

WORK SESSION AGENDA November 10, 2021

I. Work Session Discussion Items:

- a. [FEMA Building Resilient Communities \(BRIC\) Grant Application](#)
- b. [Legislative Agenda](#)

II. Regular Agenda Preview:

a. Items to be Placed on the Consent Agenda

- i. Meeting Minutes – June 21 Regular Meeting, October 18 Regular Meeting, and October 27 Work Session
- ii. Appropriation Ordinance
- iii. [Orscheln's Industrial Revenue Bond Closing Documents](#)
- iv. [Graham Park Playground Bid](#)

b. Items to be Placed on the Regular Agenda

- i. City Employee Service Awards
- ii. [Hazardous Materials Agreement with Butler County](#)
- iii. [Myers East Addition Public Infrastructure Authorization](#)
- iv. [Park Curfew Ordinance](#)
- v. [Kansas Collegiate Baseball League Agreement](#)
- vi. Sale and Consideration of Bids for G.O. Bonds, Series 2021
- vii. [Request for Special Use Permit for 323 S. Main Street for Public Assembly](#)

c. Items to be Placed on the Land Bank Consent Agenda

- i. Conveyance of Real Property to American Legion Post 81

d. Executive Session

- i. Non-Elected Personnel: City Manager's Annual Evaluation

III. Reports:

- a. City Commission Reports
- b. City Manager Report

EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: FEMA Building Resilient Infrastructure and Communities (BRIC) 2021 Grant Request
DATE: 11/10/2021

Background: In mid-September of this year, City staff submitted a letter of intent to the Kansas Division of Emergency Management to pursue funding through the FEMA Building Resilient Infrastructure and Communities (BRIC) 2021 competitive program for a repetitive loss property mitigation project. This project would allow for the City to complete the acquisition and preservation of all repetitive loss properties within the regulated floodplain. The purchase of these properties would address flood hazards that are listed as a problem area in the Butler County Regional Hazard Mitigation Strategy, which the City adopted in 2019. It further works to respond to the first stated goal of that strategy to reduce or eliminate risk to the people and property of Kansas Region G from the impacts of the identified hazards.

In mid-October of this year, City staff received notification that the City of El Dorado was selected in the BRIC program to move forward with an application to FEMA. This application needs to be completed and submitted no later than 31 December 2021.

Policy Issue: By submitting this application, the City is indicating that it is willing to cost sharing in the approximate amount of \$125,000 for the project should we be selected as a recipient of the grant. This portion of the cost sharing would likely not be expended by the City until late 2022 or early 2023.

Strategic Priority: This issue fits into ongoing efforts by the City to better manage the regulated floodplain. Further, it aligns with the Butler County Regional Hazard Mitigation Strategy, which the City adopted in 2019.

Alternatives:

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

- Submit the application to FEMA.
- Do not submit the application to FEMA.

Fiscal Impact: The total cost of the project is estimated at approximately \$500,000. FEMA's portion of this cost would be approximately \$375,000. The City's portion of this cost would be approximately \$125,000.

Legal Review: This item has not been reviewed by legal counsel.

Trade-offs: Should the commission choose not to move forward with the grant application, the City will continue to work on better managing the regulated floodplain within existing resources and the project could take much longer than if the City is selected as a recipient of the grant.

Staff Recommendation: Staff recommend accepting and approving that City staff move forward with submitting the application to FEMA for the 2021 BRIC program.

Commission Actions: The City Commission has the following options with respect to this issue (*listed in no particular order*):

- **Accept and approve the recommendation as presented by staff.**
- **Modify the recommendation presented by staff.**
- **Deny approval of the proposal.**
- **Request additional information from the City Manager.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

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EL DORADO

KANSAS

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Federal and State Legislative Agenda
DATE: December 15, 2021

The City of El Dorado supports the concept of local home rule, which places accountability and decision making at the level of government closest to the people. Varying demographics and values make it difficult to adopt a “one size fits all” solution to social, economic, and political issues occurring throughout the nation and state. Therefore, the City of El Dorado advocates for a limited federal and state role in the affairs of its citizens.

FEDERAL LEGISLATIVE AGENDA

American Rescue Plan Funds. The City of El Dorado will receive \$1.9 million in federal American Rescue Plan funds in response to the COVID-19 pandemic. The City supports a continued, flexible regulatory framework to allow municipalities to implement the funds in a manner that allows for the best means of local recovery and long-term prosperity as determined by each community. Unnecessary reporting or burdensome regulations will discourage use of funds towards far-reaching efforts that will make communities stronger.

Public Infrastructure Funding. The City supports federal funding programs and initiatives that assist local governments with the provision of essential public services that would otherwise create a significant burden to local residents. The City supports any efforts to streamline federal regulations that discourage the use of federal funds or that significantly increase project cost.

Usefulness and Safety of El Dorado Lake. The City supports any efforts by the U.S. Army Corps of Engineers to make El Dorado safer and more useful to the public who visit the lake for recreational purposes. The City understands that a plan exists that guides the operations and maintenance of the lake.

For example, the plan provides direction on the placement of buoys to mark areas of danger around the lake, particularly around the Shady Creek Marina. The buoys have not been installed for a number of years, making it difficult for boaters to know where underwater trees lurk below the surface. Boaters may damage their watercraft from hitting these hidden dangers. In addition, the City advocates for the removal of underwater deadwood to open up additional recreational boating opportunities and to improve safety for boaters.

The City of El Dorado advocates for the U.S. Army Corps of Engineers to consider opportunities to leverage El Dorado Lake as an economic opportunity for the State of Kansas and the

surrounding region. The federal government, through the U.S. Army Corps of Engineers, legally owns the real property surrounding El Dorado Lake. The City desires to facilitate the development of amenities that capitalize on the lake, such as a destination lodge or other outdoor attractions similar to other Corps lakes. The City of El Dorado supports any efforts by the federal government to allow such development to promote and grow outdoor tourism in El Dorado.

El Dorado Lake Operations and Maintenance (O&M) Expenses. The City of El Dorado receives an annual invoice from the U.S. Army Corps of Engineers concerning operational and maintenance expenses necessary to support El Dorado Lake. The City desires to have a better understanding of the annual capital and maintenance projects done by Corps of Engineers at El Dorado Lake. The City also seeks an opportunity to participate in the planning process for such projects to ensure that its interests are represented. Engagement also allows the City to budget for its O&M expenses over several years.

Lake Debt Forgiveness. The City of El Dorado currently owes \$57 million to the U.S. Army Corps of Engineers for lake storage capacity at El Dorado Lake. This principal amount increases annually by 3.502% until the City activates additional storage space and begins making principal and interest payments. The outstanding obligation represents a debt burden per household of approximately \$12,700. The obligation will increase to over \$400 million by 2081 (equal to nearly \$90,000 per household) if El Dorado does not activate additional storage space and begin making payments before the debt obligation reaches maturity.

Nearly 50% of El Dorado's population is eligible for the free or reduced lunch program, making this debt burden a difficult hurdle to the community's overall prosperity. The City advocates for an opportunity to modify the obligation terms of its inactivated lake storage capacity. For example, changing the compounding interest to simple interest saves El Dorado citizens approximately \$287 million over the remaining life of the debt and makes repayment more tenable. The City also supports opportunities to explore financial relief from the debt burden that will enable the City to invest in its residents instead of diverting much needed resources to the federal government.

Law Enforcement Reform. This past year, law enforcement practices have come under increasing scrutiny throughout the nation. The City supports an assessment of law enforcement practices, although advocates for an approach that considers local context. Many police departments, including the El Dorado Police Department, operate with integrity while serving the community. Federal regulation in law enforcement should provide flexibility that allows communities to implement community-appropriate, equitable strategies that best serve the community's interest.

STATE LEGISLATIVE AGENDA

The City of El Dorado supports the legislative priorities of the League of Kansas Municipalities, especially as it relates to the Home Rule amendment of the Kansas Constitution. The City supports locally elected officials making decisions on behalf of their communities, particularly over local tax and revenue decisions. To that end, the City of El Dorado supplements the

League's Statement of Municipal Policy with an emphasis on the following local legislative priorities.

Transportation Funding. The City of El Dorado supports efforts to fund transportation projects to maintain and enhance the State's transportation system. The City appreciates funding presently appropriated to the Kansas Department of Transportation to assist communities with obligations to provide a safe and efficient transportation network to serve Kansans and inter-state commerce. The City advocates for the continuation of the City Connecting Link Improvement Program (CCLIP), Transportation Alternatives (TA), Federal Funds Exchange Program, Cost Share Program, and other transportation programs.

The City of El Dorado also supports the funding of regionally significant transportation priorities of South Central Kansas, to include improvements to the North Junction near Wichita, Kansas. The City has defined its primary local transportation project as the intersection of K-254/I-35/Boyer Road, which has become a major node in the Wichita region's transportation network.

Wildlife and Parks Funding. El Dorado Lake sits directly adjacent to the corporate limits of the City of El Dorado. The lake provides many recreational benefits to the community. According to the Kansas Department of Wildlife, Parks, and Tourism, El Dorado Lake is the most visited reservoir in the State of Kansas. Many people throughout the region visit El Dorado Lake each year to hunt, fish, camp, and generally enjoy the great outdoors.

The City of El Dorado supports any efforts to enhance funding to the Kansas Department of Wildlife, Parks, and Tourism, and further encourages the State of Kansas to invest in its recreational facilities. The City also supports any efforts to leverage El Dorado Lake as an economic opportunity for the State of Kansas and the surrounding region.

Blighted Properties. The City advocates for legislation to streamline the process for addressing abandoned and blighted properties. The City understands the need to balance property owner rights with public nuisance concerns. Even so, blighted properties affect the health, safety, and welfare of the community. Abandoned and blighted properties contribute to an increase in police calls arising from theft, prowlers, drug issues, and squatting.

Additionally, blighted properties create the potential for increased fire calls due to accidental fires or arson incidents. Code enforcement issues also cause unnecessary hardship for neighbors including overgrown vegetation, dilapidated structures, wildlife, illegal dumping, and additional demand for sanitation services. Further, these properties frequently have unpaid property taxes and often result in a loss of property values of surrounding properties, thus affecting state and local revenues.

Economic Development. In partnership with El Dorado Inc., the City of El Dorado proactively markets itself as a prime destination for industrial companies seeking large volumes of water for

their operations. The City has the ability to sell upwards of 10 million gallons of water per day (MGD) to industrial customers. Our unique location also allows us to meet a specific niche for economic development efforts as a preferred site for industries requiring large tracts of land (500+ acres) for development, Class I railroad service, and excellent transportation access.

To that end, the City supports any legislative efforts to simplify and streamline the economic development process at the Kansas Department of Commerce, and supports adequate funding to provide Kansas with appropriate representation in the site selection community. The City supports legislative programs designed to allow local governments to finance economic development initiatives and projects. The City supports collaborative efforts between state and local governments to finance public infrastructure needed to support significant economic development projects.

State of Kansas Workforce Study. The State of Kansas has not completed a statewide workforce assessment for several decades. The City advocates for funding to the Kansas Department of Commerce to conduct a statewide workforce study that assesses regional workforces. Many economic development prospects seek well-developed workforce data that is not readily available. The City advocates for a grant program to allow regions to complete a workforce study in the absence of the statewide effort.

Nutrient Trading Program. The City advocates for the opportunity to participate in a nutrient trading program with the Kansas Department of Health and Environment (KDHE). Such a program would allow municipalities to trade credits generated by best practices with regulatory agencies or third parties to reduce necessary capital investments to comply with environmental regulations directed at water and wastewater treatment. The City supports any technical assistance the KDHE may provide to municipalities with respect to this issue.

El Dorado Honor Camp. The City supports efforts by Butler County to acquire and develop a multi-use event complex at the former El Dorado Honor Camp Facility. The facility, located near El Dorado Lake just outside the corporate limits of El Dorado, remains an abandoned and deteriorating structure that diminishes the usefulness of the property and creates a visual impediment to visitors of the lake and the Walnut River Sports Complex located directly adjacent from the property. The City supports legislative efforts to fund the razing of the facility in order to make the land available for redevelopment.

Community College Funding. El Dorado serves as the main campus for Butler Community College, which serves more than 13,000 students each year. The City encourages additional higher education funding, particularly for community colleges, and opposes any budget language that interferes with the post-secondary state aid cost model for technical and general education funding, including the distribution of new funding. The City also supports expanded funding for career, technical, and general education programs for higher education in an effort to provide local property tax relief.

Hospital Funding. The City supports legislative efforts to expand Medicaid coverage in Kansas. Susan B. Allen Memorial Hospital currently serves El Dorado's local healthcare needs and expanding coverage would provide additional funds to flow into the local hospital to ensure its continued sustainability. Healthcare is an essential service needed to attract and retain quality employees to a community. The

expansion of KanCare provides a healthcare option for individuals so they can remain with their employers in small communities and still receive quality healthcare.

Small community hospitals are struggling to stay afloat in today's lower reimbursement healthcare marketplace. KanCare provides an opportunity to convert self-pay patients, who very often are not able to pay their balances, into insured patients, which helps support our local hospitals. In addition, hospitals with a cycle of lowering reimbursement expenses must cut back on jobs to remain competitive. In many small communities, such as El Dorado, hospitals are often one of the primary providers of employment. An expansion of KanCare would allow these hospitals to provide quality employment opportunities that will, in turn, invigorate our communities and produce additional jobs.

El Dorado Correctional Facility. El Dorado Correctional Facility resides just outside of the corporate limits of El Dorado, and provides employment opportunities for many residents of our community. The facility also employs many people from the surrounding area to ensure the safety and security at this important correctional facility.

The City supports efforts by the State of Kansas to ensure pay to employees of the El Dorado Correctional Facility remain competitive within the regional and industrial context. Higher pay means many vacant positions may be more attractive to prospective employees. It will also have the effect of increasing wages for many of our community's residents and improve their overall quality of life.

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EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Orschen's Industrial Revenue Bond Closing
DATE: November 5, 2021

Background: On September 3, 2019, the City Commission adopted a resolution providing for the issuance of \$3.9 million of its industrial revenue bonds (IRBs) for Orscheln Supply, LLC as an economic development incentive for developing a retail store in El Dorado. The IRB provided the company with a sales tax exemption on the purchase of construction materials need for the project.

Orscheln's will pay property taxes on the project because of the establishment of a tax increment financing (TIF) district created to facilitate the financing of public infrastructure to support the project.

Policy Issue: NA – The City Commission is taking action on a previously authorized action.

Strategic Priority: The City's Strategic Plan states, "The City of El Dorado actively works to create an environment that facilitates capital investment, produces jobs, and increases the tax base of the community."

Fiscal Impact: There is not fiscal impact of this action to the City. The action will end the sales tax exemption on construction materials previously granted.

Legal Review: The City's bond counsel has reviewed and prepared the documents.

Trade-offs: NA – The City Commission is taking action on a previously authorized action.

Staff Recommendation: Staff recommends approval of the ordinance finalizing the IRBs to Orscheln Supply, LLC.

Commission Actions: The City Commission has the following options with respect to this issue (listed in no particular order):

- **Accept and approve the recommendation as presented by staff.**
- **Modify the recommendation presented by staff.**
- **Deny approval of the proposal.**

- **Request additional information from the City Manager.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

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ORDINANCE NO. [__]

**OF THE
CITY OF EL DORADO, KANSAS**

**AUTHORIZING THE ISSUANCE OF
\$3,921,305.84
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES 2021
(ORSCHELN PROJECT)**

ORDINANCE NO. []

AN ORDINANCE AUTHORIZING THE CITY OF EL DORADO, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (ORSCHLHN PROJECT) FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING A COMMERCIAL FACILITY; AND AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS.

THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS HAS FOUND AND DETERMINED:

A. The City of El Dorado, Kansas (the “Issuer”) is authorized by K.S.A. 12-1740 *et seq.*, as amended (the “Act”), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for the facilities, and to issue revenue bonds for the purpose of paying the costs of the facilities.

B. The Issuer's governing body has determined that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds, Series 2021 (Orscheln Project) in the aggregate principal amount of \$3,921,305.84 (the “Series 2021 Bonds”), for the purpose of paying the costs of the acquisition, construction, and equipping of a certain commercial facility (the “Project”) as more fully described in the Indenture and in the Lease authorized in this Ordinance, for lease to Orscheln Properties Co. L.L.C., a Missouri limited liability company (the “Tenant”).

C. The Issuer's governing body finds that it is necessary and desirable in connection with the issuance of the Series 2021 Bonds to execute and deliver the following documents (collectively, the “Bond Documents”):

- (i) a Trust Indenture (the “Indenture”), with [Trustee], [Trustee City, State], as Trustee (the “Trustee”), prescribing the terms and conditions of issuing and securing the Series 2021 Bonds;
- (ii) a Site Lease (the “Site Lease”), with the Tenant under which the Tenant will lease an interest in the Real Property to the Issuer;
- (iii) a Project Lease (the “Project Lease”), with the Tenant, under which the Issuer will acquire, construct and equip the Project and lease it to the Tenant in consideration of Basic Rent and other payments; and
- (iv) a Bond Purchase Agreement (the “Bond Purchase Agreement”) providing for the sale of the Series 2021 Bonds by the Issuer to Orscheln Properties Co. L.L.C., Moberly, Missouri (the “Purchaser”).

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

Section 1. Definition of Terms. All terms and phrases not otherwise defined in this Ordinance will have the meanings set forth in the Indenture and the Project Lease.

Section 2. Authority to Cause the Project to Be Purchased and Constructed. The Issuer is authorized to lease the Real Property and cause the Project to be acquired, constructed and equipped in the manner described in the Indenture, the Site Lease and the Project Lease.

Section 3. Authorization of and Security for the Bonds. The Issuer is authorized and directed to issue the Series 2021 Bonds, to be designated “City of El Dorado Kansas Taxable Industrial Revenue Bonds, Series 2021 (Orscheln Project)” in the aggregate principal amount of \$3,921,305.84, for the purpose of providing funds to pay the costs of the acquisition, construction, and equipping of the Project. The Series 2021 Bonds will be dated and bear interest, will mature and be payable at the times, will be in the forms, will be subject to redemption and payment prior to maturity, and will be issued according to the provisions, covenants and agreements in the Indenture. The Series 2021 Bonds will be special limited obligations of the Issuer payable solely from the Trust Estate under the Indenture, including revenues derived from the Project Lease. The Series 2021 Bonds will not be general obligations of the Issuer, nor constitute a pledge of the faith and credit of the Issuer, and will not be payable in any manner by taxation.

Section 4. Authorization of Indenture. The Issuer is authorized to enter into the Indenture with the Trustee in the form approved in this Ordinance. The Issuer will pledge the Trust Estate described in the Indenture to the Trustee for the benefit of the owners of the Series 2021 Bonds on the terms and conditions in the Indenture.

Section 5. Lease of the Project. The Issuer will lease an interest in the Real Property and acquire, construct and equip the Project and lease it to the Tenant according to the provisions of the Site Lease and Project Lease in the form approved in this Ordinance. The proposed sublease of the Project to Orscheln Farm and Home, L.L.C. is approved by the Issuer.

Section 6. Authorization of Bond Purchase Agreement. The Issuer is authorized to sell the Series 2021 Bonds to the Purchaser, according to the terms and provisions of the Bond Purchase Agreement, in the form approved in this Ordinance.

Section 7. Execution of Bonds and Bond Documents. The Mayor of the Issuer is authorized and directed to execute the Series 2021 Bonds and deliver them to the Trustee for authentication on behalf of the Issuer in the manner provided by the Act and in the Indenture. The Mayor or member of the Issuer's governing body authorized by law to exercise the powers and duties of the Mayor in the Mayor's absence is further authorized and directed to execute and deliver the Bond Documents on behalf of the Issuer in substantially the forms presented for review prior to passage of this Ordinance, with the corrections or amendments as the Mayor or other person lawfully acting in the absence of the Mayor may approve, which approval shall be evidenced by his or her signature. The authorized signatory may sign and deliver all other documents, certificates or instruments as may be necessary or desirable to carry out the purposes and intent of this Ordinance and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Series 2021 Bonds, the Bond Documents and the other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this Ordinance under the Issuer's corporate seal.

Section 8. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Project Lease to the payment of the Series 2021 Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Series 2021 Bonds are paid or deemed to have been paid under the Indenture.

Section 9. Authority To Correct Errors and Omissions. The Mayor or member of the Issuer's governing body authorized to exercise the powers and duties of the Mayor in the Mayor's absence, the City Clerk and any Deputy City Clerk are hereby authorized and directed to make any alterations,

changes or additions in the instruments herein approved, authorized and confirmed which may be necessary to correct errors or omissions therein or to conform the same to the other provisions of said instruments or to the provisions of this Ordinance.

Section 10. Further Authority. The officials, officers, agents and employees of the Issuer are authorized and directed to take whatever action and execute whatever other documents or certificates as may be necessary or desirable to carry out the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the Series 2021 Bonds and the Bond Documents.

Section 11. Effective Date. This Ordinance shall take effect after its passage by the governing body of the Issuer, signature by the Mayor and publication of the Ordinance or a summary thereof once in the Issuer's official newspaper.

[BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY]

PASSED by the governing body of the Issuer on November 15, 2021 and **SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

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CERTIFICATE

I hereby certify that the attached copy is a true and correct copy of Ordinance No. ____ of the City of El Dorado, Kansas duly passed by the governing body, signed by the Mayor and published in the official City newspaper on the respective dates stated in this ordinance, and that the signed original of the Ordinance is on file in my office.

[SEAL]

City Clerk

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON NOVEMBER 15, 2021**

The governing body of the City of El Dorado, Kansas 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)

There was presented an Ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CITY OF EL DORADO, KANSAS TO
ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021
(ORSCHLN PROJECT) FOR THE PURPOSE OF THE ACQUISITION,
CONSTRUCTION, AND EQUIPPING A COMMERCIAL FACILITY; AND
AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded by Commissioner _____. The Ordinance was duly read and considered, and upon being put, the motion for the passage of the Ordinance was carried by the vote of the governing body as follows:

Aye:

Nay:

Thereupon, the Mayor declared the Ordinance duly passed and the Ordinance was then duly numbered Ordinance No _____ and was signed by the Mayor and the signature attested by the City Clerk.

* * * * *

(Other Proceedings)

* * * * *

CERTIFICATE

I 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 the proceedings are on file in my office.

[SEAL]

City Clerk

(Published in the *Butler County Times - Gazette* on November 20, 2021)

SUMMARY OF ORDINANCE NO. []

On November 15, 2021, the governing body of the City of El Dorado, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF EL DORADO, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2021 (ORSCHELN PROJECT) FOR THE PURPOSE OF THE ACQUISITION, CONSTRUCTION, AND EQUIPPING A COMMERCIAL FACILITY; AND AUTHORIZING CERTAIN OTHER RELATED DOCUMENTS AND ACTIONS.

The Ordinance authorizes the Issuer to issue its Taxable Industrial Revenue Bonds, Series 2021 (Orscheln Project) in the aggregate principal amount of \$3,921,305.84 (the “Series 2021 Bonds”), for the purpose of paying the costs of the acquisition, construction, and equipping of a commercial facility (the “Project”), as more fully described in the Indenture, the Site Lease and the Project Lease authorized by the Ordinance. The Project will be leased by the Issuer to Orscheln Properties Co. L.L.C., a Missouri limited liability company.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, City Hall, 220 E. First Avenue, El Dorado, Kansas 67042. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.eldoks.com.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 2021.

City Attorney

EL DORADO

K A N S A S

TO: City Commission
FROM: Kevin Wishart, Parks and Recreation Director
SUBJ: Graham Park North Playground Equipment Bid Approval
DATE: October 19, 2021

Background:

The Sales Tax Committee recommended approval of funding for new equipment for youth from age 2-5 at Graham Park in the amount of \$50,000 to be spent in 2021. Three companies submitted bids for the equipment; the Park and Recreation Advisory board recommended three options for public voting.

Staff posted the options to social media for voting; the overwhelming choice was the design submitted by ABCreative, Inc.

Policy Issue:

The City Commission reviews the bids; and awards the contract to the best bidder.

Strategic Priority:

Enhance recreation opportunities for the citizens of El Dorado as outlined in the Connect 2025 Parks and Recreation Master Plan.

Alternatives:

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

- Accept the bid and design from ABCreative, Inc.
- Accept the bid and design from Athco, Inc.
- Accept the bid and design from Playscapes, Inc.
- Reject all bids and designs and submit again to vendors.

Fiscal Impact:

Staff recommends accepting the bid from ABCreative, Inc. in an amount not to exceed \$50,000. The playground mulch, and site preparation will be paid for through the department budget or special park funds. Installation will be completed by staff.

Legal Review:

N/A

Trade-offs:

The existing north playground is well used and is at the end of its useful life; a decision to reject all bids will force staff to spend funds on necessary repairs in order for the equipment to continue to be used safely. Replacement parts will be difficult if not impossible to find for this equipment; should they not be available, the equipment will need to be removed.

Staff Recommendation:

Staff recommendation is to approve the bid from ABCreative and move forward with installation.

Commission Actions: The City Commission has the following options with respect to this issue (*listed in no particular order*):

- **Accept and approve the recommendation as presented by staff.**
- **Modify the recommendation presented by staff.**
- **Deny approval of the proposal.**
- **Request additional information from the City Manager.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

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EL DORADO

K A N S A S

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Hazardous Materials Agreement with Butler County
DATE: November 5, 2021

Background: Butler County entered into an agreement with the City on January 3, 2011 for the provision of hazardous materials response services for all areas of Butler County under the provisions of K.S.A. 12-2901 et seq. The agreement expired on January 3, 2021, although the City continued to provide the services defined by the agreement until a new agreement could be negotiated and approved by both governing bodies.

Policy Issue: Should the City continue to provide hazardous materials response to Butler County?

Strategic Priority: This request aligns with provisions of the City's Strategic Plan because the agreement provides funding to ensure the City may continue to provide services necessary to protect life and property.

Infrastructure - *The City invests in its public infrastructure provide the basic resources necessary for the community to thrive and prosper.*

- a. Continuously ***invest in public safety*** initiatives, equipment, and technology to provide the El Dorado Police and Fire Departments with the resources needed to preserve order and protect life and property.

Fiscal Impact: The County will compensate the City an annual sum of \$16,000 for the provision of the services outlined in the agreement. In addition, the County agrees to pay for a portion (up to a maximum of \$187,500) of a response apparatus necessary for hazardous materials response.

Legal Review: The City Attorney reviewed the agreement and recommended changes have been incorporated into the final agreement.

Trade-offs: The City will have to pay for the entire cost of replacing the existing hazardous materials response unit if it continues to provide such services to the community without covering Butler County. Staff estimates the cost of replacing the existing unit at \$250,000.

Staff Recommendation: Staff recommends approval of the proposed agreement.

Commission Actions: The City Commission has the following options with respect to this issue *(listed in no particular order)*:

- **Accept and approve the recommendation as presented by staff.**
- **Modify the recommendation presented by staff.**
- **Deny approval of the proposal.**
- **Request additional information from the City Manager.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

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INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT, made and entered into this ____ day of _____, 2021 by and between the City of El Dorado, Kansas, a municipal corporation, (“City”), and the County of Butler, State of Kansas (“Butler”).

WHEREAS, the City has personnel and equipment to provide hazardous material response services and the County desires to contract for said services, for all areas of Butler County; and

WHEREAS, the parties desire to enter into an agreement providing for Emergency Response to Hazardous Substance Releases as thereafter set forth; and

WHEREAS, this Agreement is authorized pursuant to the provisions of K.S.A. 12-2901 *et. seq.*

NOW, THEREFORE, in consideration of the mutual covenants, conditions and promises thereafter set forth, the parties agree as follows:

1. Upon the request of the County, or its designee, the City will provide a Hazardous Material Response Team (“Team”) to all areas within Butler County. For the purposes of this Agreement, “Hazardous Material Response” shall mean the provision of personnel and services for emergencies involving the release or threatened release of hazardous materials.
2. The City makes no warranties or representations with regards to the extent or adequacy of Hazardous Material Response Service or equipment to be provided but will respond to the best of its ability and to the extent of its resources, subject to the terms and limitations of this Agreement; further provided, however, in the event that the resources of the City for hazardous response are needed both within the city limits of the City and also in the areas of the County, it is understood and agreed that any hazardous materials release or threatened release within said City shall take priority to any response to a similar contemporaneous situation in the County.
3. The County shall designate the Butler County Emergency Management Coordinator, or designee, as being authorized to request response from the Team. The City shall be entitled to rely on any request for such response made by such person so designated, and the County shall be liable for any costs incurred by the City because of such request with regards to whether a hazardous materials response incident actually exists.
4. The senior officer of the Team shall determine the extent of its human resources and equipment to be sent to each County incident, based upon information received from the County, all with the prior approval of the El Dorado Fire Chief, or in his absence the senior officer in charge of the Team, or in his absence the City Manager. The senior officer of the Team shall assume the position of “Hazard Group Leader” under the National Incident Management System (“NIMS”) adopted by Butler County Fire Districts

and Agencies and shall be responsible for:

- a. Providing technical information and advice to the Incident Commander;
 - b. The control of the “hot” and “warm” zones and control entry and exit from these areas;
 - c. Setting up decontamination zone and running same;
 - d. Control and containment of hazardous materials in the hot zone; and
 - e. Safety of personnel and environment, with Team, other emergency responders, citizens and property, in that order, and has the right to stop any operation believed to have an unacceptable risk to personnel.
5. It is emphasized that the City intends to follow the provisions of the Butler County Emergency Operations Plan (“Plan”) and, under the provisions thereof, the Team shall assume the responsibility for the safe handling of such materials based upon the nature of the materials involved and the available equipment; however, such actions on the part of the City are not intended to relieve the County, its officers, private businesses within the response area, or others from any responsibility assigned to them under the Plan or by law. The Incident Commander shall, to the extent possible, identify the conditions and substances present and implement appropriate emergency operations as outlined under the Plan.
6. The City shall submit an itemized invoice covering the cost of providing emergency actions to the County as prescribed in County Resolution No. 94-036. The County shall reimburse the City within thirty (30) days of submission of such itemized claim.
7. The Team shall maintain personnel trained to the level of Hazardous Materials Technician as defined in the National Fire Protection Association Standard No. 472.
8. As additional consideration for this Agreement and the services provided by the City, and in addition to any payment set forth in Item 5, the County shall pay an annual sum of \$16,000 to the City to be paid in January of each year this Agreement is in effect. The City agrees to utilize these funds for training, equipping, exercising and other support as necessary, excluding salaries, of the Hazardous Material Response Team. These funds are not to be used to supplement budgeted operating or capital expenses of El Dorado Fire Department.
9. As part of this Agreement, the City is committing to the purchase of a vehicle for Hazardous Material Response. The County shall pay up to 75% (maximum \$187,500 County share) of the cost of a response apparatus used exclusively for Hazardous Material Response or 25% (maximum \$62,500 County share) of the cost of a multi-purpose response apparatus also designated by the City for Hazardous Material response. The City agrees to reimburse the County the difference between the two aforementioned options, up to a maximum of \$125,000, should the City decide to convert a response apparatus originally purchased exclusively for hazardous materials response to multi-purpose status

within seven years from the date of said unit's purchase by the City, provided the City elects to cost-share the original purchase with the County.

10. It is understood and expected that Butler County shall provide cooperation, training and personnel sufficient to implement the terms of this Agreement and the Butler County Emergency Operations Plan in conjunction with the City. Training for County personnel shall be provided for by the County, at its expense, and the County shall provide sufficient personnel in order to carry out the letter and spirit of this Agreement and the Butler County Plan.
11. The parties hereby waive any and all claims against the other party for compensation for any personal injury or death occurring to personnel and any loss or damage of any equipment other than the equipment and supplies of the Team as a consequence of the performance of the parties' obligations under this Agreement.
12. The County hereby agrees to indemnify and hold harmless the City from and against all liability, damage, loss, claims, demands and actions of any nature which arise out of or connected with any of the services provided by the City, its agents or employees, or which arise out of or are connected with any accident or occurrence which happens or is alleged to have happened on or about the place where the services are being performed:
 - a. while the City is performing the services, or
 - b. while any of the City's property, equipment or personnel are in or about the place or vicinity by reason of performance of the City's services; including, without limiting the generality, all liability, damages, losses, claims, demands, actions on the account of personal injury, death or property loss to the parties, their agents, employees, and to any other person, firms, or legal entities; provided that this paragraph shall not be construed to exempt the City from liability for any negligence or intentional misconduct on its part or the part of its employees, agents or subcontractors.
13. The City makes no representations or warranties with regard to the extent or adequacy of Hazardous Material Response Service to be provided under the terms of this Agreement and the liability of the City, if any as a result of this Agreement, whether in contract or otherwise, shall not exceed the total fees and costs paid by the County and in no event shall the City be liable for consequential damages.
14. The term of this Agreement shall be for a period of ten (10) years from the Effective Date of the Agreement. The Agreement may be terminated by either party, by giving written notice to the other party not later than June 1 in any year during the Effective Period of the Agreement. Termination of the Agreement shall commence on the following January 1.
15. This Agreement is and is intended to be an integration of all prior agreements and understandings, oral or written, with respect to the matters set forth herein.
16. The Agreement shall be construed and enforced in accordance with the laws of the State of Kansas.

CITY OF EL DORADO

BY: _____
Bill Young, Mayor

(seal)

BY: _____
Tabitha Sharp, City Clerk

APPROVED AS TO FORM:

Ashlyn B. Lindskog, City Attorney

BUTLER COUNTY, KANSAS

BY: _____
Jeff Masterson, Chair

(seal)

BY: _____
Tatum Stafford, County Clerk

County Counsel

TO: City Commission
FROM: Scott Rickard
SUBJ: Myers East Addition Public Infrastructure Authorization
DATE: November 8, 2022

Background:

Bids were received for the Myers East Addition paving & sanitary sewer extension.

Project Schedule:

The contractor has agreed to complete this project by May 1, 2022.

Strategic Plan:

III. Infrastructure - *The City invests in its public infrastructure to ensure that the community has the most basic resources necessary to thrive and prosper.*

- a. Evaluate funding options for ***continued investment in critical public infrastructure.***

Attachments:

Bid Tab.

Policy Issue:

The City Commission reviews the bids and awards the contract to the best bidder.

Alternatives:

N/A

Fiscal Impact:

The total cost of the sewer project is \$229,512.00. The costs assessed to the improvement district will be \$229,512.00 and city-at-large costs will be \$0.00. The total cost of the paving project is \$278,666.77. The costs assessed to the improvement district will be \$185,970.30 and city-at-large costs will be \$92,696.47. The total costs of both projects will be paid out of the bond and interest fund. The improvement district will be able to pay off the debt over a twenty year period.

McCullough Excavation had the lowest bid of \$321,083.50 for both projects.

Trade-offs:

N/A

Staff Recommendation:

Accept the bids and proceed with the requested improvements.

Commission Actions:

Commissioner _____ moved that since McCullough Excavation has submitted the lowest and best bid of \$321,083.50 for project nos. 584 & 585, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner _____ seconded the motion.

BID TABULATIONS

11/4/2021

Project Nos. 584

Paving & Storm Sewer to serve Myers East Addition

Item No.	Description	Units	No. of Units	ENGINEER'S ESTIMATE		McCullough Excavation		APAC-Kansas		Pearson Construction	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Common Excavation	CY	850	\$ 8.00	\$ 6,800.00	\$ 7.10	\$ 6,035.00	\$ 6.50	\$ 5,525.00	\$ 8.50	\$ 7,225.00
2	Compacted Fill	CY	600	\$ 5.00	\$ 3,000.00	\$ 2.40	\$ 1,440.00	\$ 1.50	\$ 900.00	\$ 1.50	\$ 900.00
3	6 1/2" Reinforced Rock Base	SY	2810	\$ 10.00	\$ 28,100.00	\$ 7.70	\$ 21,637.00	\$ 13.00	\$ 36,530.00	\$ 11.50	\$ 32,315.00
4	Type I Curb & Gutter	LF	471	\$ 14.00	\$ 6,594.00	\$ 15.00	\$ 7,065.00	\$ 19.00	\$ 8,949.00	\$ 12.00	\$ 5,652.00
5	Laydown Curb & Gutter	LF	910	\$ 10.50	\$ 9,555.00	\$ 11.00	\$ 10,010.00	\$ 19.00	\$ 17,290.00	\$ 12.00	\$ 10,920.00
6	BM-4 (10%rap) Asph. Conc. Pvmnt. Base	TONS	510	\$ 86.00	\$ 43,860.00	\$ 85.00	\$ 43,350.00	\$ 78.00	\$ 39,780.00	\$ 90.00	\$ 45,900.00
7	BM-2 Asph. Conc. Pvmnt. Surface	TONS	255	\$ 95.00	\$ 24,225.00	\$ 95.00	\$ 24,225.00	\$ 86.00	\$ 21,930.00	\$ 95.00	\$ 24,225.00
8	Site Clearing	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 13,110.00	\$ 13,110.00	\$ 25,000.00	\$ 25,000.00	\$ 15,000.00	\$ 15,000.00
9	Site Restoration	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 100.00	\$ 100.00	\$ 9,785.00	\$ 9,785.00	\$ 4,000.00	\$ 4,000.00
10	Offset Curb Inlet	EA	2	\$ 5,500.00	\$ 11,000.00	\$ 6,000.00	\$ 12,000.00	\$ 6,050.00	\$ 12,100.00	\$ 5,063.00	\$ 10,126.00
11	Backyard Inlet	EA	2	\$ 4,000.00	\$ 8,000.00	\$ 3,000.00	\$ 6,000.00	\$ 2,400.00	\$ 4,800.00	\$ 2,270.00	\$ 4,540.00
12	36" Reinf. Conc. Pipe	LF	125	\$ 111.00	\$ 13,875.00	\$ 125.00	\$ 15,625.00	\$ 115.00	\$ 14,375.00	\$ 115.00	\$ 14,375.00
13	24"x38" Horiz. Ell. Reinf. Conc. Pipe	LF	37	\$ 120.00	\$ 4,440.00	\$ 125.00	\$ 4,625.00	\$ 115.00	\$ 4,255.00	\$ 100.00	\$ 3,700.00
14	18" Reinf. Conc. Pipe	LF	171	\$ 60.00	\$ 10,260.00	\$ 75.00	\$ 12,825.00	\$ 47.00	\$ 8,037.00	\$ 40.00	\$ 6,840.00
15	Flowable Fill	LF	32	\$ 30.00	\$ 960.00	\$ 30.00	\$ 960.00	\$ 93.00	\$ 2,976.00	\$ 30.00	\$ 960.00
16	Rip-Rap	SY	17	\$ 36.00	\$ 612.00	\$ 40.00	\$ 680.00	\$ 142.00	\$ 2,414.00	\$ 40.00	\$ 680.00
17	Saw Cut Exist. Pvmnt.	LF	33	\$ 15.00	\$ 495.00	\$ 7.00	\$ 231.00	\$ 12.50	\$ 412.50	\$ 15.00	\$ 495.00
18	Project Seeding	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 1,855.00	\$ 1,855.00	\$ 1,855.00	\$ 1,855.00	\$ 1,680.00	\$ 1,680.00
19	Maintain Exist. BMPs	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 200.00	\$ 200.00
20	Install Inlet Protection	EA	4	\$ 515.00	\$ 2,060.00	\$ 88.00	\$ 352.00	\$ 88.00	\$ 352.00	\$ 85.00	\$ 340.00
21	Install Curlex Blanket	SY	1230	\$ 2.00	\$ 2,460.00	\$ 1.25	\$ 1,537.50	\$ 1.25	\$ 1,537.50	\$ 1.75	\$ 2,152.50

Project #584 Total \$ 190,796.00 \$ 183,663.50 \$ 218,804.00 \$ 192,225.50

Project Nos. 585

Sanitary Sewer Extension to serve Myers East Addition

Item No.	Description	Units	No. of Units	ENGINEER'S ESTIMATE		McCullough Excavation		APAC-Kansas		Pearson Construction	
				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Standard Manhole	EA	7	\$ 4,000.00	\$ 28,000.00	\$ 3,110.00	\$ 21,770.00	\$ 3,385.00	\$ 23,695.00	\$ 3,087.00	\$ 21,609.00
2	Cleanout Riser Assembly	EA	3	\$ 1,100.00	\$ 3,300.00	\$ 1,250.00	\$ 3,750.00	\$ 658.00	\$ 1,974.00	\$ 1,250.00	\$ 3,750.00
3	8" PVC Sanitary Sewer	LF	1650	\$ 61.00	\$ 100,650.00	\$ 55.00	\$ 90,750.00	\$ 34.00	\$ 56,100.00	\$ 52.00	\$ 85,800.00
4	Connect to Existing Manhole	EA	1	\$ 1,600.00	\$ 1,600.00	\$ 1,650.00	\$ 1,650.00	\$ 1,125.00	\$ 1,125.00	\$ 1,650.00	\$ 1,650.00
5	Golf Course Restoration	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 7,700.00	\$ 7,700.00	\$ 8,500.00	\$ 8,500.00	\$ 25,000.00	\$ 25,000.00
6	Install Construction Entrance	EA	1	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 800.00	\$ 800.00
7	Install Silt Fence	LF	800	\$ 2.00	\$ 1,600.00	\$ 1.50	\$ 1,200.00	\$ 1.50	\$ 1,200.00	\$ 2.25	\$ 1,800.00
8	Flowable Fill	LF	35	\$ 30.00	\$ 1,050.00	\$ 80.00	\$ 2,800.00	\$ 150.00	\$ 5,250.00	\$ 80.00	\$ 2,800.00
9	Site Clearing	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 7,200.00	\$ 7,200.00	\$ 13,350.00	\$ 13,350.00	\$ 7,000.00	\$ 7,000.00
10	Site Restoration	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 100.00	\$ 100.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00

Project #585 Total \$ 157,200.00 \$ 137,420.00 \$ 118,194.00 \$ 156,209.00

Combined Proj #584 & 585 TOTAL \$ 347,996.00 \$ 321,083.50 \$ 336,998.00 \$ 348,434.50

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Proposed Parks and Recreation Ordinances
DATE: October 20, 2021

Background: The City Commission passed an Ordinance in July of 2014 setting 11 p.m. to 5 a.m. as hours during which all parks would be closed to the public. The continued vandalism of park facilities has led staff to believe that it is necessary to alter those times to coincide with daylight hours. The previous ordinance will be amended to include facilities that have been added since that original ordinance and new closing times of dusk until dawn.

Commission also recently requested that staff look into several issues involving animals that disrupted youth recreation activities. After reviewing the issue, we are proposing an ordinance that would disallow the presence of any non-service animal at youth recreational activities.

The final proposed ordinance for Chapter 18 imposes a fine of \$50 for any violation of this chapter.

Attachments:

Park Curfew Ordinance
Animals at Youth Recreational Facilities Ordinance
Parks and Recreation Fine Ordinance

Policy Issue: Should the City adopt additional regulatory framework regarding park hours and youth recreational activities?

Strategic Priority: The following strategic priorities may justify changes to the existing ordinance if the City Commission so desires:

VI. Quality of Life – *The City of El Dorado desires to create a place where people choose to live and visit.*

3. Strengthen existing offerings in traditional sports to provide the best experience for participants while creating an environment that fosters learning and development and creates fun experiences.

Regulatory Framework: The City of El Dorado Municipal Code Chapter 18 covers items related to parks and recreation. It currently includes ordinances previously approved regarding the smoking at youth recreational activities as well as hours of parks.

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

- The City Commission may elect to leave the existing regulatory framework in place without making any substantive changes.
- The City Commission may elect to repeal the current ordinance in its entirety and allow the defined breeds in a similar manner as other dog breeds.
- The City Commission may direct staff to modify the existing ordinance and designate such breeds to a dangerous animal ordinance.

Fiscal Impact: There would be little cost associated with the approval of these ordinances. Signage could be added to the park and recreation facilities at a cost of approximately \$100 per sign. Citations issued would bring a revenue of \$50 plus \$90 in court costs.

Legal Review: The City Attorney has reviewed and approved the ordinances.

Trade-offs: The approval of these ordinances could pull the Police Department from other patrols in order to address potential violations.

Staff Recommendation: Staff recommend approval of the proposed ordinances.

Commission Actions: The City Commission has the following options with respect to this issue (*listed in no particular order*):

- **Accept the recommendation as presented by staff and make no changes.**
- **Direct staff to prepare an ordinance modifying the proposed ordinances.** The City Commission will need to define the desired changes to the ordinance.
- **Request additional information from staff.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired.

ORDINANCE NO. G-_____

AN ORDINANCE OF THE CITY OF EL DORADO AMENDING TITLE 18
OF THE CITY OF EL DORADO, KANSAS MUNICIPAL CODE

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

Section 1: Chapter 18.04 of the El Dorado Municipal Code is amended to read as follows:

18.04.010 Definitions.
As used in this title:

“Dawn” shall mean the first appearance of daylight in the morning.
“Dusk” shall mean the state or period of partial darkness between day and night;
the dark part of twilight.
“Park” shall mean an area of land, usually in a largely natural state, for the
enjoyment of the public, having facilities for rest and recreation, owned by the
City of El Dorado, Kansas.

18.04.020 Parks:

Central Park	200 N Griffith
Dog Park	400 E. Locust
East Park	100 S. Woodland
El Dorado Disc Golf Course	604 SW Haverhill Rd
Forest Park	900 N. Taylor
Gordy Park	300 S. Gordy
Graham Park	1600 Edgemoor Dr.
Library Park	600 S. Taylor
Martin Playground	400 S Haverhill
McCollum Park	200 E. McCollum
North Main Park	1000 N. Main
Rice Park	100 Random Rd
RIO Park	900 Osage
Riverview Park	800 River Road
South Summit Park	500 S. Summit
Summit Park	200 N. Summit
Walnut River Complex	1384 NE Shady Creek

Section 2: Chapter 18.08.010 of the El Dorado Municipal Code:

18.08.010 Park Hours:

- A. All of the parks in the city designated in this chapter shall be closed to the public from dusk to dawn except for during events sanctioned by the City of El Dorado, Kansas.
- B. The City Manager may approve events outside of these hours if request is received thirty (30) days prior to the event.

Section 3: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may later be declared unconstitutional.

Section 4: That nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5: That the City Clerk is hereby ordered and directed to cause this ordinance to be published once in the official city newspaper.

PASSED AND APPROVED by the Governing Body on this ____ day of _____, 2021.

(SEAL)

Bill Young, Mayor

ATTEST

Tabitha Sharp, City Clerk

APPROVED AS TO FORM

Ashlyn Lindskog, City Attorney

EL DORADO

K A N S A S

TO: City Commission
FROM: Kevin Wishart, Parks and Recreation Director
SUBJ: 2022 Summer Baseball
DATE: October 6, 2021

Background: For many years, the City of El Dorado hosted and partially funded the El Dorado Broncos summer baseball team. The team played games at McDonald Stadium and offered collegiate level play during the months of June and July. The past two seasons, the Broncos were unable to form a team; year one largely due to the pandemic and year two due to lack of players.

A proposal from the Kansas Collegiate League is attached for consideration. This team (yet to be named) would play sixteen to twenty home games at McDonald Stadium and be responsible for concourse, grandstand and restroom maintenance. The team would also sell concessions or partner with local organizations to offer concessions. The team has agreed to schedule a home game on July 4th to coordinate with the fireworks show.

Policy Issue: Should the City enter into an agreement with the Kansas Collegiate Baseball League to bring an entertainment option to the community?

Strategic Priority: This proposal aligns with the “Quality of Life” priority contained in the existing Strategic Plan that says, “*The City of El Dorado desires to create a place where people choose to live and visit.*”

- Develop ***fun and engaging events and activities*** so people have something to do after work and school.

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

- Accept the proposal from the Kansas Collegiate League; giving them scheduling priority for the 2022 baseball season.
- Accept the proposal from the Kansas Collegiate League with the understanding that they would schedule after the El Dorado Broncos.

Fiscal Impact: Kansas Collegiate League will pay the City \$2,000 for stadium rental for the 2022 season. They are not asking for any financial contribution from the City. The El Dorado Broncos, if playing, would not pay any facility rental and have historically asked for \$10,000 from the City to fund their operations.

Legal Review: The City Attorney has not reviewed the proposal.

Trade-offs: Only play recreation league, American Legion, and special event games at the stadium during the summer months.

Staff Recommendation: Staff recommends entering into an agreement with the Kansas Collegiate League for the 2022 baseball season.

Commission Actions: The City Commission has the following options with respect to this issue *(listed in no particular order)*:

- **Accept and approve the recommendation as presented by staff.**
- **Modify the recommendation presented by staff.**
- **Deny approval of the proposal.**
- **Request additional information from the City Manager.** The City Manager will collect such other information as may be necessary to assist the City Commission in making an informed decision on this matter. The City Commission will need to specify the information desired if this option is selected.

Team Proposal – El Dorado Kansas

The Kansas Collegiate League Baseball is a summer collegiate baseball program that keeps baseball players active through the summer. We recruit athletes around the globe and have one of the most competitive leagues in the region. Our goal is to provide an experience for our athletes that involves being community involved, i.e., Youth mini camps, city, and community partnerships where the team participates in the community events throughout the summer season. The summer season typically operates for 2 months; starting at the end of May and concluding the first week in August.

Team Name - TBD

Teams are owned and operated by the KCLB; it is an applied non-profit entity under the Kansas Collegiate League Baseball umbrella.

Team Operations-

President – Sheldon Howell
Operations – David Buche
Head Coach – TBD

Recruiting-

Our goal is to bring in high character athletes that will impact the El Dorado community during the summer. Our local approach will highlight high school players wanting to play at the next level. Additionally, we will create a channel of outside area players that will be a funnel to more student athletes for the college.

Revenue-

The team will operate on their own budget, which provides the team with uniforms, hats, baseballs, helmets, etc.
Our expected revenue for the 2022 season is: \$24,000

Expenses-

The team budget is designed around summer standards for collegiate baseball. Our budget has \$2,000 allocated for a field rental. We allocate a \$4,000 base for our coaching staff. The team would like to hire a coach that's staffed with Butler Community College or the local high school. Per the request of the Parks and Rec department, the coaches would be responsible for stadium clean up; this includes stands, bathrooms, trash, concession stand and dugouts during the summer season.

Insurance-

The team will carry its own insurance, and the field will be added as an additional insured.



Scheduling-

Field rental/usage is completely flexible based on the availability as we look to schedule 16-20 home games.

Start times-

Flexibility is there to start earlier than our normal scheduled times of 7pm.

Days-

We make our schedule in October, which is still very flexible. We will work with the park and rec department to schedule dates that best suit youth camps and home games that work within the community.

Umpires-

Officials are scheduled and maintained by Mid America Sports Officials; we operate with a 2-man crew which is played by the NCAA rules. Scheduling and paying umpires are incurred by the team.

Per the City request, we will have a home game on July 4th.

Community-

Traditionally all KCLB owned teams participate in everything that is related to sports in the community. In the inaugural year the team hosted 6 youth mini camps through the South YMCA in exchange for a membership to the YMCA facilities. The team would look to partner with the local YMCA and Rec to provide youth camps and giveback.

Host families-

The team will rely on the community to provide a host for the 2-month stay, which allows the athletes to have a bed and a place to do their laundry. The athletes know that they are responsible for their day to day needs such as food, transportation, etc. Many times, this experience creates an everlasting connection between host family and athletes throughout their baseball journey. To operate effectively in 2022, we would need assistance reaching the community. We will need around 15 to 20 host families to operate the team.

Housing-

We will also be reaching out and communicating with Butler Community College on possible housing on campus for our athletes during the summer. This option will be something that we try to avoid if possible. It will raise fees for players, which we do our best to operate lean and keep costs down.

Partnership-

We would like to propose a partnership with the city and create an atmosphere of entertainment at our games that is spectator baseball. An atmosphere where the community can come to enjoy themselves on the summer evenings and support an organization that is rooted within its city. To accomplish this, we would like to create a beer garden. To do this we would need to be granted a Cereal Malt Beverage (CMB- Beer Only) license by the city. This space would be staffed, have proper security protocol, and run in the specific controlled area by the team, if this option is available.



Concessions-

We would propose that the city runs the concessions and has the lion share of split revenue. Per the request of the Parks and Rec, we would offer the opportunity by outsourcing this to help give back to the El Dorado community through a youth organization before we would organize and operate the concessions.

Gate-

We plan to charge a \$2-4 gate depending on what theme night we have that evening. We think of the gate as more of a donation from our supporters to the team, we hope to earn that business from the community. This is not a budgeted stream of income with the team and not something we rely on. On select nights, we will partner and donate back to local initiatives and charities.

Our hopes will be to find a sponsor for these nights so that tickets to the games are free. Example: BCC buyout night, all of the free tickets to the game are located there and anyone can get a free ticket to the game by stopping by there.

The team is an established franchise within the KCLB, and we are excited for the opportunity in El Dorado. This low-risk partnership will bring positive cash flow for the facility and city. With the support of the community, the high school, and Butler Community College we feel this is a perfect scenario for our team and City of El Dorado to build on for many years to come.

Sheldon Howell
KCLB Commissioner/President

David Buche
KCLB Operations
Operations



TO: City Commission
FROM: Engineering Department
SUBJ: Request for Special Use Permit Application for 323 S. Main Street for Public Assembly
DATE: November 2nd, 2021

Background:

Connect Church submitted an application for a Public Assembly Venue at 323 S. Main Street. The property consists of a two-story building with residential on the second floor. The applicant plans to use the first floor as their weekly meeting space. The Planning Commission held a public hearing on September 23rd, 2021 and voted to table the application to ensure the property owner notified other tenants in the building. The Planning Commission continued the application at their October 28th meeting and voted to unanimously recommend approval of the application (6-0).

Attachments:

Planning Commission Minutes
Planning Commission Memorandum
Zoning Map
Site Plan
Ordinance

Policy Issue:

Special Use Permits (SUP) allow specific uses to take place on a property. The SUP may allow specific uses or structures not explicitly permitted or prohibited by the zoning ordinance. The zoning ordinance has set criteria for reviewing SUP applications that include analyzing the size and locations of proposed uses/structures in relation to adjacent sites and the general compatibility of the proposed use/structure with adjacent properties in the area.

Fiscal Impact:

Approval of the SUP will not have a fiscal impact on the City of El Dorado.

Trade-offs:

N/A

Staff Recommendation:

Approve the Special Use Permit application.

Commission Actions:

Commissioner _____ moved to approve Case No. 21-05-SUP, requesting a Special Use Permit for a Public Assembly Venue at 323 S. Main Street and that Ordinance No. G- be approved.

Commissioner _____ seconded the motion.

Roll Call Vote

Position No. 1	Commissioner Matt Guthrie	_____
Position No. 2	Commissioner Gregg Lewis	_____
Position No. 3	Commissioner Nick Badwey	_____

Position No. 4

Commissioner Kendra Wilkinson
Mayor Bill Young

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PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
CC: Scott Rickard, Engineering Director
FROM: Jay Shivers, AICP, City Planner
RE: SUP – Public Assembly Venue

Connect Church is requesting a Special Use Permit (SUP) for a public assembly venue at 323 S. Main Street to use a portion of the building as a church. The property is currently zoned C-2 Central Business District. The zoning ordinance defines public assembly venue as:

An establishment that primarily provides sufficient space and facilities for more than 20 people to congregate for a singular purpose or event. Typical uses include public or private auditoriums, houses of worship, meeting halls, community centers, performing arts theaters and concert halls. Does not include motion picture theaters, sports arenas and stadiums, conference rooms associated with businesses or offices. May include incidental concessions, gymnasiums non-commercial kitchens and offices.

Public assembly venues require a Special Use Permit in the C-2 zoning district, as well as R-1, R-2, R-3, and O-I. It is allowed by right in C-1 zoning districts.

Zoning Ordinance standards for review:

- A. *The location and size of the proposed use in relation to the site and to adjacent sites and uses of the property, and the nature and intensity of operations proposed thereon.* The applicant expects approximately 50 people congregating in the structure at any given time, though actual maximum occupancy will be determined by building and fire code. The nature and intensity of the proposed use is consistent with other central business district uses that also generate varying levels of traffic and visitors, such as nearby retail, restaurant, office, museum, and institutional uses.
- B. *Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.* The site is accessible by all emergency services. Properties in C-2 zoning districts are exempt from parking requirements. The City provides parking in the downtown area including on-street parking directly in front of the building along W. Central Avenue, angled parking along the building on W. Olive Avenue, angled parking to the west along Gordy, and a public parking lot one block to the north.
- C. *Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.* The property has access to all utilities. Adequate capacity is available.

- D. *The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.* The applicant plans to the first floor of the building on the property. The first floor measures approximately 6,642 square feet. The second floor of the building consists of residential apartments.
- E. *The adequacy of required yard and open space requirements and sign provisions.* No new structures or signs are proposed.
- F. *The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.* Public assembly venues are compatible with the existing uses in the downtown area and is of a size that will not overwhelm existing parking infrastructure in the downtown area.

The owner of the building has been looking for a tenant for the main floor for many years. The proposed public assembly venue meets the requirements of the zoning ordinance and is consistent with existing land uses in the area. City staff recommend approval of the SUP application.

Approval of this Special Use Permit requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 21-05-SUP, a request by Connect Church, for a Special Use Permit to allow a public assembly venue at 323 S. Main Street, for the reasons set forth in the staff recommendation and heard at this public hearing.



1 inch = 100 feet

SVINE ST

EASH AVE

S MAIN ST

WASH AVE

SGORDY ST

Subject Property

W OLIVE AVE

E OLIVE AVE

E LOCUST AVE

323 S. Main Street Location Map



Connect Church Planning Commission Application Supporting Document

Overview of Proposed Special Use Permit to allow Public Assembly Venue:

Connect Church, a North American Mission Board supported church, is a church that was formed in 2020 by local El Dorado area families. Connect Church meets together on Sunday mornings from 10am - Noon and at the time of this application there are around 50 people who regularly attend these Church Services/Gatherings. Sunday mornings are the only scheduled Public Assembly at this point for Connect Church. Any other time of public assembly would be on rare occasions and work to coordinate with local businesses so as not to disturb them or their parking situation. Connect Church's goal in regards to a meeting location is to be in a position to serve the city well and foster positive relationships with individuals and businesses that call El Dorado home.

The church has been working on a lease with Chris Garrison (building owner of 323 South Main St. El Dorado, KS 67042) pending Special Use Permit approval. This building had not been utilized for "on location" business for several years. Chris' crew has been fixing the building up in preparation for Connect Church to utilize the space. If the permit is approved Connect Church anticipates taking over all utilities associated with the first floor of 323 South Main St, including Water and Refuse services from the City of El Dorado.

Connect Church Site Plan:

- A. **Approximate size and locations of all structures** - Connect Church will be renting 323 South Main Street, El Dorado, KS 67042 from Garrison Rentals LLC (Chris Garrison). This is the first floor only of the building. First floor measures 6462 Square Feet.
- B. **Access from Streets** - There are 2 entrances to the above referenced space. The main entrance is in the southeast corner of the building facing the corner of Main Street and Olive. It is a double glass door. The second entrance is a single door facing south on Olive about midway on the building.
- C. **Parking arrangements and number of spaces** - Currently with the regular attendance there are 10-15 vehicles needing parking space on Sunday mornings. There seems to be a fair amount of public parking within a 1-2 block radius of the building and since Connect Church meets on Sundays, with most businesses being closed in the immediate area, we don't anticipate a shortage of spaces even if the church would grow in numbers. The plan would be to park mainly west on Olive street as spots allow and utilize the Gordy Park area as parking demands increase. We are working to get to know the neighboring businesses prior to the Special Use Approval decision. We will coordinate with neighboring businesses to not disrupt normal business operations with parking issues.
- D. **Interior drives and services areas** - N/A
- E. **Landscape areas** - N/A
- F. **All proposed signs** - The signage will include vinyl stickers on the windows and glass doors facing Main Street and Olive saying the name of the church, service times, and contact info.

ORDINANCE NO. G-

WHEREAS, an application has been filed with the El Dorado Planning Commission requesting a Special Use Permit to allow a Public Assembly Venue on the property located at 323 S. Main Street and;

WHEREAS, on the 28th day of October, 2021, 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 grant the Special Use Permit.

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

Section 1. The Special Use Permit is hereby granted to Connect Church to allow a Public Assembly Venue in a C-2 Central Business District at 323 S. Main Street.

Section 2. This ordinance shall be in full force and effect after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, on this 15th day of November, 2021.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk