

EL DORADO CITY COMMISSION MEETING

MARCH 16, 2015

The El Dorado City Commission met in a regular session on March 16, 2015 at 7:00 p.m. in the Commission Room with the following present: Mayor Michael Fagg, Commissioner Bill Young, Commissioner Nick Badwey, Commissioner David Chapin, City Manager Herb Llewellyn, Human Resources Director Suzie Locke and Assistant City Engineer Scott Rickard. Absent: Commissioner Chase Locke and City Clerk Tabitha Sharp.

VISITORS

Corey Landreth	804 S Denver	El Dorado, KS
Jan Wendler		
Randy & Kathy Kelley	330 W Central	El Dorado, KS
Brad Meyer	220 E 1 st	El Dorado, KS
Jack Zimmerman	220 E 1 st	El Dorado, KS
Steve Latimer	2002 Hazlett	El Dorado, KS
Debby Work	1210 S Topeka	El Dorado, KS
Rob Lane	720 Meadow	El Dorado, KS
Leon Koehn	8748 NW 110 th St	El Dorado, KS
Charles Cave	1730 SE Price Rd	El Dorado, KS
Dallas Collins	411 Main	Towanda, KS
Brad & Kathy Long	123 N Washington	El Dorado, KS
Emily Connell	4001 NE Cole Creek Rd	El Dorado, KS
Dan Wilson	613 Norris Dr	El Dorado, KS
Steve Carmichael	122 N Washington	El Dorado, KS
Kathy Boone	143 N Star	El Dorado, KS
Stan Seymour	827 N Washington	El Dorado, KS
Josh Potter	357 Marmaton	El Dorado, KS
Rod Zeigler	1819 Terrace Dr	El Dorado, KS
Fred Britain	219 N Taylor	El Dorado, KS
Mary Collins	411 Main	Towanda, KS
Julie Clements	Times Gazette	El Dorado, KS
Gregg Lewis	1260 S Emporia	El Dorado, KS
Steve Moody	220 E 1 st	El Dorado, KS
David King	112 S Washington	El Dorado, KS
Kendra Wilkinson	1016 S Denver	El Dorado, KS
Nita Whiteman	515 Prairie Rd	El Dorado, KS
Susan Benelsdorf	333 W Central #5C	El Dorado, KS
Wilma Lile	330 W Central #2D	El Dorado, KS
Mary Morris	2020 Moyle	Augusta, KS
Kristina Young	7801 W Jennie	Wichita, KS
Steven Walker	911 W 3 rd	El Dorado, KS
Clint & Sonja Milbourn	121 N Emporia	El Dorado, KS
Christine Glies	130 S Park	El Dorado, KS
Alanna Young	924 S Summit	El Dorado, KS
Michael Jacobs	320 W 2 nd #4	El Dorado, KS
Leah Ford	523 Linda Lane	El Dorado, KS
John Harms	1815 Quail Run	El Dorado, KS
Mark Habluetzel	301 N State	El Dorado, KS
Pat Belt	257 N Broadway	Wichita, KS
Justin Graham	257 N Broadway	Wichita, KS
Chris Barth	924 W 1 st	El Dorado, KS
Chris McGathy	924 S Topeka	El Dorado, KS

CALL TO ORDER

Mayor Michael Fagg called the March 16, 2015 meeting to order.

INVOCATION

Mother Christine Gilson opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

Fire Chief Steve Moody led the Pledge of Allegiance.

PERSONAL APPEARANCE

Suzie Locke from the Leadership Butler 2014 class invited the Commission and citizens to participate in their class project, which will be the Rabbit Run on March 28th at BG Stadium. She stated that the proceeds from this event will be donated to CASA, the Court Appointed Special Advocates.

Mayor Michael Fagg announced that the Kansas Commission on Veterans Affairs would be at Walmart on Wednesday, March 18th from 9:30 to 5 p.m. They will be providing information for veterans on benefits and other programs.

PUBLIC COMMENT

Mayor Michael Fagg opened the floor for public comments.

There were no comments.

CONSENT AGENDA

Approval of the City Commission Minutes from March 2, 2015.

Approval of a Temporary CMB License for Butler Community College on March 27, 2015.

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

Commissioner David Chapin seconded the motion.

Motion carried 4 – 0.

DANGEROUS ANIMAL ORDINANCE

Public Works Director Brad Meyer stated that while the City was working through the Pit Bull Ordinance process, the State of Kansas changed the article numbers referred to in our ordinance. He stated that there is no change in the wording except for the addition of a sentence stating that we will collect conviction records from the KBI. This sentence allows the City to obtain the record checks for no charge.

Commissioner Bill Young confirmed that the standards set by the Commission to own a Staffordshire terrier have not changed.

Mr. Meyer stated that they had not.

Commissioner Nick Badwey asked how many applications the City had received.

Mr. Meyer stated that he had received 10.

Commissioner Bill Young moved to approve Ordinance No. G-1194, 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 David Chapin seconded the motion.

ROLL CALL VOTE

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

APPLICATION TO REZONE 321 N. STAR STREET FROM R-1 RESIDENTIAL LOW DENSITY TO R-3 MULTIPLE FAMILY DWELLING DISTRICT (CASE NO. 15-002-REZ)

Scott Rickard, Assistant City Engineer, stated that Dan and Leslye Bullock have requested that the property at 321 N Star be rezoned from R-1, residential low density to R-3, multiple family dwelling district. He stated that the planning commission recommended approval 9 – 0.

Commissioner Nick Badwey 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 David Chapin seconded the motion.

Motion carried 4 – 0.

DETERMINING THE FEASIBILITY OF DEMOLISHING THE REGISTERED HISTORIC STRUCTURE AT 200 N MAIN STREET (CASE NO. 15-001-HIS)

Scott Rickard, Assistant City Engineer, stated that Emprise Bank has requested that they be able to demolish their current building. He stated that it is on the Historic register and a contributing structure in the downtown historic district. He stated that the City Commission is required to review the case because it is included in the historic district.

Mr. Rickard stated that the Planning Commission has recommended approval 7 – 2. He stated that staff are recommending that the building be left, they believe that there are other viable options for the property without demolishing it.

City Attorney Jim Murfin reviewed the letter received from the State of Kansas requesting that the City Commission review the project to ensure that there are no feasible alternatives to destruction.

Rod Zeigler, Emprise Bank, stated that the primary reason for this project is to get away from the corner so that they can be away from the flooding problem that they have incurred in the basement. He stated that they want to stay downtown and are not requesting any assistance.

Commissioner Nick Badwey stated that he is very familiar with the building, and in his opinion it is not a good facility. He stated that there are definite flooding issues that have had to be repaired repeatedly over the years.

Mr. Zeigler stated that they have several sump pumps to assist with the flooding issues. He stated that when the intersection floods, water runs into the front doors and floods the building.

Commissioner Badwey stated that he would hate to lose the business in the downtown area.

Mayor Michael Fagg asked what the cost of the new building was.

Pat Belt, Property Manager for Emprise Bank, stated that everything that they would like to do including demolition of the old building and the construction of the new building is estimated at \$1.2 to \$1.5 million. He stated that this number is based on a similar building in Hays that was recently constructed.

Commissioner Bill Young asked if their building in Hays was in a downtown district.

Mr. Belt stated that it was not, it was in an industrial area.

Steve Latimer, 2002 Hazlett, stated that his business was next door to the Emprise Bank building. He stated that he was in support of a new building.

Dan Wilson, 613 Norris Dr, stated that he was before the Commission as a Main Street representative. He stated that the Main Street organization does not support the demolition of the current building. He stated that the current building was designed by Charles McAfee who was considered one of the most important African American architects in the United States. He stated

that his achievements during the Civil Rights Movement were important and needed to be maintained.

Mr. Wilson stated that if the City Commission allows the demolition that the new building be unique and contextual to our downtown area. He reviewed information from the Comprehensive Plan that states the City will continue to encourage the preservation of the downtown district.

Commissioner David Chapin asked what the City had recommended.

Mr. Rickard stated that they were not provided with enough information to prove that demolishing the building was necessary. He stated that staff are protecting the goals stated within the Comprehensive Plan.

City Manager Llewellyn stated that the question before the City Commission is has the property owner provided all of the information necessary to prove that demolition is necessary. He stated that this is directed by State Statute, and staff are following that directive.

Commissioner Chapin asked if the demolition was denied if the bank would remain in the building and remodel it.

Mr. Zeigler stated he did not believe that would be a possibility. He stated that they would probably have to relocate.

Commissioner Chapin stated he did not believe it was in the best interest of the City to deny the demolition because it would leave a vacant building.

Commissioner Young stated that as he reviewed the information he felt that it does not meet the standards set by the State of Kansas and the Federal Government. He stated that he was disappointed in the style of the proposed building, he felt it would not fit in the historic area.

Commissioner Young stated that as we review the Comprehensive Plan, it is necessary to keep businesses there, but it takes away from the environment of downtown when a commercial style bank is placed in the district.

Mr. Belt stated that they are willing to work with Main Street to develop a building that fits better into the downtown area. He stated that their primary concern is that the building is not currently functional due to all of the maintenance issues.

Mr. Belt stated that he felt that none of the building near their current building follow the Main Street façade.

Commissioner Young stated that he is hopeful that they will work with Main Street and is glad that Mr. Belt is considering that.

Mayor Fagg thanked Emprise Bank for investing in the downtown area. He stated that he felt by moving the bank back, it will open up the downtown and make it better.

Commissioner Nick Badwey 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.

Commissioner David Chapin seconded the motion.

Motion carried 3 – 1 (Commissioner Young voted against).

Mr. Rickard stated that the minutes will be reviewed to determine if we met the statutes and the Federal Historic Office will also review the case.

Commissioner Chapin confirmed that they could still be overridden.

Mr. Rickard stated that it could.

APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW A BANKING DRIVE-THRU AT 200 N MAIN STREET (CASE NO. 15-002 SUP)

Scott Rickard, Assistant City Engineer, stated that a special use permit is required for this. He stated that the Planning Commission recommended approval 9 – 0.

Commissioner David Chapin asked for a little more information on the State of Kansas and Federal Historical Society reviewing their decision.

Mr. Rickard stated that the State will review the minutes to determine if the Statutes are met. He stated that staff were recently informed that the bank would have to be reviewed by the Federal Historical Society as well because they are backed by the FDIC.

Commissioner Chapin asked how long that would take.

Mr. Rickard stated that they were not clear on how long it would take.

Commissioner Nick Badwey 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. G-1195 be approved.

Commissioner David Chapin seconded the motion.

Commissioner Bill Young asked if the drive thru would have entrances from Main Street.

Mr. Rickard stated that KDOT will make the final determination on that.

Commissioner Young asked if there would be a single entrance.

Mr. Rickard stated that staff and KDOT will be working with them on that.

Justin Graham, Architect, stated that the proposed site plan includes a two-way entrance, and one exit on Main Street and another off of first.

City Manager Herb Llewellyn stated that he would be surprised if KDOT allowed all of the proposed entrances because of the stress it would place on an already busy intersection.

ROLL CALL VOTE

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

APPLICATION FOR SPECIAL USE PERMIT TO ALLOW TRANSITIONAL HOUSING AT 131 N STAR STREET (CASE NO. 15-003-SUP)

Scott Rickard, Assistant City Engineer, stated that Butler Homeless Initiative is requesting a special use permit to allow transitional housing at the property located at 131 N Star Street. He stated that the property is a single family structure and staff have determined that the plan meets zoning ordinance requirements.

Mr. Rickard stated that the Planning Commission tied on the decision which is considered a failure to recommend. The issue has come before the City Commission for approval without recommendation.

Melody Gault, Butler Homeless Initiative, presented the floor plan of the proposed home. She stated that they will create an ADA entrance for the first floor. She stated that two bunk beds per room would allow 16 people. She stated that including families, they could house up to 20 individuals.

Ms. Gault stated she understood the concerns of the surrounding residents. She stated that she felt that the homeless are entitled to the same things that other citizens are. She reminded the

Commission that there are already two transitional houses in El Dorado and neither have decreased the values of the surrounding homes.

Leon Koehn, 8748 NW 110th, stated that he owns the proposed property. He read a letter from Matt Grange who was unable to attend, but opposed the proposed change because of concerns of his tenants in the area. The letter stated that Mr. Grange has had trouble with previous tenants referred to him by BHI.

Mr. Koehn stated that he disagreed with the idea that there will be no effect on property values. He stated that he felt the property in question was already in disrepair. He also stated that he felt the families in his rental homes would not feel safe. He stated he was concerned that if BHI allows smoking in the back area, it will effect sales on other homes because they look directly across the alley to the proposed address.

Kristina Young, MIDCAP, stated that she is the support worker for the El Dorado area. She stated that there are seven documented homeless people in El Dorado currently and four people on the waiting list for housing.

Sonja Milbourn, 121 N Emporia, supported the transitional housing proposal. She stated that the shelter will provide a place to help the homeless work to a better position. She stated that children are affected by homeless, and she wanted to help them.

Steve Carmichael, 122 N Washington, objected the proposed project. He stated that he has done research and found that if the proposal goes through the value will go down for those trying to sell a home. He stated he was also concerned for safety of the neighborhood. He stated that he felt BHI should spend their money helping people who are in danger of becoming homeless to prevent the need for a shelter.

Rob Lane, 720 Meadow, stated that he is asking that the project be denied for three reasons. First, it does not follow the comprehensive plan's idea for attractive housing and what's best for the community as a whole as opposed to a small group. He stated that he felt that the populations addressed in the comprehensive plan were already being assisted by homes like the safe house and South Central Mental Health.

Mr. Lane stated secondly that if the BHI estimate of 150 homeless people in Butler County is correct, that represents .002 percent of the County's population and .0011 percent of the City's population. He stated that the numbers do not support the idea that there is an issue.

Mr. Lane stated that his final point is that it appeared the only thing BHI is bringing to the table is the home. He stated that he did not see anything regarding the root problem and how it could be fixed. He felt that the problem was larger than what their plan allowed for.

Mr. Lane stated that he did not want to be a part of a community that welcomed homeless, he felt that this transitional housing proposal was advertisement that we would take care of all of the homeless in our county.

Pastor John Harms, 1815 Quail Run, presented a letter signed by the members of the ministerial alliance supporting the proposal. He stated that the point of BHI is to meet a need, he stated that they have helped his parishioners that have been homeless to get back on their feet and become productive members of the community.

Chris McGathy, 924 N Topeka, stated he was in favor of the proposal. He stated that the homeless problem is real and he has personally helped the homeless in our community.

Steven Walker, 911 W 3rd, stated he was helped by BHI when he first moved to El Dorado. He stated that these families deserve the help to become productive members of our community.

Debby Work, 1210 S Topeka, stated that she supported the proposal. She stated that there is a problem and that BHI will be able to help them by providing a home and getting them into the rapid rehousing program.

Alana Young, 924 S Summit, stated that she was once homeless due to health issues that prevented her from working, she was helped by BHI. She stated that she supported the proposal.

Kathy Long, 123 N Washington, stated she was against the proposal. She stated that it is inadequate and unsafe for children due to the lack of a place to play. She stated that it was unreasonable to believe that twenty people could reside peacefully in this small home.

Ms. Long also stated that they are already dealing with some neighborhood blight and she felt that this would compound the problem of declining property values.

Crystal Wallace, 514 N Washington, stated that she was on the task force that designed the transitional housing plan for the City. She stated that she was in support of the proposal. She stated that it was centrally located to social services.

Reverend Stan Seymour, 827 N Washington, stated that his church adjoins the proposed location. He stated that the neighbors of the church have asked that he not support the proposal.

Reverend Seymour stated that he was asking that the leaders of El Dorado work with other communities to solve this issue, both the housing and the root problem of homelessness.

Reverend Seymour stated that if the proposal passes, they should require a fence to protect the residents of the home from the parking lot of the church.

Ms. Gault stated that she would like to withdraw her application. She asked that the City Commission help BHI come up with a solution.

Mayor Fagg stated he would take the challenge and believed the need is there.

Commissioner Badwey stated he sat on the Transitional Housing Committee as well. He stated that he took responsibility for signing off on a plan that includes R-1 and R-3 areas.

Commissioner Young stated that there is not a place where residents and businesses will not object. He stated that he was disappointed that Ms. Gault withdrew her application.

Ms. Milbourne stated that time could be saved by looking at the safe house plan.

ADJOURNMENT

Commissioner Nick Badwey moved to adjourn the meeting at 9:06 p.m.

Commissioner Bill Young seconded the motion.

Motion carried 4 – 0.

City Clerk Tabitha D. Sharp

Mayor Michael A. Fagg