

## EL DORADO CITY COMMISSION MEETING

November 15, 2021

The El Dorado City Commission met in a regular session on November 15, 2021 at 6:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Matt Guthrie, Commissioner Gregg Lewis, Commissioner Nick Badwey, Commissioner Kendra Wilkinson, City Manager David Dillner, City Attorney Ashlyn Lindskog, Finance Director Alyssa Warner, City Engineer Scott Rickard, and City Clerk Tabitha Sharp.

### **VISITORS**

|                |                      |                 |
|----------------|----------------------|-----------------|
| Curt Zieman    | 128 N Vine           | El Dorado, KS   |
| Leon Leachman  | 1915 Quail Run       | El Dorado, KS   |
| Phil Benedict  | Chamber of Commerce  | El Dorado, KS   |
| Julie Clements | 220 E 1st Ave        | El Dorado, KS   |
| Suzie Locke    | Adams Jones Law Firm | El Dorado, KS   |
| Peter Storandt | 105 S Race           | El Dorado, KS   |
| Mitch Walter   | Gilmore Bell PC      | Wichita, KS     |
| Tom Kaleko     | Baker Tilly          | Kansas City, MO |

### **CALL TO ORDER**

Mayor Bill Young called the November 15, 2021 meeting to order.

### **INVOCATION**

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

### **PLEDGE OF ALLEGIANCE**

The City Commission led the Pledge of Allegiance.

### **PROCLAMATIONS AND RECOGNITION**

Mayor Bill Young read a proclamation declaring American Education Week.

Service Awards were presented to the following:

#### 10 Years

Don Argo  
Derek Kling  
Jay Marshall  
Jason Reiswig  
Kyla Willson

#### 15 Years

Derick Boggs  
Barry Brown  
Randy Phares  
Travis Pierce  
Coby Spear

#### 20 Years

Josh Potter  
Scott Rickard  
Erik Tharp

#### 25 Years

Joe Haag

#### 30 Years

Dan Jones

Ron McClure

**PUBLIC COMMENT**

Mayor Bill Young opened the floor for public comments.

Suzie Locke, Adams Jones Law Firm, stated that she is representing Peter and Judith Storandt and would like to start a conversation with the City regarding natural landscaping.

Mayor Young stated that he felt a work session could be scheduled to discuss this.

**CONSENT AGENDA**

Approval of the City Commission minutes from June 21 and October 18, 2021 and Special City Commission minutes from October 27, 2021.

Approval of Appropriation Ordinance No. 10-21 in the amount of \$1,840,701.10.

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

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

**NEW BUSINESS**

**HAZARDOUS MATERIALS AGREEMENT WITH BUTLER COUNTY**

City Manager David Dillner stated that the City would like to update the Hazardous Materials Agreement with Butler County. He stated that the County will compensate the City \$16,000 per year for the hazardous materials response services. He stated that the new agreement also provides a mechanism by which the County will assist in the replacement cost of a new HazMat unit which will have to be replaced in the future.

Commissioner Gregg Lewis moved to approve the proposed HazMat agreement and direct the Mayor to sign said agreement.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

**REQUEST FOR SPECIAL USE PERMIT APPLICATION FOR 323 S MAIN STREET FOR PUBLIC ASSEMBLY**

City Engineer Scott Rickard stated that an application was received for a Public Assembly Venue at 323 S Main Street. He stated that the applicant plans to use the first floor of the building as their weekly meeting space. He stated that the Planning Commission voted unanimously to approve the application.

City Engineer Rickard stated that there were some concerns at the previous work session about liquor laws. He stated that after reviewing the statute, due to the location in the downtown area, the City has the ability to waive the requirement that a liquor license be at least two hundred feet from any religious facility. He stated that all existing establishments will not be affected.

Commissioner Nick Badwey confirmed that the building would be designated as a church.

City Engineer Rickard stated that the applicant was a church, but the Commission has to consider the application on the definition for public assembly.

Commissioner Kendra Wilkinson asked him to clarify.

City Engineer Rickard stated that the Commission must consider it on the basis of the proposed zoning use, not the applicant.

City Attorney Ashlyn Lindskog stated that constitutionally, it must be considered on the zoning use. She stated that City Engineer Rickard gave the additional context because it could have an impact on future development in the area.

Commissioner Gregg Lewis asked if someone could re-open Jax Bar.

City Engineer Rickard stated that the location is more than 200 feet from the building being discussed this evening, so it would be fine.

Commissioner Nick Badwey 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-1359 be approved.

Commissioner Kendra Wilkinson seconded the motion.

Commissioner Lewis asked why it was tabled in the original meeting.

City Engineer Rickard stated that it was tabled because the applicant was present, but the building owner was not and the Planning Commission wanted to ensure that the tenants were made aware of the change.

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              | Yes |
| Position No. 1 | Commissioner Matt Guthrie     | Yes |

**MYERS EAST ADDITION PUBLIC INFRASTRUCTURE AUTHORIZATION  
(PROJECTS NO. 584 PAVING AND 585 SANITARY SEWER)**

City Engineer Rickard stated that bids have been received for paving and the extension of sanitary sewer in the Myers East Addition, which consists of 18 residential lots south and east of Hazlett and Skyview. He stated that McCullough Excavation has submitted the lowest and best bid of \$321,083.50.

Commissioner Nick Badwey stated that he was abstaining from the vote because property in this area is owned by his employer.

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

Commissioner Matt Guthrie seconded the motion.

Motion carried 4 – 0 (Commissioner Badwey abstained).

**PROPOSED PARKS AND RECREATION ORDINANCES**

Kevin Wishart, Parks and Recreation Director, stated that staff are proposing several additions to the Municipal Code, Chapter 18 relating to Parks and Recreation. He stated that the first ordinance would prevent animals that are not service animals at youth recreation events. He stated that over the last few years, the presence of animals has increased and caused problems.

Parks and Recreation Director Wishart stated that the second ordinance was to change the park curfew hours. He stated that previously, the code had stated the parks were closed from 11

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p.m. to 5 a.m., he stated that staff would like to change the closure to from dusk to dawn, which will better suit the changing hours of daylight. He stated that per the Commission's request, recreational facilities that are lit will be exempt from this rule as long as they are being used for their intended purpose.

City Clerk Tabitha Sharp stated that the final ordinance was to add a fine to Chapter 18. She stated that currently there is not one associated with violation of anything in this chapter and that the proposed ordinance would implement a fine of \$50 plus court costs.

### **Motion #1**

Commissioner Kendra Wilkinson moved to approve Ordinance No. 1360, an Ordinance of the City of El Dorado, Kansas amending Title 18 of the City of El Dorado, Kansas Municipal Code relating to violation of said section.

Commissioner Nick Badwey seconded the motion.

### **Motion #2**

Commissioner Kendra Wilkinson moved to approve Ordinance No. 1361, an Ordinance of the City of El Dorado amending Title 18 of the El Dorado, Kansas Municipal Code relating animals at youth recreational facilities.

Commissioner Nick Badwey seconded the motion.

### **Motion #3**

Commissioner Kendra Wilkinson moved to approve Ordinance No. 1362, an Ordinance of the City of El Dorado amending Title 18 of the El Dorado, Kansas Municipal Code relating to curfews for park facilities.

Commissioner Nick Badwey seconded the motion.

Motions carried 5 – 0.

## **GRAHAM PARK NORTH PLAYGROUND EQUIPMENT BID APPROVAL**

Parks and Recreation Director Kevin Wishart stated that bids were received and taken to the Parks and Recreation Board for the replacement of the Graham Park North Playground. He stated that they picked their three favorites and put them out to the public for a vote. He stated that the public overwhelmingly approved the bid from ABCreative.

Commissioner Gregg Lewis moved to approve the bid from ABCreative for playground equipment at Graham Park.

Commissioner Matt Guthrie seconded the motion.

Motion carried 5 – 0.

## **ORSCHELN'S INDUSTRIAL REVENUE BOND CLOSING**

Mitch Walter, Gilmore Bell P.C., stated that the Ordinance before the Commission is the last action to complete the financing for the Orscheln's project. He stated that the bond will be issued this year and paid off next year.

Commissioner Nick Badwey moved to approve Ordinance No. G-1364, 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.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

**KANSAS COLLEGIATE BASEBALL AGREEMENT**

Parks and Recreation Director Kevin Wishart stated that the City was approached by the Kansas Collegiate League who requested use of McDonald Stadium for the summer season. He stated that the league will host at least sixteen home games and will be responsible for concourse, grandstand and restroom maintenance. He stated that an agreement has been drawn up stating that and that they will pay the City \$2,000 for use of the field. Staff are requesting the Commission allow the City Manager to sign said agreement.

Commissioner Matt Guthrie asked if a name had been developed yet.

Parks and Recreation Director Wishart stated that they had not yet named it.

Commissioner Nick Badwey moved to authorize the City Manager to sign an agreement with the Kansas Collegiate Baseball League.

Commissioner Kendra Wilkinson seconded the motion.

Mayor Bill Young confirmed that we would be able to utilize the field for other recreational games as we normally do.

Parks and Recreation Director Wishart stated that they have control of their schedule and have agreed to work around our recreation games.

Motion carried 5 – 0.

**CONSIDERATION AND SALE OF G.O. BONDS, SERIES 2021**

Tom Kaleko, Baker Tilly, stated that there are two actions before the Commission. The first is an ordinance authorizing the sale and the second is a Resolution setting the terms. He stated that the bond is \$6,340,000, twenty years for the capital improvement projects, fifteen years for the purchase of a fire truck and 11 for the refinancing of the 2011 bond. He stated that the refinancing of the 2011 bond keeps the same term, but saves \$34,500 in interest expenses annually.

Mr. Kaleko stated the original bond was over \$7 million, but the purchaser bought the bond at a premium, saving the City money. He stated that the City received seven bids and the winning bid has a true interest cost of 1.45%.

Mr. Kaleko stated that he would like to extend his congratulations to the city staff on their financial management and Gilmore and Bell for their work.

Motion #1

Commissioner Kendra Wilkinson moved to approve Ordinance No. G-1363, an Ordinance authorizing and providing for the issuance of General Obligation Refunding and Improvement Bonds, Series 2021A, of the City of El Dorado, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto.

Commissioner Nick Badwey 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 Kendra Lewis     |

**Motion #2**

Commissioner Kendra Wilkinson moved to approve Resolution No. 2931, a Resolution prescribing the form and details of and authorizing and directing the sale and delivery of general obligation refunding and improvement bonds, Series 2021A, of the City of El Dorado, Kansas, previously authorized by Ordinance No.G-1363 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith.

Commissioner Nick Badwey seconded the motion.

Motion carried 5 – 0.

**REPORTS****CITY COMMISSION AND ADVISORY BOARD UPDATES**

Commissioner Nick Badwey stated that the library board met earlier in the month. He stated that they have done some maintenance to their HVAC units, installed a knox box, and got help from Public Works repairing the sump pump. He stated that they have posted a few positions. He stated that he really enjoys his service on the library board because it reaches all manner of citizens.

Mayor Bill Young stated that he knew they would do this in December, but wanted to say that he has really enjoyed serving with Matt and Nick and appreciated their dedication to the City of El Dorado and thanked them for their service.

**CITY MANAGER REPORT**

City Manager David Dillner stated that staff are currently in the process of beginning a Police Chief search process. He stated that he has been visiting various groups in the community as well as our police department to get feedback on what they would like to see in the future Police Chief.

City Manager Dillner stated that KDOT received the K254 Association's request to do a study on the highway between El Dorado and East Wichita. He stated that we should hear about that in a few months.

City Manager Dillner stated that the Billing Department will be closed on December 2<sup>nd</sup> for a staff retreat. He stated that the City will be closed for Thanksgiving on November 25<sup>th</sup> and 26<sup>th</sup>.

**EXECUTIVE SESSION**

Commissioner Nick Badwey moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing specifically the City Manager's evaluation, and to reconvene the meeting at 8:10 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

Mayor Bill Young called the meeting back to order at 8:10 p.m.

Commissioner Nick Badwey moved to recess into executive session pursuant to the non-elected personnel exception under K.S.A. 75-4319(b)(1) for the purposes of discussing specifically the City Manager's evaluation, and to reconvene the meeting at 8:10 p.m.

Commissioner Gregg Lewis seconded the motion.

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Motion carried 3 – 0 (Commissioners Guthrie and Wilkinson stayed in the conference room).

Mayor Bill Young called the meeting back to order at 8:25 p.m.

Commissioner Nick Badwey stated that the City Commission has approved the City Manager's contract to renew with an annual compensation increase.

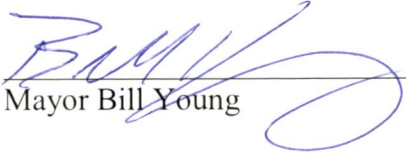
**ADJOURNMENT**

Commissioner Nick Badwey moved to adjourn the meeting at 8:26 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

  
City Clerk Tabitha D. Sharp

  
Mayor Bill Young