EL DORADO
KANSAS

EL DORADO CITY COMMISSION - REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
June 17, 2024 - 5:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Invocation** - Pastor Mark Somerville, Family Worship Center.
4. **Pledge of Allegiance**

Proclamations and Recognition

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 Emerald Ashlock 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.

Public Comments. Persons who wish to address the City Commission regarding any matter that is under the jurisdiction of the City Commission may do so when called upon by the Mayor. Comments on personnel matters, matters pending in court, and land use matters are not permitted. Land use Public Hearings are held during Planning Commission meetings.

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.)*

5. City Commission Meeting Minutes from June 3, 2024.
6. Consideration of the appointment of Norm Wilks to the Planning Commission board for a term set to expire 05/01/2025.
7. Consideration of Approval of the Economic Development Incentive Policy
8. Consideration of a Memorandum of Understanding Between the Butler County Sheriff and Butler County Police Chiefs Allowing a Shared Response for Large-Scale Events Throughout the County

Old Business

9. None

New Business

10. Consideration of an Application to Rezone SE 20th St & SE Bluestem Rd from Agricultural-Residential (A-R) to Residential Suburban (R-S)
11. Consideration of the Approval of the Rocky Creek Meadows Plat

12. Consideration of a Request to Extend the Community Development Block Grant (CDBG) Timeline to Allow for Delivery of Equipment

Discussion Items

13. None

Reports

14. City Commission and Advisory Board Updates

15. City Manager

Adjournment

16. Consideration of a motion to adjourn

EL DORADO CITY COMMISSION MEETING **June 3, 2024**

The El Dorado City Commission met in a regular session on June 3, 2024, at 5:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Syndee Scribner, Commissioner Kendra Wilkinson, City Manager David Dillner, Assistant City Manager Tabitha Sharp and City Engineer Scott Rickard. Absent: City Attorney Ashlyn Lindskog and Commissioner Leon Leachman.

VISITORS

Mike Holton	220 E 1st Ave	El Dorado, KS
Jason Patty	220 E. 1st Ave	El Dorado, KS
Emily Connell	El Dorado Main Street	El Dorado, KS
Phil Benedict	El Dorado Chamber	El Dorado, KS
Emily Connell	El Dorado Main Stret	El Dorado, KS
Nicole Ensminger	El Dorado Main Street	El Dorado, KS
Rebecca Debita	El Dorado Main Street	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the June 3, 2024, meeting to order.

INVOCATION

Pastor Stan Martin, First Presbyterian Church, opened the meeting with an invocation.

PLEDGE OF ALLEGIANCE

The City Commission leads the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

There were no proclamations.

PERSONAL APPEARANCE

Mayor Bill Young opened the floor for Personal Appearances.

Rebecca Debita, Main Street Board President, and Nicole Ensminger, Main Street Board Vice President, gave the Main Street quarterly update for the second quarter of 2024.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of City Commission Work Session Minutes from May 15, 2024, and City Commission Meeting Minutes from May 20, 2024, and City Commission Work Session Minutes from May 29, 2024.

Approval of Llewellyn Distillery CMB License set to expire at 1:00 AM on June 16, 2024.

Commissioner Kendra Wilkinson Leon Leachman moved to approve the consent agenda.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 4-0.

PUBLIC HEARING

There were no Public Hearings.

OLD BUSINESS

There was no old business.

NEW BUSINESS

CONSIDERATION OF APPROVAL OF A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO CERTAIN ATHLETIC FACILITIES IN THE CITY OF EL DORADO, KANSAS; AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

City Manager David Dillner stated that the Resolution in front of the Commission tonight is authorizing the project for Bonding Authority. He stated that the project has already been approved by the Commission and the project has already gone out to bid. He stated that it is now time to approve the project authorizing resolution.

Commissioner Syndee Scribner moved to a Resolution authorizing and providing for the construction of improvements to certain athletic facilities in the City of El Dorado, Kansas; and providing for the payment of the costs thereof.

Commissioner Kelly Tetrick seconded the motion.

Motion carried 4-0.

CONSIDERATION OF THE APPROVAL OF A RESOLUTION ADOPTING SERVICE, LICENSE, AND PERMIT FEES FOR THE CITY OF EL DORADO, KANSAS.

Assistant City Manager Tabitha Sharp stated that earlier in the spring staff brought an ordinance to the Commission that removed fees from the Municipal Code. She stated that this is a complete list of all of the fees in the Code. She stated that the fees that are currently changing are the Refuse fees and water and sewer fees. Utilizing a resolution will allow staff and the governing body to experiment with different fee models or structures by allowing a quicker response when something does not work as expected. This methodology allows the City to modify multiple fees simultaneously instead of requiring separate ordinances for each change.

Commissioner Kelly Tetrick moved to approve a Resolution of the City of El Dorado, Kansas, setting Service Fees, License Fees, Permit Fees, and Other User-Related Fees or Charges.

Commissioner Syndee Scribner seconded the motion.

Motion carried 4-0.

DISCUSSION ITEMS

There were no discussion items.

REPORTS

CITY COMMISSION AND ADVISORY BOARD UPDATES

Mayor Bill Young stated that construction at BG Stadium started.

CITY MANAGER REPORT

City Manager David Dillner stated that construction is starting on Central Avenue next week. He stated that construction began this week on North Main.

City Manager Dillner stated that the El Dorado Walnuts season starts on Thursday, June 6th at 7 PM.

ADJOURNMENT

Commissioner Kendra Wilkinson moved to adjourn the meeting at 5:51 p.m.

Commissioner Syndee Scribner seconded the motion.

Motion carried 4 – 0.

______________________________ ______________________________

City Clerk Emerald Ashlock Mayor Bill Young

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Consideration of Approval of the Economic Development Incentive Policy
DATE: June 17, 2024

Summary:
The City Commission's recently adopted "Strategic Priorities" includes an emphasis on economic prosperity and growing the City's tax base. This is traditionally done through private capital investment and job creation that generates new tax base and consumer spending in the local economy. The City has several existing incentive policies (i.e., industrial revenue bonds, tax increment financing) designed to encourage private investment. The proposed policy combines these policies into a single police document and streamlines procedures and fees as appropriate. In addition, the City has discussed a desire to establish a Reinvestment Housing Incentive District (RHID) to facilitate new housing opportunities in El Dorado. Presently, the City does not have a local policy for the RHID incentive. It also appears that the City never adopted a formal policy for the Community Improvement District (CID) incentive.

Attachments:
1. DRAFT 2024 Economic Development Policy

Funding Source:
How should the City incentivize economic development to grow the tax base of the community? The City has many options to encourage economic development within its borders. Several of these options are established and authorized by state statute. These statutes provide cities with some flexibility in setting local requirements so that cities can incentivize development opportunities that fit with the City's priorities and goals. The proposed policy unites all the City's economic development incentives into one policy document and streamlines them to the extent possible. The policy would also enact a local policy for several incentives that the City has not used yet. For example, the Reinvestment Housing Incentive District (RHID) is a recent incentive tool that the State of Kansas created to help cities facilitate housing opportunities.

Operation Impact:
This item does not have an immediate fiscal impact on the City. It may incentivize economic development and generate future tax base growth, although any increased tax dollars arising from growth will not occur until several years after an incentive is approved for a development project. Many of the incentives contained in the policy provide a financial benefit to the development for a decade or longer, depending on the type of incentive granted. For example, an **Industrial Revenue Bond (IRB)** would provide a ten-year tax abatement for a project. The City (and other taxing entities) would not receive the full benefit of the taxes from the project until after ten years. A **Tax Increment Financing (TIF)** incentive provides a reimbursement of property taxes to pay for eligible public infrastructure expenses over twenty years. **Community Improvement Districts (CIDs)** provide a sales tax incentive for up to twenty-two years. Each incentive provides a different period based on state statute.

The primary fiscal consideration for these incentives is the amount of public funds reimbursed or granted to a development project instead of being paid to the taxing entities. The amount of the incentive varies depending on the type and duration of the incentive. In many of the incentives included in the policy, the City (and other taxing entities) do not receive the incremental increase in taxes from the growth in the tax base from the development. Many of the incentives forgo future tax dollars over some time as a means of growing the tax base now. The taxing entities receive the benefit of the taxes generated from the development once the incentive matures and expires. Incentives offered under this policy should be granted after a cost-benefit analysis that shows a benefit to taxing entities and if the developer can show that the development would not happen "but-for" the incentive.

Options/Alternatives:

The City has had several parties interested in creating a Reinvestment Housing Incentive District (RHID) to facilitate housing starts in the community. The City does not presently have an RHID policy, and this policy includes local provisions to guide the implementation of this incentive in El Dorado. Staff took the opportunity to review other economic development policies to simplify and streamline them. This policy will create a single economic development policy to guide the City's incentives instead of having a policy for each incentive. The exemption to this rule is that the Neighborhood Revitalization Program (NRP) is currently not included in the policy because the current program will not expire until 2025. At that time, the City may include the key provisions or a summary of the renewed program in an update to this policy next year.

The City can grant many of the incentives described in this policy without adopting a formal policy as many of the incentives are based on state statutes. A policy, however, allows the City to establish local requirements to align with the City's priorities. It also provides an opportunity to establish fees to administer the incentives. It also ensures that each development proposal is considered in the same light as other proposals so that each development is considered for the same incentives if it meets the City's requirements.

Staff Recommendation:

The City Manager recommends approval of the proposed economic development policy because it simplifies and streamlines many of the City's existing economic development incentives and creates a local Community Improvement District (CID) policy and a Reinvestment Housing Incentive District (RHID) policy.

Commission Action:

Commissioner ______ moves to approve the Economic Development Policy as presented.

Commissioner ______ seconds the motion.

EL DORADO
KANSAS

ECONOMIC DEVELOPMENT POLICIES

Adopted: [INSERT DATE]

Effective Date: [INSERT DATE]

SECTION 1. INTRODUCTION

The City of El Dorado desires to encourage and facilitate economic activity and the creation of jobs, thereby broadening its sales and property tax base and improving the quality of life for its citizens. Further, the use of public funds to stimulate business growth may be necessary or desirable in certain cases. The decision to provide incentives to a business is guided by the expectation that the financial benefits to the City will produce a sufficient return on the City's investment and that the business will be a good fit for the community.

All proposed incentives are subject to a public hearing. Governmental agencies are not eligible for financial incentives under this policy. No elected or appointed officer, employee or committee of the City, El Dorado Area Chamber of Commerce, or El Dorado Inc. employee, board, or other public or private body or individual, shall be authorized to speak for and/or commit the City Commission to the granting of an incentive. This policy is meant to encourage the following:

a. Businesses that expand the City's tax base;
b. Industrial businesses that require significant (greater than 1 MGD) water resources for operations;
c. Expansion of existing industry;
d. Recruitment of new companies from out-of-state;
e. Retention of businesses that are good corporate citizens that will add to the quality of life in El Dorado through their leadership and support of local civic and philanthropic organizations; and
f. Training and development of El Dorado area employees.

The City Commission reserves the right to vary from this policy when, in the opinion of the Commission, it is in the best interests of the City to do so.

SECTION 2. STATEMENT OF PROCESS

a. <u>Review by El Dorado Inc.</u>

It is the expectation of the El Dorado Commission that all applications under this policy are to be vetted for accuracy, clarity, and compliance to the City's Economic Development Policy requirements, by El Dorado Inc.

b. Term Sheet to be prepared before Commission Considers a Proposal

For applications wishing to utilize a TIF, CID, IRB, or STAR bonds, as allowed under this policy, it is necessary that the applicant work with El Dorado Inc. prior to formally approaching the Commission. El Dorado Inc. will enter into a funding agreement with the applicant to ensure all requests for incentives are clarified and reviewed by the City's bond counsel.

The City's bond counsel will then draft a Term Sheet that will be presented to the Commission in conjunction with the applicant's proposal. The Term Sheet will contain a concise summary of the incentives being proposed, a detailed outline of the process involved to enact the incentives, and the obligations of the applicant and City in the matter. A sample Term Sheet is included in the Application for Economic Incentives.

c. Applicant Requirements for Term Sheet Development

- Clear request of desired incentives;
- Preliminary site plan;
- Infrastructure needs/requirement estimate;
- Total project costs;
- Estimated annual revenues;
- Estimated property values pre/post development;
- Estimated annual sales; and
- Estimated number of jobs created by development and average wage per job.

Unless the Commission directs otherwise, any applicant under this section will be granted one work session to present their concept and term sheet to the Commission for feedback. Any further request will need to be formalized and in complete compliance and conformity with this policy and all applicable state statutes.

SECTION 3. DEFINITIONS

"City" means the City of El Dorado, Kansas.

"Community Improvement District," or CID, shall refer to the establishment of a community improvement district as defined and authorized by K.S.A. 12-6a36, as amended.

"County" means Butler County, Kansas.

"Economic Development Purposes" shall mean the establishment of a new business or the expansion of an existing business, which:

a. is or will be primarily engaged in any one or more of the Kansas key industries as defined by the Kansas Department of Commerce or targeted industries of the City; or
b. is or will be primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or
c. is or will be primarily engaged in the production of raw materials, ingredients, or components for other enterprises which export the majority of their products; or
d. is a national or regional enterprise which is primarily engaged in interstate commerce; or
e. is or will be primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the City; or
f. is the corporate or regional headquarters of an enterprise, which is primarily engaged in out-of-state business activities.

"Governing body" means the City Commission of the City of El Dorado, Kansas.

"Industrial Revenue Bond," or IRB, shall refer to the sale of industrial revenue bonds to private investors to enable creditworthy companies to purchase land and pay the costs of constructing and equipping new facilities or the costs of acquiring, remodeling, and expanding existing facilities as defined and authorized by K.S.A. 12-1740 et seq., as amended.

"Reinvestment Housing Investment District," or RHID, is a program designed to aid developers in building housing within communities by assisting in the financing of public infrastructure improvements by capturing the incremental increase in real property taxes created by a housing development project for up to 25 years, as provided by K.S.A. 12-5241, et seq.

"Sales Tax and Revenue Bonds," or STAR Bonds, are a financing tool that allows Kansas municipalities to issue bonds to finance the development of major commercial, entertainment and tourism projects with the intent to increase regional and national visitation to Kansas.

"Target Industries" of the City shall mean:

- Businesses with a significant demand for water;
- Advanced manufacturing;
- Logistics and distribution;
- Food processing and manufacturing;
- Aerospace and defense;
- Agriculture;
- Energy and natural resources;
- Interstate transportation;
- Research and development of new products, processes or technologies; and
- Tourism activities, which are primarily engaged in attracting out-of-state tourists.

As used in these subsections, “primarily engaged” means engagement in an activity by an enterprise to the extent that not less than 51% of the gross income of the enterprise is derived from such engagement.

“Tax Increment Financing,” or TIF, is a real estate redevelopment tool applicable to industrial, commercial, intermodal transportation area and residential projects. TIF uses the increases in real estate tax revenues and local sales tax revenues to retire the bonds sold to finance eligible redevelopment project costs (K.S.A. 12-1770 et seq.) or to reimburse the developer on a pay-as-you-go basis.

SECTION 4. INDUSTRIAL ECONOMIC DEVELOPMENT

The City will be selective as to the kinds of industrial businesses (i.e., businesses that are not retail businesses) that are recruited and assisted. In general, the primary objective of the City’s Industrial Economic Development Policy is to target new and expanding businesses that strengthen the local economy and demonstrate a need for public financial support to locate or expand in El Dorado.

Additionally, the City favors industry that creates high-caliber employment, such as high-skill, high-wage jobs with increased employee benefits and superior working conditions.

When considering proposals brought before the City, the City Commission and staff shall be cognizant of the investment being made by the business, the risk involved in doing business, and the reputation of the City which is created by decisions that are made.

Examples of incentives that may be available to industrial businesses may include: Property Tax Abatement, Industrial Revenue Bonds (IRB), Tax Increment Financing (TIF), Community Improvement District (CID), and other available programs as approved by the Kansas Legislature.

SECTION 5. RETAIL DEVELOPMENT

The City of El Dorado relies heavily on sales taxes to support the provision of general services to its residents and visitors. The primary objectives of the City in granting incentives to retail businesses for development include the expansion of the sales tax base, general enhancement of quality of life, and the expansion of the property tax base.

Examples of incentives that may be available to retail businesses may include: Tax Increment Financing (TIF), Community Improvement District (CID), Sales Tax and Revenue Bonds (STAR Bonds), and other available programs as approved by the Kansas Legislature.

SECTION 6. ECONOMIC DEVELOPMENT APPLICATION

New or existing businesses that seek financial incentives from the City must file an application for economic incentives before their request can be considered. The application shall contain the following information:

a. Specific information on incentives being requested
b. Company profile including longevity of company, principal officers, stockholders and clients
c. Audited financial statements of the last five years or since date of incorporation if company has not been in existence for five years
d. Completed application for economic incentives and supplemental questionnaire
e. Business Plan as it relates to the proposed business to be located in El Dorado. Business Plan to include:
    i. Number of employees along with a detailed breakdown of the classification and salary for each employee.
    ii. Projected annual operating costs for the proposed development.
    iii. Projected annual revenues for the first ten years.
f. Applicants shall complete a cost-benefit analysis as described in Section 15 of this Policy.
g. For applicants wishing to develop a greenfield site, or redevelop property along existing infrastructure, the following items are required:
    i. A detailed site development plan.
    ii. Construction estimates for all improvements. If asking for a TIF or CID, applicant must provide an itemized breakdown of eligible costs for the incentive program being requested.
    iii. Estimated water usage and composition of wastewater produced by the site.
    iv. Detailed information regarding traffic patterns to and from the site being developed, including the number of vehicles per day (average and peak times) as well as size and type of vehicle.
    v. If the proposed development requires the extension/creation/reconstruction of City water, sewer, road, or stormwater infrastructure, the applicant must provide detailed cost estimates. City of El Dorado staff will not provide cost estimates, The applicant will be required to retain the services of a qualified engineer for this purpose.

The City will not consider the granting of any incentive unless the business submits a full and complete application and provides additional information as may be requested by the City Commission. The accuracy of the information provided in the application shall be verifiable by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any resolution adopted in reliance on said information.

Applications for incentives <u>will not</u> be considered after the issuance of building permits. Refer to Section 7 of this Policy for application and renewal fee information.

SECTION 7. FEE SCHEDULE

Any individual business requesting any incentive shall pay to the City a nonrefundable application fee of $5,000 plus a deposit of $5,000 to be retained by the City to pay for the City's out-of-pocket expenses associated with the City's review of the application and other actions and agreements associated with the proposed incentive, including but not limited to the City's cost of legal counsel, financial advisors, and consultants necessary to evaluate the application and administer the incentive.

If costs for third-party services incurred by the City exceed the fee collected, the applicant shall reimburse the City for such additional cost, immediately upon request, but no later than prior to final consideration of the incentive by the Governing Body. The application fee and deposit shall be submitted at the same time the application for economic incentives is submitted. In addition, any business which has been granted an incentive shall pay an annual nonrefundable renewal fee in the amount of $750.

The City requires the use of its designated Bond Counsel and its designated Financial Advisor. The City reserves the right to approve the selection of other necessary participants in the administration of an incentive, including but not limited to, the underwriter and trustee/fiscal agent. The City, at its discretion, may retain additional independent advisors to assist the City in analyzing the merits of the application and in making a determination on its approval at the applicant's expense. Examples of additional advisors include economic or environmental specialists, or a certified public accountant.

SECTION 8. PROPERTY TAX ABATEMENT POLICY

a. <u>Policy.</u> The grant of property tax abatement will be considered for real and personal property being added to the tax rolls by Kansas key industries or City targeted industries, in accordance with the provisions set by Article 11, Section 13 of the Constitution of the State of Kansas and the provisions of K.S.A. 12-1740 et seq. and K.S.A. 79-201a.

   The City may approve for economic development purposes a property tax abatement on real and personal property used exclusively in the following business activities:

   - Conducting research and development
   - Manufacturing articles of commerce
   - Storing goods that are sold or traded in interstate commerce
   - Corporate or regional headquarters of a multi-state enterprise which is primarily engaged in activities that take place outside of Kansas
   - High volume, industrial water users

b. Abatement Amount and Term. While Kansas law permits an exemption up to 100% of the qualified investment for up to ten years, it shall be the policy of the City to normally provide property tax abatement and require payments in lieu of taxes (PILOTs) as set forth in the following schedule for portions of a project that meet the economic development goals of the City set forth in Sections 1 and 3 and that qualify for abatement under Kansas law. **The abatement level is based on the higher of the capital investment and job creation.**

Abatement Percentage	Capital Investment	Job Creation
50%	Greater than $500,000 and less than $2.5 million	Greater than 10 and less than 25 eligible net new jobs
75%	Greater than $2.5 million and less than $10 million	Greater than 25 and less than 50 eligible net new jobs
100%	Greater than $10 million	Greater than 50 eligible net new jobs

[1] Capital Investment will be determined by increase in appraised value from the appraised value of the property on the date of the application compared to the appraised value on the January 1 after completion of improvements, all as determined by tax appraisal from the Butler County Appraiser's office.

[2] "Eligible Net New Jobs" means each full-time equivalent job created above the monthly average full-time equivalent employee count for the 12-month period preceding the date of application. In order for a job to qualify as a "Eligible Net New Job," each job must pay wages greater than 100% of the Region 1 wage average based on the applicant's 4-digit NAICS code. The number of Eligible Net New Jobs must be reported annually pursuant to Section 15, and if the actual number of Eligible Net New Jobs in any year during the abatement term is less than the Eligible Net New Jobs set forth in the application, the abatement level for the remaining abatement term will be reduced in accordance with the table above.

The abatement term for projects considered under the authority of Article 11, Section 13 of the Constitution of the State of Kansas shall begin in the calendar year after the calendar year in which the business commences its operations locally. The abatement term for projects considered under the authority of K.S.A. 12-1740 et seq. and K.S.A. 79-201a shall begin in the calendar year after the calendar year in which industrial revenue bonds are issued.

c. Procedure.

1. *Action by the City.* The City shall consider granting a tax exemption pursuant to this Policy after receipt of a complete application from the applicant in a form prescribed by the City together with the application fee and deposit. The application shall be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the project's preliminary site plans and building elevations, to prepare a cost benefit analysis, and to contact the county and the unified school district within which the property proposed for exemption is located. The project's site plans and building elevations are subject to final approval to ensure that they are similar to the preliminary plans and elevations submitted.

Based on each application and such additional information as may be requested by the City, the City shall prepare or cause to be prepared a cost benefit analysis of the proposed exemption on the city and state of Kansas, which analysis shall be used by the governing body in considering the request for abatement and shall be sufficient to meet statutory requirements for obtaining property tax abatement. In making its decision, the governing body may also consider any fiscal and/or economic impact analyses performed by Butler County, Butler Community College, or the applicable unified school district within which the property proposed for exemption is located.

Prior to formal action on each resolution of intent, the governing body shall conduct a public hearing thereon, to be scheduled at least fourteen days after publication of notice. Notice of the hearing shall also be sent to the Butler County Clerk's Office, Butler Community College, and the applicable unified school district within which the property proposed for exemption is located.

Any grant of property tax abatement shall be accompanied by a Performance Agreement as set forth in Section 13 of this Policy, and continuing abatement shall be subject to annual review as set forth in Section 15 of this Policy.

All documents necessary to consider granting a tax exemption, including the cost benefit analysis, notice of hearing, and any resolutions or ordinances, shall be prepared or reviewed by the City's Bond Counsel.

2. *Action by the State Court of Tax Appeals.* If the abatement request is granted, the applicant shall prepare and submit to the City by each February 1, a copy of the abatement application required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt use of property. The City Clerk shall submit such application and statement to the County Appraiser, who will forward to the Court of Tax Appeals. The City Clerk shall provide a copy of the ordinance, as published in the official city newspaper, granting an abatement from taxation to the applicant for use in filing an initial request for tax abatement as required by K.S.A. 79-213, and by K.S.A. 79-210 for subsequent years. The City expressly notes to applicants that no abatement can be provided without the approval of the State Court of Tax Appeals.

d. <u>Payment of PILOTs.</u> Any payment in lieu of taxes (also known as a PILOT), which shall be required of a business granted a property tax abatement of less than 100% for ten years, shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment, under the provisions of subsection (3) of K.S.A. 12-148, to the general fund of all taxing subdivisions, excluding the state, which levy taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied by each of the applicable taxing subdivisions. The specific provisions for payment of PILOTs shall be set forth in the Performance Agreement between the City and the applicant.

SECTION 9. INDUSTRIAL REVENUE BOND POLICY

a. Policy. It shall be the policy of the City to consider the issuance of industrial revenue bonds pursuant to K.S.A. 12-1740 et seq. (the "IRB Act") for the purposes set out in Section 1 of this Policy, and the IRB Act. Industrial revenue bonds may also be issued for the purpose of property tax abatement, as set forth in Section 7 of this Policy.

b. Sales Tax Exemption for Construction Materials. Labor and materials, as well as equipment purchased with IRB proceeds may be exempt from state and local sales tax. The City reserves the right to grant or deny such sales tax exemption in connection with the issuance of IRBs, to be determined on a case-by-case basis.

c. Cost Reimbursement/Issuance Fee. The applicant shall reimburse the City for all costs associated with the issuance of bonds, including but not limited to, the cost-benefit analysis, all legal publication notices, application fees to the Court of Tax Appeals, the City's bond counsel fees and all other miscellaneous costs.

   For projects requesting tax abatement in connection with the issuance of industrial revenue bonds, the City shall receive an issuance fee of

   i. 25 basis points (.0025) of the first $10 million par amount of bonds being issued or the amount of constitutional tax abatement being requested, plus
   ii. 20 basis points (.002) of the par amount of the second $10 million of bonds being issued or the amount of constitutional tax abatement being requested, plus
   iii. 10 basis points (.001) of the par amount in excess of $20 million of bonds being issued or the amount of constitutional tax abatement being requested.

   In no event shall the issuance fee be less than $1,500 or more than $100,000. The fee shall be due and payable at the time the bonds are issued.

SECTION 10. COMMUNITY IMPROVEMENT DISTRICT POLICY

a. Policy. It is the policy of the City to consider the establishment of CIDs for reimbursable expenses of $250,000 or greater to promote economic development and tourism within the City. An applicant may petition the City to utilize special assessments or a special sales tax to fund projects eligible under the CID statutes. In considering the establishment of a CID, the governing body shall consider whether the proposed CID will achieve the economic development purposes outlined in Section 1 of this Policy.

It is the further policy of the City that a CID shall only be established for projects where the applicant/developer pays for the cost of eligible CID improvements (at no cost to the City) and agrees to be reimbursed on a pay-as-you-go basis for such costs from the City's receipt of CID sales tax revenues or CID special assessment revenues.

The use of CIDs should not alter the requirements of the City's Economic Development Policy regarding the development paying for public infrastructure or complying with applicable building codes. When establishing a CID, special consideration will be given to public benefits. These benefits may include, but are not limited to, strengthening economic development and employment opportunities, reducing blight, enhancing tourism, and upgrading older retail and commercial real estate.

b. Criteria. It shall be the policy of the City to create a CID, if, in the opinion of the governing body, it is in the best interest of the City to do so. The governing body shall consider the following factors when creating a CID:
    i. The project meets the City's economic development goals by expanding existing businesses or develops new businesses described in Section 1 of this Policy, and/or strengthens economic development and employment opportunities, reduces blight, enhances tourism, and upgrades older retail and commercial real estate.
    ii. The project uses higher standards for the design of improvements and materials used in making improvements within the CID, compared to the minimum requirements set forth in the City's current design guidelines.
    iii. The project extends public infrastructure to parts of the City that are not currently served by such infrastructure.

c. Project Eligibility. It is the intent of the City to allow only projects involving capital investment and improvements to qualify for reimbursement. Purchase of consumables, and items or property considered to be operating expenses shall not qualify for reimbursement.

The following projects within the district shall be eligible for reimbursement out of the proceeds of the community improvement district sales tax:

- Public buildings, structures and facilities, and private not-for-profit museums;
- Sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage

systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, water mains and extensions and other site improvements;

- Parking garages;
- Streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
- Parks, lawns, trees and other landscape;
- Communication and information booths, bus stops and other shelters, stations, terminals, hangers, rest rooms and kiosks;
- Outdoor cultural amenities, including but not limited to, sculptures and fountains;
- Private buildings, structures and facilities;
- To produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, decoration of any public place in the district, promotion of such activity and special events;
- To support business activity and economic development, including, but not limited to, development, retention, and the recruitment of developers and businesses;
- To provide or support training programs for employees of businesses.

d. Generally, projects not listed in the foregoing eligibility section shall not be eligible for reimbursement out of the proceeds of a Community Improvement District sales tax. Additionally, the following projects within the district shall be ineligible for reimbursement out of the proceeds of a community improvement district sales tax:

    i. Airports, railroads, light rail and other mass transit facilities;
    ii. Lakes, dams, docks, wharfs, lakes or river ports, channels and levies, waterways and drainage conduits.
    iii. To provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons for public property, buildings and outdoor spaces.
    iv. To provide or contract for cleaning, maintenance and other services to public or private property, buildings and outdoor spaces;
    v. To contract for or conduct economic impact, planning, marketing or other studies related to the district;
    vi. Indoor cultural amenities, including but not limited to, paintings, murals and display cases, which are not located in a private not-for-profit museum;
    vii. To operate or to contract for the provision of music, news, child-care, or parking lots or garages, and buses, minibuses or other modes of transportation;
    viii. To provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons inside private buildings;

ix. The purchase of inventory and/or supplies for use or resale.
x. To purchase interior furnishings.
xi. To purchase advertising or participation and any promotional expenses.
xii. Any other projects not permitted by state statute, as amended from time to time.

e. Method of Financing. The governing body will consider creation of a CID where:
   i. the costs of CID improvements will be financed on a pay-as-you-go basis from CID sales tax revenues.
   ii. the costs of CID improvements consisting only of public infrastructure improvements will be financed from CID special assessments. In the instance where public infrastructure CID improvements will be financed from CID special assessments, the City will consider the issuance of special obligation CID special assessment bonds. The City will not issue special obligation or general obligation bonds for CID improvements, other than the limited circumstances set forth in this section. The proposed method of financing will be clearly shown in the petition.
   iii. the costs of CID improvements will be paid from both a CID special assessment and CID sales tax.

f. Process. The process for creation of a CID shall be as follows:
   i. *Petition and Supplemental Information.* An applicant requesting that the City create a CID shall first submit a petition to the City. Such petition shall contain all the information required by K.S.A. 12-6a26 et seq. and shall contain all the required signatures of property owners as set forth in the Community Improvement District Act. Such petition shall also contain an agreement by the applicant to pay all out-of-pocket costs incurred by the City related to the City's review of the petition, including but not limited to the City's cost of legal counsel and financial advisors necessary to evaluate the petition. In addition to the information required by K.S.A. 12-6a26 et seq., applicants must file:
      i. an application for economic incentives and supplemental questionnaire, as provided by the City's Economic Development Policy,
      ii. applicant must provide the name, owner's contact information, and Federal Employer Identification Number (FEIN) for all businesses located in the proposed CID,
      iii. a site plan for all public and private improvements to be located within the proposed CID, and
      iv. a business plan evidencing that the applicant has the financial ability to complete the proposed project in a timely manner and operate the project for the term of the proposed CID. The applicant shall furnish such

additional information as requested by the City to clarify the petition or to assist staff or the governing body with the evaluation of the petition.

ii. *Application Fee and Deposit.* The application fee and deposit, as well as any costs and expenses required to be paid by the applicant pursuant to Section 6 may be deemed costs of the improvements, and may be reimbursable to the extent permitted by the Community Improvement District Act and as authorized by the governing body.

iii. *Timing of Submissions.* The petition and all additional information required by this Policy must be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the project's site plans, and to analyze the merits of the proposed CID in the context of existing economic development and infrastructure projects.

iv. *Public Hearing.* Upon receipt of the petition and all additional information required by this Policy, the governing body may order a public hearing on the creation of a CID and the imposition of a CID sales tax. The governing body shall give public notice and hold such hearing in the manner required by the Community Improvement District Act.

v. *Governing Body Findings; Development Agreement Required.* After the public hearing is conducted, the governing body shall determine the advisability of creating a CID pursuant to the Community Improvement District Act. If advisable, the governing body may create a CID by adopting an ordinance. Contemporaneously with the adoption of an ordinance creating a CID, the governing body shall consider a development agreement between the City and the applicant setting forth the specific terms and conditions under which the City will reimburse the applicant on a pay-as-you-go basis for the costs of certain CID Improvements.

g. <u>Applicant Requirements.</u>

i. The applicant shall provide a tax clearance letter from the State of Kansas Department of Revenue to determine and ensure the applicant is compliant with all primary Kansas Tax Laws. An annual submission of the tax clearance from the State of Kansas Department of Revenue is required.

ii. If a CID is created, the applicant must complete an annual report by March 1 of each year covering the previous calendar year.

iii. If a CID is created, the applicant must agree in the Development Agreement to pay to the City an annual administrative fee equal to 0.5% of the annual CID revenue generated within the CID, to cover the administration and other City costs related to the CID. This fee is in lieu of the annual renewal fee set forth in this policy for other economic development incentives.

iv. It shall be the responsibility of the applicant to notify each retailer in the CID of the effective date of the CID's sales tax and the increased rate of sales tax to be collected.

h. Payment of Certain Expenses. The City shall require the applicant to enter into a funding agreement or other evidence of the applicant's agreement to pay costs incurred by the City for additional legal, financial and/or planning consultants, or for direct out-of-pocket expenses and other costs relating from services rendered to the City to review, evaluate, process and consider the petition for a CID, as well as the continued maintenance of the escrow account for CID revenues and for the processing of payments of CID eligible costs. Such costs and expenses may be deemed costs of the project, to the extent permitted by the Community Improvement District Act.

i. Financial and Fiscal Impact. The applicant must detail the proposed method and amount of financing, including any public financial participation requested. The applicant must financially participate in the project in an amount that is at least 25% of the total project cost.

j. Authority of Governing Body. The governing body reserves the right to deviate from any policy when it considers such action to be of exceptional benefit to the City or extraordinary circumstances prevail that is in the best interests of the City. Additionally, the governing body, by its inherent authority, reserves the right to reject any proposal or petition for creation of a CID at any time in the review process when it considers such action to be in the best interests of the City.

SECTION 11. REINVESMENT HOUSING INCENTIVE DISTRICT POLICY

a. Policy. It is the policy of the City to consider the establishment of a Reinvestment Housing Incentive District (RHID) in conformance with the requirements outlined in Kansas Statutes. It is the further policy of the City that a RHID shall only be established for projects where the applicant/developer pays for the cost of eligible RHID improvements (at no cost to the City) and agrees to be reimbursed on a pay-as-you-go basis for such costs from the City's receipt of RHID revenues.

b. Criteria. It shall be the policy of the City to create a RHID, if, in the opinion of the governing body, it is in the best interest of the City to do so. The governing body shall consider the following factors when creating a RHID:

1. Assure taxpayers that the City is not financing an already viable project.
2. Assure taxpayers that the City is not financing an unreasonably high profit margin for developers. Each developer will be required to submit a detail of development

costs and net operating income including an Internal Rate of Return to be compared to the market for reasonableness.

3. Assure taxpayers that the development provides the City safeguards committing the developer to complete the project.

The development plan required by statute for each project must determine that the incremental ad valorem property tax revenues generated by the RHID, together with other funds committed by the developer, will cover the estimated eligible costs of the project. All development plans must assume that the initial estimated incremental property tax revenues will remain flat over the term of the RHID (i.e., no plan may assume increasing incremental property tax revenues will be available to cover project costs).

c. <u>Method of Financing.</u> The governing body will consider creation of a RHID where eligible costs will be financed on a pay-as-you-go basis from incremental ad valorem tax revenues generated within the RHID. The City will not issue special obligation bonds for RHID improvements.

d. <u>Process.</u> The process for the creation of an RHID District shall be as follows:

1. *Application and Supplemental Information.* An applicant requesting that the City create a RHID must file:
    i. an application for economic incentives and supplemental questionnaire, as provided by the City's Economic Development Policy,
    ii. a Housing Needs Analysis meeting the requirements of K.S.A. 12-5244(a) and the guidelines of the Kansas Department of Commerce, and incorporating the findings contained in the current El Dorado Housing Assessment
    iii. a Development Plan meeting the requirements of K.S.A. 12-5245, and
    iv. a business plan evidencing that the applicant has the financial ability to complete the proposed project in a timely manner and that the project meets the criteria for establishment of a RHID, as set forth in this Policy.

    The applicant shall furnish such additional information as requested by the City to clarify the application or to assist staff or the Governing Body with the evaluation of the application.

2. *Application Fee and Deposit.* The application fee and deposit as well as any costs and expenses required to be paid by the applicant pursuant to Section 6 of the Economic Development Policy are not reimbursable pursuant to the Rural Housing Incentive District Act. The applicant will pay all out of pocket costs incurred by the City related to the City's review of the application, all documents

related to consideration of a RHID and the development agreement, including but not limited to the City's cost of legal counsel and financial advisors necessary to evaluate and create the proposed RHID.

3. *Timing of Submissions.* The application and other information required by this Policy must be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the submitted documents and analyze the merits of the proposed RHID in the context of existing Economic Development Policy.

4. *Secretary of Commerce Approval.* If the Governing Body determines that it is in the best interest of the City to approve the Housing Needs Analysis and move forward with the proposed Development Plan, the Governing Body shall adopt a resolution approving the Housing Needs Analysis and submit such analysis to the Kansas Secretary of Commerce for approval. If the Secretary of Commerce agrees within the findings of the Governing Body set forth in such resolution, the Governing Body may proceed with the establishment of an RHID.

5. *Development Agreement.* Upon receipt of approval from the Secretary of Commerce, but before the Governing Body takes further action with respect to the creation of the RHID, the City and the Developer shall negotiate a development/performance agreement to implement the proposed Development Plan and including the requirements of this Policy, including particularly the requirements of Section 14 of this Policy related to Performance Agreements.

6. *Public Hearing.* When the Development Plan, a draft Development Agreement, and all additional information required by the RHID Act, and this Policy are ready to be presented to the Governing Body the Governing Body will consider adopting a resolution ordering a public hearing on creation of the RHID and adoption of the plan. The Governing Body shall give such notice and hold such hearing in the manner required by the RHID Act.

7. *Governing Body Findings.* After the public hearing is conducted, if advisable, the Governing body may create an RHID district by adopting an ordinance creating the district, adopting the Development Plan, and approving the Development Agreement.

e. <u>Payment of Certain Expenses.</u> The City shall require the applicant to enter into a funding agreement or other evidence of the applicant's agreement to pay costs incurred by the City for additional legal, financial and/or planning consultants, or for direct out-of-pocket expenses and other costs relating from services rendered to the City to review, evaluate, process and consider the request for RHID. Such costs and expenses are the applicant's sole responsibility and are not generally reimbursable pursuant to the RHID Act.

f. Authority of the Governing Body. The governing body reserves the right to vary from any policy when it considers such action to be of exceptional benefit to the City or extraordinary circumstances prevail that is in the best interests of the City. Additionally, the governing body, by its inherent authority, reserves the right to reject any proposal or request for the creation of an RHID at any time in the review process when it considers such action to be in the best interest of the City or whenever, in the opinion of the City Commission sufficient properties are already available for the type of development being considered.

g. Review. The RHID policy will be in place provided there is a need for housing. The City will update the Housing Needs Assessment every three years.

SECTION 12. LOCAL INCENTIVES

The City may grant the following local incentives to a development project to reduce the financing gap that may exist between private investment and public incentives subject to a cost-benefit analysis as provided in this policy.

a. Deferred Financing. The City may consider deferring the issuance of its general obligation (G.O.) bonds for up to four years in instances when the City authorizes financing of public infrastructure. The City will issue temporary notes to provide short-term financing for the improvements and then capitalize the interest into the long-term financing at the time of the issuance of G.O. bonds.

b. Franchise Fees. Projects investing a minimum of $1.0 million in private capital investment (exclusive of grants or loans) and that generate new electric and natural gas demand are eligible for a reimbursement of the electric and natural gas franchise fees generated by the project for ten years following the issuance of a certificate of occupancy.

c. Discounted Water Utility Rates. Projects investing a minimum of $1.0 million in private capital investment (exclusive of grants or loans) and that generate new water volume greater than one million gallons per day (MGD) are eligible for discounted water volume rates for ten years following the issuance of a certificate of occupancy. The amount of the discount will be negotiated and included in a development agreement for the project. The City will consider the need to extend infrastructure to serve a project and any debt obligations to finance such infrastructure extension before considering a discount rate.

d. <u>Workforce Training.</u> At the City Commission's discretion, the City may allocate economic development funds or other general-purpose funds of the City to reimburse the developer or business owner/operator for workforce training expenses necessary for business operations.

SECTION 13. MEMORANDUM OF UNDERSTANDING

Authority to issue memorandums of understanding to consider requests for economic development incentives shall lie only with the City Commission. Such memorandums of understanding shall only be issued by the City Commission, and as an expression of good faith intent, but shall not in any way bind the City to the granting of an incentive. Such memorandums of understanding shall expire six months after issuance but may be renewed. A public hearing shall not be required prior to the issuance of memorandums of understanding.

SECTION 14. NOTICE AND HEARING

No incentive shall be granted by the City prior to a public hearing thereon. Notice of the public hearing shall be published at least fourteen days prior to the hearing in the official city newspaper, giving the time and place, and the hearing may be held at a regular or special meeting of the City Commission. The City Manager shall thereupon notify the Butler County Commissioners, the superintendent of the appropriate school district, and the clerk of any applicable taxing jurisdiction, excluding the state, which derives or could derive property taxes from the affected business advising them of the scheduled public hearing and inviting their review and comment. Upon request, the City Manager shall provide any such public agency with a copy of the application, which shall remain confidential unless released by the City Commission. The applicant business shall be invited, but not required, to attend the public hearings.

SECTION 15. PERFORMANCE AGREEMENT

Any incentive granted pursuant to this policy shall be accompanied by a Performance Agreement between the applicant and the City, which shall include provisions governing the situation if an applicant fails to meet the wage, number of jobs, and/or capital investment projections set forth in the original application. Each incentive shall be reviewed annually. The City Commission shall receive the annual review report, and if the City Commission determines that a business or project is not in compliance with the provisions of the Performance Agreement, then the incentive may be modified pursuant to the Performance Agreement as the City Commission deems appropriate. Modifications to the incentive may include, but are not limited to, termination of the incentive, reduction of any incentive (including but not limited to reductions in tax abatement due to failure to meet requirements as set forth in Section 7) and claw-back of any existing incentive. To the extent necessary, the County Appraiser and the State Court of Tax Appeals shall be notified of appropriate actions to modify any incentive.

SECTION 16. COST BENEFIT ANALYSIS

The Cost Benefit Analysis will offer a wide spectrum of information as it pertains to development, the adequacy, or inadequacy of, financial incentives, and finally, the net gain, current and future, of entering into these types of endeavors on behalf of the citizens of the City. The Cost Benefit Analysis should address the following items:

a. Direct Costs to the City. Any identified direct cost should be included in the analysis. Examples of these types of costs include installation and assumed annual liability of municipal infrastructure to the business site, and costs of providing municipal services such as public works, fire, and police protection.

b. Benefit to the City. Direct benefits include wages/salaries/benefits paid to employees, any taxes collected (property, sales, franchise fees), purchases of products/services from local vendors.

c. Cost-Benefit Analysis. From a community perspective, incentives are used because a net benefit is expected. A desired benefit to cost ratio must be at least in the 1.25:1 ratio. Proposed economic development projects that achieve this benchmark traditionally employ a higher proportion of local labor, including managers, at an above-average hourly wage. This analysis should identify the particulars involving the developer's proposal. This should include confirmation of the size of the store, financial information, number of employees, pay scale, tax collections, and other areas involving development. The developer is responsible for the development of this analysis including any cost incurred.

   If asking for any financial incentives included in this policy, the applicant shall be required to provide a detailed monetary breakdown of the program(s) being requested, including but not limited to:

   i. the determination of any revenues generated from sales taxes or an incremental increase in property taxes,
   ii. the direct cost to the City in lost sales or property tax revenue,
   iii. the number of years required to retire any debt being financed with the above-mentioned programs.

SECTION 17. ANNUAL REVIEW FOR COMPLIANCE

All incentives granted shall be subject to an annual review to ensure that the ownership, use of property, and the economic performance of the business, including the capital investment, employment, and wages, are pursuant to requirements and criteria of this policy, the application, and the conditions of the granting of incentives. The review shall also include a comprehensive review of the entire incentive period for the business (if applicable), including milestones and project phases for the business.

The annual review shall provide an opportunity for the company receiving the incentive to describe their achievements, especially in the areas of environmentally sound practice, community engagement and services, and job training. If the business:

a. no longer qualifies for the incentive pursuant to law or this policy;
b. substantially fails to meet the expectations set forth in the application for an incentive, including failure to meet employment, wage, or capital investment plans in the application; or
c. substantially fails to meet the criteria or objectives of this policy;

The City Commission, after notice and a public hearing, may modify any incentive by ordinance or resolution.

The City reserves the right to issue any level of penalties that it deems necessary. These may include:

a. rescissions, which is a complete cancellation of the incentive;
b. penalties, which are fines charged when the business does not meet a certain level of performance or relocates, and finally; or
c. recalibrations, which are the provisions for changing the incentive in some manner in order to accommodate an evolving economic climate. The use of these tools will provide a safety net to the community, ensuring that its investment in the business will result in the positive benefits it expects.

Each business receiving an incentive shall be required to complete an annual report and provide it to the City Manager's Office by February 1. The information in the report will cover the period from January 1 through December 31 of the previous year.

By May 1 of each year, an annual report listing all financial incentives that remain in effect will be presented to the City Commission. The annual report shall include information regarding when the incentive was granted, when the incentive expires, current property taxes paid for the property, in lieu of tax payments, amount of any industrial revenue bonds issued, the assessed value of the property, number of employees, salary and payroll of employees, and any additional information concerning the operation of the business receiving the incentive, and other information as requested by the City Commission.

The failure of a business

a. to provide accurate and timely information to the City in the preparation of the annual report or

b. to comply with the performance standards set forth in the Performance Agreement,

shall be grounds for the modification or revocation of the incentive granted.

The City may require an annual renewal application to be filed or other information necessary to assure the continued qualification of the exempt business. Any material omission or misstatement of fact in information provided to the City in any such statement or renewal application may be cause for repeal of any incentive ordinance adopted, renewed, or extended in reliance thereon.

SECTION 18. TRANSFER OF OWNERSHIP OR USE

Incentives granted by the City may be transferred because of a change in the majority ownership of the business. Any new owner shall file a new application, along with the renewal fee, for an incentive. The City shall be notified by the business of any change in ownership and any substantive change in the use of a tax-exempt property within ninety days of the effective date of the change.

SECTION 19. RETROACTIVE GRANTING OF INCENTIVES; "BUT FOR" PRINCIPLE

No incentives will be distributed on a retroactive funding basis. Incentives will be granted pursuant to the guidelines of this policy and effective on the date indicated and approved by the City Commission.

Each application for incentive shall demonstrate that the incentive will make such a difference in determining the decision of the business to locate, expand or remain in the City that the business would not otherwise be established, expanded, or retained without the availability of the incentive.

SECTION 20. WAIVER OF STATEMENT REQUIREMENTS

The City Commission reserves the right to grant or not to grant an incentive under circumstances beyond the scope of this policy, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the City Commission that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest.

The Commission will not entertain requests for incentives outside of what is allowed by, or in accordance with, this policy. If any interested party would like the Commission to include an additional incentive to this policy, or modify the criteria for an existing incentive, that party must formally address the Commission and request that this policy be amended.

SECTION 21. AMENDMENTS

The City Commission retains the right to amend any portion of this policy as needed.

SECTION 22. TAX CLEARANCE CERTIFICATION

Any person, company, or entity receiving economic incentives under this policy must provide a Tax Clearance Certificate from the State of Kansas Department of Revenue on an annual basis prior to December 31. The Tax Clearance Certificate requirement will be in effect until such a time that incentives are no longer being utilized.

SECTION 23. INCENTIVE TRANSPARENCY DATABASE

Any person, company, or entity receiving economic incentives under this policy agrees to be included in the City's Incentive Transparency Database to inform the public of all economic development incentives granted by the City.

SECTION 24. MANDATORY REVIEW

This policy will be subject to mandatory review by the City Commission every three years.

TO: City Commission
FROM: Mike Holton, Police Chief
SUBJ: Consideration of a Memorandum of Understanding Between the Butler County Sheriff and Butler County Police Chiefs Allowing a Shared Response for Large-Scale Events Throughout the County
DATE: June 17, 2024

Summary:

When large-scale emergencies occur, one of the biggest hurdles to overcome is having adequate staff. Butler County Sheriff Monty Hughey recently presented a Memorandum of Understanding (MOU) to the Butler County Chiefs of Police. This MOU would allow for the various departments across the county to assist in the response to major events such as shootings, homicides or other large-scale emergencies. Each department not directly associated with the event would provide personnel and equipment as they are able to and as needed. The agreement specifies that the department who activates the team will have jurisdiction over the scene. All outside agencies would serve as support for the investigation.

Attachments:

1. Crime Response MOU

Funding Source:

Each participating agency would be responsible for expenses associated with their personnel such as overtime or worker's compensation.

Operation Impact:

Options/Alternatives:

Approval of this MOU would provide assistance to our agency when it is most needed, allowing for the appropriate resources needed to work a large-scale event. Alternatively, it could increase the demands on our staff and overtime costs, but those could be mitigated by management.

Staff Recommendation:

Approve the Butler County Multi-Jurisdictional Major Crime Response Memorandum of Understanding as presented.

Commission Action:

Commissioner ______________ moved to approve the Butler County Multi-Jurisdictional Major Crime Response Memorandum of Understanding and directed the Chief of Police to join the Sheriff and other Chiefs of Police in signing the MOU.

Commissioner ______________ seconded the motion.

MONTY L. HUGHEY
SHERIFF
mhughey@bucoks.com

DAIMON E. CUNDIFF
UNDERSHERIFF
dcundiff@bucoks.com

Integrity Respect Compassion

Administration: 316-322-4254

141 S. Gordy
El Dorado, Kansas 67042

FAX: 316-320-3189

Butler County Multi-Jurisdictional Major Crime Response Memorandum of Understanding

Purpose: To provide every Law Enforcement Agency in Butler County with a swift response of skilled investigators and a multitude of resources for a major crime event in Butler County, regardless of jurisdictional boundaries.

Understanding: Each department head that accepts this Memorandum of Understanding agrees to allocate all available investigators and resources, upon activation of the Multi-Jurisdictional Major Crime Response, to respond to the jurisdiction requesting assistance. The response may be a full activation of all participating agencies, or a partial activation of participating agencies as deemed necessary by the requesting agency. Each agency will be responsible for the wages of their responding personnel as well as replacement of any agency resources used during the event.

Procedure: The department head of the requesting agency must request the activation of the Multi-Jurisdictional Major Crime Response. The requesting agency will then have their dispatch notify the dispatch of the other participating agencies, who will then follow their procedures for notification of their investigators. The requesting agency will be in command of the event with all other agencies being in support.

Injuries: In the event any personnel is injured during a Major Crime Response, the individual's home agency will treat it as an on-duty injury and proceed accordingly with the policies and procedures of their agency.

Chief Buck Buchanan
Andover Police Department

Sheriff Monty Hughey
Butler County Sheriff's Office

Chief Todd Ackerman
Augusta Department of Public Safety

Chief Michael Holton
El Dorado Police Department

Chief Kevin Kichler
Benton Police Department

Chief Taylor Parlier
Rose Hill Police Department

Director Glendell Henderson
BCCC Department of Public Safety

TO: City Commission
FROM: Scott Rickard
SUBJ: Consideration of an Application to Rezone SE 20th St & SE Bluestem Rd from Agricultural-Residential (A-R) to Residential Suburban (R-S)
DATE: June 17, 2024

Summary:

The Planning Commission held a public hearing on May 23, 2024, to review an application from William Counterman to rezone approximately 39 acres at the southwest corner of SE 20th Street and SE Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District. Butler County approved the request on May 28, 2024.

Attachments:

1. Counterman Memo
2. 1000' Buffer Map
3. 5-23-24 Minutes
4. Counterman Rezone Ord

Funding Source:

Zoning districts restrict properties to a specific set of land uses. Most rezoning applications, such as this one, request a zoning district that is less restrictive and allows an increase in land use intensity.

Operation Impact:

Approval of the zoning map amendment will create little to no fiscal impact on the City of El Dorado at this time.

Options/Alternatives:

N/A

Staff Recommendation:

Staff recommends approval of the proposed rezoning request.

Commission Action:

Commissioner _______________ moved to approve an ordinance for Case No. 24-05 REZ to rezone approximately 39 acres in the NE ¼ of the NE ¼ of Section 17, Township 26 Range 6 East, located at the southwest corner of SE 20th Street and Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District.

Commissioner _______________ seconded the motion.

PLANNING COMMISSION MEMORANDUM

TO: Planning Commission
FROM: Scott Rickard, Engineering Director
RE: Zone Change Application –SE 20th Street and SE Bluestem Road

William Counterman has applied to rezone approximately 39 acres at the southwest corner of SE 20th Street and SE Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District. R-S is a residential zoning that primarily allows single-family residential on large lots.

The property's current zoning, A-R, requires a minimum lot size of 40 acres. The applicant proposes two 5-acre lots and one 7-acre lot along SE Bluestem Rd and one 19-acre lot along SE 20th St. The proposed lots will require R-S zoning. The minimum lot size in R-S zoning is three acres when a public water supply is available. The minimum lot size is 6.6 acres when a public water or wastewater system is not present.

This property is located outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The County Planning Commission heard the request on 5/7 with favorable approval. The Butler County Commission will review the request on 5/28.

The regulations state the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

Character of the neighborhood.

The existing land uses in the area consist of mainly agricultural open space and a few single-family residential. Zoning in the area is primarily A-R.

Consistency with the Comprehensive Plan and ordinances of the City of El Dorado.

The Future Land Use Map (FLUM) designates the subject property as Agricultural. The Zoning Ordinance states "The primary land use is agricultural in nature, such as farming and livestock production. May include ancillary uses like residential or storage. May include large lot single-family land uses generally no denser than one unit per five acres."

Adequacy of public utilities and other needed public services.

Rural Water is available in the area; county regulations also allow the use of water wells. The applicant plans to use lagoons for wastewater treatment.

Suitability of the uses to which the property has been restricted under its existing zoning.

R-S is one of the more restrictive zoning districts in the zoning ordinance. The property is generally restricted to its current use, agricultural open space, and very low-density single-family residential.

Length of time property has remained vacant as zoned.

The property has been used for agricultural purposes.

Compatibility of the proposed district classification with nearby properties.

R-S is a zoning classification best suited to areas on the urban fringe where low-density residential and agricultural uses are intermingled. The proposed zoning is consistent with the land currently used in the area.

The extent to which the zoning amendment may detrimentally affect nearby properties.

Adding a new single-family residential lot is not expected to affect neighboring properties detrimentally. The proposed lot size exceeds the minimum lot size requirements and is consistent with the rural residential in the area.

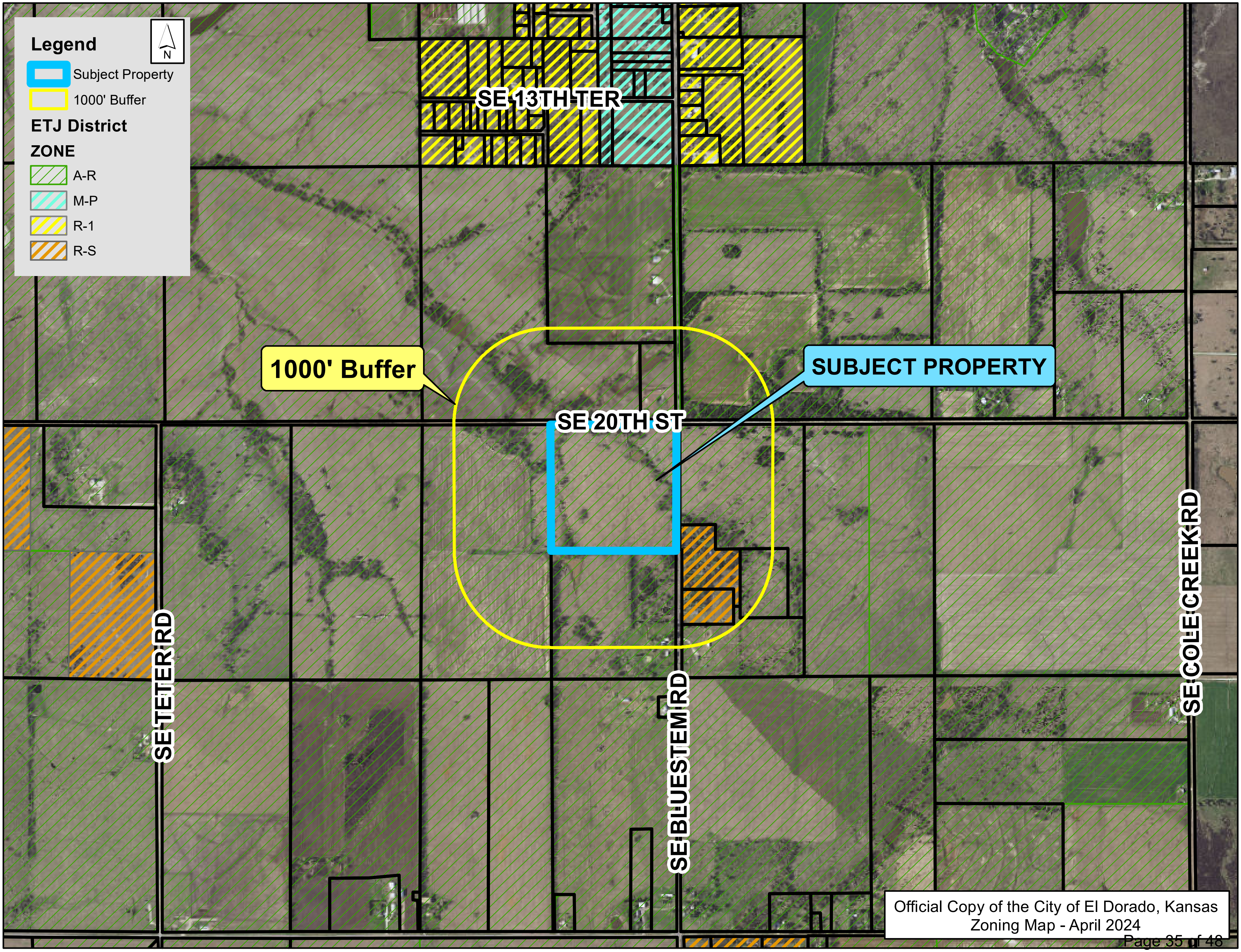
Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.

Staff does not anticipate a disproportionately great loss or significant impact on nearby landowners for the above reasons.

Adopting this amendment requires a majority vote of the Planning Commission members present and voting.

Suggested Motion:

I move to recommend approval of Case No. 24-05-REZ, an application by William Counterman to rezone approximately 39 acres in the NE ¼ of the NE ¼ of Section 17, Township 26 Range 6 East, located at the southwest corner of SE 20th Street and Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District, for reasons stated in the staff recommendation and heard at this public hearing.



Legend
N
Subject Property
1000' Buffer
ETJ District
ZONE
A-R
M-P
R-1
R-S
SE 13TH TER
1000' Buffer
SUBJECT PROPERTY
SE 20TH ST
SE TETER RD
SE BLUESTEM RD
SE COLE CREEK RD
Official Copy of the City of El Dorado, Kansas
Zoning Map - April 2024

EL DORADO
KANSAS

PLANNING COMMISSION MINUTES - DRAFT
May 23, 2024
5:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chairman Hackler called the meeting to order at 5:30 pm.

Members Present
Steve Fellers
Scott Hackler
Debbra LaForge
Scott Leason
Austin Letts
Brad Long
Gerald Watson

Others Present
Roger Cutsinger with BHC

Chuck & Michelle Counterman	104 W Sunflower Ave. Augusta
Ron & Cheryl Alvarez	2445 SE Bluestem Rd
Charles Pyles	2918 SE 30th St.

2. APPROVAL OF MINUTES

Commissioner Fellers moved to approve the minutes from April 25, 2024, seconded by Commissioner Long. The motion passed (7-0).

3. NEW BUSINESS

ITEM NO. 1 – CASE NO. 24-05-REZ: PUBLIC HEARING FOR THE CONSIDERATION OF A REQUEST TO REZONE APPROXIMATELY 39 ACRES AT SE 20TH & SE BLUESTEM FROM A-R (AGRICULTURAL RESIDENTIAL DISTRICT TO R-S (RESIDENTIAL SUBURBAN DISTRICT).

A. Presentation of Request

Mr. Rickard provided an overview of the application by William Counterman to rezone approximately 39 acres at the southwest corner of SE 20th Street and SE Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District. R-S is a residential zoning that primarily allows single-family residential on large lots.

The property's current zoning, A-R, requires a minimum lot size of 40 acres. The applicant proposes two 5-acre lots, one 7-acre lot along SE Bluestem Rd, and one 19-acre lot along SE 20th St. The proposed lots will require R-S zoning. The minimum lot size in R-S zoning is three acres when a public water supply is available. The minimum lot size is 6.6 acres when a public water or wastewater system is not present.

This property is located outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The County Planning Commission heard the request on 5/7 with a favorable approval. The Butler County Commission will review the request on 5/28.

Roger Cutsinger with BHC who's representing Mr. & Mrs. Counterman, stated the proposed plat has been presented to the County Planning Commissioners and they requested a few changes. Commissioner Fellers inquired what the County adjusted. Mr. Cutsinger stated changes to the control access moved north and drive entrances were moved.
Mr. Rickard verified that the changes mentioned were for the plat and not the rezone.
Commissioner Fellers inquired if the idea was for four homes to be built. Mr. Cutsinger stated that was correct.
Commissioner Letts inquired why the property needs to be rezoned. Mr. Rickard stated that A-R zoning requires a minimum of 40 acres to be lived on and to subdivide into smaller lots the property must be rezoned.
Commissioner Fellers inquired if the rural water lines were at the owner's expense.
Mr. Rickard stated that they are and the only thing the city is involved in is the use of the land and ancillary review of the plat.

B. Public Hearing

Commissioner Hackler opened the public hearing.

Cheryl Alvarez adjoins the property to the south and stated that her main concern is what will happen to their taxes and said they purchased their 40 acres so they would not be close to others.
Commissioner Long inquired if Mrs. Alvarez's property is agricultural and if she has any animals if they would be adversely affected. Mrs. Alvarez stated they do have animals and believe they will be affected.
Commissioner Letts inquired about the property across the street and how it impacts the area. Mrs. Alvarez stated she didn't know it was zoned like that and that there was nothing there except an old farmhouse.
Mr. Rickard pointed out to the Commissioners the other parcels in the area that are smaller lots and nonconforming that were split years ago.
Ron Alvarez inquired why the city is involved and not the county, he also mentioned the cave system and aquifer in the area. He is concerned about how those things are going to be affected once utilities are placed to serve the property if the water will be contaminated. Mr. Alvarez also stated that hunting in the area will be a problem for him and the new homes.
Commissioner Hackler asked Mr. Alvarez if he envisioned hunting to be a problem.
Mr. Alvarez confirmed he does see it to be a problem. They currently skeet and rifle shoot to the north towards the hedge row and it could damage homes and take away wildlife.

Commissioner Hackler verified with Mr. Alvarez that they purposely shoot toward the north since nothing is currently there.

Commissioner Long inquired how many years Mr. Alvarez has lived in the area and if he has talked with Mr. Counterman about these issues.

Mr. Alvarez stated he has lived there for 6 years, and he has not discussed the project with Mr. Counterman, he and his neighbors are against the development, also he believes their taxes will increase.

Commissioner Hackler explained the 3-mile ETJ and how the Planning Commission is only an advisory board. Mr. Alvarez inquired if the city limits are expanding. Commissioner Hackler stated that is not what this case is about and that they can't control annexation requests.

Commissioner Fellers inquired if Mr. Alvarez spoke to Butler County. Mr. Rickard stated that this meeting is a public hearing for public concerns and input.

Mr. Alvarez stated a meeting with the owners should have taken place before the public hearing.

Mr. Rickard noted that owners within a 1,000-foot are notified, and the applicants are advised to speak with their neighbors, the purpose of public hearings is to address questions and concerns and to receive input from the community.

Commissioner Fellers asked Mr. Alvarez to explain his water concerns. Mr. Alvarez stated he is concerned the aquifer that runs east, and west could be affected by seepage with any new lagoons that are installed, and he does have a lined lagoon himself.

Commissioner Long asked Mr. Alvarez if his lined lagoon had caused any issues with the water system and why he thought any new lagoons would cause an issue.

Mr. Alvarez stated he has had his lagoon tested and said it depends on where the new lagoons are located as a water system could burst with all the rock & ground shifts.

Commissioner Hackler stated any issues would be the owners and lagoons must abide by the County code.

Commissioner Long inquired if Mr. Alvarez contacted Mr. Rickard when the letter was received.

Mr. Alvarez stated he did not.

Michelle Counterman, owner of the property, stated that even though the property is going to be platted into four lots, doesn't mean it will be sold to four separate families and the new owners will be able to do whatever they want with their property. She also mentioned that the rural water district plans to run a 4- or 6-inch water line in the next year or two which will accommodate an unlimited number of homes. She also believes cattle do more damage to aquifers than four families would.

Commissioner Letts inquired if anyone could buy the property. Mrs. Counterman indicated they could.

William Counterman, the owner of the property, stated the same things said could go towards the neighbor, for example, the shooting could be a danger to new homes, their cattle poop in ponds, lagoons need linings and he also mentioned other lots he has had that were split where the taxes weren't affected.

Commissioner Hackler inquired if the intention was to build a home on the large parcel. Mr. Counterman stated that was a possibility, but they are not building now, just preparing.

Commissioner Letts acknowledged that one house could be built, and the other lots might never get developed.

Mr. Rickard reminded the commission that once zoning changes anything that's allowed under that zoning classification can occur at any time.

Commissioner Long inquired if there are any restrictions on the type of home that can be built.

Mr. Rickard stated that Butler County issues the permits and the city is involved in land use only.

Mr. Cutsinger expanded on the explanation of ETJ as a growth area for the community. He also stated that the county is involved since the road is in the county. He also remarked that the county is getting strict on water. They are denying wells and are requiring rural water. All permitting goes through the county and they require a 50-foot minimum off the property line for a lagoon.
Charles Pyles has 78 acres that joins Mr. Alvarez's property and stated his concern is with lagoons going in, he has a pond and two wells on his property and is concerned about what the wastewater is going to do to the water wells. He mentioned he leases his land for cattle and is afraid putting lagoons in will disturb the rock and change the direction of water runoff.
Commissioner Long inquired if he had a lagoon. Mr. Pyles stated he does not.
Commissioner Fellers inquired about who pays for the rural water lines. Mr. Rickard stated the board of trustees of the water district determines those policies.
Mr. Counterman confirmed there will be water for all lots and they will abide by county rules to put in lagoons or septic systems.

C. Discussion by Planning Commission

Commissioner Fellers confirmed that the county is responsible for lagoons to meet all standards, inquired if the county could answer those questions, and if individuals did not agree with what they heard if they could contact an attorney.
Mr. Rickard stated that the city is not involved in lagoons and assured the county is available to answer questions. Anyone can consult with an attorney. Mr. Rickard also mentioned that in every zoning case, there is an ability for a protest petition after a public hearing, a protest petition causes a super majority vote by the city commission to pass the recommendation.
Commissioner Leason commented that he has people hunt behind his property with no problems, if they are safe it shouldn't interfere with homes, and he does not want to take away anyone's ability to hunt.
Chairman Hackler stated the Planning Commission's purpose is to receive feedback from anyone who could be impacted by the recommendations from the city or county. He mentioned how the first item that always comes up in similar cases is private property rights and it's up to the government body to determine if the proposed use is allowed not the neighbors.

D. Motion

Commissioner Leason moved to recommend approval of Case No. 24-05-REZ, an application by William Counterman to rezone approximately 39 acres in the NE ¼ of the NE ¼ of Section 17, Township 26 Range 6 East, located at the southwest corner of SE 20th Street and Bluestem Road from A-R Agricultural Residential District to R-S Residential Suburban District, for reasons stated in the staff recommendation and heard at this public hearing seconded by Commissioner Letts.

Roll Call Vote:

Steve Fellers	Y
Scott Hackler	Y
Debbra LaForge	Y
Scott Leason	Y
Austin Letts	Y

Brad Long	Y
Gerald Watson	Y

The motion passed (7-0).

ITEM NO. 2 – CASE NO. 24-02-PLAT: CONSIDERATION OF ROCKY CREEK MEADOWS PLAT.

A. Presentation of Request

Scott Rickard provided an overview of the plat for Rocky Creek Meadows, owned by William Counterman. The property is in Butler County in the City's ETJ. The plat creates two 5-acre lots and one 7-acre lot along SE Bluestem Rd and one 19-acre lot along SE 20th St. The property was previously rezoned. The plat does conform to Butler County regulations.

B. Discussion by Planning Commission

No discussion ensued.

C. Motion

Commissioner Letts made a motion to approve the plat for Rocky Creek Meadows, seconded by Commissioner Leason.

Roll Call Vote:	
Steve Fellers	Y
Scott Hackler	Y
Debbra LaForge	Y
Scott Leason	Y
Austin Letts	Y
Brad Long	Y
Gerald Watson	Y

The motion to approve the plat passed 7-0.

4. OLD BUSINESS

5. STAFF ITEMS

Commissioner Fellers nominated Commissioner Letts to serve as Chair. Commissioner LaForge seconded; Commissioner Letts accepted.

Commissioner Fellers nominated Commissioner Leason to serve as Vice Chair. Commissioner Long seconded; Commissioner Leason accepted.

Commissioner Hackler stated the next meeting will be on June 27^{th} to consider a rezone of the north side of Towanda Ave from Boyer Rd. to Haverhill Rd. from A-R to multiple zoning classifications and the preliminary plat for the same location.

Commissioner Hackler stated that it has been his pleasure to serve on the commission and has been interesting to learn the inner workings and looks forward to Commissioner Letts taking over.

ADJOURNMENT

The meeting was adjourned at 6:19 pm.

ORDINANCE NO. _________

AN ORDINANCE ZONING CERTAIN LAND IN THE CITY OF EL DORADO, KANSAS, EXTRATERRITORIAL JURISDICTION R-S RESIDENTIAL SUBURBAN DISTRICT AND AMENDING THE ZONING MAP OF THE CITY

WHEREAS an application has been filed with the El Dorado Planning Commission requesting the rezoning of certain land from A-R Agricultural Residential District to R-S Residential Suburban District.

WHEREAS, on the 28th day of May 2024, the Butler County Commission reviewed the rezoning application and voted to recommend approval.

WHEREAS on the 23rd day of May 2024, at a Planning Commission meeting duly convened, the Planning Commission held a public hearing and voted to recommend and does hereby recommend that the Governing Body approve the rezoning.

WHEREAS the Governing Body of the City of El Dorado, Kansas, has determined that certain property located within the City's Extraterritorial Jurisdiction should be zoned.

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

Section 1: The following property should be and is zoned R-S Residential Suburban District:

The NE ¼ of the NE ¼ of Section 17, Township 26 Range 6 East, Butler County, Kansas located at the southwest corner of SE 20th Street and Bluestem Road in Butler County, Kansas. Said tract contains 39 acres more or less.

Section 2: The Governing Body hereby directs that the City Zoning map be amended to conform herewith.

Section 3: This Ordinance shall take effect and be in full force 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 by its Mayor, this 17th day of June 2024.

____
Bill Young, Mayor

ATTEST:

____
Emerald Ashlock, City Clerk

APPROVED AS TO FORM:

____
Ashlyn Lindskog, City Attorney

TO: City Commission
FROM: Scott Rickard
SUBJ: Consideration of the Approval of the Rocky Creek Meadows Plat
DATE: June 17, 2024

Summary:
The Planning Commission reviewed the Final Plats for Rocky Creek Meadows on 5/23/24. This property is located outside the city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The Planning Commission voted to unanimously approve the plat. Butler County approved the plat 5/28/24.

Attachments:
1. Rocky Creek Meadows Plat Memo
2. Final Plat - Rocky Creek Meadows - Counterman-Model

Funding Source:
The plat meets the requirements found in the Zoning Ordinance and Subdivision Regulations.

Operation Impact:
The subdivision itself will not have a fiscal impact on the City of El Dorado.

Options/Alternatives:
N/A

Staff Recommendation:
Staff recommends approval of the plat as presented.

Commission Action:
Commissioner _______________ moved to accept the final plat of Rocky Creek Meadows for approval.

Commissioner _______________ seconded the motion.

PLANNING COMMISSION MEMO

TO: Planning Commission
FROM: Scott Rickard, Engineering Director
RE: Rocky Creek Meadows - plat

The Rocky Creek Meadows plat located along SE 20th Street and SE Bluestem Road creates four residential lots, two 5-acre lots and one 7-acre lot along SE Bluestem Rd and one 19-acre lot along SE 20th St. The proposed lots require R-S zoning.

This property is located outside city limits but within the El Dorado Extraterritorial Jurisdiction (ETJ). The County Planning Commission heard the request on 5/7 with favorable approval. The Butler County Commission will review the request on 5/28.

The final plat meets the requirements found in the Zoning Ordinance and Subdivision Regulations. Staff does recommend approval of the plat.

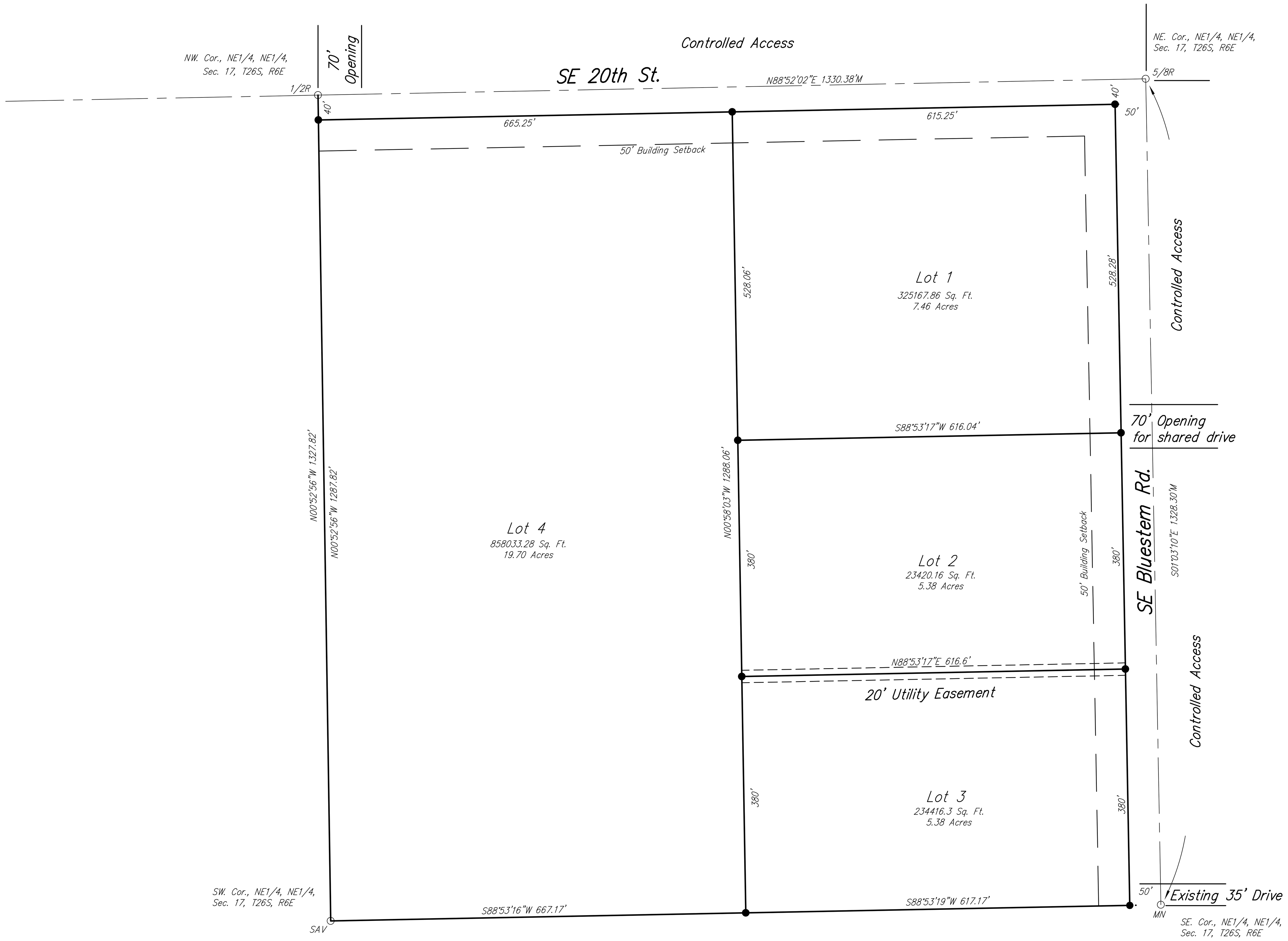
Recommended Motion:

I move to approve the plat of Rocky Creek Meadows, as presented.

Final Plat

ROCKY CREEK MEADOWS

THE NE1/4 OF THE NE1/4 OF SEC. 17, TWP. 26 SOUTH, R6E, BUTLER COUNTY, KANSAS



LEGEND
C=Calculated
M = Measured
P = Platted

Basis of Bearing
NAD83 Kansas
South Zone

LEGEND
- ○ MN .... MAG NAIL W/SAVOY WASHER (Found)
- ○ 28 .... 1/2" REBAR w/CLS 28 CAP (Fd)
- ○ SAV .... 1/2" REBAR w/SAVOY Cap (Fd)
- ○ 5/8R .... 5/8" REBAR (Found)
- ○ 1/2R .... 1/2" REBAR (Found)
- ○ 1/2IP .... 1/2" IRON PIPE (Found)
- ● .... 1/2"x24" REBAR w/BHC CAP (Set)

EL DORADO CITY PLANNING COMMISSION CERTIFICATE

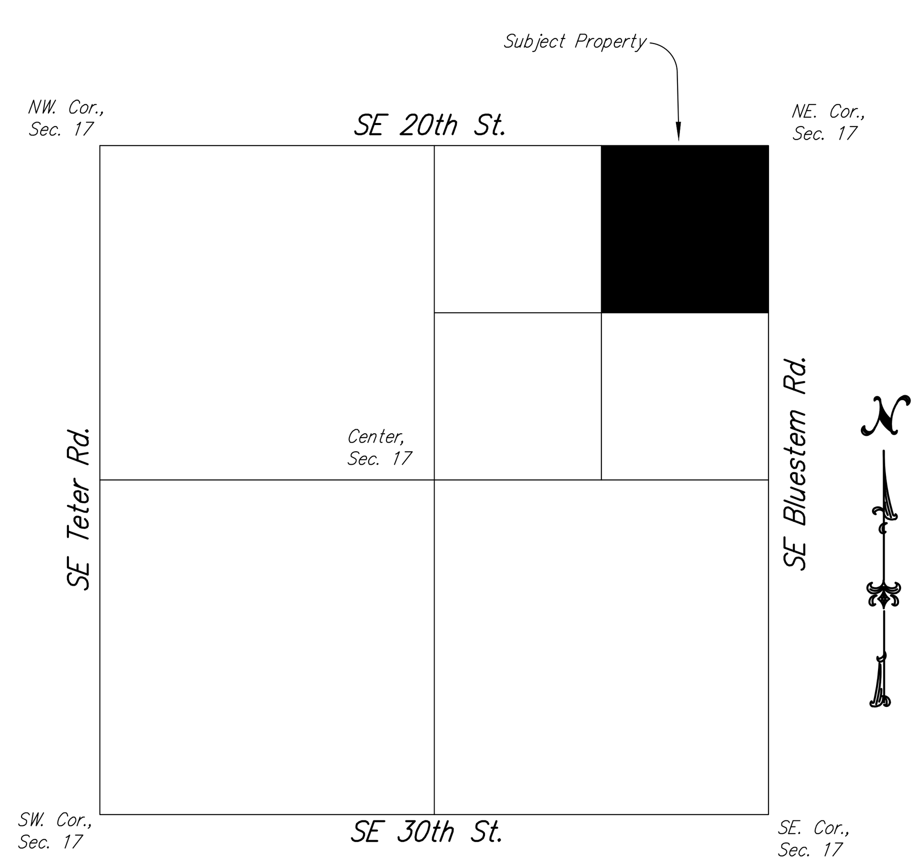
State of Kansas)
ss
County of Butler)

This plat of Rocky Creek Meadows has been submitted to and approved by the El Dorado Planning Commission on this ________ day of __________, 2024.

____
Scott Hackler, Chairman

Attest: ____________________, Secretary

NOTE;
Each property owner is responsible for the cost, construction, and building of their own fence, on the property line, unless there is an agreement with the adjoining owner to share in the cost and maintenance of such fence.



Vicinity Map N.T.S.

CERTIFICATE OF SURVEY

I, the undersigned, licensed professional Surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on March 26, 2024 and the accompanying Final Plat prepared and shown to the best of my knowledge and belief: The Northeast Quarter of the Northeast Quarter of Section 17, Township 26 South, Range 6 East of the 6th P.M., Butler County, Kansas.

Date Signed: ________ __________________
Roger L. Cutsinger P.S. #805

LAND SURVEYORS REVIEW

Reviewed in accordance with K.S.A. 58-2005 on this _______ day of _________ _____ , 2024.

____
Michael A. Work PS#1160
Butler County Surveyor, Butler Co., Kansas

OWNER'S CERTIFICATE

State of Kansas) SS
County of Butler)

This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of ROCKY CREEK MEADOWS, a Plat of the Northeast Quarter of the Northeast Quarter of Section 17, Township 26 South, Range 6 East of the 6th P.M., Butler County Kansas, that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining and repairing public improvements. The land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Butler County, Kansas.

Date Signed:_______ __________________
William Counterman

NOTARY CERTIFICATE

State of Kansas) SS
County of Butler)

The foregoing instrument was acknowledged before me this _____ day of _________________ 2024 __________________
William Counterman

____________________, Notary Public

My appointment expires:________________

BUTLER COUNTY COMMISSIONERS CERTIFICATE

State of Kansas) SS
County of Butler)

This plat , if approved, and all dedications shown hereon, if any, are hereby accepted by the Board of County Commissioners on this _______day of ___________, 2024.

____
Daniel J. Woydziak, Chairman

____
Tatum Stafford, Butler County Clerk

~ BUTLER COUNTY REGISTER OF DEEDS ~

STATE OF KANSAS) SS
COUNTY OF BUTLER)

This is to certify that this instrument was filed for record in the Register of Deeds office at_________M. on the______day of______________, 2024 and was duly recorded in Book ___ at Page______.

____
Jacque Roberts, Register of Deeds

~TRANSFER RECORD ~

Entered on transfer record this______ day of_________ , 2024

____
Tatum Stafford, Butler County Clerk

PROJECT NO. 042070.00.01

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
120 N. Main, Suite 3, El dorado, KS 67042
Phone: (316) 452-5552

TO: City Commission
FROM: Scott Rickard
SUBJ: Consideration of a Request to Extend the Community Development Block Grant (CDBG) Timeline to Allow for Delivery of Equipment
DATE: June 17, 2024

Summary:

Construction is currently underway at 142 N Main, which was granted a Commercial Rehabilitation Grant by The Kansas Department of Commerce.

Work has progressed and is near completion on ensuring the elevator shaft is water-proofed and framed for the new equipment. With the delay in completing the work on the elevator shaft, the final measurements were not ready to send to the elevator vendor which delayed the final construction of the cab. The vendor has given a delivery date of October 5th, so with this date in mind, a time extension is necessary to ensure adequate time to install the elevator and complete any remaining punch list items.

The current deadline of June 30th will need to be extended to November 30, 2024.

Attachments:

1. El Dorado CR - Project Date Time Ext Req Ltr 4
2. El Dorado CR - Contract Amendment #4

Funding Source:

Costs for the administration of the grant will be paid from grant proceeds.

Operation Impact:

Options/Alternatives:

Staff Recommendation:

Approve the time extension

Commission Action:

Commissioner _______________ moved to authorize the Mayor to sign the Contract Amendment for the Kansas Department of Commerce CDBG Commercial Rehab Grant.

Commissioner _______________ seconded the motion.

June 3, 2024

Kansas Department of Commerce
Attn: Tim Parks
1000 S.W. Jackson St., Suite 100
Topeka, Kansas 66612-1354

Re: Grant Completion Date Time Extension
CDBG Grant # 21-CR-001
El Dorado CDBG Commercial Rehabilitation Program

Dear Tim,

The City of El Dorado is requesting a time extension on our CDBG Commercial Rehab Grant completion date. Currently, our required completion date is June 30, 2024. The City of El Dorado would like to extend the completion date to November 30, 2024.

Work has progressed and is near completion on ensuring the elevator shaft is water-proofed and framed for the new equipment. With the delay in completing the work on the elevator shaft, the final measurements were not ready to send to the elevator vendor which delayed the final construction of the cab. The vendor has given a delivery date of October 5th, so with this date in mind, a time extension is necessary to ensure adequate time to install the elevator and complete any remaining punch list items.

Sincerely,

Bill Young
Mayor, City of El Dorado

INSTRUCTIONS: SUBMIT TO COMMERCE TWO ORIGINALLY SIGNED COPIES WITH COVER LETTER CONTAINING REASON(S) FOR REQUEST.

CONTRACT AMENDMENT/REQUEST #__4__

Grantee Name: City of El Dorado Grant #: 21-CR-001

Address, City, **Zip**: 220 E. 1st Ave., El Dorado, KS 67042

Date of Request: June 3, 2024

Contract Award Date: November 7, 2022

Current Completion Date: June 30, 2024

Check as Applicable:

Time Extension ☒

Budget Amendment ☐

If requesting time extension, indicate amount of time needed to complete the project and give explanation below. Additional __5 months needed. New completion date November 30, 2024

For budget change(s), enter each line item -- **regardless of whether budget item changed or not**. If approved, this new project budget will supersede any previous budget(s).

No.	Activity Item	Existing Grant Budget	Revised Grant Budget	% Change
TOTALS				

Explanation of Request (attach additional sheets, if needed):

The amendment shall become effective on ________________, 20____. All other terms and conditions of the contract or any amendments thereto, shall remain unchanged. IN WITNESS WHEREOF, the parties hereto execute this agreement.

____
Authorized Signature – Chief Elected Official

Kansas Department of Commerce

____
Typed Name and Title

____
CDBG Program

____
Date

____
Date