk

EXHIBIT A

(Published in the **Butler County Times-Gazette** on January 16, 2021 and January 23, 2021)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE CITY OF EL DORADO, KANSAS:

You and each of you are hereby notified that the governing body of the City of El Dorado, Kansas (the “City”), will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at 220 E. 1st Avenue on February 15, 2021, at 6:30 P.M.. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

(a) The general nature of the proposed Improvements (the “Improvements”) are:

Paving Hunton Rd. from 2nd Avenue to 6th Avenue and Simpson Rd. from 2nd Avenue to 5th Avenue, to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$1,204,880.51, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

(c) The extent of the proposed improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

See **Schedule 1** attached hereto.

(d) The method of assessment is: equally per square foot.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. In the event that unplatted property within the Improvement District is platted after adoption of a resolution authorizing the Improvements, each platted lot shall be equally assessed for the costs associated with the unplatted property. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 83% or \$997,407.20 to be assessed against the Improvement District and 17% or \$207,473.31 to be paid by the City-at-large.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body; **provided**, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.

DATED: January 4, 2021.

/s/ Tabitha Sharp, City Clerk

SCHEDULE I

PROPERTY DESCRIPTION
PAVING HUNTON RD. (2ND AVENUE TO 6TH AVENUE) AND
SIMPSON RD. (2ND AVENUE TO 5TH AVENUE)
(TOWNSHIP VILLAGE)

Lot 34 Block 2
Township Village Addition
668 Hunton

Lot 23 N10 Lot 22 Block 2
Township Village Addition
512 Hunton

Lot 33 Block 2
Township Village Addition
656 Hunton
El Dorado KS 67042

S65 Lot 22 Block 2
Township Village Addition
502 Hunton

Lot 32 Block 2
Township Village Addition
646 Hunton

Lots 20 & 21 Block 2
Township Village Addition
428 Hunton

Lot 31 Block 2
Township Village Addition
640 Hunton

Lots 18 & 19 Block 2
Township Village Addition
2654 W 3rd

Lot 30 Block 2
Township Village Addition
632 Hunton

Lot 16 Block 12
Township Village Addition
360 Hunton

Lot 29 Block 2
Township Village Addition
626 Hunton

Lot 15 Block 12
Township Village Addition
340 Hunton

Lot 28 Block 2
Township Village Addition
618 Hunton

Lot 14 Block 12
Township Village Addition
338 Hunton

Lots 26 & 27 Block 2
Township Village Addition
602 Hunton

Lot 13 Block 12
Township Village Addition
336 Hunton

Lots 24 & 25 Block 2
Township Village Addition
520 Hunton

Lot 12 Block 12
Township Village Addition
324 Hunton

Lot 11 Block 12
Township Village Addition
320 Hunton

Lot 10 Block 12
Township Village Addition
312 Hunton

Lot 9 Block 12
Township Village Addition
302 Hunton

Lot 8 Block 11
Township Village Addition
301 Hunton

Lot 7 Block 11
Township Village Addition
311 Hunton

Lot 6 Block 11
Township Village Addition
317 Hunton

Lot 5 Block 11
Township Village Addition
325 Hunton

Lot 4 Block 11
Township Village Addition
335 Hunton

Lot 3 Block 11
Township Village Addition
345 Hunton

Lot 2 Block 11
Township Village Addition
349 Hunton

Lot 1 Block 11
Township Village Addition
357 Hunton

Lot 7 Block 9
Township Village Addition
2706 W 3rd

Lot 6 Block 9
Township Village Addition
411 Hunton

Lots 4 & 5 Block 9
Township Village Addition
425 Hunton

Lot 3 Block 9
Township Village Addition
509 Hunton

Lot 2 Block 9
Township Village Addition
511 Hunton

Lot 1 Block 9
Township Village Addition
515 Hunton

A tract of land in the Northeast Quarter of the Northwest Quarter of Section 4, Township 26 South, Range 5 East, Butler County, Kansas, described as follows: Beginning 687 feet West and 650 feet North of the Southeast corner of said Northeast Quarter of the Northwest Quarter; thence West parallel to and 650 feet distant from the South line of said Northeast Quarter of the Northwest Quarter a distance of 607.23 feet to a point 30 feet East of the West line of said Northeast Quarter of the Northwest Quarter; thence North parallel to and 30 feet distant from said East line, a distance of 524.26 feet to a point on the Southerly right-of-way line of a public road and being 158.65 feet South of the North line of said Section 4; thence Northeasterly along said right-of-way line a distance of 56.75

feet; thence continuing Northeasterly with a deflection angle of 23° 2' right, a distance of 194.05 feet; thence North with a deflection angle of 66° 58' left, a distance of 41.75 feet to the North line of said Section 4; thence East along the North line of said Section 4, a distance of 389.47 feet; thence South and parallel to the East line of said Northeast Quarter of the Northwest Quarter a distance of 683.50 feet to the point of beginning.

2700 W 6th

Lot 14 Block 9
Township Village
520 Simpson

Lot 13 Block 9
Township Village
512 Simpson

Lot 12 Block 9
Township Village
502 Simpson

Lot 11 Block 9
Township Village
428 Simpson

Lot 10 Block 9
Township Village
420 Simpson

Lot 9 Block 9
Township Village
0000 Simpson

Lot 8 Block 9
Township Village
2720 W 3rd

Lots 15 & 16 Block 11
Township Village
358 Simpson

Lot 14 Block 11
Township Village
342 Simpson

Lot 13 Block 11
Township Village
336 Simpson

Lots 11 & 12 Block 11
Township Village
320 Simpson

Lots 9 & 10 Block 11
Township Village
302 Simpson

Lot 8 Block 10
Township Village
301 Simpson

Lot 7 Block 10
Township Village
315 Simpson

Lots 5 & 6 Block 10
Township Village
333 Simpson

Lot 4 Block 10
Township Village
337 Simpson

Lot 3 Block 10
Township Village
341 Simpson

Lot 2 Block 10
Township Village
345 Simpson

Lot 1 Block 10
Township Village

2739 W 3rd

Lot 7 Block 8
Township Village
2740 W 3rd

Lot 6 Block 8
Township Village
411 Simpson

Lot 5 Block 8
Township Village
425 Simpson

Lot 4 Block 8
Township Village
427 Simpson

Lot 3 Block 8
Township Village
501 Simpson

Lot 2 Block 8
Township Village
511 Simpson

Lot 1 Block 8
Township Village
519 Simpson
212-04-0-00-13-001-00-0

TO: City Commission
FROM: Scott Rickard
SUBJ: Set Public Hearings for Street Improvement Projects – Paving 5th Ave (School-Hunton) 2nd Ave (School-Diagonal)
DATE: December 23, 2020

Background:

In a previous work session, the City Commission has stated that they would be willing to initiate the street improvements on 5th Avenue & 2nd Avenue. This process allows for the streets to be brought up to City standards. If the Commission wishes to proceed, a public hearing will be set for February 15, 2021, at which time you may hear from owners within the Improvement District. If after the Public Hearing the Commission initiates the project, owners will have 20 days to file a protest petition after publication of the resolution. For the protest to be valid both 51% or more of the resident owners and owners of more than half of the property within the Improvement District must sign the petition.

Project Schedule:

Public Hearing February 15, 2021

Attachments:

Improvement District map, Cost Estimates, Resolution, Notice of Hearing

Policy Issue:

The City Commission must determine the advisability and authorize the making of the improvements.

Alternatives:

N/A

Fiscal Impact:

The total cost of the project is \$435,243.65. The costs assessed to the improvement district will be \$379,307.47 and city-at-large costs will be \$55,936.18. The total cost of the project will be bonded, therefore allowing the improvement district to pay off the debt over a twenty-year period.

Trade-offs:

The decision of a governing body to provide public improvements often requires nearby property owners to equally be assessed a portion of the improvements. In such instances, this requires balancing community benefits with potentially negative impacts on the assessed property owners.

Staff Recommendation:

Authorize the Resolution to set the public hearing for February 15, 2021.

Commission Actions:

Commissioner _____ 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 _____ seconded the motion.

[Return to Agenda](#)

IMPROVEMENT DISTRICT

Project 000 - Paving
2nd and 5th Avenues (Township Village)

Improvement Dist. ----

Property # 1

SF In District 123,456

Property Lines ----



2020

W 6TH AVE

19
212,086

W 5TH AVE

20

11,288

27

11,200

28

10,640

35

10,640

21

11,288

26

11,200

29

10,640

34

10,640

22

11,288

25

11,200

30

10,640

33

10,640

23

5,655

24

5,600

31

5,320

32

5,320

HUNTON RD

MARMATON RD

VILLAGE RD

NORRIS ST

W 4TH AVE

W 3RD AVE

SCHOOL RD

SIMPSON RD

DIAGONAL RD

1

10,523

7

21,000

8

19,950

13

9,975

14

9,975

2

10,515

6

10,500

9

22,091

12

9,975

15

9,975

3

10,508

5

12,740

11

9,975

16

9,975

4

12,698

10

12,130

17

12,170

W 2ND AVE

W CENTRAL AVE

18
240,722

City of El Dorado, Kansas
Engineers Estimate of Cost for Petition
Total Project Cost

11/17/2020

Paving 5th Ave (School Rd. to Hunton Rd., 2nd Ave.(School Rd. to Diagonal Rd) (Township Village)
 30% of Total Combined Hunto, Simpson, 2nd, and 5th

Item No.	Description	Unit	No. of Units	Unit Cost	Total Cost
1	Common Excavation	C.Y.	2957.4	\$ 15.00	\$ 44,361.00
2	6 1/2" Reinforced Rock Base	S.Y.	4736.1	\$ 12.00	\$ 56,833.20
3	2'-6" Curb & Gutter	L.F.	2444.4	\$ 16.00	\$ 39,110.40
4	6" Reinforced Concrete Drive	S.Y.	286	\$ 50.00	\$ 14,300.00
5	BM-2 (10%rap) Asph. Conc. Pvm. Base	TONS	1140.6	\$ 85.00	\$ 96,951.00
6	BM-2 Asph. Conc. Pvm. Surface	TONS	510.3	\$ 95.00	\$ 48,478.50
7	Mobilization	L.S.	0.3	\$ 40,000.00	\$ 12,000.00
8	Site Restoration	L.S.	0.3	\$ 15,000.00	\$ 4,500.00
9	Erosion Control	L.S.	0.3	\$ 15,000.00	\$ 4,500.00
10	Type 22 Inlet	EA	2	\$ 5,000.00	\$ 10,000.00
11	18" Concrete Pipe	L.F.	100	\$ 90.00	\$ 9,000.00

Construction Sub Total	\$ 340,034.10
Design	\$ 34,003.41
Admin Items	\$ 17,001.71
Temp Financing	\$ 17,001.71
Engineering	\$ 27,202.73
TOTAL	\$ 435,243.65
CAL	\$ 55,936.18
BD	\$ 379,307.47

I hereby certify that the above estimate is correct to the best of my knowledge.

Scott Rickard
 Engineering Department

Estimated Assessments

Improvement: Paving 2nd (School-Hunton) Paving 5th (School-Hunton)

Date:10/14/20

OWNER OF RECORD	PROP. NO.	PROPERTY DESCRIPTION	ITEM	QUANTITY	UNIT	ASSESSMENT
Michael Wentworth Drucilla Wentworth 328 School El Dorado KS 67042	1	Lot 12 Block 10	Area	10,523.0	S.F.	\$4,741.40
		Township Village Addition	Drives	0.0	S.Y.	
		328 School				
		212 04 0 00 23 005 00 0				
			TOTAL			\$4,741.40
Christopher Bolen 318 School El Dorado KS 67042	2	Lot 11 Block 10	Area	10,515.00	S.F.	\$4,737.80
		Township Village Addition	Drives	0.0	S.Y.	
		318 School				
		El Dorado KS 67042				
		212 04 0 00 23 006 00 0	TOTAL			\$4,737.80
Richard Srna Shirley Srna 312 School El Dorado KS 67042	3	Lot 10 Block 10	Area	10,508.0	S.F.	\$4,734.65
		Township Village Addition	Drives	0.0	S.Y.	
		312 School				
		212 04 0 00 23 007 00 0	TOTAL			\$4,734.65
Richard Ammerman Diane Ammerman 640 Hunton El Dorado, KS 67042	4	Lot 9 Block 10	Area	12,698.0	S.F.	\$5,721.41
		Township Village Addition	Drives	51.0	S.Y.	\$2,550.00
		302 School				
		212 04 0 00 23 008 00 0	TOTAL			\$8,271.41
Donald Duvall Debora Duvall 301 Simpson El Dorado, KS 67042	5	Lot 8 Block 10	Area	12,740.0	S.F.	\$5,740.33
		Township Village Addition	Drives	21.0	S.Y.	\$1,050.00
		301 Simpson				
		212 04 0 00 23 009 00 0	TOTAL			\$6,790.33
Jennifer Corkill 315 Simpson El Dorado KS 67042	6	Lot 7 Block 10	Area	10,500.0	S.F.	\$4,731.04
		Township Village Addition	Drives	0.0	S.Y.	
		315 Simpson				
		212 04 0 00 23 010 00 0	TOTAL			\$4,731.04
Barry Mohler Susan Mohler 333 Simpson El Dorado KS 67042	7	Lots 5 & 6 Block 10	Area	21,000.0	S.F.	\$9,462.08
		Township Village Addition	Drives	0.0	S.Y.	
		333 Simpson				
		212 04 0 00 23 011 00 0	TOTAL			\$9,462.08
Eugene Hanson Deborah Zager 320 Simpson	8	Lots 11 & 12 Block 11	Area	19,950.0	S.F.	\$8,988.98
		Township Village Addition	Drives	0.0	S.Y.	
		320 Simpson				
		212 04 0 00 22 005 00 0	TOTAL			\$8,988.98

Austin Prewitt Ulala Prewitt 302 Simpson El Dorado KS 67042	9	Lots 9 & 10 Block 11 Township Village Addition 302 Simpson 212 04 0 00 22 006 00 0	Area Drives TOTAL	22,091.0 35.0 	S.F. S.Y. 	\$9,953.66 \$1,750.00 \$11,703.66
	10	Lot 8 Block 11 Township Village Addition 301 Hunton 212 04 0 00 22 007 00 0	Area Drives TOTAL	12,130.0 0.0 	S.F. S.Y. 	\$5,465.48 \$5,465.48
	11	Lot 7 Block 11 Township Village Addition 311 Hunton 212 04 0 00 22 008 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
Donald May Karen May 1635 NW Hwy 196 El Dorado, KS 67042	12	Lot 6 Block 11 Township Village Addition 317 Hunton 212 04 0 00 22 009 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
	13	Lot 5 Block 11 Township Village Addition 325 Hunton 212 04 0 00 22 010 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
	14	Lot 12 Block 12 Township Village Addition 324 Hunton 212 04 0 00 21 006 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
Sandra Dunn 320 Hunton El Dorado, KS 67042	15	Lot 11 Block 12 Township Village Addition 320 Hunton 212 04 0 00 21 007 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
	16	Lot 10 Block 12 Township Village Addition 312 Hunton 212 04 0 00 21 008 00 0	Area Drives TOTAL	9,975.0 0.0 	S.F. S.Y. 	\$4,494.49 \$4,494.49
	17	Lot 9 Block 12 Township Village Addition 302 Hunton 212 04 0 00 21 009 00 0	Area Drives TOTAL	12,170.0 38.0 	S.F. S.Y. 	\$5,483.50 \$1,900.00 \$7,383.50

Sutherland Lumber Tallgrass LLC 3008 W Main St Jenks, OK 74037	18	2850 W Central 212 04 0 00 25 001 00 0	Area Drives TOTAL	240,772.0 51.0	S.F. S.Y.	\$107,079.51 \$2,550.00 \$109,629.51
USD 375 PO Box 9 Towanda, KS 67144	19	2700 W 6th 212 04 0 00 08 001 00 0	Area Drives TOTAL	212,086.0 21.0	S.F. S.Y.	\$94,321.87 \$1,050.00 \$95,371.87
Danny Anderson Patricia Anderson 520 School Rd El Dorado, KS 67042	20	Lot 14 Block 8 Township Village Addition 520 School Rd 212 04 0 00 13 002 00 0	Area Drives TOTAL	11,288.0 48.0	S.F. S.Y.	\$5,020.16 \$2,400.00 \$7,420.16
Cristin Cox 512 School Rd El Dorado, KS 67042	21	Lot 13 Block 8 Township Village Addition 512 School Rd 212 04 0 00 13 003 00 0	Area Drives TOTAL	11,288.0 0.0	S.F. S.Y.	\$5,020.16 \$5,020.16
Danny Shipman Linda Shipman 502 School Rd El Dorado, KS 67042	22	Lot 12 Block 8 Township Village Addition 502 School Rd 212 04 0 00 13 004 00 0	Area Drives TOTAL	11,288.0 0.0	S.F. S.Y.	\$5,020.16 \$5,020.16
Sean Schwartz Cynthia Schwartz 415 Village Ln Eureka, KS 67045	23	Lot 11 Block 8 Township Village Addition 428 School Rd 212-04-0-00-13-005.00-0	Area Drives TOTAL	5,655.0 0.0	S.F. S.Y.	\$2,514.97 \$2,514.97
Eddie Simmons 427 Simpson Rd El Dorado, KS 67042	24	Lot 4 Block 8 Township Village Addition 427 Simpson Rd 212-04-0-00-13-012.00-0	Area Drives TOTAL	5,600.0 0.0	S.F. S.Y.	\$2,490.51 \$2,490.51
Teddi Pope 501 Simpson El Dorado, KS 67042	25	Lot 3 Block 8 Township Village Addition 501 Simpson 212 04 0 00 13 013 00 0	Area Drives TOTAL	11,200.0 0.0	S.F. S.Y.	\$4,981.02 \$4,981.02
Taci Anderson 511 Simpson El Dorado, KS 67042	26	Lot 2 Block 8 Township Village Addition 511 Simpson 212 04 0 00 13 014 00 0	Area Drives TOTAL	11,200.0 0.0	S.F. S.Y.	\$4,981.02 \$4,981.02

27	Brian Bauer 519 Simpson El Dorado, KS 67042	Lot 1 Block 8	Area	11,200.0	S.F.	\$4,981.02
		Township Village Addition	Drives	21.0	S.Y.	\$1,050.00
		519 Simpson				
		212 04 0 00 13 001 00 0	TOTAL			\$6,031.02
28	David Richard Denise Richard 520 Simpson El Dorado, KS 67042	Lot 14 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		520 Simpson				
		212 04 0 00 14 002 00 0	TOTAL			\$4,731.97
29	Chad Carter Madeleine Carter 512 Simpson El Dorado, KS 67042	Lot 13 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		512 Simpson				
		212 04 0 00 14 003 00 0	TOTAL			\$4,731.97
30	Vincent Lara Cherlynn Lara 502 Simpson El Dorado, KS 67042	Lot 12 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		502 Simpson				
		212 04 0 00 14 004 00 0	TOTAL			\$4,731.97
31	Reed Campbell Darci Campbell 428 Simpson Rd El Dorado KS 67042	Lot 11 Block 9	Area	5,320	S.F.	\$2,365.99
		Township Village Addition	Drives	0	S.Y.	
		428 Simpson				
		212 04 0 00 14 004 01 0	TOTAL			\$2,365.99
32	Dana Jordan 425 Hunton El Dorado, KS 67042	Lots 4, 5 Block 9	Area	5,320	S.F.	\$2,365.99
		Township Village Addition	Drives		S.Y.	
		425 Hunton				
		212 04 0 00 14 009 00 0	TOTAL			\$2,365.99
33	Dana Jordan 425 Hunton El Dorado, KS 67042	Lot 3 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		425 Hunton				
		212 04 0 00 14 010 00 0	TOTAL			\$4,731.97
34	Flint Hills Grass & Cattle LLC 218 E Central Ave El Dorado KS 67042	Lot 2 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		511 Hunton				
		212 04 0 00 14 011 00 0	TOTAL			\$4,731.97
35	Raymond Pile Brenda Pile 224 N 10th St Fredonia, KS 66736	Lot 1 Block 9	Area	10,640.0	S.F.	\$4,731.97
		Township Village Addition	Drives	0.0	S.Y.	
		515 Hunton				
		212 04 0 00 14 001 00 0	TOTAL			\$4,731.97

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON JANUARY 4, 2021**

The governing body met in regular session at the usual meeting place in the City, at 6:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

Thereupon, there was presented a Resolution entitled:

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).

Thereupon, Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____.

Nay: _____.

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. _____ and was signed by the Mayor and attested by the City Clerk.

* * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of El Dorado, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

RESOLUTION NO. _____

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).

WHEREAS, K.S.A. 12-6a01 *et seq.* (the “Act”) authorizes the governing body of any city to make or cause to be made municipal works or improvements which confer a special benefit upon property within a definable area of the city and the levying and collecting of special assessments upon property in the area deemed by the said governing body to be benefited by such improvements for special benefits conferred upon such property by any such improvements and to provide for the payment of all or any part of the costs of the improvements out of the proceeds of such special assessments; and

WHEREAS, the Act provides that before any contract is let or any work is ordered or authorized for an improvement, the governing body shall by resolution direct and order a public hearing on the advisability of the improvement, and to give notice of the hearing by not less than two (2) publications in a newspaper, such publications to be a week apart and at least three (3) days shall elapse between the last publication and the hearing; and such notice shall be given as to (a) the time and place of the hearing; (b) the general nature of the proposed improvements; (c) the estimated or probable cost of the proposed improvements; (d) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (e) the proposed method of assessment; and (f) the proposed apportionment of the cost between the improvement district and the city at large; and

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”), hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of a certain improvement in the City pursuant to the authority of the Act; and further to provide for the giving of notice of said hearing in the manner required by the Act.

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

Section 1. Public Hearing. It is hereby authorized, ordered and directed that the governing body of the City, shall hold a public hearing on the advisability of the following described improvements (the “Improvements”):

Paving 5th Avenue (School Rd. to Hunton Rd.) 2nd Avenue (School Rd. to Diagonal Rd.) (Township Village), to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

Such public hearing will be held on February 15, 2021, at 6:30 P.M. or as soon thereafter as may be possible, at 220 E. 1st Avenue, under the authority of the Act.

Section 2. Notice of Hearing. The City Clerk is hereby authorized, ordered and directed to give notice of said public hearing by publication of a Notice of Public Hearing substantially in the form attached hereto as ***Exhibit A*** two (2) times in the official City newspaper, such publications to be one (1) week apart, and the last publication to be at least three (3) days prior to the date of the hearing.

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ADOPTED by the governing body of the City on January 4, 2021.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the City adopted by the governing body on January 4, 2021, as the same appears of record in my office.

DATED: January 4, 2021.

City Clerk

EXHIBIT A

(Published in the **Butler County Times-Gazette** on January 16, 2021 and January 23, 2021)

NOTICE OF PUBLIC HEARING

TO: RESIDENTS OF THE CITY OF EL DORADO, KANSAS:

You and each of you are hereby notified that the governing body of the City of El Dorado, Kansas (the “City”), will meet for the purpose of holding a public hearing, as provided by K.S.A. 12-6a01 *et seq.*, at 220 E. 1st Avenue on February 15, 2021, at 6:30 P.M. or as soon thereafter as may be possible. Said public hearing is for the purpose of considering the advisability of making certain hereinafter described improvements.

(a) The general nature of the proposed Improvements (the “Improvements”) are:

Paving 5th Avenue (School Rd. to Hunton Rd.) 2nd Avenue (School Rd. to Diagonal Rd.) (Township Village), to serve the area described as the Improvement District, all in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$435,243.65, exclusive of interest on financing and administrative and financing costs; said estimated cost to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Improvements.

(c) The extent of the proposed improvement district (the “Improvement District”) to be assessed for the cost of the Improvements is:

See **Schedule I** attached hereto.

(d) The method of assessment is: equally per square foot.

In the event all or part of the lots or parcels in the proposed Improvement District are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. In the event that unplatted property within the Improvement District is platted after adoption of a resolution authorizing the Improvements, each platted lot shall be equally assessed for the costs associated with the unplatted property. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) The apportionment of the cost of the Improvements between the Improvement District and the City-at-large is: 87% or approximately \$379,307.47 to be assessed against the Improvement District and 13% or approximately \$55,936.18 to be paid by the City-at-large.

The public hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the Improvements, the general nature of the Improvements, the estimated cost of the Improvements, the boundaries of the Improvement District, the method of assessment, and the apportionment of the costs between the Improvement District and the City-at-large, all to be as finally determined by the governing body; **provided**, however, that the area of the Improvement District to be assessed for the costs of the Improvements as finally determined may be less

than, but shall not exceed, the area proposed to be assessed as described above without giving notice of and holding a new hearing on the advisability of the proposed Improvements.

ALL PERSONS DESIRING TO BE HEARD WITH REFERENCE TO THE PROPOSED IMPROVEMENTS SHALL BE HEARD AT THE PUBLIC HEARING.

DATED: January 4, 2021.

/s/ Tabitha Sharp, City Clerk

SCHEDULE I

PROPERTY DESCRIPTION

PAVING 5th AVENUE (SCHOOL RD. TO HUNTON RD.) AND 2ND AVENUE (SCHOOL RD. TO DIAGONAL RD.) (TOWNSHIP VILLAGE)

Lot 12 Block 10	Township Village Addition
Township Village Addition	301 Hunton
328 School	
Lot 11 Block 10	Lot 7 Block 11
Township Village Addition	Township Village Addition
318 School	311 Hunton
El Dorado KS 67042	
Lot 10 Block 10	Lot 6 Block 11
Township Village Addition	Township Village Addition
312 School	317 Hunton
Lot 9 Block 10	
Township Village Addition	Lot 5 Block 11
302 School	Township Village Addition
Lot 8 Block 10	325 Hunton
Township Village Addition	
301 Simpson	Lot 12 Block 12
Lot 7 Block 10	Township Village Addition
Township Village Addition	324 Hunton
315 Simpson	
Lots 5 & 6 Block 10	Lot 11 Block 12
Township Village Addition	Township Village Addition
333 Simpson	320 Hunton
Lots 11 & 12 Block 11	
Township Village Addition	Lot 10 Block 12
320 Simpson	Township Village Addition
Lots 9 & 10 Block 11	312 Hunton
Township Village Addition	
302 Simpson	Lot 9 Block 12
Lot 8 Block 11	Township Village Addition
	302 Hunton
	Lot 1, Block 1 Matlock & Johnson Addition to the City of El Dorado, in Butler County Kansas 2850 W Central
	A tract of land in the Northeast Quarter of the Northwest Quarter of Section 4, Township 26 South, Range 5 East, Butler County, Kansas, described as follows: Beginning 687 feet West and 650 feet North of the Southeast corner of

said Northeast Quarter of the Northwest Quarter; thence West parallel to and 650 feet distant from the South line of said Northeast Quarter of the Northwest Quarter a distance of 607.23 feet to a point 30 feet East of the West line of said Northeast Quarter of the Northwest Quarter; thence North parallel to and 30 feet distant from said East line, a distance of 524.26 feet to a point on the Southerly right-of-way line of a public road and being 158.65 feet South of the North line of said Section 4; thence Northeasterly along said right-of-way line a distance of 56.75 feet; thence continuing Northeasterly with a deflection angle of 23° 2' right, a distance of 194.05 feet; thence North with a deflection angle of 66° 58' left, a distance of 41.75 feet to the North line of said Section 4; thence East along the North line of said Section 4, a distance of 389.47 feet; thence South and parallel to the East line of said Northeast Quarter of the Northwest Quarter a distance of 683.50 feet to the point of beginning.

2700 W 6th

Lot 14 Block 8
Township Village Addition
520 School Rd

Lot 13 Block 8
Township Village Addition
512 School Rd

Lot 12 Block 8
Township Village Addition
502 School Rd

Lot 11 Block 8
Township Village Addition
428 School Rd

Lot 4 Block 8
Township Village Addition
427 Simpson Rd

Lot 3 Block 8
Township Village Addition
501 Simpson

Lot 2 Block 8
Township Village Addition
511 Simpson

Lot 1 Block 8
Township Village Addition
519 Simpson

Lot 14 Block 9
Township Village Addition
520 Simpson

Lot 13 Block 9
Township Village Addition
512 Simpson

Lot 12 Block 9
Township Village Addition
502 Simpson

Lot 3 Block 9
Township Village Addition
425 Hunton

Lot 2 Block 9
Township Village Addition
511 Hunton

Lot 1 Block 9
Township Village Addition
515 Hunton

Lot 11 Block 9
Township Village Addition
428 Simpson

Lots 4, 5 Block 9
Township Village Addition
425 Hunton

TO: City Commission
FROM: Scott Rickard
SUBJ: Evergy Transmission Easement (Wetlands and Water Reclamation Facility)
DATE: December 23, 2020

Background:

Evergy is proposing to rebuild an existing overhead transmission line through property that the City of El Dorado owns adjacent to the Wetlands and Water Reclamation Facility. Evergy's project known as the Butler to Otter Creek rebuild is anticipated to begin in 2024. Currently today a 50' wide easement traverses our property for the existing transmission line. With the proposed rebuild Evergy is requesting that the existing easement go from 50' in width to 125'. Attached you will find maps and grant of right of way documents.

Project Schedule:

Construction would begin sometime in 2024

Policy Issue:

Authorize the Mayor to grant the additional easement width.

Fiscal Impact:

Evergy has offered the City of El Dorado \$5,000 per acre for the grant of an easement. Across our property the additional width in easement equals 5.78 acres.

\$5,000 per acre X 5.78 acres	= \$28,900
+ \$2,500 ROW rate	<u>\$ 2,500</u>
Total Offer	\$31,400

Trade-offs:

The Commission could decide to reject the offer and elect a different means of mediation to arrive at a settlement.

Staff Recommendation:

Accept the offer and authorize the Mayor the grant the easement

Commission Actions:

Commissioner _____ 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 _____ seconded the motion.

[Return to Agenda](#)

Pt of the SE/4, NE/4, SW/4 S11-T26S-R05E

GRANT OF RIGHT OF WAY

For and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **The City of El Dorado, Kansas, a municipal corporation**, (“Grantor”) do hereby grant, convey and warrant unto **Evergy Kansas South, Inc., a Kansas corporation, a wholly owned subsidiary of Evergy Kansas Central, Inc.**, its successors, assigns and lessees, (“Grantee”) the right and easement to alter, conduct surveys, construct, erect, inspect, install, maintain, operate, rebuild, reconstruct, relocate, remove, renew, repair and replace electric and communication transmission and distribution lines and their appurtenances under varying conditions of operation, including the poles, towers, anchors, guys, crossarms, insulators, conductors, conduit, ducts, cables, and other fixtures and equipment appurtenant thereto for the transmission and/or distribution of electric energy and communications in, along, under, across, and over the Grantor Real Property on a strip of land particularly described in Exhibit “A” attached hereto and made part of this instrument by reference (“Right of Way”) (individually and in any combination referred to as the “Rights”), together with the right of ingress to and egress from the Right of Way on the Grantor Real Property and contiguous land owned by Grantor for the purpose of Grantee exercising the Rights (“Access Rights”). Grantee shall exercise the Rights and Access Rights in a reasonable and appropriate manner as determined in its good faith and when practicable, use existing roads and lanes. The “Grantor Real Property” is that certain real property owned by Grantor and described as:

Parcel 1:

The Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter EXCEPT a tract described as follows: Beginning at the Northwest Corner of the Northeast Quarter of the Southwest Quarter of Section Numbered 11, thence East 23 rods 6.5 links to the West bank of the Walnut River; thence South 14° West along the West Bank of said Walnut River to a point 40 rods South and 16 rods East of beginning; thence East 4 rods to

the center of the Walnut River; thence along the center of said river to the South line of the Northeast Quarter of the Southwest Quarter of said Section Numbered 11; thence West to the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section Numbered 11; thence North to the point of beginning of excepted tract; all in Township Numbered 26 South, Range Numbered 5 East of the 6th P.M. in Butler County, Kansas.

Parcel 2:

The Northeast Quarter of the Southeast Quarter of Section Numbered 11, Township Numbered 26 South, Range Numbered 5 East, of the 6th P.M., EXCEPT Beginning at the Northeast Corner of said Southeast Quarter; thence West 42 rods; thence South 80 rods; thence East 42 rods; thence North 80 rods to the point of beginning of excepted tract; AND EXCEPT beginning at a point on the North line, 262.5 feet East of the Northwest corner of said Northeast Quarter of the Southeast Quarter section, said North line having an assumed bearing of North 89°45' East; thence North 89°45' East along said North line to the West Line of the East 42 rods of said Quarter Section; thence South 01°20' East, 468.2 feet along said West line; thence North 37°26' West, 63.0 feet; thence North 44°21' West, 411.0 feet; thence North 27°28' West to the place of beginning of excepted tract; all in Butler County, Kansas.

Parcel 3:

Commencing at the Southwest Corner of the East half of the Northeast Quarter of Section Numbered 11, Township Numbered 26 South, Range Numbered 5 East, of the 6th P.M.; thence East 20 rods 10 feet to the center of road; thence Northwesterly along the center of said road 34 rods 12 feet; thence West 8 rods; thence South 34 rods 8 feet to the point of beginning, in Butler County, Kansas EXCEPT

Beginning at a point on the South line, 262.5 feet East of the Southwest corner of said East Half of the Northeast Quarter Section, said South line having an assumed bearing of North 89°45' East; thence North 89°44' East along said South line to the center of the existing highway; thence on a curve of 1,909.86 feet radius to the right, along said centerline, and arc distance of 216.3 feet with a chord which bears North 27°43' West, 216.2 feet; thence North 24°28' West, 356.7 feet along said centerline; thence North 70°06' West, 111.9 feet; thence South 24.28' East, 125.4 feet; thence South 34°28' East, 172.6 feet; thence South 12°58' East, 239.5 feet; thence South 27°28' East to the place of beginning of excepted tract. Subject to public road.

Parcel 4:

All that part of the East 42 rods of the Northeast Quarter of the Southeast Quarter of Section Numbered 11, Township Numbered 26 South, Range Numbered 5 East of the 6th P.M., lying South and West of Highway Numbered 77, EXCEPT Beginning at a point on the Southwesterly right of way line of the existing highway which point is North 54°06' West, 443.7 feet from the Southeast corner of said Northeast Quarter of the Southeast Quarter section, the South line of said Northeast Quarter of the Southeast Quarter Section having an assumed bearing of South 89°43' West; First Course, thence North 15°31' West, 249.7 feet along said right of way line; Second Course, thence North 37°26' West along said right of way line to the West line of said East 42 rods of the Northeast Quarter of the Southeast Quarter Section; Third Course, Thence South 01°20' East, 25.5 feet along said West line; Fourth Course, thence South 37°26' East, 287.0 feet; Fifth Course, thence South 26°17' East to the place of beginning of excepted tract, in Butler County, Kansas.

Parcel 5:

Beginning at a point of Intersection of the West line of the Southwest Quarter, Section 11-T26S-R5E in Butler County, Kansas, with the Easterly right-of-way line of the Atchison, Topeka & Santa Fe Railroad, thence S0°30'52" E 95.65 feet, thence N90°0'E and parallel to the North line of said Southwest Quarter a distance of 569.39 feet, thence S51°11'E 746.48 feet to the centerline of the Walnut River, thence Northeasterly along the said centerline to a point 330 feet East and 660 feet South of the Northwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 11, thence West 66 feet to the West bank of said River, thence Northerly along said West bank 670.78 feet to the North line of said Southwest Quarter thence West 383.79 feet to the Northwest Corner of said Northeast Quarter, Southwest Quarter, thence continuing West on said North line 413.33 feet to its intersection with the Easterly right-of-way line of the said Railroad, thence Southwesterly along said right-of-way line 1446.01 feet to the point of beginning.

Parcel 6:

That part of the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 11, Township 26 South, Range 5 East of the 6th P.M., lying South of the Walnut River and West of the Highway EXCEPT beginning on the center line of the El Dorado-Augusta paved road at Station 11-32, approximately 310 feet West and 1110 feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 11; South 68

degrees 20 minutes West 250 feet; South 15 degrees 54 minutes East 566 1/2 feet; North 68 degrees 20 minutes East 337.7 feet to a point on the center line of the above mentioned paved road at Station 17-78; North 23 degrees 25 minutes West 696 feet to beginning of excepted tract EXCEPT a tract of land in the West Half of the Northeast Quarter of Section 11, Township 26 South, Range 5 East of the 6th P. M., described as follows: Beginning at a point on the East line 638.2 feet North of the Southeast Corner of said West Half of the Northeast Quarter, said East line having an assumed bearing of North 01 degree 05 minutes West; thence North 01 degree 05 minutes West 201.5 feet along said East line to the centerline of existing highway; thence North 24 degrees 28 minutes West 147.2 feet along said centerline; thence South 67 degrees 17 minutes West 80.0 feet; thence South 24 degrees 28 minutes East to the place of beginning EXCEPT a tract of land in the West Half of the Northeast Quarter of Section 11, Township 26 South, Range 5 East of the 6th P.M., described as follows: Beginning at a point on the centerline of the existing highway, which point is South 14 degrees 55 minutes West 1142.4 feet from the Northeast Corner of said West Half of the Northeast Quarter, the East line of said West Half of the Northeast Quarter having an assumed bearing of North 01 degree 05 minutes West; thence South 67 degrees 17 minutes West 54.6 feet; thence North 22 degrees 12 minutes West 321.0 feet; thence North 10 degrees 36 minutes West 311.2 feet; thence North 04 degrees 10 minutes East to the center of Walnut River 80.8 feet West, measured at right angles from the centerline of said existing highway; thence Easterly along said river centerline to the centerline of said existing highway; thence South and Southeasterly along said centerline to the place of beginning

In the exercise of the Rights and Access Rights, Grantee shall have the further right to erect and use gates in all fences that cross or obstruct the Access Rights or that shall hereafter cross or obstruct the Access Rights on the Grantor Real Property or contiguous land owned by Grantor, and also have the right to trim, remove, eradicate, cut and clear away any trees, limbs, brush and vines ("Woody Vegetation") on or adjoining the Right of Way or on routes exercised as Access Rights now or at any future time whenever in its judgment such Woody Vegetation will interfere with or endanger the exercise of the Rights or the Access Rights. All such Woody Vegetation shall be burned or removed by the Grantee unless otherwise agreed to by Grantor.

The Grantor, its heirs, successors, assigns and lessees, may cultivate, use and enjoy the Right of Way, provided such use shall not, in the reasonable judgment of Grantee, interfere with or endanger the Rights, and provided further that no improvements, buildings or structures shall

be located, constructed or otherwise placed on the Right of Way without the prior written consent of the Grantee, which consent shall not be unreasonably withheld.

In the event Grantee causes damage to Grantor or the Grantor Real Property from the exercise of the Rights or Access Rights, Grantee shall either cause the physical, material damage to be repaired or pay Grantor the reasonable cost of such work; said damages, if not mutually agreed upon, shall be appraised, ascertained and otherwise valued by three disinterested persons, one of whom shall be selected by each, Grantor and Grantee, their heirs or successors, assigns or lessees, and the third by the two so selected. The damages determined by such persons, or a majority of them, shall be conclusive. This shall be Grantee's only liability for damage.

This grant shall be binding upon the heirs, successors and assigns of the Grantor and shall otherwise run with the land.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

WITNESS the hand of the Grantor this _____ day of _____, 20____.

The City of El Dorado, Kansas, a municipal corporation

By: _____
Bill Young, Mayor

By: _____

Name: _____

Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

ACKNOWLEDGMENT

On this _____ day of _____, 20_____, before me,
_____, a Notary Public in and for said County and State aforesaid,
personally appeared Bill Young, Mayor and _____
of The City of El Dorado, Kansas, a municipal corporation and did say that said instrument was
signed and delivered in the name and on behalf of said entity acknowledge said instrument to be
the free and voluntary act and deed of said entity.

WITNESS my hand and seal the day and year last above written.

Notary Public

Print Name Here

My appointment expires:

EXHIBIT A
SHEET 1 OF 2

PERMANENT EASEMENT

EASEMENT DESCRIPTION

Two tracts of land in a portion of the Southeast Quarter and the Southwest Quarter both in Section 11, Township 26 South, Range 5 East of the Sixth Principal Meridian, Butler County, Kansas, being described as follows:

TRACT NO. 1

Commencing at the southwest corner of said Southeast Quarter; thence N89°28'28"E (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the south line of said Southeast Quarter a distance of 211.10 feet to the Point of Beginning; thence continuing N89°28'28"E a distance of 237.21 feet; thence N58°43'34"W a distance of 531.44 feet to the west line of said Southeast Quarter; thence continuing N58°43'34"W in said Southwest Quarter of Section 11 a distance of 2870.73 feet to the east right of way line of the Atchison, Topeka & Santa Fe Railroad; thence S38°04'46"W along said east right of way line a distance of 125.89 feet; thence S58°43'34"E a distance of 2965.24 feet to the east line of said Southwest Quarter; thence continuing S58°43'34"E in said Southeast Quarter a distance of 250.24 feet to the Point of Beginning.

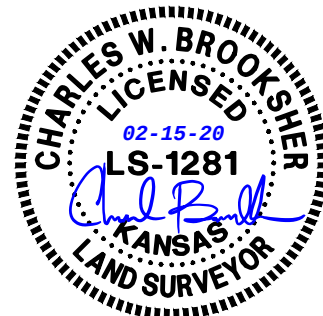
Tract No. 1 Encompassing 413,603 Sq. Ft. or 9.50 acres more or less.

It being the intent of this instrument to extend the easement to include that land now lying in road/railroad right of way to which would revert in case of vacation or abandonment thereof said land being more particularly described as:

TRACT NO. 2

Commencing at the southwest corner of said Southeast Quarter; thence N89°28'28"E (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the south line of said Southeast Quarter a distance of 211.10 feet; thence continuing N89°28'28"E a distance of 237.21 feet; thence N58°43'34"W a distance of 531.44 feet to the west line of said Southeast Quarter; thence continuing N58°43'34"W in said Southwest Quarter of Section 11 a distance of 2870.73 feet to the east right of way line of the Atchison, Topeka & Santa Fe Railroad also being the Point of Beginning; thence continuing N58°43'34"W a distance of 50.35 feet to the centerline of said railroad right of way; thence S38°04'46"W along said centerline a distance of 125.89 feet; thence S58°43'34"E a distance of 50.35 feet to said east right of way line; thence N38°04'46"E along said east right of way line a distance of 125.89 feet to the Point of Beginning.

Tract No. 2 Encompassing 6,294 Sq. Ft. or 0.14 acres more or less.



Prepared by: Charles W. Brooksher PS #1281
PEC Project No. 199030-015



BUTLER TO OTTER CREEK
PERMANENT EASEMENT



COUNTY

TRACT NO.

PROJ. NO. 19-066

BUTLER

BU204

DATE: FEB. 10, 2020

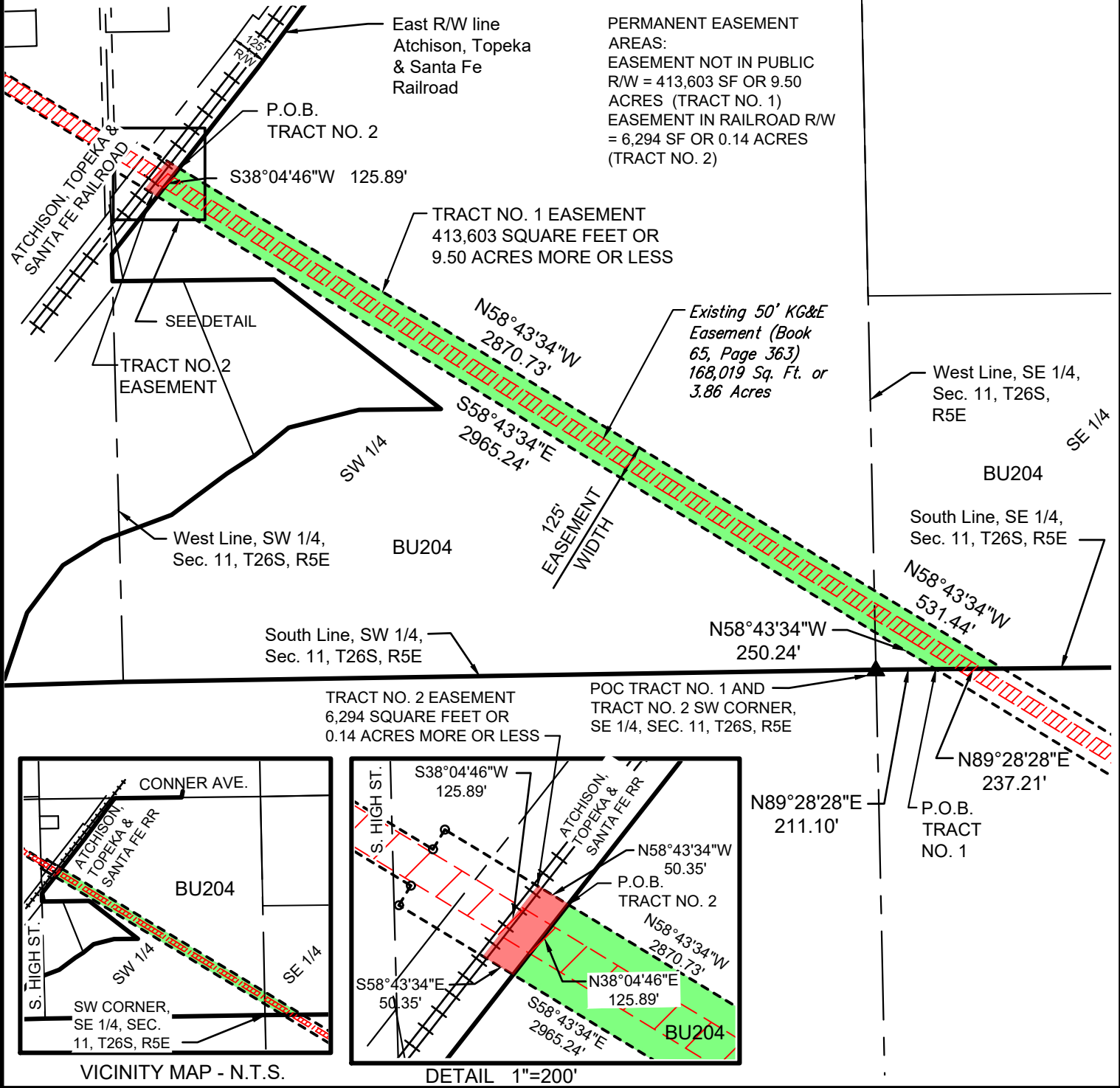
LEGEND

EXHIBIT A SHEET 2 OF 2

This Sketch has been prepared for Easement Exhibit purposes only, and does not constitute a Boundary Survey. Distances and Bearings are based on Kansas Coordinate System NAD 83(2011) South Zone.



- SECTION LINE
- PROPERTY LINE
- ROAD R/W LINE
- - - EASEMENT LINE
- - - EASEMENT LINE PI
- EASEMENT IN PUBLIC R/W
- EASEMENT NOT IN PUBLIC R/W
- EASEMENT IN RAILROAD R/W
- EXISTING EASEMENT



PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
 303 SOUTH TOPEKA WICHITA, KS 67202
 316-262-2691 www.pec1.com

BUTLER TO OTTER CREEK
 PERMANENT EASEMENT



COUNTY
 BUTLER

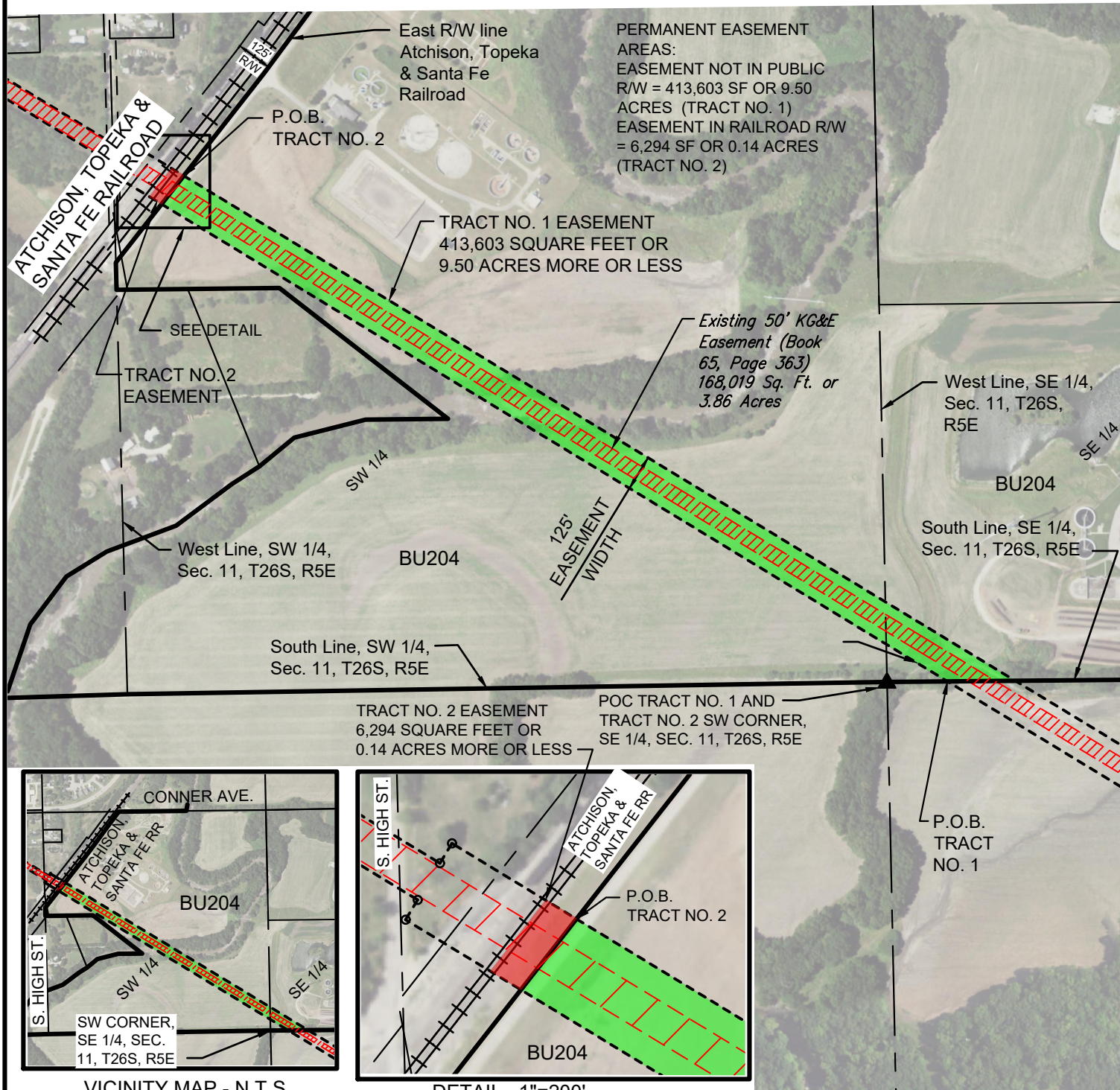
TRACT NO.
 BU204

PROJ. NO. 19-066
 DATE: FEB. 10, 2020

LEGEND

EXHIBIT B SHEET 1 OF 1

- SECTION LINE
- PROPERTY LINE
- ROAD R/W LINE
- - - EASEMENT LINE
- - - EASEMENT LINE PI
- EASEMENT IN PUBLIC R/W
- EASEMENT NOT IN PUBLIC R/W
- EASEMENT IN RAILROAD R/W
- EXISTING EASEMENT



VICINITY MAP - N.T.S.

DETAIL 1"=200'



PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 SOUTH TOPEKA WICHITA, KS 67202
316-262-2691 www.pec1.com

BUTLER TO OTTER CREEK
PERMANENT EASEMENT WITH AERIAL



COUNTY

BUTLER

TRACT NO.

BU204

PROJ. NO. 19-066

DATE: FEB. 10, 2020

Vendor # _____

INV # 43027



RIGHT OF WAY SETTLEMENT

Owner The City of El Dorado, Kansas

☐ Multiple owner 100 % Agent Stacy A Jones

Project Name Butler to Otter Creek (Greenwood)

Project # 19-061 Line # _____ Tract # BU204

Qtr SW, Section 11, Twp 26 S, Rng 5 E/W X, Butler County, KS

Or Lot n/a, Block n/a, Subdivision n/a, City n/a

The owner has agreed to the sum of \$ 31,400.00 in full settlement and consideration for a fully executed easement.

☒ IRS Form W-9 attached

Owner's Signature _____ Date _____

Phone Number _____

Evergy Remarks:

Check To: **OFFICE USE ONLY** Check Needed Due Upon Receipt

Name: The City of El Dorado, Kansas

Address: 220 E 1st Ave

City, State, Zip: El Dorado, Kansas 67042-2003

Amount 31,400.00

REMIT R/W

Approved by: _____ Bus Unit _____ Oper. Unit _____

Date: _____ Acct _____ Resource _____

Dept _____ Proj _____

Work ID _____

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of
U.S. person ►

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)
Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

TO: City Commission
FROM: Engineering Department
SUBJ: Application to Rezone 2242 and 2278 SE Highway 54
DATE: December 14th, 2020

Background:

The Planning Commission held a public hearing on November 19th, 2020, to review an application to rezone 1.4 acres at 2242 and 2278 SE Highway 54 from Manufactured Home Park Residential District (M-P) to General Business District (C-1). The Planning Commission voted to recommend approval of the rezoning application (7-0). The property is located within El Dorado's Extraterritorial Jurisdiction (ETJ). On November 17th, 2020, the Butler County Commission reviewed the proposal and voted to recommend approval of the Special Use Permit.

Attachments:

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

Policy Issue:

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

Fiscal Impact:

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

Trade-offs:

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

Staff Recommendation:

Approve the rezoning application.

Commission Actions:

Commissioner _____ moved to approve Case No. 20-05-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 _____ seconded the motion.

Roll Call Vote

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

[Return to Agenda](#)



EL DORADO

THE FINE ART OF LIVING WELL

PLANNING COMMISSION MINUTES - DRAFT

November 19th, 2020

6:30p.m.

1. CALL TO ORDER & ROLL CALL

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

Members Present

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

Staff Present

Jay Shivers

Visitors

Greg Drechsler

2. APPROVAL OF MINUTES

Commissioner Stewart moved to approve the minutes of the October 22nd, 2020, meeting, seconded by Commissioner Leason. The motion passed (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 20-05-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE 2242 AND 2278 SE HIGHWAY 54 FROM M-P MANUFACTURED HOME PARK RESIDENTIAL DISTRICT TO C-1 GENERAL BUSINESS DISTRICT.

1. Presentation of Request

Mr. Shivers reviewed the staff report. Mr. Shivers said the City has land use authority in the ETJ and the Butler County Commission voted unanimously to recommend approval of this rezoning request.

Greg Drechsler, applicant, said he'd like to remove the home on the property and build a building for storage units. Mr. Drechsler talked about his plan for storage units and said he would use the existing access drives to the highway.

Chairman Tetrick asked about notifications. Mr. Shivers said he sent a lot of letters, state law requires staff to send notices to all property owners within 1,000 feet of the subject property in an unincorporated area. Mr. Shivers said he didn't receive any calls or letters in response. Mr. Drechsler said he spoke with his neighbors.

2. Public Hearing

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

3. Discussion by Planning Commission

Commissioner Watson asked about storage on the property. Mr. Shivers said C-1 allows storage. He said if the rezoning is approved, he will submit a site plan and permit application to Butler County.

4. Motion

Commissioner Stewart moved to recommend approval of Case No. 20-05-REZ, an application by Greg Drechsler, to rezone 2242 and 2278 SE Highway 54, from M-P Manufactured Home Park Residential District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing, seconded by Commissioner Leason.

Roll Call Vote

Commissioner Fellers	Y
Commissioner Leason	Y
Commissioner Long	Y
Commissioner McLaren	Y
Commissioner Stewart	Y
Chairman Tetrick	Y
Commissioner Watson	Y

The motion to recommend approval passed (7-0).

4. OLD BUSINESS

5. STAFF ITEMS

Mr. Shivers said the Temple Baptist parking lot Special Use Permit was approved by the City Commission. He also said there would be a meeting on December 17th.

6. ADJOURNMENT

The meeting was adjourned at 6:43pm.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Jay Shivers, AICP, City Planner
CC: Scott Rickard, Engineering Director
RE: Zone Change Application – 2242 and 2278 SE Hwy 54

Greg Drechsler submitted an application to rezone 2242 and 2278 SE Highway 54 from M-P Manufactured Home Park Residential District to C-1 General Business District. C-1 generally allows retail, restaurant, office, self-storage, and limited auto repair uses.

The property is located in the City of El Dorado's Extraterritorial Jurisdiction (ETJ), also known as the Growth Area. The City of El Dorado has jurisdiction over land uses within this area. However, all building permits are issued by Butler County. The City of El Dorado assumed zoning authority in this area in 2009.

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

A) *Character of the neighborhood.* The area consists of low density residential, agriculture, and commercial. The property abuts single-family residential to the north and east, commercial to the west, and agricultural land to the south across Highway 54. This stretch of Highway 54 consists of a mix of commercial, residential, and agricultural uses.

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

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

D) *Suitability of the uses to which the property has been restricted under its existing zoning.* M-P zoning restricts land uses to single-family residential and manufactured home parks.

E) *Length of time property has remained vacant as zoned.* This zoning was in place in 2009 when the City of El Dorado took over zoning jurisdiction in this area.

F) *Compatibility of the proposed district classification with nearby properties.* The proposed zoning is consistent with the current mix of commercial and residential uses along this stretch of Highway 54.

G) *The extent to which the zoning amendment may detrimentally affect nearby properties.* Staff does not anticipate additional detrimental effects on adjacent properties due to the combination of traffic and noise generated by the presence of Highway 54 and other non-residential uses in the area.

H) *Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.* Given the lot's location and access to Highway 54, as well as existing uses and noise as mentioned above, staff does not anticipate a disproportionately great loss to neighboring land owners.

The proposed rezoning conforms to the Comprehensive Plan and Future Land Use Map. The location and road access for this property make it ideal for commercial uses. Staff recommend approval of the rezoning request.

The Butler County Commission will review the case at their November 17th, 2020, regular meeting and vote to make a recommendation.

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

Suggested Motion:

I move to recommend approval of Case No. 20-05-REZ, an application by Greg Drechsler, to rezone 2242 and 2278 SE Highway 54, from M-P Manufactured Home Park Residential District to C-1 General Business District, for reasons stated in the staff recommendation and heard at this public hearing.

An aerial photograph of a rural area. A yellow box highlights two adjacent properties. Two yellow arrows point from a label to these properties. The properties are located north of a road marked with a '54' shield. The surrounding area includes fields, trees, and other buildings.

SUBJECT PROPERTIES

Location Map
2242 and 2278 SE Hwy 54

A-R

M-P

SUBJECT PROPERTIES



M-P

54

A-R

Zoning Map
2242 and 2278 SE Hwy 54



November 17, 2020

Mr. Jay Shivers
City of El Dorado
220 E. 1st Avenue
El Dorado, KS 67042

Ref: Dreschler Zoning Change Request

Dear Jay:

On this date, Tuesday, Nov. 17, the Board of County Commissioners discussed a request by Greg Dreschler to rezone his property from M-P to C-1. After I submitted my staff report for review, Mr. Dreschler addressed the Board and answered the questions concerning his future plans for the property. The Commissioners were comfortable with his proposed plans and directed Staff to send a recommendation of support for the request.

If you have any questions feel free to contact me at 322-4325 and I will be happy to address them.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Alfaro", is written over a horizontal line.

David A. Alfaro
Director

ORDINANCE NO. 1342

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 M-P Manufactured Home Residential District to C-1 General Business District;

WHEREAS, on the 17th day of November, 2020, the Butler County Commission reviewed the rezoning application and voted to recommend approval, and;

WHEREAS, on the 19th day of November, 2020, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning;

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

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

Section 1: That 2242 and 2278 SE Hwy 54 should be and is zoned C-1 General Business District:

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 4th day of November, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED AS TO FORM:

Ashlyn Lindskog, City Attorney