EL DORADO

CITY COMMISSION MEETING

CALL TO ORDER – February 16, 2015

INVOCATION – Pastor Stan Seymour, First Christian Church

PLEDGE OF ALLEGIANCE - Junior Girl Scouts Troop # 40146

PROCLAMATION

- None

PERSONAL APPEARANCE

- None

1. **Public Comments**

This agenda item will be governed by the Public Comment Policy

The Mayor opened the floor for Public Comments

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 5 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.

2. **Consent Agenda**

1. Consider approval of City Commission meeting minutes from February 2, 2015.

2. Appropriation Ordinance 1-15 in the amount of $1,197,748.34.

Commissioner _______________ moved that the Consent Agenda, as presented, be approved.

Commissioner _______________ seconded the motion.

3. **Resoultion For The Issuance Of An IRB For The Proposed Days Inn**

BACKGROUND

At the January 20, 2015 meeting, the City Commission heard a proposal for a Community Improvement District to benefit the proposed Days Inn. A public hearing was published for the February 16, 2015 meeting regarding the issuance of Taxable Industrial Revenue Bonds.

HSRP, LLC has requested the issuance of bonds not to exceed $3,500,000 and an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such bonds. The bonds will be used to construct a 42 room extended stay facility in Block 2, Lot 2 of the Business Park.

As with all IRB's, the City holds no financial responsibility for the debt.

REQUIRED ACTION

To hold a public hearing concerning the issuance of Industrial Revenue Bonds.

PUBLIC HEARING

Mayor Fagg opened the public hearing.

SUGGESTED MOTION

Commissioner _____________ moved to approve Resolution No. ______, a Resolution determining the advisability of issuing taxable industrial revenue bonds for the purpose of financing the acquisition, construction, furnishing and equipping of a hotel facility to be located in the City of El Dorado, Kansas and authorizing the execution of related documents.

Commissioner ____________ seconded the motion.

4. Adoption Of Ordinance For Community Improvement District (CID)

BACKGROUND

At the January 20, 2015 meeting, the City Commission set a public hearing for comments regarding the creation of a Community Improvement District for the proposed Days Inn Hotel. The hearing was published and scheduled for the February 16, 2015 meeting.

After the public hearing, the City Commission will consider an Ordinance authorizing the reimbursement of project costs through a sales tax to be imposed on the Days Inn Community Improvement District and authorizing the execution of a development agreement related to this district.

REQUIRED ACTION

To hold a public hearing concerning the proposed Community Improvement District.

PUBLIC HEARING

Mayor Fagg opened the public hearing.

SUGGESTED MOTION

Commissioner _____________ moved to approve Ordinance No. _____, an ordinance authorizing the creation of the Days Inn Hotel Community Improvement District in the City of El Dorado, Kansas, the reimbursement of certain economic development project costs incurred within said district, the imposition of a community improvement district sales tax to be collected within said district, and the execution of a development agreement related to said district.

Commissioner ____________ seconded the motion.

ROLL CALL VOTE

Position No. 1 Commissioner Chase Locke
Position No. 2 Commissioner Bill Young
Position No. 3 Commissioner Nick Badwey
Position No. 4 Commissioner David Chapin
Mayor Michael Fagg

5. **Distribution Of Liquor Taxes And Court Fees**

BACKGROUND

Annually the City distributes money to Non-Profit Organizations through the collection of liquor taxes and court fees.

Allocation of Special Alcohol and Court Fee Revenues, 2012 - 2014			
Organization	**2012**	**2013**	**2014**
Family Life Center	3,000.00	5,000.00	8,000.00
First United Methodist	1,000.00	-	-
El Dorado Elks Lodge #1407	2,000.00	2,000.00	2,000.00
SCARF	3,000.00	4,000.00	4,000.00
Total Distribution	9,000.00	11,000.00	14,000.00

Liquor Tax Program

During 2014 the City received $64,030.62 in Liquor Tax Revenue; $32,015.31 was allocated to the General Fund and $32,015.31 to the Special Parks and Recreation Fund. One-third of the revenue allocated to the Special Parks and Recreation Fund, $10,671.77, is for the *Liquor Tax Program*.

The balance as of 12/31/13 available for the liquor tax program was $17,285.71. At the City Commission meeting on 2/17/14 for the 2014 budget, the Commission allocated $7,500 to be given to Non-Profit Organizations leaving an ending balance of $9,785.71. The total available for 2015 *Liquor Tax Program* is $20,457.48 (9,785.71 + 10,671.77).

The City has received applications for this money and the applications are included for your review.

Court Fee Program

The municipal court began collecting fees for this program in December 2009. During 2014 the City received $6,103 in Court Fee Revenue.

The balance as of 12/31/13 available for the liquor tax program was $7,575.50. At the City Commission meeting on 2/17/14 for the 2014 budget, the Commission allocated $6,500 to be given to Non-Profit Organizations leaving an ending balance of $1075.50. The total available for 2015 *Court Fee Program* is $7,178.50 (1,075.50 + 6,103.00).

The City has received applications for this money and the applications are included for your review.

STAFF RECOMMENDATION

Allocate the money as indicated in the staff report.

NECESSARY ACTION

Allocate the portion of the liquor tax money in the Special Parks & Recreation Fund and a portion of the court fees in the General Fund to the requesting organizations as the City Commission desires.

SUGGESTED MOTIONS

First Motion:

Commissioner ____________________________ moved to allocate the portion of the liquor tax monies in the Special Parks & Recreation Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

Requesting Organization	Requested Amount	Commission Allocation
SCARF	$ 2,500.00	
Family Life Center	$ 8,000.00	
CASA	$ 2,500.00	

Total	**$13,000.00**	

Commissioner __________________ seconded the motion.

Second Motion:

Commissioner ____________________________ moved to allocate a portion of the court fees in the General Fund in the following manner and to authorize the City Manager to execute the appropriate documents and contracts with the following recipients and that these funds are disbursed consistent with Kansas statutes:

Requesting Organization	Requested Amount	Commission Allocation
SCARF	$1,500.00	
Family Life Center	$2,000.00	
Elk's Lodge #1407	$2,000.00	
Total	**$5,500.00**	

Commissioner __________________ seconded the motion.

6. **Special Use Permit To Allow A Funeral Home In A C-2 District Located At 120 N. Main Street. (Case No. 15-001-SUP)**

BACKGROUND

Heritage Funeral Home has been operating at 120 N. Main Street since 2011. The zoning ordinance requires a Special Use Permit for funeral homes to operate in a C-2 Central Business District. Heritage has applied for the Special Use Permit to become compliant with the zoning ordinance. Heritage primarily uses this space to plan funerals and does not process the deceased at this location. Staff is not aware of any complaints or negative impacts associated with the operations of this business.

The Planning Commission conducted a public hearing on January 22nd, 2015, and recommends approval by a 6-1 vote. A copy of the meeting minutes and staff report are included in the agenda packets.

POSSIBLE ACTIONS

1. To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation, majority vote, and the passage of an Ordinance.
2. To return the issue to the Planning Commission for further review. Requires a statement of the reason(s) why the item is being returned. Requires a majority vote.
3. To overrule the recommendation of the Planning Commission. This requires at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the recommendation of the Planning Commission.

SUGGESTED MOTIONS

Commissioner ____________________________ moved that the recommendation of the Planning Commission to approve Case No. 15-001-SUP requesting a Special Use Permit to allow Funeral Home in a C-2 Zoning District and that Ordinance No. _________ be approved.

Commissioner _______________________ seconded the motion.

ROLL CALL VOTE

Position No. 2 Commissioner Bill Young
Position No. 3 Commissioner Nick Badwey
Position No. 4 Commissioner David Chapin
Mayor Michael Fagg
Position No. 1 Commissioner Chase Locke

7. Application To Rezone 4411 SW Highway 196 From R-S Residential-Suburban District To I-1 Light Industrial District. (Case No. 15-001-REZ)

BACKGROUND

Hamza and Lora Smajlovic are requesting a zone change to use 4411 SW Highway 196 as a base of operations for their painting business. The business paints large structures, such as water towers and swimming pools, and plans to use the site as a small office and location to store and maintain equipment. The property is currently zoned R-S Residential Suburban District, which does not allow such operations.

The applicant was issued a building permit in 2013 to construct two enclosed pole barns for storage purposes and was not aware that a zone change is required. When Mr. and Mrs. Smajlovic began moving their operations to the site, they were stopped by a county inspector and told to contact El Dorado regarding the appropriate zoning.

This property is within the City's Extraterritorial Growth Area and was reviewed by the Butler County Commission for conformance to its comprehensive plan. The County deemed the request in conformance to the plan at its January 20th, 2015, meeting by a 3-2 vote. A copy of the letter is included with this item.
At the January 22nd, 2015, Planning Commission meeting, after reviewing the facts in the case and the information submitted at the public hearing, the Planning Commission recommended denial of the application by a vote of 6-0. A copy of the minutes for the Planning Commission meeting is attached, along with a copy of the staff report and map of the area.

POSSIBLE ACTIONS

1. To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation (to deny the zone change).

2. To return the issue to the Planning Commission for further review. This requires only a simple majority.

3, To overrule the recommendation of the Planning Commission (and approve the zone change). This would require that at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the application.

SUGGESTED MOTIONS

To Deny Request: Commissioner __________ moved that the recommendation of the Planning Commission to deny Case No. 15-001-REZ requesting a rezoning of property located at 4411 SW Highway 196, be accepted.

Commissioner __________ seconded the motion.

OR

To Approve Request: Commissioner __________ moved to approve Case No. 15-001-REZ requesting a rezoning of property located at 4411 SW Highway 196, and that Ordinance No. _____ be approved

Commissioner __________ seconded the motion.

ROLL CALL VOTE

Position No. 3 Commissioner Nick Badwey
Position No. 4 Commissioner David Chapin
Mayor Michael Fagg
Position No. 1 Commissioner Chase Locke
Position No. 2 Commissioner Bill Young

8. CDBG Grant Agreement- Project #392 - El Dorado Sewer Improvements

BACKGROUND

The City has received the CDBG grant agreement from the Kansas Department of Commerce.

REQUIRED ACTION

Sign the agreement

SUGGESTED MOTIONS

Commissioner _______________ moved to authorize the Mayor to sign the Grant Agreement No. 15-PF-004 with the Kansas Department of Commerce for the Community Development Block Grant.

Commissioner _______________ seconded the motion

9. New Business - Discussion Items

This item is for open discussion by the City Commission.

The Mayor opened the floor for Commissioner's comments.

10. City Manager's Report

City Manager will provide updates of current community issues.

11. Executive Session

BACKGROUND

This item is for the purpose of discussing legal matters and matters relating to non-elected personnel.

SUGGESTED MOTION

Commissioner __________________ moved to recess into an Executive Session for the purpose of discussing legal matters and matters relating to non-elected personnel, and to reconvene the regularly scheduled meeting in the City Commission room at __________ p.m.

Commissioner __________________ seconded the motion.

ADJOURNMENT

Commissioner __________ moved to adjourn the meeting at ____ p.m.

Commissioner___________ seconded the motion.

Respectfully submitted,

Herbert E. Llewellyn, Jr.
City Manager