



EL DORADO CITY COMMISSION – REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
November 7, 2022 – 5:30 PM

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

Proclamations and Recognition

- 5. None**

Personal Appearances. Personal appearances are opportunities for organizations or citizens to make special presentations before the City Commission. Such appearances are scheduled in advance of the meeting by calling City Clerk Tabitha Sharp at (316) 321-9100 by 5:00 pm the Tuesday preceding the meeting. Presentations are limited to ten minutes. Any presentation is for information purposes only; no action will be taken.

- 6. None**

8. Public Comments. Persons who wish to address the City Commission regarding items not on the agenda and that are under the jurisdiction of the City Commission may do so when called upon the Mayor. Comments on personnel matters and matters pending in court are not permitted. Speakers are limited to three minutes. Any presentation is for information purposes only; no action will be taken.

Consent Agenda (*Consent agenda items will be acted on by one motion unless a majority of the City Commission votes to remove an item for discussion and separate action.*)

- 9. [City Commission Meeting Minutes from September 19 and October 17, 2022.](#)**

Old Business

- 10. None**

New Business

- 11. [Public Hearing for Projects 584 and 585, Myers East Paving and Sanitary Sewer Improvements](#)**
- 12. [Creation of a Community Improvement District at 142 North Main Street](#)**
- 13. [Bid Award for the CDBG Commercial Project at 142 North Main Street](#)**
- 14. [Municipal Code Amendment to Chapter 8 Regarding Tall Weeds and Grass](#)**

Discussion Items

- 15. None**

Reports

- 16. City Commission and Advisory Board Updates**

17. City Manager

Executive Session

18. None

Adjournment

19. Consideration of a motion to adjourn the September 6, 2022 regular meeting

PUBLIC COMMENT POLICY:

Citizens are encouraged to address the City Commission during regularly scheduled meetings. This policy is intended to provide some guidelines to ensure that all El Dorado citizens have a chance to address the Commission.

1. Each citizen will state their name and address before making comments.
2. There are no residency requirements.
3. Each citizen will have 3 minutes to present his or her comments.
4. An extension of time, if necessary, may be approved but must be by a majority of the City Commission.
5. Comments or questions will be directed only to the City Commission.
6. Citizens will follow the decorum policy.
7. Debate or argument between parties in the audience will not be allowed.
8. Certain legal issues may not be discussed. (Examples include but are not limited to personnel issues, lawsuits, etc.)
9. Violation of this public comment policy will result in the citizen being directed to cease or resume sitting.

Approved by the Commission this 2nd day of May 2005.

EL DORADO CITY COMMISSION MEETING

September 19, 2022

The El Dorado City Commission met in a regular session on September 19, 2022 at 5:30 p.m. in the Commission Room with the following present: Vice Mayor Kendra Wilkinson, Commissioner Kelly Tetrick, Commissioner Gregg Lewis, Commissioner Leon Leachman, City Manager David Dillner, City Engineer Scott Rickard and Administration Director Tabitha Sharp. Absent: Mayor Bill Young and City Attorney Ashlyn Lindskog

VISITORS

Mike Holton	220 E 1 st Ave	El Dorado, KS
Jason Patty	220 E 1 st Ave	El Dorado, KS

CALL TO ORDER

Vice Mayor Kendra Wilkinson called the September 19, 2022 meeting to order.

INVOCATION

Commissioner Leon Leachman opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITIONS

None.

PERSONAL APPEARANCE

None.

PUBLIC COMMENT

Vice Mayor Kendra Wilkinson opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of City Commission Minutes from September 6, 2022 and Special City Commission Minutes from September 14, 2022.

EL DORADO CITY COMMISSION MEETING

September 19, 2022

Approval of Resolution No. 2952, a Resolution temporarily exempting certain portions of the City of El Dorado, Kansas from the prohibitions on the drinking or consumption of alcoholic liquor and/or cereal malt beverage within the corporate limits of the City of El Dorado, Kansas.

Commissioner Leon Leachman moved to approve the consent agenda as presented.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 4 – 0.

NEW BUSINESS

NUTRIENT TRADING FRAMEWORK – APPROVAL OF KDHE MOU/SOIL AND WATER OUTCOMES FUND CONTRACT

Public Utilities Director Jason Patty stated that the City has the opportunity to participate in a pilot program to better manage our Stormwater and to mitigate sedimentation and nutrient loading. He stated that our participation will give us the ability to earn time credits that will allow us more time to meet new permit requirements. He stated that the total cost of the project is \$150,000, this will be paid out over the next three years from the water fund.

Commissioner Gregg Lewis moved to authorize the City Manager to execute the MOU with KDHE in addition to the contract with the Soil and Water Outcomes Fund for the purpose of nutrient trading credits.

Commissioner Kelly Tetrick seconded the motion.

Vice Mayor Kendra Wilkinson noted that this opportunity had been discussed at a previous work session in more detail.

Motion carried 5 – 0.

PROJECT 594 – CCLIP RESURFACING PROJECT

City Engineer Scott Rickard stated that the City received one bid from APAC Kansas for \$453,330 for the resurfacing of South Main, Central to the city limits. He stated that KDOT will participate in the cost up to \$300,000 or 90%, whichever is less.

Commissioner Gregg Lewis moved that since APAC-Kansas, Inc., Shears Division has submitted the lowest and best bid of \$453,330.00 for Project No. 594, the City Manager be directed to award the contract to said contractor providing that the company furnish the proper bonds.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 4 – 0.

LEAGUE OF KANSAS MUNICIPALITIES DELEGATE SELECTION

City Manager David Dillner stated that each year, representatives of the City serve as delegates to the League of Kansas Municipalities conference.

Commissioner Leon Leachman moved to appoint Kelly Tetrick, Gregg Lewis and Leon Leachman as voting delegates at the annual business meeting of the Kansas League of Municipalities annual meeting.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 4 - 0

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Gregg Lewis asked why the roads weren't crack sealed before they did the reclimate program.

City Engineer Scott Rickard stated that staff would get an answer for the Commission, that's a program that is done through the Public Works department. He stated that Brad had recently told him that they will be doing crack sealing in the fall.

CITY MANAGER REPORT

City Manager David Dillner stated that KDHE did a routine inspection of the waste water facility and commended the city for their proactive approach to replacement and rehabilitation of sewer mains.

City Manager Dillner stated that both splash parks experienced some challenges in the last weeks and had to be shut down. The parts to repair them are not available for a few weeks.

City Manager Dillner encouraged citizens to fill out the childcare survey available on our website and social media.

City Manager Dillner stated that Gold Fest is in progress and ongoing through Saturday night. He invited citizens to participate in the events.

ADJOURNMENT

Commissioner Leon Leachman moved to adjourn the meeting at 5:51 p.m.

EL DORADO CITY COMMISSION MEETING

September 19, 2022

Commissioner Kelly Tetrack seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

EL DORADO CITY COMMISSION MEETING

October 17, 2022

The El Dorado City Commission met in a regular session on October 17, 2022 at 5:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Gregg Lewis, Commissioner Leon Leachman, Commissioner Kendra Wilkinson, City Manager David Dillner, City Engineer Scott Rickard and Administration Director Tabitha Sharp. Absent: City Attorney Ashlyn Lindskog

VISITORS

Mike Holton	220 E 1 st Ave	El Dorado, KS
Brad Meyer	220 E 1 st Ave	El Dorado, KS
Deanna Bonn	Miss El Dorado Ambassadors	El Dorado, KS
Linda Fischetti	400 S Summit	El Dorado, KS
Debbie McCluer	Butler Homeless Initiative	El Dorado, KS
Debra Hill	Butler Homeless Initiative	El Dorado, KS
Hollie Himenez	Butler Homeless Initiative	El Dorado, KS
Nita Whiteman	515 Prairie Rd.	El Dorado, KS
Kristina McCluer	405 N High	El Dorado, KS
Terry Radebaugh	Butler Homeless Initiative	El Dorado, KS
Shari Storm	Butler Homeless Initiative	El Dorado, KS
Lexi and Allie Rardin	Miss El Dorado	El Dorado, KS
Phil Benedict	El Dorado Chamber of Commerce	El Dorado, KS
Jerr Urton	201 N Summit	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the October 17, 2022 meeting to order.

INVOCATION

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

PLEDGE OF ALLEGIANCE

The Miss El Dorado Ambassadors led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITIONS

Mayor Bill Young read a proclamation declaring October 14, 2022 Lionel Butts day.

PERSONAL APPEARANCE

Pastor Debbie McCluer, Butler Homeless Initiative, gave a presentation to the City Commission and asked them to consider allowing the cold weather shelter to reopen.

EL DORADO CITY COMMISSION MEETING
PUBLIC COMMENT

October 17, 2022

Mayor Bill Young opened the floor for public comments.

Deanna Bonn, Miss El Dorado Ambassadors, introduced a few of the ambassadors and thanked the Commission for their support of the pageant.

Linda Fischetti, 400 S Summit, stated that she wanted to put a privacy fence on her property. She stated that she has been denied a fence permit by the Engineering Department. She stated that not every property is the same and she would like to be considered for a special use permit.

City Engineer Scott Rickard stated that because she has a corner lot, she has what is considered two front yards. He stated that the current zoning code does not allow a privacy fence in the front yard setback. He stated that they are enforcing the current rules and staff cannot change them without direction from the Planning Commission and Commission.

Mayor Young asked if there was a desire by the Commission to look at this Ordinance.

City Manager David Dillner stated that it would need to go to the Planning Commission first so that they could provide a recommendation to the Commission.

The Commission agreed to send it to the Planning Commission for review.

CONSENT AGENDA

Approval of Appropriation Ordinance No. 09-22 in the amount of \$3,250,222.55.

Approval of Library Board appointment, Amy Clites for an appointment to expire on December 31, 2025.

Commissioner Leon Leachman moved to approve the consent agenda as presented.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

NEW BUSINESS

SETTING A PUBLIC HEARING FOR MYERS EAST PAVING AND SEWER PROJECTS

City Engineer Scott Rickard stated that the paving and sewer projects for Myers East have been completed and staff are requesting a public hearing on the assessments.

EL DORADO CITY COMMISSION MEETING

October 17, 2022

Commissioner Kelly Tetrick moved to set the public hearing for 5:30 p.m. on November 7, 2022 to be held for the purpose of considering the proposed assessments for the cost of Project Nos. 584 & 585, and further direct individual mailings to each owner liable for the special assessments.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

KDOT CCLIP

City Engineer Scott Rickard stated that the City was notified last week that they have received \$400,000 from KDOT for the mill and overlay of North Main from 6th Avenue to McCollum Road. Staff are requesting the authorization of the form accepting the funds.

Commissioner Gregg Lewis moved to authorize the Mayor to sign and submit KDOT form 1302 for the preservation project of N Main from 6th Avenue to McCollum Rd.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 5 – 0.

KINDER DRIVE REZONING

City Engineer Scott Rickard stated that the city received an application to rezone a property at Kinder Drive to R-1, low density residential. He stated that it is located within the Extraterritorial Jurisdiction and is currently zoned A-R, Agricultural Residential. He stated that the minimum requirement for Agricultural Residential is 40 acres, and this property only has 5.3 acres. He stated that the Butler County Commission and Planning Commission both voted to approve the request.

Commissioner Gregg Lewis moved to approve an ordinance for Case No. 22-04-REZ, requesting a rezoning of Lot 3, Block 1, in Kinder 2nd Addition to R-1 Low Density Residential District.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 5 - 0.

ACCESS ROAD AND PARKING LOT IMPROVEMENT PROJECT AT CAPTAIN JACK THOMAS MEMORIAL AIRPORT

Public Works Director Brad Meyer stated that this is a project in conjunction with the FAA funding that allows for the City to receive 90% of the funding with a 10% match. He stated that it has been put off for several years while other safety related projects were completed. He

EL DORADO CITY COMMISSION MEETING

October 17, 2022

stated that the road has been rebuilt several times, but needs to be redone. He stated that it will increase the aesthetics and usability of the airport.

Commissioner Kelly Tetrick moved to authorize the project and authorizes the City Manager to complete the associated paperwork.

Commissioner Gregg Lewis seconded the motion.

Motion carried 5 – 0.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Commissioner Kendra Wilkinson stated that El Dorado Main Street is working on hosting events during Thankful Thursday to attract people downtown.

Commissioner Wilkinson stated that the Parks and Recreation board did not meet due to a lack of quorum. She stated that the Summit Park restrooms have been shut down because of vandalism.

Commissioner Leon Leachman stated that he learned a lot of interesting things at the League of Kansas Municipalities. He also thanked staff for their work on the Gold Fest.

Commissioner Gregg Lewis stated that he also found some interesting information from a nonverbal communication class and a class led by the City of Humboldt. He stated that they would like to come to El Dorado and talk to Main Street and the City.

Commissioner Kelly Tetrick stated that the Friends of the Library book sale is coming soon, they will close early on Halloween for Trick or Treat. He also stated that he found the conference interesting.

Mayor Bill Young confirmed that the Commission wanted to have the Planning Commission look at the fence ordinance.

Commissioner Tetrick stated that he felt the ordinance was in place for a reason, but maybe the Planning Commission could be given an avenue for an SUP.

The Commission agreed to have the Planning Commission look at it from the avenue of giving the Planning Commission an avenue for the SUP.

Mayor Young also requested confirmation on the BHI request.

The Commission agreed to review that at an upcoming work session.

**EL DORADO CITY COMMISSION MEETING
CITY MANAGER REPORT**

October 17, 2022

City Manager Dillner stated that the Excess Sales Tax committee is preparing a recommendation for the Commission.

City Manager Dillner stated that with the CCLIP project, a good portion of Main Street will be new.

City Manager Dillner reviewed an event report from Gold Fest.

Mayor Bill Young stated that it was a great event and he appreciated all of the work from staff and volunteers.

City Manager Dillner stated that he felt that given the commentary earlier on some of the building code enforcement, he thought maybe the Commission wanted to talk further. He asked for direction from the Commission on the issue.

Mayor Young stated that there have been some issues with building and zoning codes such as the Holiday Inn. He stated that he has been asked for follow-up on the previous conversation, and would like to get an update. He stated that he would like to get to a point where we can more effectively enforce our building and zoning codes.

Commissioner Kelly Tetrick stated that he would be interested in more information as well.

ADJOURNMENT

Commissioner Leon Leachman moved to adjourn the meeting at 6:41 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Tabitha D. Sharp

Mayor Bill Young

TO: City Commission
FROM: Scott Rickard
SUBJ: Public Hearing for Projects 584 & 585, Myers East Paving & Sanitary Sewer Improvements
DATE: October 31, 2022

Background:

Project Nos. 584 & 585 are complete. The City Commission established this date to hold the public hearing and to spread the costs to the properties involved.

Project Schedule:

Complete.

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.*

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

IV. Economic Development – *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.*

f. Collaborate with area developers and builders to facilitate ***housing opportunities*** for the community.

Attachments:

Assessment proceedings

Policy Issue:

The City Commission must hold a public hearing to allow citizens to express concerns regarding the project

Fiscal Impact:

The total cost of the paving project is \$256,728.06. The costs assessed to the improvement district will be \$178,728.17 and city-at-large costs will be \$77,999.88. The total costs of the project 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.

The total cost of the sewer project is \$187,811.61. The costs assessed to the improvement district will be \$187,811.61 and city-at-large costs will be \$0.00. The total costs of the project 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.

Trade-offs:

N/A

Staff Recommendation:

Proceed with the assessments.

Commission Actions:

Commissioner _____ moved to approve an ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of El Dorado, Kansas, as previously authorized by Resolution Nos. 2922 & 2923 of the City; and providing for the collection of such special assessments.

Commissioner _____ seconded the motion.

Return to Agenda

Next Item

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EL DORADO, KANSAS
HELD ON NOVEMBER 7, 2022**

The governing body met in regular session at the usual meeting place in the City at 5:30 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)

The Mayor opened a public hearing for the purpose of receiving written or oral objections and considering proposed assessments for the costs of certain internal improvements previously authorized by the governing body of the City. It was determined by the governing body that notice of the public hearing was duly published and mailed in accordance with K.S.A. 12-6a01 *et seq.* Thereafter, the Mayor adjourned the public hearing.

An Ordinance was presented entitled:

**AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN
PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE
CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY
RESOLUTION NOS. 2922 AND 2923 OF THE CITY; AND PROVIDING FOR THE
COLLECTION OF SUCH SPECIAL ASSESSMENTS.**

The Ordinance was considered and discussed, and on motion of Commissioner _____,
seconded by Commissioner _____, the Ordinance was passed by the following vote:

Yea: _____.

Nay: _____.

The Mayor declared the Ordinance duly passed and the Ordinance was then numbered Ordinance No. [____], was signed by the Mayor and attested by the City Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City. The City Clerk was further directed to cause a Notice of Assessment to be mailed to each and all of the known property owners affected thereby on the same date that the Ordinance or a summary thereof is published.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

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

(SEAL)

City Clerk

ORDINANCE NO. [____]

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 2922 AND 2923 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the governing body of the City of El Dorado, Kansas (the “City”) has previously authorized certain internal improvements (the “Improvements”) to be constructed pursuant to K.S.A. 12-6a01 *et seq.* (the “Act”); and

WHEREAS, the governing body has conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefited by the construction of the Improvements.

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

Section 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Project No. 584 – Paving Skyview Drive

Resolution No. 2923
Paving Skyview Drive

Project No. 585 - Sanitary Sewer Improvements

Resolution No. 2922
Sanitary Sewer Improvements

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on ***Exhibit A*** attached hereto.

Section 2. Payment of Assessments. The amounts so levied and assessed in ***Section 1*** hereof shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within thirty (30) days from the date of publication of this Ordinance or a summary thereof.

Section 3. Notification. The City Clerk shall notify the owners of the properties described in ***Exhibit A*** attached hereto (insofar as known to the City Clerk) of the amounts of their respective assessments. The notice shall also state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance or a summary thereof, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

Section 4. Certification. Any amount of special assessments not paid within the time prescribed in ***Section 2*** hereof shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in

the same manner and at the same time as other taxes are certified and will be collected in 20 annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by the Act. Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Section 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication of the Ordinance or a summary thereof once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on November 7, 2022 and signed by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original Ordinance; that the Ordinance was passed on November 7, 2022; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in ***The Butler County Times-Gazette*** on November 12, 2022.

DATED: November 12, 2022.

City Clerk

EXHIBIT A-1

**PAVING SKYVIEW DRIVE - PROJECT NO. 584
RESOLUTION NO. 2923**

Description of Property	Amount of Assessment
Lot 1, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 2, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 3, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 4, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 5, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 6, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 7, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 8, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 9, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 10, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 11, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 12, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 13, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 14, Block 1 of Myers East 2nd Addition	\$11,915.22
Lot 15, Block 1 of Myers East 2nd Addition	<u>\$11,915.22</u>
	\$178,728.17

EXHIBIT A-2

**SANITARY SEWER IMPROVEMENTS - PROJECT NO. 585
RESOLUTION NO. 2922**

Description of Property	Amount of Assessment
Lot 1, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 2, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 3, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 4, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 5, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 6, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 7, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 8, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 9, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 10, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 11, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 12, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 13, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 14, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 15, Block 1 of Myers East 2nd Addition	\$11,047.75
Beginning at the NE/c of the NW4 of the NW4 of Section 25, Township 25 South, Range 5 East of the 6th PM in Butler County, Kansas; thence S86°33'47"W, a distance of 37.88' thence N01°19'24"W, a distance of 390.59' to a point on the South line of Hazlett Heights Addition; thence N88°35'08"E a distance of 25' to the SW/c of Lot 18 Block C in Myers East Addition; thence N88°36'22"E, a distance of 166.30' to the NW/c of Lot 15 Block C of said Myers East Addition; thence S01°24'22"E, a distance of 359.99 feet; thence S00°19'26"E, a distance of 29.80' to a point on said South line of said SW4; thence S88°48'30"W, a distance of 153.28' to the Point of Beginning.	\$11,047.75
Beginning at the SE/c of Lot 12, in Blk 6 Hazlett Heights Addition to the City of El Dorado thence running N 125.93' thence E 159' thence S 125.93' thence W 159' to the POB, being in the SW Quarter of Section 25 Township 25 S, Range 5 E of the 6th PM Butler County, KS	<u>\$11,047.75</u>
	<u>\$187,811.61</u>

NOTICE OF ASSESSMENT

November 12, 2022
City of El Dorado, Kansas

Property Owner:

You are hereby notified, as owner of record of the property described on ***Schedule I*** attached hereto, that pursuant to Ordinance No. [____] (the “Ordinance”) of the City of El Dorado, Kansas (the “City”) there has been assessed against the property the costs of certain internal improvements previously authorized by the governing body of the City (the “Improvements”). The description of the Improvements, the resolution number authorizing the same and the amount of assessment are set forth on ***Schedule I*** attached hereto.

You may pay this assessment in whole or in part to the City Treasurer of the City within thirty (30) days from the date hereof; and if the amount is not paid within the time period, bonds will be issued therefor, and the balance of such assessment will be collected in 20 annual installments, together with interest on such amounts remaining unpaid at a rate not exceeding the maximum rate therefor as prescribed by K.S.A. 12-6a01 *et seq.* Interest accruing between the date set forth above and the date the first installment is payable, but not less than the amount of interest due during the coming year on any outstanding bonds issued to finance the Improvements, shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

Tabitha Sharp, City Clerk

SCHEDULE I-1

**PAVING SKYVIEW DRIVE - PROJECT NO. 584
RESOLUTION NO. 2923**

Description of Property	Amount of Assessment
Lot 1, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 2, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 3, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 4, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 5, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 6, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 7, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 8, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 9, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 10, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 11, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 12, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 13, Block 1 of Myers East 2nd Addition	\$11,915.21
Lot 14, Block 1 of Myers East 2nd Addition	\$11,915.22
Lot 15, Block 1 of Myers East 2nd Addition	<u>\$11,915.22</u>
	\$178,728.17

SCHEDULE I-2

**SANITARY SEWER IMPROVEMENTS - PROJECT NO. 585
RESOLUTION NO. 2922**

Description of Property	Amount of Assessment
Lot 1, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 2, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 3, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 4, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 5, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 6, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 7, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 8, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 9, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 10, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 11, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 12, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 13, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 14, Block 1 of Myers East 2nd Addition	\$11,047.74
Lot 15, Block 1 of Myers East 2nd Addition	\$11,047.75
Beginning at the NE/c of the NW4 of the NW4 of Section 25, Township 25 South, Range 5 East of the 6th PM in Butler County, Kansas; thence S86°33'47"W, a distance of 37.88' thence N01°19'24"W, a distance of 390.59' to a point on the South line of Hazlett Heights Addition; thence N88°35'08"E a distance of 25' to the SW/c of Lot 18 Block C in Myers East Addition; thence N88°36'22"E, a distance of 166.30' to the NW/c of Lot 15 Block C of said Myers East Addition; thence S01°24'22"E, a distance of 359.99 feet; thence S00°19'26"E, a distance of 29.80' to a point on said South line of said SW4; thence S88°48'30"W, a distance of 153.28' to the Point of Beginning.	\$11,047.75
Beginning at the SE/c of Lot 12, in Blk 6 Hazlett Heights Addition to the City of El Dorado thence running N 125.93' thence E 159' thence S 125.93' thence W 159' to the POB, being in the SW Quarter of Section 25 Township 25 S, Range 5 E of the 6th PM Butler County, KS	<u>\$11,047.75</u>
	<i>\$187,811.61</i>

CERTIFICATE OF MAILING

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of El Dorado, Kansas, does hereby certify that on November 12, 2022, the date on which Ordinance No. [_____] (the “Ordinance”) of the City was published, I caused to be mailed to the owners of the properties liable for the assessments set out in the Ordinance, at their last known post office addresses, a Notice of Assessment showing the respective assessments levied against their properties and stating the manner in which the assessments will be collected.

A sample copy of the form of such Notice of Assessment is attached hereto.

WITNESS my hand and seal as of November 12, 2022.

(Seal)

Tabitha Sharp, City Clerk

[attach sample copy of form]

CERTIFICATE OF CITY CLERK

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The undersigned, City Clerk of the City of El Dorado, Kansas (the “City”), does hereby certify that within the time allowed by Ordinance No. [____] of the City for the payment of special assessments in cash, property owners specially assessed for the costs of certain internal improvements previously authorized by the governing body of the City, paid in cash the amounts set forth below:

Resolution No.	Amount
2923	
2922	
<i>TOTAL</i>	<i>\$_____</i>

WITNESS my hand on _____.

City Clerk

(Published in *The Butler County Times-Gazette* on November 12, 2022)

SUMMARY OF ORDINANCE NO. [____]

On November 7, 2022, the governing body of the City of El Dorado, Kansas, passed an ordinance entitled:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF EL DORADO, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 2923 AND 2922 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

The Ordinance levies special assessments on certain property located in Myers East 2nd Addition, which have been benefitted from certain internal improvements constructed pursuant to K.S.A. 12-6a01 *et seq.* and provides an opportunity for prepayment, in whole or in part, of the special assessments. A schedule of the amounts of the special assessments and the property benefitted are attached to the Ordinance. Any amount of special assessments not paid within the time prescribed in the Ordinance shall be certified by the City Clerk to the Clerk of Butler County, Kansas, in the same manner and at the same time as other taxes are certified and will be collected in annual installments, together with interest on such amounts at a rate not exceeding the maximum rate therefor as prescribed by law. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 200 E. 1st 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 <https://www.eldoks.com/>.

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

DATED: November 7, 2022.

City Attorney

TO: City Commission
FROM: Scott Rickard
SUBJ: Creation of a Community Improvement District at 142 North Main Street
DATE: October 3, 2022

Background:

The general nature of the proposed project at 142 N. Main St. is ultimate redevelopment of a commercial property. The proposed work to be undertaken is the relocation of certain utilities, installation of sub-surface waste separation improvements. All work to be performed as part of this CID will take place within the right of ways and alleys adjacent to the building. Additional interior and exterior work on the building is currently underway which are ineligible for a CID. The creation of the CID allows the building owner to pay for these improvements via a special assessment. There will be no increase in sales tax repayment will be made to the City thru special assessments.

Definition of a CID – In Kansas they were first utilized in 2002, CIDs are a tool for redevelopment and neighborhood stabilization. A CID is a separate legal entity, either a political subdivision or not-for-profit corporation, which is established to pay for public improvements or private projects through a sales and use tax, special assessment, or real property tax.

Project Schedule:

Completion summer of 2023

Strategic Plan:

IV. Economic Development – *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.*

- a. Actively collaborate with downtown stakeholders to *facilitate revitalization efforts in downtown* El Dorado.

Attachments:

Estimate of Project Costs, Petition, Ordinance

Policy Issue:

The City Commission must consider accepting the petition and the creation of the CID

Fiscal Impact:

The total cost of the project is proposed at \$88,436.25, of which we propose \$16,258.03 of the total to be considered in-kind work provided by the City, and the remaining \$72,178.23 to be repaid by CID Special Assessment from the property owner to the City.

Trade-offs:

N/A

Staff Recommendation:

Set the public hearing

Commission Actions:

Commissioner _____ moved to approve an ordinance creating a Community Improvement District in the City of El Dorado, Kansas; authorizing a certain project therein; approving the estimated costs of such project; containing the legal description and map of the boundaries of the district; and approving the method of financing the project.

Commissioner _____ seconded the motion.

[Return to Agenda](#)

[Next Item](#)

PETITION

REQUESTING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT
(CITY OF EL DORADO – 142 N MAIN PROJECT)

TO: The Mayor and City Council (the “Governing Body”)
City of El Dorado, Kansas

1. The undersigned, being the owner of record (the “Owner”) of 100% of the land area within the proposed community improvement district set forth in *Section 1(a)* below (the “District”), said District to be located within the City of El Dorado, Kansas (the “City”), does hereby request that the Governing Body create the District and authorize the project hereinafter set forth in the manner provided by K.S.A. 12-6a26 *et seq.*, as amended (the “Act”). In furtherance of such request, the Owner hereby states as follows:

(a) The legal description of the boundaries of the proposed District is as follows:

Lots 22, and 24 to the Lower’s Addition to the City El Dorado, Butler County, Kansas

(b) The general nature of the proposed project to be undertaken within the proposed District is the redevelopment of commercial property located at 142 N. Main in the City, including relocation of certain utilities, installation of sub-surface waste separation improvements, and all improvements related and appurtenant thereto.

(c) The estimated cost of the proposed Project is \$72,178.23, to be increased at the pro rata rate of 1 percent per month from and after the date of passage of an ordinance creating the District.

(d) The proposed method of financing the Project shall be by special assessment. 100% of the costs of the Project shall be assessed on all real property within the boundaries of the District on an equal per square foot basis. Where the ownership of any parcel within the District is or may be divided into two or more parcels, the assessment to the parcel so divided shall be assessed to each ownership or parcel on a square foot basis.

(e) No community improvement district sales tax is proposed for the District.

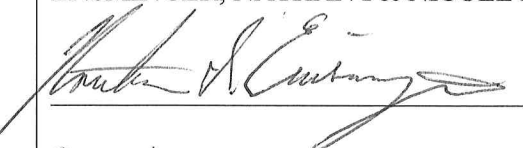
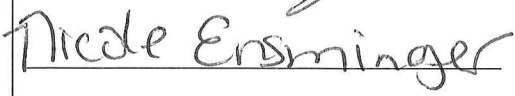
(f) The proposed District is generally located at the southeast corner of the intersection of N. Main Street and E. First Avenue in the City. A map generally outlining the boundaries of the proposed District is attached as *Exhibit A* hereto and incorporated by reference herein.

2. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

3. The undersigned consent to any special assessments described herein without regard to benefits conferred by the Project.

4. The undersigned set forth below each hereby waive the right be notified, by certified mail or otherwise, of any public hearing to be held by the Governing Body concerning the advisability of creating the District.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

<i>Name</i>	<i>Date</i>	Property Owned Within Proposed Community Improvement District
ENSMINGER, NATHAN I & NICOLE D  	<u>Nov 3, 2022</u>	All

THIS PETITION was filed in my office on November 3, 2022; and was examined, considered and found sufficient by the Governing Body of the City of El Dorado, Kansas on November 7, 2022.

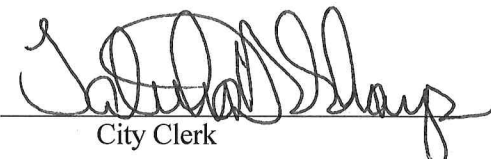

City Clerk

EXHIBIT A

MAP OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT



Engineers Estimate of Cost for Petition Special Assessment CID

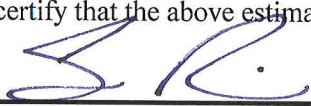
Total Project Cost Exterior work adjacent to 142 N. Main St.

Exterior Infrastructure for the rehabilitation of 142 N. Main St.

Description	Estimated Costs	Contractor
Relocation of Gas Main in Alley	\$ 4,200.00	Kansas Gas Service
Underground Electric Service in Alley	\$ 41,825.00	Apple Electric
Sewer and Oil Water Separator Excavation in Alley	\$ 4,000.00	FYG Construction
Oil Water Separator in Alley	\$ 18,700.00	Royal Flush Plumbing
Alley Concrete Removal	\$ 2,500.00	City of El Dorado In-Kind
Alley Concrete Replacement and Trans Pad	\$ 9,500.00	City of El Dorado In-Kind
2" Water Meter Installation	\$ 3,500.00	City of El Dorado In-Kind

Construction Sub Total	\$	84,225.00
Admin Items	\$	4,211.25
TOTAL	\$	88,436.25
City at Large	\$	16,258.03
CID Improvement District	\$	72,178.23

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



 Scott Rickard
 Engineering Department

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COMMISSION OF
THE CITY OF EL DORADO, KANSAS
HELD ON NOVEMBER 7, 2022**

The City Council (the "Governing Body") met in regular session at the usual meeting place in the City at 5:30 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)

An Ordinance was presented entitled:

**AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN
THE CITY OF EL DORADO, KANSAS; AUTHORIZING A CERTAIN PROJECT
THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT;
CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES
OF THE DISTRICT; AND APPROVING THE METHOD OF FINANCING THE
PROJECT.**

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

Aye:

Nay:

The Mayor declared the Ordinance duly passed and the Ordinance was then numbered Ordinance No. G-____, was signed by the Mayor and attested by the City Clerk and the Ordinance was directed to be published one time in the official newspaper of the City.

* * * * *

CERTIFICATE

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

(SEAL)

Clerk

(Published in *Butler County Times-Gazette* on November 12, 2022)

ORDINANCE NO. G-__

AN ORDINANCE CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF EL DORADO, KANSAS; AUTHORIZING A CERTAIN PROJECT THEREIN; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT; CONTAINING THE LEGAL DESCRIPTION AND MAP OF THE BOUNDARIES OF THE DISTRICT; AND APPROVING THE METHOD OF FINANCING THE PROJECT.

WHEREAS, the city council (the “Governing Body”) of the City of El Dorado, Kansas (the “City”), has heretofore received a Petition pursuant to K.S.A. 12-6a26 *et seq.* (the “Act”) requesting the creation of a Community Improvement District (the “District”) within the City for the purposes set forth in the Petition; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to pass this Ordinance to create such Community Improvement District and authorize the project proposed herein in accordance with the provisions of the Act.

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

SECTION 1. Creation of the Community Improvement District; Legal Description and Map.

The Governing Body hereby finds and determines that it is advisable to create, in accordance with the provisions of the Act, the 142 N Main Community Improvement District (the “District”). The legal description of boundaries of the District is as follows:

Lots 22, and 24 to the Lower’s Addition to the City El Dorado, Butler County, Kansas

A map of the property contained in the District is set forth on ***Schedule I*** attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Project; Estimated Costs.

(a) The Governing Body hereby authorizes the Project to be constructed and undertaken within the District, as follows:

The redevelopment of commercial property located at 142 N. Main in the City, including relocation of certain utilities, installation of sub-surface waste separation improvements, and all improvements related and appurtenant thereto.

(b) The estimated costs of the proposed Project is \$72,178.23, to be increased at the pro rata rate of 1 percent per month from and after the date of passage of this ordinance creating the District.

SECTION 3. Method of Financing; No Sales Tax or Full Faith and Credit Bonds.

(a) The costs of the Project are proposed to be financed by pay as you go financing or the issuance of special obligation bonds. No full faith and credit bonds of the City are authorized under the Act.

(b) There will be **no** community improvement district sales tax levied on property within the boundaries of the District.

SECTION 4. Special Assessments

There are hereby approved special assessments on property within the boundaries of the District, the method of assessment and apportionment of cost for such Project approved to be as follows:

100% of the costs of the Project shall be assessed on all real property within the boundaries of the District. The proposed method of assessment is equally per square foot. Where the ownership of any parcel within the District is or may be divided into two or more parcels, the assessment to the parcel so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication one time in the official City newspaper and shall be submitted to be recorded with the **Butler County** Register of Deeds.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by a majority vote of the City Council of the City of El Dorado, Kansas, on November 7, 2022.

(SEAL)

ATTEST:

Mayor

City Clerk

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. ____ (the “Ordinance”) of the City of El Dorado, Kansas (the “City”); that said Ordinance was passed by the City Council on November 7, 2022, that the record of the final vote on its passage is found on page ____ of journal ____; that the Ordinance was published in the official newspaper of the City on November 12, 2022; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: November 12, 2022.

City Clerk

SCHEDULE I

MAP OF COMMUNITY IMPROVEMENT DISTRICT



TO: City Commission
FROM: Engineering Department
SUBJ: Bid Award for the CDBG Commercial Project at 142 North Main Street
DATE: 11/2/2022

Background:

The owner of the property at 142 N. Main St was awarded a CDBG grant for a Commercial Rehabilitation Project from the Kansas Department of Commerce. Since funds for this project will pass from the State to the City for reimbursement to the owner the Commission must accept the bid.

The scope of project includes ADA compliant restrooms, meeting rooms, rough-in of commercial kitchen and exterior window replacement.

Martsolf Enterprises was the lone bidder with a project cost of \$320,780.25

Project Schedule:

As soon as a contract is in place it is anticipated that work would begin and take a few months to complete.

Attachments:

Letter to the Kansas Department of Transportation requesting a sole source bid.

Policy Issue:

The Commission must award the bid, and direct the mayor to sign the sole source request.

Fiscal Impact:

There will be no cost to the City of El Dorado, the project will be funded entirely from grant dollars and the owner's private investment.

Trade-offs:

N/A

Staff Recommendation:

Accepted the bid and sign the sole source letter.

Commission Actions:

Commissioner _____ moves to accept the bid of Martsolf Enterprises in the amount of \$320,780.25 for the rehabilitation of 142 N. Main St. and request sole source bid approval from the Kansas Department of Commerce, subject to meeting the requirements of the CDBG Commercial Rehabilitation Grant Program.

Commissioner _____ seconded the motion.

[Return to Agenda](#)

[Next Item](#)

City of El Dorado CDBG Street Project
Bid Opening October 27th, 2022

[illegible]

TO: City Commission
FROM: Tabitha Sharp
SUBJ: Municipal Code Amendment to Chapter 8 Regarding Tall Weeds and Grass
DATE: November 4, 2022

Background:

The City of El Dorado received a request from a resident to consider allowing native vegetation taller than the currently allowed height. Staff provided an amended ordinance allowing native vegetation with restrictions. The resident requested that the ordinance be changed to be less restrictive and provided proposed changes. The Commission discussed this at their recent work session and decided that the best option was to allow the City Manager to grant an allowance when they saw fit.

Strategic Plan:

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

6. Facilitate the reduction of blight in El Dorado by proactively identifying and addressing vacant and abandoned housing and blighted properties.

Attachments:

Amended Ordinance

Policy Issue:

The City Commission must consider whether to amend the Municipal Code.

Fiscal Impact:

The fiscal impact is negligible. It will include enforcement and court costs, which are already included in the budget, as well as publication of the ordinance.

Trade-offs:

The City Commission has several options.

1. Approve the amendment to the municipal code.
2. Request more information from staff.
3. Deny the amendment and leave the municipal code as it currently is.

Staff Recommendation:

Approve the ordinance as presented.

Commission Actions:

Commissioner _____ moved to approve an ordinance amending Title 8 of the City of El Dorado, Kansas Municipal Code relating to health and safety, providing additional provisions for weed and grass control.

Commissioner _____ seconded the motion.

Return to Agenda

ORDINANCE NO. ____

**AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF EL DORADO,
KANSAS MUNICIPAL CODE RELATING TO HEALTH AND SAFETY,
PROVIDING ADDITIONAL PROVISIONS FOR WEED AND GRASS
CONTROL**

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

Section 1: Section 8.28.020 shall be amended as follows:

Section 8.28.020 - Definitions.

“Natural Landscaping” as used in this chapter, means any landscaping technique in a yard or development site that does not contain noxious weed growth or noxious weed seed and preserves or uses primarily native vegetation indigenous to Kansas in a design intended to exhibit the character and spirit of nature by arrangement of the plants and drainage patterns similar to the arrangements of natural prairie, woodland, or wetland plant communities and drainage.

“Weeds” as used in this chapter, means any of the following:

1. Any plants growing uncultivated and out of context with the surrounding plant life which may attain such large growth as to become, when dry, a fire menace to adjacent property;
2. Brush and woody vines;
3. Any plants which bear or may bear seeds of a downy or wingy nature;
4. Any plants which are located in an area which may harbor rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare.

Section 2: 8.28.030 shall be amended as follows:

8.28.030 - Grass and Weed Height Restrictions.

Height restrictions shall be as follows:

- A. Six-inch grass and weeds limit in R-S, R-1, R-2, R-3, M-P, C-1, C-2, O-1, P-D and T-H
- B. Twelve (12) inch grass and weeds limit in I-1 and I-2;
- C. The public officer, as designated in Section 8.28.040 (A), shall have the discretion to exempt from the terms of this chapter the following: construction areas, undeveloped areas, natural landscaping, and areas designated by the city manager for agriculture use.

Section 3: In all other respects, Section 8.28 shall be and remain unchanged.

Section 4: REPEAL. All other ordinances or parts of other ordinances in conflict herewith are hereby repealed.

Section 5: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and APPROVED AND SIGNED by its Mayor, this 4th day of November, 2022.

Bill Young, Mayor

ATTEST:

Tabitha Sharp, City Clerk

APPROVED TO FORM:

Ashlyn Lindskog, City Attorney