EL DORADO

CITY COMMISSION MEETING

CALL TO ORDER – March 16, 2015

INVOCATION – Mother Christine Gilson, Trinity Episcopal Church

PLEDGE OF ALLEGIANCE -

PROCLAMATION

- None

PERSONAL APPEARANCE

- Suzie Locke and Katie Henderson - Leadership Butler Class of 2014 Presentation

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 March 16, 2015.

2. APPROPRIATION ORDINANCE 3-15 in the amount of $1,514,079.24.

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

Commissioner _______________ seconded the motion.

3. **Dangerous Animal Ordinance**

BACKGROUND

During the passing of the changes to the current City's Shaffordshire Terrier Ordinance and dangerous animal legislation, the State of Kansas changed some of the article numbers in certain sections referenced in our modified ordinances. No changes were made to the articles, only the numbering system was changed by the State of Kansas. As a part of the process to be able to keep a Staffordshire Terrier breed of dog the Municipal Code, Section 6.20.045, requires no felony convictions. The prior Ordinance listed articles 34, 35, 36, and 43 of Chapter 21 and article 41 of Chapter 65 of the Kansas State Statutes. The new statute numbers are Articles 54, 55, 56, 57 and 63 of Chapter 21, Article 41 of Chapter 65, and Article 57 of Chapter 21.

The other change being made to this section of the Dangerous Animal Ordinance is that the KBI (Kansas Bureau of Investigation) has agreed to do the criminal history check for the city at no cost if it is stated within the ordinance that such a record check is required, and that the KBI will be doing it. That has been added in sections 6.20.040 and 6.20.045.

STAFF RECOMMENDATION

Approve the proposed changes.

SUGGESTED MOTION

Commissioner ______________ moved to approve Ordinance No. G-______, an Ordinance amending Section 6.20 of the Municipal Code as it pertains to the restrictions and keeping of a Staffordshire Terrier and Mixed Breeds thereof.

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

4. Application To Rezone 321 N. Star Street From R-1 Residential Low Density District To R-3 Multiple Family Dwelling District (Case No. 15-002-REZ)

BACKGROUND

Dan and Leslye Bullock are requesting a zone change to allow a multifamily residential dwelling on the vacant property at 321 N. Star Street. The R-3 zoning district is a flexible residential zoning classification that allows single-family, duplex, and multifamily uses.
At the February 26th, 2015 Planning Commission meeting, after reviewing the facts in the case and the information submitted at the public hearing, the Planning Commission recommended approval of the application by a unanimous vote of 9-0. A copy of the minutes for the Planning Commission meeting are 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.
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 MOTION

Commissioner __________ moved that the recommendation of the Planning Commission to approve Case No. 15-002-REZ, requesting a rezoning of property located at 321 N. Star Street, be accepted.

Commissioner __________ seconded the motion.

5. Determine The Feasibility Of Demolishing The Registered Historic Structure At 200 N. Main Street (Case No. 15-001-HIS)

BACKGROUND

In December 2014, Emprise Bank, located at 200 N. Main Street, notified the City of their intent to demolish their existing structure and construct a new bank building on the north side of the property. The State Historic Preservation Office has determined that the impact to the historic building at 200 N. Main Street is significant and will require the governing body of El Dorado to determine if there are any feasible alternatives to demolition. According to state statute, the governing body must make a determination "based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property."

The letter from the State Historic Preservation Office and a copy of Kansas Statute 75-2724 is included in the agenda packet. Once a determination has been made, the state will review the minutes of the Planning Commission and City Commission to ensure the proper procedures for approving or denying the demolition of the historic structure were followed.

The Planning Commission conducted the public hearing on February 26th, 2015, and recommends approval/demolition by a 7-2 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 and majority vote.
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

Deny the demolition request.

SUGGESTED MOTIONS

To Approve: Commissioner ___________________________ moved that the recommendation of the Planning Commission to approve Case No. 15-001-HIS, requesting the demolition of the historic structure at 200 N. Main Street, be approved.

To Overrule: Commissioner ___________________________ moved that the recommendation of the Planning Commission to approve Case No. 15-001-HIS, requesting the demolition of the historic structure at 200 N. Main Street, be denied.

Commissioner ______________________ seconded the motion.

6. **Application For A Special Use Permit To Allow A Banking Drive-Thru At 200 N. Main Street. (Case No. 15-002 SUP)**

BACKGROUND

Emprise Bank is requesting a Special Use Permit to allow a drive-through on their future bank building at 200 N. Main Street. A Special Use Permit is required for any banking drive-thru structures located within a C-2 Central Business District.

The Planning Commission conducted the public hearing on February 26th, 2015, and recommends approval by a 9-0 vote, with the condition that the existing Emprise Bank building demolition is approved. 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 Special Use Permit

SUGGESTED MOTION

Commissioner ___________________________ moved that the recommendation of the Planning Commission to approve Case No. 15-002-SUP requesting a Special Use Permit to allow a Banking Drive-Through in a C-2 Zoning District and that Ordinance No. _________ be approved.

Commissioner ______________________ seconded the motion.

ROLL CALL VOTE

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

7. Application For Special Use Permit To Allow Transitional Housing At 131 N. Star Street. (Case No. 15-003-SUP)

BACKGROUND

Butler Homeless Initiative, Inc. is requesting a Special Use Permit to allow Transitional Housing at the property located at 131 N. Star Street. The property consists of a single-family structure and is currently zoned R-3 Multifamily Dwelling District. The applicant has submitted a Management Plan with the Special Use Permit application. Staff has reviewed and determined that the plan meets zoning ordinance requirements. Butler Homeless Initiative, Inc. will be present at the meeting to make a presentation.

The Planning Commission conducted a public hearing on February 26th, 2015. The item received a split vote: 4-4. A tie vote is considered a failure to recommend and continues to the City Commission without a recommendation. A copy of the meeting minutes and staff report are included in the agenda packets.

POSSIBLE ACTIONS

1. To approve the Special Use Permit. This requires a motion to approve the Special Use Permit, 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 deny the Special Use Permit. This requires a motion to deny the Special Use Permit and a majority vote.

STAFF RECOMMENDATION

N/A

SUGGESTED MOTIONS

To Approve: Commissioner ____________________________ moved that Case No. 15-003-SUP, requesting a Special Use Permit to allow Transitional Housing at 131 N. Star Street, and that Ordinance No. _________ be approved.

To Deny: Commissioner ____________________________ moved to deny Case No.

15-003-SUP, requesting a Special Use Permit to allow Transitional Housing at 131 N. Star Street.

Commissioner ______________________ seconded the motion.

ROLL CALL VOTE

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

8. Aerial Fire Truck Purchase

BACKGROUND

The purchase of an Aerial Fire Truck was part of the comprehensive improvement plan for 2015. Bid specs were sent to Smeal, Seagrave, Pierce, E-One, Rosenbauer, Ferrara, Alexis, Spartan and KME. The bid specs are attached.

The following bids were received by the City Clerk at 10:00 a.m. Friday, March 6, 2015.

Bid Rec'd From:	Bid	Percent of Bid Specs.	Notes
Ferrara	$1,049,500	75%	Failed to bid equipment
Smeal	$1,212,923	81%	
Rosenbauer	$1,120,362	91%	Did not bid air packs Bid was late due to weather
E-One	$1,178,712.41		Did not meet specifications in key areas
Pierce	$1,210,627	90%	Discounts came to $47,072.81

STAFF RECOMMENDATION

Staff recommends awarding the Aerial Truck bid to Pierce in the amount of $1,151,149.81. This includes the discounts and the removal of a camera system.

SUGGESTED MOTION

Commissioner ______________ moved to approve Staff recommendation.

Commissioner ______________ seconded the motion.

9. Personnel Policy Change Proposal

BACKGROUND

Developed by the City Manager as a training tool to prepare supervisors to become managers, the Middle Managers Committee is composed of a supervisor from every department appointed by their Department Head to participate in a monthly meeting to discuss employee needs and concerns.

In 2013, the Committee began to investigate Sick Leave payout. Information was gathered from surrounding communities in regard to their leave payout policies and the Committee discussed potential changes to the City of El Dorado plan. Several alternatives were discussed including paying out a portion of sick leave upon termination and rewarding employees who are not utilizing sick leave. These conversations did not amount to a formal proposal for policy change.

When the Committee was reestablished in August of 2014, they voted to continue the work of the previous committee on the Sick Leave Policy. Those discussions lead to a consensus among the group for a policy change which has since been vetted and approved by the Department Heads.

The proposed change has three major components. The first is a change to the language of the Sick Leave Policy allowing time to be used for the care of immediate family members. The second recommendation would create the potential for a portion of unused sick leave to be paid upon termination. Finally, the proposal contains a change to the payable hours for employees leaving the organization with over twenty years of service. (Supporting Documents Enclosed)

POSSIBLE ACTIONS

1. Approve the policy changes as presented.
2. Approve the policy changes with amendments.
3. Return policy to committee with recommendations.

STAFF RECOMMENDATION

Approve changes as presented.

SUGGESTED MOTION

Commissioner _________ moved that the recommendation of the Mid-Manager Committee to make adjustments to the Paid Time-Off Policy be approved with an effective date of January 1, 2016.

Commissioner _________ seconded the motion.

10. New Business - Discussion Items

This item is for open discussion by the City Commission.

The Mayor opened the floor for Commissioner's comments.

11. City Manager's Report

City Manager will provide updates of current community issues.

12. Executive Session

BACKGROUND

This item is for the purpose of discussing legal matters.

SUGGESTED MOTION

Commissioner __________________ moved to recess into an Executive Session for the purpose of discussing legal matters, 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