



EL DORADO CITY COMMISSION - REGULAR MEETING AGENDA
CITY HALL – 220 E. FIRST AVENUE
September 3, 2024 - 5:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Invocation** - Father John Lanzrath, St. John Catholic Church
- 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.

- 5. GoldFest Update**

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.*)

- 6. City Commission Meeting Minutes from August 19, 2024.**

Old Business

New Business

- 7. An Ordinance amending section 10.04.010 of Title 10, Chapter 10.04 of the El Dorado Municipal Code pertaining to traffic**

Discussion Items

Reports

- 8. City Commission and Advisory Board Updates**
- 9. City Manager**

Adjournment

10. Consideration of a motion to adjourn

EL DORADO CITY COMMISSION MEETING

August 19, 2024

The El Dorado City Commission met in a regular session on August 19, 2024, at 5:30 p.m. in the Commission Room with the following present: Mayor Bill Young, Commissioner Kelly Tetrick, Commissioner Syndee Scribner, Commissioner Leon Leachman, Commissioner Kendra Wilkinson, and City Manager David Dillner

VISITORS

Mike Holton	220 E 1 st Ave	El Dorado, KS
Phil Benedict	El Dorado Chamber	El Dorado, KS
Tabitha Sharp	Assistant City Manager	El Dorado, KS
Scott Rickard	Director of Engineering	El Dorado, KS
Paige McDaniel	El Dorado Chamber	El Dorado, KS

CALL TO ORDER

Mayor Bill Young called the August 19, 2024, meeting to order.

INVOCATION

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

PLEDGE OF ALLEGIANCE

The City Commission led the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITION

There were no Proclamations.

PERSONAL APPEARANCE

Mayor Bill Young opened the floor for Personal Appearances.

Phil Benedict and Paige McDaniel presented the El Dorado Chamber's 2nd Quarter Report to the Commission.

PUBLIC COMMENT

Mayor Bill Young opened the floor for public comments.

There were no public comments.

CONSENT AGENDA

Approval of City Commission Minutes from August 5, 2024, and City Commission Work Session Meeting Minutes from August 7, 2024.

Approval of Appropriation Ordinance No. 07-24 in the amount of \$3,744,024.38.

Commissioner Leon Leachman moved to approve the consent agenda.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5-0.

PUBLIC HEARING

There were no Public Hearings.

OLD BUSINESS

There was no old business.

NEW BUSINESS

CONSIDERATION OF APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF EL DORADO, KANSAS, TO CONSENT TO THE ASSIGNMENT OF A CERTAIN DEVELOPMENT AGREEMENT RELATING TO THE RED COACH INN EXPRESS COMMUNITY IMPROVEMENT DISTRICT

Assistant City Manager Tabitha Sharp stated that on August 7, 2017, for the implementation of the Red Coach Inn Express Community Improvement District (CID) for the purpose of collecting a 2% sales tax for the reimbursement of costs associated with the acquisition and renovation of the hotel up to \$1,110,000. Navni Services, LLC turned in all receipts associated with the project and has been receiving payment each month for the CID. Navni Services, LLC has been receiving payments for approximately six years, and the term of the agreement is 22 years.

Commissioner Kelly Tetrick moved to approve a Resolution Authorizing the City of El Dorado, Kansas, to Consent to the Assignment of a Certain Development Agreement Relating to the Red Coach Inn Express Community Improvement District.

Commissioner Syndee Scribner seconded the motion.

Motion carried 5-0.

CONSIDERATION OF APPROVAL OF THE CONSTANT CREEK INTERCEPTOR BID

City Engineer Scott Rickard stated that The City of El Dorado has identified that the current interceptor cannot adequately support future long-term growth, especially prospects in the City's west industrial growth area. The proposed project involves upsizing the middle section of the interceptor from 12-inch to 18-inch diameter pipes to 18- inch to 21-inch pipes, thereby increasing capacity by an additional five million gallons per day. This phase will address immediate capacity needs and improve the system's overall performance by targeting areas contributing to inflow and infiltration issues. Since the bids were received on June 13, 2024, staff has worked on redesigning portions of the project to reduce costs without compromising the project's benefits. The initial bid from Nowak Construction (which was the City's lone bidder) was \$5,825,533.00, with an engineer's estimate of \$4,374,738.00. We have successfully reduced the bid to \$4,616,953.00 through redesign efforts and negotiation.

Commissioner Kelly Tetrick moved that since Nowak Construction has submitted the best-negotiated bid of \$4,616,953 for Project No. 605, the City Manager be directed to award the contract to said contractor, providing that the company furnishes the proper bonds.

Commissioner Syndee Scribner seconded the motion.

Motion carried 5-0.

CONSIDERATION OF AN AMENDMENT TO CHAPTER 9 OF THE MUNICIPAL CODE PERTAINING TO CONSUMPTION ON PUBLIC PROPERTY AND AN AMENDMENT TO CHAPTER 4 OF THE MUNICIPAL CODE ESTABLISHING A COMMON CONSUMPTION AREA

Assistant City Manager Tabitha Sharp stated that with the City of Gold Festival moving to BG Stadium the ABC Agent suggested that we create a Common Consumption Ordinance for more efficient licensing. Events will not take place during any USD 490 sponsored event at the Stadium and all events held during Butler Community College events will require a letter from the President or their designee. During larger events, the city will provide barricades to block the streets from traffic. Staff are also requesting a letter of support from the El Dorado Land Bank under the direction of the ABC Agent in order to submit it with the application to the State of Kansas.

Commissioner Kendra Wilkinson moved to amend Chapter 9 of the Municipal Code of El Dorado, Kansas pertaining to consumption on public property and amending Chapter 4 of the Municipal Code of the City of El Dorado, Kansas and establishing a common consumption area and direct the mayor to sign a letter of support from the El Dorado Kansas Landbank.

Commissioner Leon Leachman seconded the motion.

Motion Carried 5-0.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE SALE OF PROPERTY AT 1351 GARCIA COURT BY THE EL DORADO LAND BANK.

City Engineer Scott Rickard stated that In 2021, JB Rentals, LLC entered into an agreement with the El Dorado Land Bank to develop the property located at 1351 Garcia Court, with the option to purchase the property at a later date. The property, a 10.34-acre tract in the North Industrial Park, was identified as a strategic asset for fostering economic development. JB Rentals, LLC has been working towards constructing a speculative industrial building on the site, which is intended to attract industrial tenants and boost local economic activity. The Land Bank's involvement allowed JB Rentals, LLC to benefit from a delay in property tax liability during the development phase, thus providing an incentive to proceed with the project. With the development now at a stage where JB Rentals, LLC is ready to complete the purchase, transferring ownership will transition the property from the Land Bank's tax-exempt status to a taxable entity, ultimately generating property tax revenue for the City of El Dorado. This transaction aligns with the City's strategic priority of promoting industrial development and leveraging El Dorado's physical assets to attract new business opportunities.

Commissioner Syndee Scribner moves to approve a Resolution authorizing the sale of the property at 1351 Garcia Court by the El Dorado Land Bank.

Commissioner Kelly Tetrick seconded the motion.

Motion Carried 5-0.

DISCUSSION ITEMS

There were no Discussion Items.

REPORTS**CITY COMMISSION AND ADVISORY BOARD UPDATES**

Commissioner Kendra Wilkinson stated that last week EFABC met and reviewed the insurance renewal. She stated that it came in much lower than expected.

Commissioner Leon Leachman stated that Gold Fest plans are moving forward.

CITY MANAGER REPORT

City Manager David Dillner stated Utilities will see a delay in the utility bill due to the transition to the new AMI system. He stated that nearly 50% of the meters have been replaced.

City Manager Dillner stated that the City will be closed for Labor day. He stated that the Commission meeting will be on Tuesday that week.

City Manager Dillner stated that the Modern Income Housing applications are due on September 4th. He stated more information can be found on the city website.

City Manager Dillner stated that there was a situation that the Police Department had investigated with other agencies. He stated that they used the Reverse 911 Program. He stated that the Reverse 911 Program is set up by the county and by going to the counties website you can sign up. He stated that this program allows the department to call the numbers signed up and inform them of whatever the circumstance may be.

ADJOURNMENT

Commissioner moved Leon Leachman to adjourn the meeting at 6:08 p.m.

Commissioner Kendra Wilkinson seconded the motion.

Motion carried 5 – 0.

City Clerk Emerald Ashlock

Mayor Bill Young

TO: City Commission
FROM: Mike Holton, Police Chief
SUBJ: An Ordinance amending section 10.04.010 of Title 10, Chapter 10.04 of the El Dorado Municipal Code pertaining to traffic
DATE: September 3, 2024

Summary:

The City Commission adopted the Standard Traffic Ordinance at their meeting on August 5, 2024. Prior to this adoption, several individuals in the community had requested that our ordinance mirror other cities which allow ATV's and UTV's on city streets. City staff created an ordinance allowing ATV's as other cities had done. Once the ordinance was passed, we received quite a few comments that the ordinance only allowed the smaller ATV's and did not allow UTV's. Staff have edited the ordinance to allow the UTV as requested by the citizens.

Attachments:

1. Amended STO

Funding Source:

Not applicable.

Operation Impact:

The allowance of ATV's and UTV's on city streets will cause some extra work for the Police Department while the rules are disseminated to the public, but the impact should be minimal.

Options/Alternatives:

The City Commission has the following options:

1. Approve the Ordinance as presented.
2. Deny the amendment to the Ordinance.
3. Table the item and request that staff return with additional changes to the ordinance.

Staff Recommendation:

The recommendation of staff is to approve the Ordinance as presented.

Commission Action:

Commissioner _____ moved to approve an Ordinance amending Section 10.04.010 of Title 10, Chapter 10.04 of the El Dorado Municipal Code pertaining to Traffic and incorporating by reference the "Standard Traffic Ordinance for Kansas Cities" 50th Edition, with certain omissions, changes and additions; prescribing additional regulations; providing certain penalties and repealing prior ordinances.

Commissioner _____ seconded the motion.

ORDINANCE NO. G-1420

AN ORDINANCE AMENDING SECTION 10.04.010 OF TITLE 10, CHAPTER 10.04 OF THE EL DORADO MUNICIPAL CODE PERTAINING TO TRAFFIC AND INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” 50TH EDITION, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING PRIOR ORDINANCES

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

Section 1: That Section 10.04.010 Title 10, Chapter 10.04 of the El Dorado Municipal Code shall be replaced as follows:

Section 10.04.010: STANDARD TRAFFIC ORDINANCE INCORPORATED. There is hereby incorporated, by reference, for the purpose of regulating traffic upon the highways, parks, public lands, drives and parking lots, whether public or private, if open to and accessible to the public, within the corporate city limits of the City of El Dorado, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” 51st Edition, prepared and published by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One official copy of said “Standard Traffic Ordinance” shall be marked “official Copy as incorporated by the El Dorado Municipal Code,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Section 2: Omission.

Sections 114.1 and 114.4 of the Standard Traffic Ordinance relating to the operation of golf carts and All-Terrain Vehicles (ATVs) on public streets are hereby omitted and deleted.

Section 3: Amended Provisions for the operation of All-Terrain Vehicles (ATVs) on public streets.

Section 114.1 of said Standard Traffic Ordinance is hereby supplemented, by adding the following sections:

Section 114.1 Operation of All-Terrain Vehicles (ATV) and/or Utility- Terrain Vehicle (UTV) on City Streets

- (a) An All-Terrian Vehicle (ATV) is defined as any motorized nonhighway vehicle, other than an electric-assisted bicycle, 55 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 1,500 pounds or less, and traveling on three or more nonhighway tires. (K.S.A. 8-1402a; K.S.A. 8-126)
- (b) A Utility-Terrain Vehicle (UTV) defined as any motorized nonhighway vehicle, other than an electric-assisted bicycle, 78 inches or less in width measured from the outside of one tire rim to the outside of the other tire rim, having a dry weight of 5,500 pounds or less, and traveling on three or more nonhighway tires. (K.S.A. 8-1402a; K.S.A. 8-126)
- (c) ATVs/UTVs as defined above shall be operated on the public highways, streets, roads and alleys within the corporate limits of the city, with the following exceptions.
 - 1) No ATV/UTV may be operated upon any interstate, federal or state highway.
 - 2) No ATV/UTV may be operated upon any public street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motorcycles under K.S.A. 8-1721 and amendments thereto.
 - 3) All ATV/UTVs operating on a public street, road or alley must be equipped with at least one side view and one rear view mirror.
 - 4) All ATV/UTVs shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

- (d) The provisions of subsections (1) and (2) shall not prohibit an ATV/UTV from crossing a federal highway, state or public highway, street, road or alley with a posted speed limit in excess of thirty (30) miles per hour.

Section 4: Amended Provisions for the operation of Golf Carts on public streets.

Section 114.4 of said Standard Traffic Ordinance is hereby supplemented, by adding the following sections

Section 114.4. Operation of Golf Carts on City Streets

- (a) Golf Carts, as defined by the Standard Traffic Ordinance, shall be operated on the public highways, streets, roads and alleys within the corporate limits of the city, with the following exceptions.
 - 1) No golf cart may be operated upon any interstate, federal or state highway.
 - 2) No golf cart may be operated upon any public highway, street, road or alley with a posted speed limit in excess of thirty (30) miles per hour or as otherwise specifically excluded. Excluded streets include:
 - i. Central Avenue
 - ii. Main Street
 - iii. Sixth Avenue
 - iv. Southwest Traffic Way
 - v. McCollum Road
 - vi. Haverhill Road
 - 3) The provisions of subsections (1) and (2) shall not prohibit a golf cart from crossing a federal highway, state or public highway, street, road or alley with a posted speed limit in excess of thirty (30) miles per hour.
 - 4) No golf cart may be operated on any public sidewalk, bicycle path or other recreational path not designated for their specific use.
 - 5) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles.
 - 6) Every person operating a golf cart on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.
- (b) Display of slow moving vehicle emblem.
 - 1) It shall be illegal to operate a golf cart on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving vehicle emblem on the rear of the vehicle. The slow-moving vehicle emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

Section 5: Additional provisions for the operation of ATV/UTVs and Golf Carts on public streets.

- (c) Valid Driver's License Required; Penalty.
 - 1) No person shall operate an ATV/UTV or golf cart on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.
- (d) Insurance Required; Penalty.
 - 1) Every owner of an ATV/UTV or golf cart shall provide liability coverage in accordance with Section 200 of the Standard Traffic Ordinance 51st Edition, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, *et seq.*, and amendments thereto. All provisions of Section 200 of the Standard Traffic Ordinance 51st Edition, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of ATV/UTVs and golf carts.
- (e) Registration; Application.
 - 1) Before operating an ATV/UTV or golf cart on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the El Dorado Police Department and a copy of the registration must be in the vehicle at all times. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's driver license number, the owner's residence address or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number, if applicable).

- 2) All ATV/UTV and golf cart operators within city limits are required to visibly display the registration number decal issued by the police department on their vehicles at all times.
- 3) Proof of insurance, as required in Section (d) shall be furnished at the time of application for registration.
- 4) The license issued hereunder is not transferrable.

Section 6: Amended provisions for the operation of work-site vehicles.

Section 114.5 of the Standard Traffic Ordinance shall be amended as follows.

(e) Section 114.5 of the Standard Traffic Ordinance shall not apply to the following:

- 1) Equipment operated by duly authorized representatives of the city or its designees for the maintenance of city property or city recreational facilities.
- 2) Equipment operated by duly authorized representatives of Butler County, Kansas or its designees for the maintenance of county property or facilities.
- 3) Equipment operated by duly authorized representatives of USD 490 or USD 375 for the maintenance of school property or facilities.
- 4) Equipment operated by duly authorized representatives of Butler Community College or its designees for the maintenance of college property or facilities.

(f) All work-site vehicles operated by local government or school representatives shall be subject to Section 4 (a) as provided in this Ordinance.

Section 7: Penalties.

Unless specifically provided herein, a violation of any provision in sections 1 through 4 shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance 51st Edition, and amendments thereto, or such other similar provision as the city may then have in effect.

Section 8: Repeal.

All other ordinances or parts of other ordinances in conflict herewith are hereby repealed.

Section 9: Effective Date.

This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of El Dorado, Kansas, this 5th day of August 2024.

Mayor Bill Young

ATTEST:

Emerald Ashlock, City Clerk

APPROVED AS TO FORM:

City Attorney