EL DORADO

SPECIAL CITY COMMISSION MEETING

CALL TO ORDER – MAY 18, 2015

6:30 PM

INVOCATION – Pastor Joseph Prim, Prospect Baptist Church

PLEDGE OF ALLEGIANCE -

PROCLAMATION

- None

PERSONAL APPEARANCE

- Josh Wolf, El Dorado Youth Commission - Annual Report

1. Public Comments

This agenda item will be governed by the Public Comment Policy

The Mayor opened the floor for Public Comments

PUBLIC COMMENT POLICY:

Citizens are encouraged to address the City Commission during regularly scheduled meetings. This policy is intended to provide some guidelines to ensure that all El Dorado citizens have a chance to address the Commission.

1. Each citizen will state their name and address before making comments.
2. There are no residency requirements.
3. Each citizen will have 5 minutes to present his or her comments.
4. An extension of time, if necessary, may be approved but must be by a majority of the City Commission.
5. Comments or questions will be directed only to the City Commission.
6. Citizens will follow the decorum policy.
7. Debate or argument between parties in the audience will not be allowed.
8. Certain legal issues may not be discussed. (Examples include but are not limited to personnel issues, lawsuits, etc.)
9. Violation of this public comment policy will result in the citizen being directed to cease or resume sitting.

Approved by the Commission this 2nd day of May 2005.

2. Consent Agenda

1. Consider approval of City Commission meeting minutes from May 4, 2015 and the Special Commission meeting minutes from April 29 and May 13, 2015.

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

Commissioner _______________ seconded the motion.

3. Application For A Special Use Permit To Allow An Accessory Structure At 1013 Cherokee Street. (Case No. 15-004-SUP)

BACKGROUND

Fred Silver is requesting a Special Use Permit to allow a 1,500 square foot enclosed pole barn accessory structure on the property at 1013 Cherokee Street. Special Use Permits are required for accessory structures larger than 1,200 square feet in a residential district.

The Planning Commission held a public hearing and reviewed the Special Use Permit application at their April 23rd, 2015, meeting. No public opposition was stated during the hearing and the Planning Commission recommended approval of the Special Use Permit by a unanimous vote (6-0). A copy of the Planning Commission minutes, staff report, and map are attached.

POSSIBLE ACTIONS

1. To approve the recommendation of the Planning Commission. This requires a motion to accept the recommendation, majority vote, and the passage of an Ordinance.

2. To return the issue to the Planning Commission for further review. Requires a statement of the reason(s) why the item is being returned. Requires a majority vote.

3. To overrule the recommendation of the Planning Commission. This requires at least 4 City Commissioners vote to override the recommendation.

STAFF RECOMMENDATION

Approve the Special Use Permit.

SUGGESTED MOTIONS

Commissioner ______________________________ moved that the recommendation of the Planning Commission to approve Case No. 15-004-SUP requesting a Special Use Permit to allow a 1,500 square foot accessory structure in an R-2 Residential - Medium Density District and that Ordinance No. __________ be approved.

Commissioner ________________________ seconded the motion.

ROLL CALL VOTE

	Mayor Haines	_________
Position No. 1	Commissioner Locke	_________
Position No. 2	Commissioner Lewis	_________
Position No. 3	Commissioner Badwey	_________
Position No. 4	Commissioner Wilkinson	_________

4. Application To Rezone 111 W. Locust Avenue From I-1 Light Industrial District To C-2 Central Business District. (Case No. 15-003-REZ)

BACKGROUND

Walnut River Brewing, located at 111 W. Locust Avenue, is requesting a zone change to C-2 Central Business District. The Brewery is interested in expanding their business to include onsite food sales, which is not allowed in I-1 Light Industrial zoning. The proposed zoning, C-2, is a flexible commercial zoning classification that allows entertainment, retail, restaurants, and similar uses that are ideal for downtown districts. The proposed zoning is consistent with the 2030 Comprehensive Plan and conforms to the Future Land Use Map.

The Planning Commission held a public hearing and reviewed the rezoning application at their April 23rd, 2015, meeting. No public opposition was stated during the hearing and the Planning Commission recommended approval of the rezoning by a unanimous vote (6-0). A copy of the Planning Commission minutes, staff report, and map are attached.

POSSIBLE ACTIONS

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

STAFF RECOMMENDATION

Approve the application.

SUGGESTED MOTIONS

Commissioner __________ moved to approve Case No. 15-003-REZ requesting a rezoning of 111 W. Locust Avenue, El Dorado, Kansas, to C-2 Business – Central District be accepted and that Ordinance No. _____ be approved.

Commissioner __________ seconded the motion.

ROLL CALL VOTE

Position No. 1 Commissioner Locke ________
Position No. 2 Commissioner Lewis ________
Position No. 3 Commissioner Badwey ________
Position No. 4 Commissioner Wilkinson ________
Mayor Haines ________

5. Public Hearing For Project Nos. 354, 416 & 417

BACKGROUND

Project No. 354- Repave Atchison Street (Locust-CaveSprings) and CaveSprings (Atchison-
Denver)

Project No. 416-Paving 4th Avenue (School to Boyer)

Project No. 417-Paving 5th Avenue (School to Boyer)

Project No. 417 Paving 5th Avenue (School to Boyer)

These projects are complete. The City Commission established this date to spread the special assessments to the properties.

REQUIRED ACTION

Hold the public hearing.
Consider levying assessments.

STAFF RECOMMENDATION

Proceed with the assessments.

PUBLIC HEARING

Mayor Haines opened the public hearing for comments.

SUGGESTED MOTION

Commissioner __________________ moved that ____________an ordinance levying special assessments on certain property to pay the costs of internal improvements in the city of El Dorado, Kansas, as heretofore authorized by resolution nos. 2745; 2716; 2737; 2717; and 2736 of the city; and providing for the collection of such special assessments.

Commissioner ___________________ seconded the motion.

ROLL CALL VOTE

Position No. 2 Commissioner Lewis ________
Position No. 3 Commissioner Badwey ________
Position No. 4 Commissioner Wilkinson ________
Mayor Haines ________
Position No. 1 Commissioner Locke ________

6. Temporary Note Sale

BACKGROUND

Staff are requesting funding for the following projects in the form of a Temporary Note:

• 395/447 – Paving Towanda Avenue $1,265,245.14

- 295/447 – Paving Towanda Avenue $1,265,245.14
- 421 – Paving Belmont Heights 3rd Addition, Phase 1
- 422 – Sanitary Sewer Belmont Heights 3rd Addition, Phase 1
- 436 – Paving Criss 9th
- 437 – Sanitary Sewer Criss 9th
- 443 – Paving Belmont Heights 3rd Addition, Phase II
- 444 – Sanitary Sewer Belmont Heights 3rd Addition, Phase II

Anticipated costs of issuance include: Bond Counsel Fee $3,500; Bond Counsel Estimated Expenses $1,000; State Treasurer Bond Registration Fee $25; AG Transcript Fee $250; and other miscellaneous expenses totaling $896.08. The total of the temporary note is estimated to be $2,548,000.00.

NECESSARY ACTION

To approve the Resolution

SUGGESTED MOTION

Commissioner ___________ moved that Resolution No. ____, a Resolution authorizing the offering for sale of Temporary Notes, Series 1885, of the City of El Dorado, Kansas, be approved.

Commissioner ___________ seconded the motion.

7. Annual Update Of Quorum

BACKGROUND

The Kansas Open Meetings Act (KOMA) addresses laws pertaining to the holding of governmental affairs in Kansas, stating that a majority of membership may engage in interactive communication about the business or affairs of the City in a meeting that is open to the public.

In El Dorado, and in many other governments with five elected officials, a majority constitutes three members of the elected body. A quorum is the number of members necessary to conduct business, in a five member board it is the same as majority unless a change is made. According to KOMA and in line with these rules, three members of our elected body can only discuss government related business while in a meeting.

Changing the quorum from three to four would allow for such conversations to take place, improving the efficiency of government business while still meeting KOMA guidelines.

The City Commission approved a change on September 15, 2003 to address this, adjusting the Commission quorum from three members to four members by passing

Ordinance No. G-949 and Charter Ordinance No. 19. The charter ordinance states that the quorum shall expire June 15 of each year.

NECESSARY ACTION

To approve the ordinance.

STAFF RECOMMENDATION

N/A

SUGGESTED MOTION

Commissioner ____________________moved that Ordinance No. G-______, an ordinance updating quorum provisions to Title II, Chapter 2.04 of the City of El Dorado Municipal Code, be approved.

Commissioner _______________ seconded the motion.

ROLL CALL VOTE

Position No. 3 Commissioner Badwey ________
Position No. 4 Commissioner Wilkinson ________
Mayor Haines ________
Position No. 1 Commissioner Locke ________
Position No. 2 Commissioner Lewis ________

8. City Commission Meeting Ordinance

BACKGROUND

At the May 4, 2015 City Commission meeting, discussion was held regarding amending City of El Dorado Municipal Code Section 2.04.090, which would change the meeting times and/or dates for the City Commission meetings.

NECESSARY ACTION

Decide if changes are desired; if so, amend Municipal Code Section 2.04.090.

STAFF RECOMMENDATION

N/A

SUGGESTED MOTION

Commissioner ____________________moved that Ordinance No. G-______, an ordinance to amend City of El Dorado Municipal Code Section 2.04.090 to change the time of the City Commission meetings to 6:30 p.m., be approved.

Commissioner ______________seconded the motion.

ROLL CALL VOTE

Position No. 4 Commissioner Wilkinson ________
Mayor Haines ________
Position No. 1 Commissioner Locke ________
Position No. 2 Commissioner Lewis ________
Position No. 3 Commissioner Badwey ________

9. New Business - Discussion Items

This item is for open discussion by the City Commission.

The Mayor opened the floor for Commissioner's comments.

10. City Manager's Report

City Manager will provide updates of current community issues.

11. Executive Session

BACKGROUND

This item is for the purpose of discussing legal matters.

SUGGESTED MOTION

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

Commissioner __________________ seconded the motion.

ADJOURNMENT

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

Commissioner___________ seconded the motion.

Respectfully submitted,

Herbert E. Llewellyn, Jr.
City Manager