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KANSAS

EL DORADO CITY COMMISSION - WORK SESSION AGENDA
CITY HALL – 220 E. FIRST AVENUE
February 25, 2026 - 5:00 PM

Work Session Discussion Items:

a. Opportunity Zone Designation Process

b. 12th Avenue Bridge Pedestrian Accommodation Connection Updates

c. Governance Policies

Regular Agenda Preview:

a. Items to be Placed on the Consent Agenda

i. Planning Commission Appointment — Brad Long for a term set to expire December 31, 2029.

ii. Approval of Appropriation Ordinance No. 01-26 in the amount of $2,080,607.34.

iii. Approval of City Commission Work Session Minutes from January 26, 2026.

iv. Approval of City Commission Meeting Minutes from February 2, 2026.

v. Approval of City Commission Work Session Minutes from January 14, 2026

b. Items to be Placed on the Regular Agenda

i. Proj 601 & 602 Public Hearing

ii. Proj 630 -River Rd Lift Station

iii. River Rd Lift Station Bids

Reports:

a. City Commission Reports

b. City Manager Report

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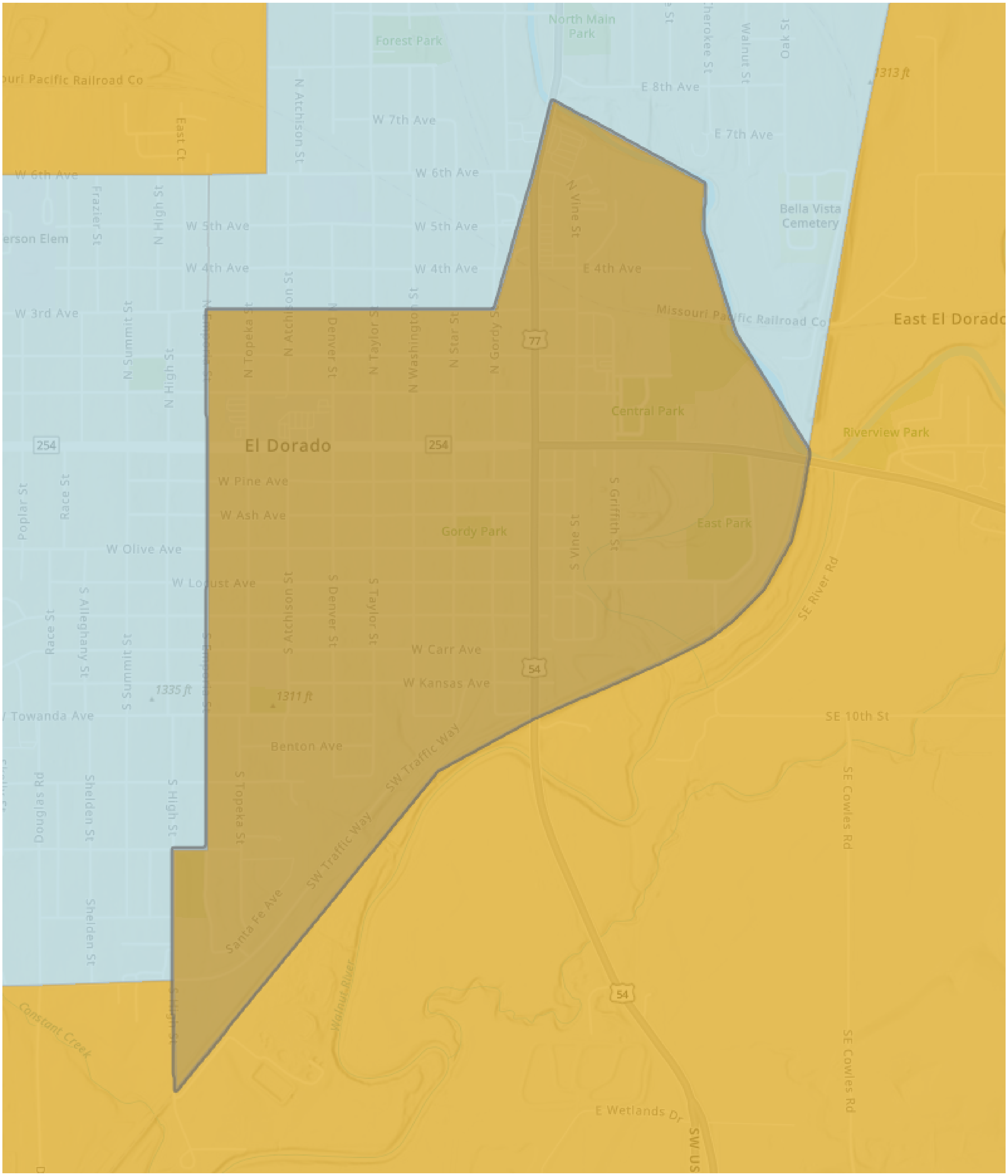
TO:	City Commission
FROM:	David Dillner, City Manager
SUBJ:	Opportunity Zone Designation Process
DATE:	February 25, 2026

Background:

In 2026, the Governor of Kansas will nominate up to 25 percent of eligible low-income census tracts in the state for federal Opportunity Zone (OZ) designation. Kansas is expected to be able to designate approximately 53 tracts statewide. The Governor must nominate the state's tracts to the U.S. Department of Treasury within the ninety days following July 1. El Dorado has two eligible census tracts, creating both an opportunity and a strategic decision.

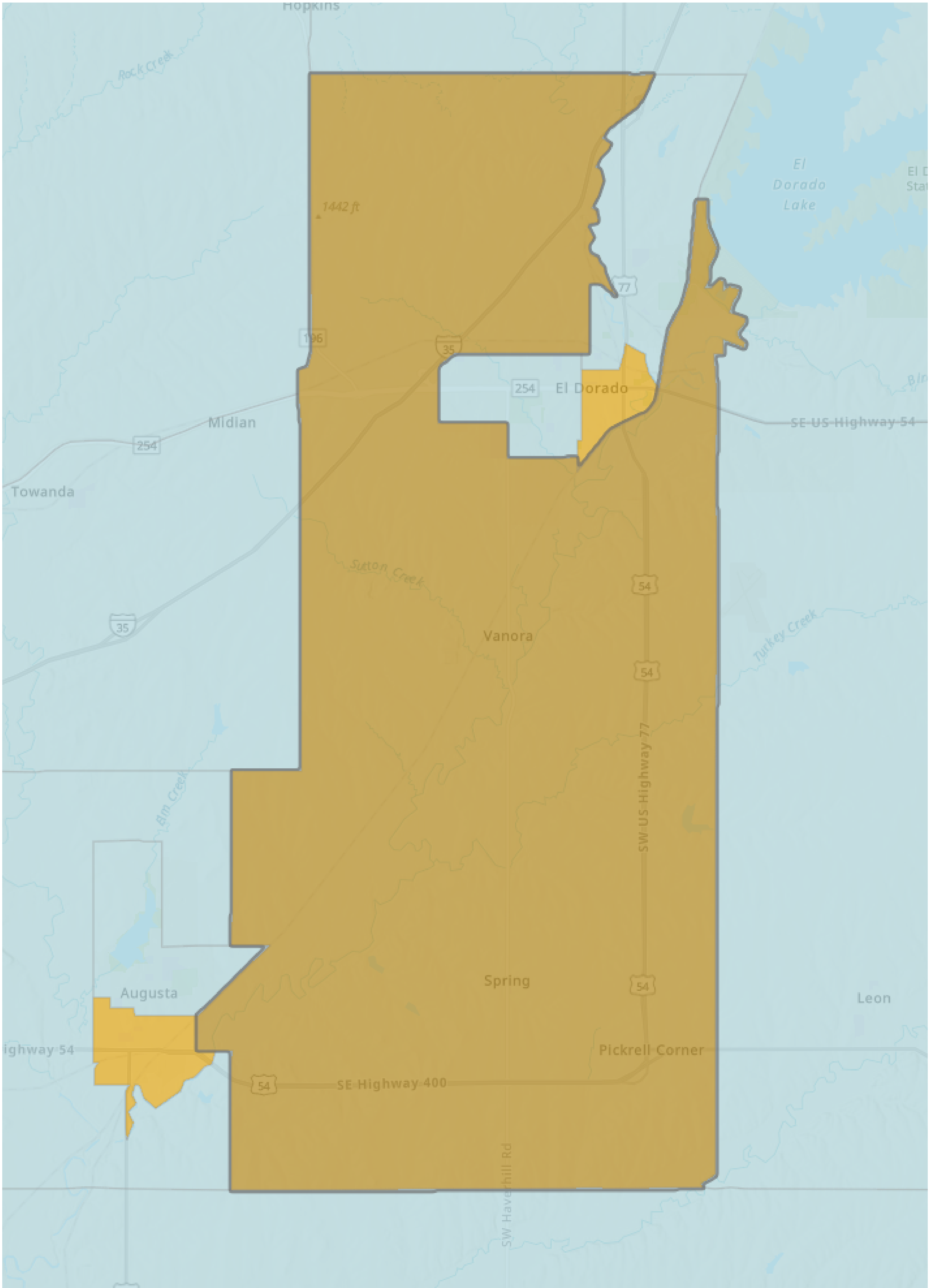
An Opportunity Zone designation does not guarantee investment in the community. However, it can catalyze private residential and commercial development, expand the tax base, support job creation, and accelerate revitalization when paired with market readiness and supportive local policies. The number of designations is limited statewide. Communities that approach the process strategically and competitively are more likely to succeed. Opportunity Zones are a federal capital gains tax incentive designed to encourage long-term private investment in designated low-income communities. Investors who reinvest capital gains into projects located within designated tracts may receive temporary tax deferral, partial reduction of deferred gains, and tax-free growth on new gains if held long-term.

Eligible investments include: multifamily housing, mixed-use development, commercial projects, industrial facilities, adaptive reuse and redevelopment, and operating businesses. Importantly, designation alone does not produce development. A designated tract must be positioned to attract private capital through viable projects and supportive local conditions.



Map 1 shows Census Tract 204 (highlighted), which is eligible for OZ designation. This tract is currently designated as an Opportunity Zone, although this designation will soon sunset. The boundaries of the tract are generally described as the Walnut River to Main Street (US-77), to W. 3rd Avenue, to N. Emporia Street, to Finney Avenue, to S. High Street, to the BNSF railroad, to the

Walnut River. This tract includes downtown El Dorado.


Hopkins
Rock Creek
1442 ft
El Dorado Lake
77
196
35
254
El Dorado
Midian
254
SE US Highway 54
Towanda
Sutton Creek
54
35
Vanora
54
Turkey Creek
SW US Highway 77
Bm Creek
Spring
54
Augusta
Leon
Highway 54
Pickrell Corner
54
SE Highway 400
SW Haverhill Rd

Map 2 shows Census Tract 202.05 (highlighted), which is eligible for OZ designation. This tract is considerably larger than Tract 204 and extends south past Augusta and north past the turnpike interchange. This tract includes many of the properties the City is marketing for industrial development.

Attachments:

1. Economic Innovation Group Opportunity Zone Playbook

Advisory Board Recommendation:
Not Applicable

Policy Issue:
Which eligible Census tract should the City pursue for designation as an Opportunity Zone?
The City of El Dorado has two eligible Census tracts that qualify for the Opportunity Zone program. The City will need to decide which tract to advocate for designation since it is likely that only one tract (if any) will receive designation by the governor. The State can only designate 25% of eligible tracts, so many eligible tracts will not be designated for this federal incentive program.

In addition, a selected tract needs to have enough potential investment opportunity to attract investment from investors with capital gains tax liability that would benefit from the designation. In other words, designation is only the first consideration. The most important part of designation is developing a business plan that outlines a clear investment proposition for investors. Otherwise, a tract that is designated may not receive any or little investment. Both tracts will need to be considered on their own merits to determine which one has the highest potential for investment. This tract (all things being equal) should be the tract that is promoted by the City for designation.

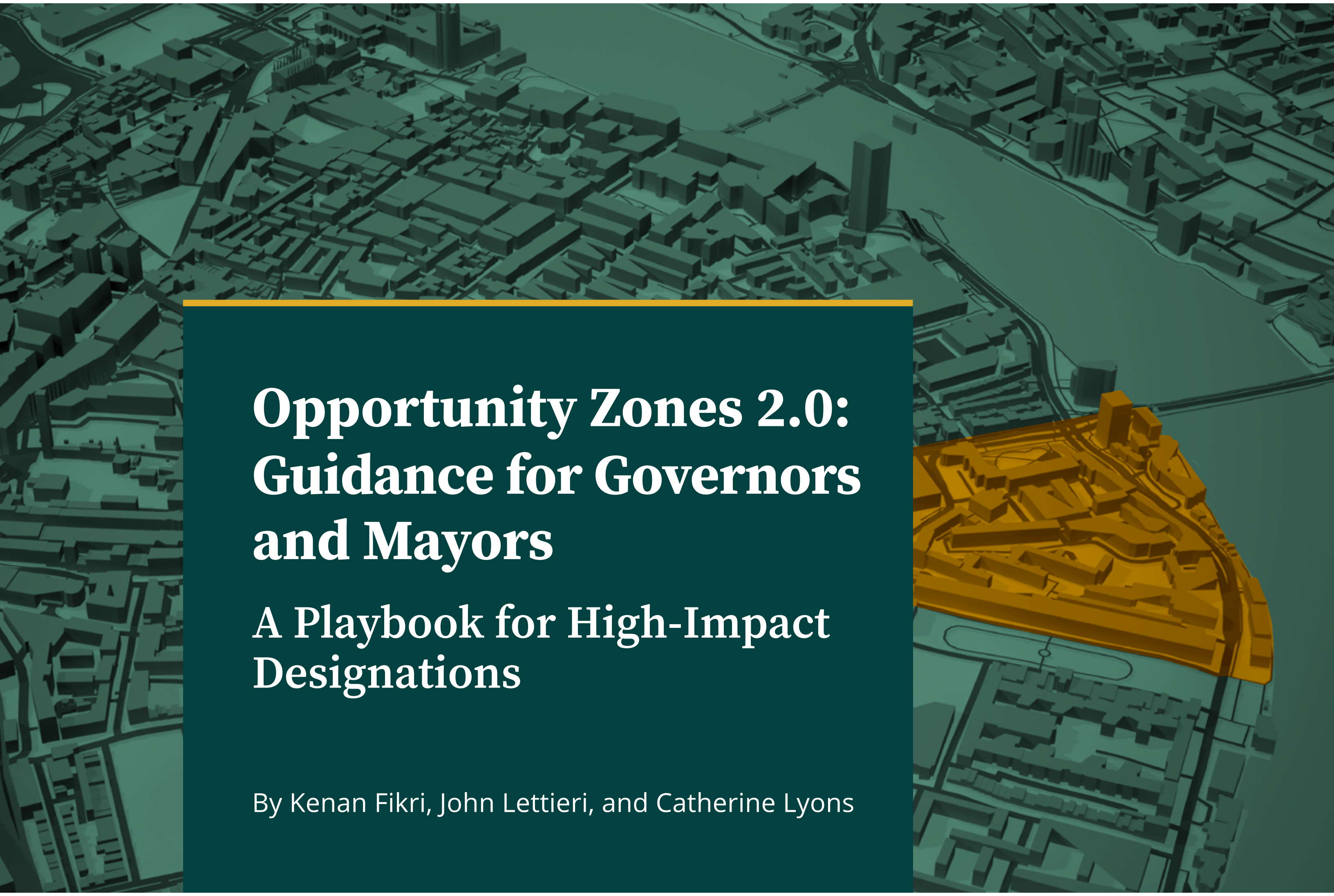
Fiscal Impact:
Not Applicable — Opportunity Zones are a federal tax incentive on eligible capital gains investments. The City of El Dorado will not have any direct fiscal impact associated with Opportunity Zone investments. The City may align its local incentives to leverage investments in an Opportunity Zone-designated tract, but these incentives require no cash investment on the part of the City.

Trade-Offs:
El Dorado has two Census tracts that are eligible for designation as an Opportunity Zone. Advocating for one tract over the other eligible tract may lead to more investment in the selected tract if it is officially designated by the governor. Therefore, the selection of which eligible tract to pursue for designation could have significant investment implications for the community over the next ten years.

Staff Recommendation:
The City Manager recommends working with local stakeholders to determine which of the two eligible tracts should be advocated for to the Governor's office for designation based on the highest potential for investment. The community stakeholders should then work to develop a marketing plan to communicate the potential for investment for Opportunity Zone investors.

Commission Action:
This item is for discussion purposes only. The item will be scheduled for consideration at a regular meeting pending direction to do so by the City Commission.

ECONOMIC INNOVATION GROUP



Opportunity Zones 2.0: Guidance for Governors and Mayors

A Playbook for High-Impact Designations

By Kenan Fikri, John Lettieri, and Catherine Lyons

Once a decade, governors have the chance to nominate one-quarter of their low-income census tracts to be designated as federal Opportunity Zones, or OZs. Opportunity Zones are the largest federal community development tax incentive in the United States, and OZ designations provide a rare chance for public officials to encourage private capital to flow towards the communities that need it most. OZ nominations for this next round are due in Summer 2026. This playbook provides state and local officials guidance on how to select high-impact census tracts and navigate the zone designation process with clarity and confidence.

Executive Summary

Governors will soon make a once-in-a-decade decision that will guide tens of billions of dollars of private investment into low-income areas nationwide: selecting the next round of Opportunity Zone (OZ) census tracts.

This guide provides a framework for how to get OZ designation right.

Beginning July 1, 2026, governors will have 90 days to nominate up to 25 percent of eligible low-income census tracts as OZs. These designations will remain in place for 10 years and cannot be revised.

Experience from OZ 1.0 underscores that OZ designation alone does not generate investment. Only well-chosen zones paired with development-ready policies will attract capital and deliver impact at scale.

This guide is organized around eight principles that define successful OZ designation strategies:

1. Get a head start
2. Set a statewide economic vision
3. Designate a lead coordinating entity within state government
4. Engage local partners strategically
5. Balance economic need and investment potential
6. Combine both quantitative and qualitative insights
7. Embrace purposeful transparency
8. Align OZ nominations with supportive policy tools

OZ designation is one of the most powerful economic development tools at governors' disposal — and nominating zones will be one of the most consequential decisions they will make during their tenures. More than $100 billion in qualifying investment has flowed into targeted areas since the first round of designations in 2018. OZ 2.0 has the potential to generate even greater results, but only if state and local leaders build a foundation for success.

Contents

The 2025 Reconciliation Act, also known as the One Big Beautiful Bill Act (OBBBA), calls on governors to act in summer 2026 by nominating one-quarter of their low-income census tracts for Opportunity Zone (OZ) status.

OZ designations guide tens of billions of dollars in private sector investment each year. The zone designation process therefore gives governors a rare opportunity to shape the landscape of investment in their states — and channel that investment towards the low-income communities that need it most.

This guide is intended to help governors and their staff, as well as the mayors and local officials they will consult, make the most informed OZ designations possible. The guide will:

- Explain what Opportunity Zones are and how they work
- Summarize the national zone designation process and timeline
- Establish a framework for selecting zones with purpose, including:
    - How to set up a good selection process
    - How to identify good census tracts for OZ status

I. What are Opportunity Zones?

Opportunity Zones are a federal capital gains tax incentive designed to mobilize long-term private investment in low-income communities.[1] Unlike traditional community development programs, OZs are uncapped, investor-driven, and by-right. Any taxpayer with a capital gain — individuals, corporations, institutions — can invest in a designated census tract and receive preferential tax treatment without applying for federal approval.

The OZ incentive operates through Qualified Opportunity Funds (QOFs), which pool investor capital and deploy it into eligible investments (i.e., qualifying activities) within designated census tracts.

By design, **qualifying activities** are broad. These investments may include new real estate development, rehabilitation of vacant properties, local operating businesses, manufacturing, energy projects, mixed-use developments, and more.[2] The law requires that capital be put to productive use by applying "original use" and "substantial improvement" tests to ensure that qualifying investments are economically additive.[3,4] Property cannot simply change hands or be acquired without substantial follow-on investment to claim the OZ tax benefits.

Opportunity Zones encourage investment by providing a series of **capital gains tax incentives** for qualifying activities in designated areas:

- **Deferral:** Investors may defer taxes on capital gains that are reinvested in a QOF for up to five years.
- **Basis step-up:** After the five-year deferral, QOF investors receive a 10 percent reduction (step-up in basis) on their deferred capital gains tax liability (or 30 percent for investments in rural-specific QOFs).
- **Tax-free growth:** Gains earned on investments in QOFs held for at least 10 years are permanently exempt from federal capital gains tax.

1 The policy was first enacted in the 2017 Tax Cuts and Jobs Act (TCJA) and made permanent in 2025's OBBBA. For more details on reforms to the OZ tax provisions in the OBBBA, see: John Lettieri, Kenan Fikri, and Catherine Lyons, "Opportunity Zones 2.0: Where Things Stand After the One Big Beautiful Bill Act" (Economic Innovation Group, 2025).

2 There is a short list of common "sin businesses" into which investment is not permitted.

3 The "original use" test requires that property first be placed into service in an OZ to be considered an eligible investment. For construction, that means a "greenfield" or ground-up investment; for capital equipment, it means a newly acquired item or an item moved into an OZ from a non-OZ location.

4 The "substantial improvement" test requires that, "during any 30-month period beginning after the property is acquired, additions to the basis of the property exceed an amount equal to the adjusted basis at the start of the 30-month period," as per the IRS. In short, investors are roughly required to invest as much in the property as they paid for it.

The OZ incentive structure is designed to reward long-term investments that generate lasting value within target communities. By providing capital gains tax relief rather than an up-front tax credit, the incentive is also designed to ensure investors themselves bear the risk: if an OZ investment fails, the 10-year tax benefit never materializes.

The uncapped, flexible nature of the OZ incentive has translated into unprecedented scale and reach for a federal community development incentive. Already more than $100 billion of qualifying OZ investments have been made across more than 5,300 low-income census tracts nationwide.[5]

Governors play the leading role in determining the **designated areas** where the OZ tax incentives apply. Section II will lay out the eligibility criteria and the process by which these designations are formally made.

An opportunity, not a guarantee

Opportunity Zones are a departure from the traditional model of community development tax incentives, in which scarce federal awards (e.g., grants or tax credits) are allocated and approved for specific projects by a federal authority.

For communities, OZ designation does not guarantee investment. Investors must find attractive investment opportunities to deploy capital. That uncertainty and open-endedness is what makes governors' zone selections so important. Good zones have the potential to unlock capital at scale for places that truly need it. By contrast, poor zone selections can waste designation status on areas where it will not move the needle.

5 Investment figure based on extrapolation from Joint Tax Committee data; tract count as of 2022 from Kevin Corinth, David Coyne, Naomi Feldman, and Craig Johnson, "[The Targeting of Place-Based Policies: The New Markets Tax Credit Versus Opportunity Zones](#)," NBER Working Paper 33414 (2025) derived from privileged access to confidential IRS data.

II. How the national zone designation process works

See the appendix table at the end of this guide for a full timeline of OZ 2.0 developments through the end of 2028.

Governors and the chief executives of U.S. territories are responsible for nominating up to one-quarter of their state's eligible low-income census tracts for OZ designation. Once certified by the U.S. Treasury Department, these designations will remain in place for a decade, determining where qualifying OZ investments flow through 2036.

Since governors are granted deference in selecting zones (the certification process ensures that nominated tracts meet the technical eligibility criteria), the terms "selection," "nomination," and "designation" are often used interchangeably. For the purposes of this guide, however, we will differentiate between *governors' **selection** process* — meaning how states go about identifying census tracts to nominate — and the *national zone **designation** process* — meaning the procedural steps laid out in statute by which federal OZs are certified by the Treasury.

Submitting nominations

The national OZ 2.0 designation process will kick off on July 1, 2026. Governors will have 90 calendar days from then to transmit their lists of nominated OZ census tracts to the Secretary of the Treasury by September 29, 2026 (expected).[6] Governors may request an additional 30-day extension to October 29, 2026 (expected).

The Treasury Secretary has 30 days to certify each state's nominations after receipt, and certified OZ designations will take effect on January 1, 2027, allowing eligible investments to flow under the new OZ provisions enacted by the OBBBA at that time. ***Once made, designations will remain in effect for a decade until December 31, 2036.***

Before the July 2026 nomination window opens, governors can expect the federal government to publish the definitive list of exactly which census tracts are eligible for designation as well as guidance on how to formally transmit nominations from governors' offices to the Treasury.

6 Governors and their teams should refer to forthcoming official guidance for verified deadlines.

Determining eligibility

In order to be considered eligible for OZ designation, census tracts must have:

- *Either* a **poverty rate** of 20 percent or higher
- *Or* a **median family income (MFI)** less than 70 percent of the relevant benchmark.[7]
    - For metropolitan tracts, the relevant benchmark is the metro area's MFI. For non-metropolitan tracts, the benchmark is the statewide MFI.
- If qualifying on poverty, a census tract's MFI must not exceed 125 percent of the relevant benchmark.

The number of census tracts governors can nominate is determined by the number of tracts that meet these criteria. Governors are allowed to nominate up to 25 percent of eligible tracts statewide, with a minimum guarantee of 25 tracts.[8]

Official eligibility will likely be based on the 2020–2024 American Community Survey (ACS) 5-Year Estimates that are expected to be published in January 2026. Until then, the 2019–2023 ACS estimates provide preliminary estimates of the number of tracts each state can expect to nominate.

Key changes under OBBBA vs. TCJA

OBBBA tightened eligibility thresholds for OZ 2.0 designations, reducing the expected eligible pool of qualifying tracts by roughly 20 percent — from 8,726 to approximately 6,300 nationwide. The effects will vary significantly across states:

- Several small population states can expect to see no reduction in OZ counts due to the 25-tract minimum.
- Two states — Louisiana and New Mexico — can expect to see a slight increase in eligible tracts.
- The steepest reductions are expected to occur in parts of the upper Midwest, where the tightened income criteria had a disproportionate impact.

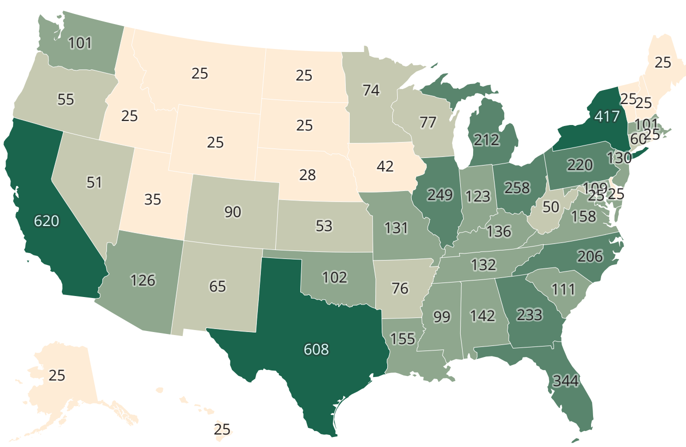
7 This 70 percent threshold is revised down from the 80 percent threshold that governed the initial OZ designations made under the 2017 Tax Cuts and Jobs Act.

8 Further guidance from the Treasury is required for states with fewer than 25 total eligible tracts. Until that guidance is provided, states and territories with fewer than 25 eligible tracts should assume that they will be permitted to nominate all their qualifying tracts, but no non-qualifying ones.

In general, the changes enacted under the OBBBA will require governors to be **more selective** than in the 2018 designation cycle.

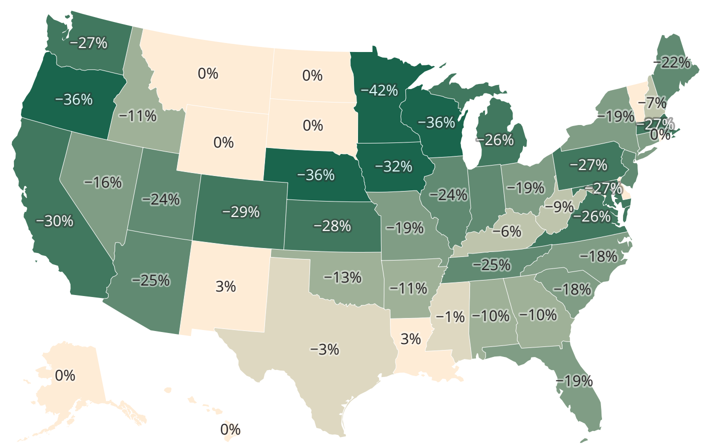
Expected number of OZ census tracts

For designation by governors in July 2026



Expected percent change in OZ census tracts

Between TCJA- and OBBBA-era designations



Preliminary estimates based on 2019–2023 ACS data. Final counts of eligible census tracts will be determined by forthcoming 2020–2024 ACS data.

III. Eight principles for a robust state zone selection process

The OZ 2.0 designation cycle will be more competitive and consequential than the first. With so much investment potential on the line, state and local governments need to make the most informed zone selections possible.

Leaders should start by asking themselves: *How does OZ designation fit within our broader statewide and regional economic development strategy?*

Being clear about the goal will help governors, their teams, and their local partners be strategic about their own selection process and screening criteria.

Ultimately, successful states will be those that regard the tract selection process as an *economic* opportunity rather than a political one. They will insist on an economic rationale behind each and every nomination.

We recommend that governors apply eight key principles to ensure their designations are strategic, transparent, and investment-ready.

1. Get a head start.

Governors' teams should get started well ahead of the formal kickoff on July 1, 2026. Teams should take advantage of the long lead time to share information, gather input, and get the necessary stakeholders engaged. Much of the preliminary tract vetting can be done before Treasury releases the final eligibility lists.

Establishing a brain trust is a crucial first step. Every state is now home to experienced OZ investors, project managers, and related stakeholders. Governors should tap trusted members of this network to help inform the state's OZ strategy. This network can provide the governor with frank advice and set realistic expectations about the viability of OZ investment in different locales. Credible voices can also help educate policymakers on what other state or local policies, programs, reforms, or initiatives are likely to support increased investment in designated communities.

Governors should not only tap investors and developers, of course, but knowledgeable community leaders from the local government and non-profit sectors who are likely to provide constructive input, too.

Where has OZ capital actually flowed?

States will want to know what happened in their initial Opportunity Zones before nominating the next round. Unfortunately, the absence of any detailed tract-level data published by the U.S. Treasury will leave most state and local leaders guessing as to how much investment the first round of designations actually attracted and where.[9] Nationally, we know that nearly three-quarters of all designated tracts across the 50 states and DC registered OZ investment, but further granularity is largely missing.[10] The robust data collection and reporting requirements included as part of the OBBBA will answer these questions in future years, but too late for governors approaching this nomination cycle.

In the absence of official data, state and local teams can take inspiration from academic researchers who have piloted a variety of effective measures for estimating OZ impacts using administrative data.

9 The exception is Ohio, which collected detailed investor and project-level information through its complementary state income tax credit program for OZ investors. Appendix tables in Development Ohio's annual tax credits reports provide a rich survey of the OZ landscape in one state and can help other states' teams better grasp the diversity and contours of the OZ marketplace.

10 Kevin Corinth, David Coyne, Naomi Feldman, and Craig Johnson, "[The Targeting of Place-Based Policies: The New Markets Tax Credit Versus Opportunity Zones](https://example.com)," NBER Working Paper 33414 (2025).

Scholars have been able to detect a strong impact of OZ status on the number of building permits and residential addresses in targeted communities.[11,12] These data sources can be tapped and analyses replicated by nomination teams to identify OZ tracts where permitting activity or address counts spiked in the years following designation. Complemented with local knowledge on the development pipeline (as well as review of large scale industrial or commercial developments that may be missed in residential data), such analysis should allow teams to make educated assessments of where OZ designation was catalytic.

States and localities without a team of economists on staff can work with university partners to obtain and analyze such data. Moreover, the limited information available on 1.0 investments increases the importance of establishing a brain trust of knowledgeable market participants who can educate OZ teams on how and where the incentive has been at work in the state.

2. Set a statewide economic vision.

Governors should articulate how Opportunity Zones fit into the state's broader economic development strategy. Governors will need to identify priorities such as housing abundance, rural revitalization, downtown densification, industrial reshoring, and equitable neighborhood investment — and then balance nominations across them.

Actively setting a vision will help governors make tough choices and navigate the political economy of allocating a scarce resource (OZ status) with clarity of purpose.

More passive frameworks can increase the likelihood that designations get wasted on census tracts that are unable to leverage their OZ status to attract investment. For example, states where governors took a more hands-off approach in 2018 and allowed their zone nominations to be governed by rote geographic proportionality requirements (e.g., a guarantee that every county with an eligible census tract would get a nomination) were less successful in unlocking OZ investment than those that adopted a more strategic approach.[13]

In **Colorado**, a clear vision to harness OZs to foster rural economic development led the state's tract selections to skew rural. Backed by supportive state policymaking (e.g., rural capacity building grants), strategic intent helped the state emerge as a rural OZ investment leader.

11 Ben Glasner, Adam Ozimek, and John Lettieri, "The Impact of Opportunity Zones on Housing Supply" (Economic Innovation Group, 2025).

12 Harrison Wheeler, "Locally Optimal Place-Based Policies: Evidence from Opportunity Zones," Working Paper (2022).

13 Based on EIG's knowledge of states' 2018 zone selection processes (garnered through discussions and surveys) as well as EIG's analysis of the limited available IRS data.

3. Designate a lead coordinating entity within state government.

Each state should appoint a lead person or agency to manage the zone nomination process and be the final arbiter of recommendations to the governor. This role should coordinate across state agencies, municipalities, and stakeholder groups.

The lead entity should have the capacity to conduct research, map potential zones, and set up a digital interface to inform and engage the public. Importantly, this entity should lead a genuinely interagency process that leverages the expertise of multiple relevant departments.

There is no "right" agency to lead the process. Typically, the economic development or housing agency might assume the role. In some states, departments of finance, taxation, or revenue led the 2018 zone nomination process, but the hands-off and actuarial nature of those offices generally made them less effective homes for a place-based incentive such as Opportunity Zones, where local context really matters.

Governors should also set the expectation that the agency leading the zone nomination process will be responsible for leading the design and development of complementary policies and programs to support OZ-related goals.

In 2018, **Indiana** established an advisory panel to present final census tract recommendations to the governor. The panel was supported by state agencies and staffed by five leaders from different regions of the state. It included former state and local government officials, non-profit executives, and private sector leaders. Several other states included similar panels as part of their zone selection process.[14]

4. Engage local partners strategically.

Mayors, county executives, and other local and municipal leaders are closest to market and best positioned to identify the portions of their communities with the greatest OZ potential. Governors should provide guidance to counties and cities on the state's priorities but ensure that local voices shape the map. For example, governors might direct local leaders to suggest tracts in areas that align with long-term local development plans or where recent zoning reforms have made it easier to build housing.

Especially in large population states with hundreds of tracts to nominate, local knowledge will be an essential ingredient in informed decision-making.

14 Economic Innovation Group, "Opportunity Zones: The Map Comes into Focus" (June 2018).

In 2018, **Colorado** and **Vermont** were the first states to convene large statewide conferences to assemble key stakeholders and educate the public about Opportunity Zones. These forums served to activate professional services providers, inspire community stakeholders, get OZs on the radar of potential investors, and provide critical early feedback to governors' teams.

5. Balance economic need and investment potential.

Governors are given total discretion to select Opportunity Zones from among their qualifying low-income census tracts. They and their teams should strive to select places that are genuinely distressed and inadequately supplied with capital from private markets. At the same time, they should seek out places with the infrastructure, assets, and fundamentals to attract and absorb capital.

Back in 2018, some states sought to nominate their most distressed census tracts, using screening criteria such as high crime rates to identify the deepest areas of disadvantage. Despite good intentions, reliance on criteria that were more likely to push economic activity away from target communities led to many nominations that failed to pique investor interest.

Part of the challenge governors face is to identify where OZ designation can make a difference — and recognize where it can't.

Different states will strike different balances between need and opportunity. For example, in 2018 **Mississippi**, one of the poorest states in the union, nominated a set of low-income census tracts that were among its most competitive eligible options. Likely as a result, 64 percent of the state's OZ tracts had registered investment by the end of 2020, one of the highest shares nationwide.[15] The balance may look very different in higher income states, where connecting growth to deeply distressed corners may be the higher priority.

15 David Coyne and Craig Johnson, "Use of the Opportunity Zone Tax Incentive: What the Data Tell Us," Office of Tax Analysis Working Paper 123, U.S. Department of the Treasury (2023).

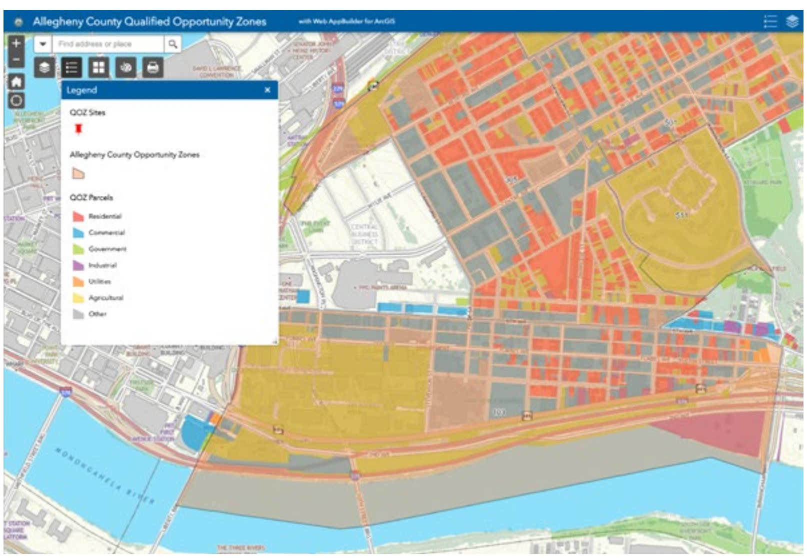
6. Combine both quantitative and qualitative insights.

Selection teams should embrace administrative data and qualitative information to help identify the strongest OZ candidates. Information on local market conditions can help identify incipient turnarounds that OZ designation might boost. Local administrative data on zoning, construction permits, vacancies, and development activity can complement traditional statistics such as the poverty rate to identify worthy high-potential tracts.

Much of this needed local insight can be garnered from the creative use of nontraditional data sources. Federal EPA data on brownfield sites can identify longstanding areas of blight and disinvestment that may be primed for redevelopment. USPS data on business vacancies can reveal corridors with the capacity to absorb new demand. Local government data on building permits can be analyzed to identify areas with burgeoning investor interest. Local zoning data can differentiate between the tracts that are primed to see development and the tracts where it's virtually impossible.

Allegheny County, Pennsylvania's, integrated OZ mapping tool is a model for taking qualitative information (zoning codes), rendering it into data, and overlaying it with OZ and OZ-eligible tracts.

Allegheny County, PA's, integrated zoning platform



Layering on **vacant parcels, brownfield sites,** and other such information would be especially useful for the selection process

Available at https://www.alleghenyopportunityzones.com/.

7. Embrace purposeful transparency.

Zone selection rests on public trust. Governors are delegated the responsibility because they can make better and more accountable decisions than remote bureaucrats in Washington. Transparency should therefore be a central pillar of every state's zone nomination process.

Transparency can take different forms. In some states, it might mean issuing a press release or standing up a website that outlines the governor's vision and explains how the state will go about selecting its OZ tracts. It might mean holding public listening sessions across the state to gather input or hosting informational webinars.

Many states will also open their zone selection process up for public comment, establishing official channels for constituents and stakeholders to suggest tracts, share their priorities, and voice their concerns.

Critically, quality outweighs quantity when it comes to public comment. Left unmanaged, the process can be hijacked by lobbyists with narrow interests or activists with competing agendas. The sheer volume of public comments can overwhelm the ability of state officials to identify truly useful information.

OZ leads should therefore provide the public with guiding questions to increase the likelihood of receiving constructive input. These prompts can be high-level (e.g., what industries, use cases, or types of communities should the state prioritize?) or specific (e.g., which rural census tracts might have strong development opportunities that might be missed in official data?).

No matter the approach, for public comment to be useful states must solicit it early — several weeks before the nomination deadline at the latest, and potentially as soon as the list of eligible tracts becomes available.

In 2018, four states — **California, Michigan, Nevada**, and **Vermont** — plus **Washington, DC**, set the gold standard in transparency by publishing draft tract nominations for public comment. This step had several benefits. First, it improved the quality of zone nominations by vetting them with local knowledge. Second, it helped direct public comment by giving interested stakeholders something concrete to which they could respond. Third, it helped garner community buy-in and legitimize governors' selections by subjecting proposals to public scrutiny.

8. Align OZ nominations with supportive policy tools.

States and localities should work to harmonize OZ nominations with policies and regulations designed to support desired outcomes in designated areas.

On its own, a capital gains tax incentive may not be enough to catalyze investment in targeted communities. To increase the likelihood that investors find investment opportunities, local leaders should start by nominating zones where land use regulations and other policies encourage development. They should then follow up on zone nominations with deliberate steps to make it easier to invest in the area. That might include infrastructure investments, faster and more predictable permitting, making the adaptive reuse of aging or vacant buildings easier, cleaning house of counterproductive regulations that discourage investment, and generally identifying and dismantling barriers to development.

Selecting zones is not enough; state and local governments must also pursue the reforms that will make those designations successful. Aligning OZ nominations with other tools in the local policy toolkit will also position communities to welcome investment and development on their own terms. For example, contributing state- or city-owned land can provide local officials with an opening to shape a project and help it achieve community goals.

It is likely no coincidence that the number two and three states for OZ investment dollars per capita through 2022 — DC and Utah — were two of the top-ranking jurisdictions for housing construction permits per capita, too.[16] Population growth certainly helped these communities attract capital, but pro-growth and pro-development regulatory regimes are what unlocked OZ investment at scale.

Overall, the key lesson from the 2018 designation cycle is that good processes produced good zone selections. Where processes were guided by vision, informed by strategy, and vetted through transparency, OZ designation catalyzed housing construction, spurred industrial development, rejuvenated commercial corridors, and revitalized neighborhoods.

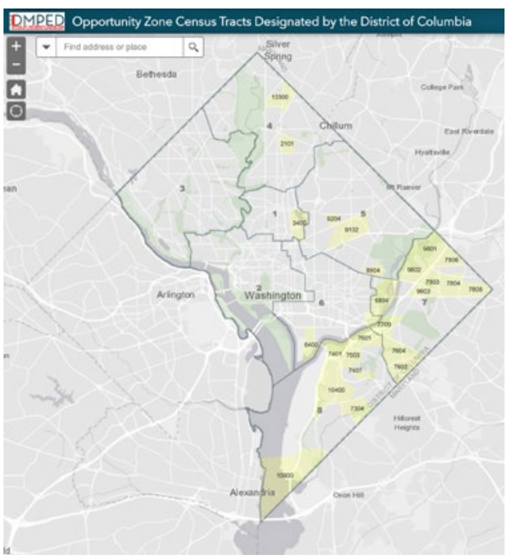
Where processes fell short, governors were much more likely to select tracts that languished without meaningful investment or failed to connect growth to residents. Some processes failed because they relied on quantitative information without

16 Utah ranked #1 nationally for housing permits per 1,000 residents in 2021 and DC ranked 1st in 2022, based on U.S. Census Bureau data as tabulated in EIG's Index of State Dynamism. Wyoming ranks 1st for OZ investment per capita, a small population state outlier.

sufficient qualitative vetting — meaning they relied too much on spreadsheets and not enough on maps and local knowledge. Some other processes failed because they were overly centralized with opaque decision-making — essentially black boxes. And others failed because they were overly *decentralized*, granting too much deference to local authorities without providing sufficient direction.

The **District of Columbia (DC)** offers a useful case study precisely because its hybrid status as a city/state-equivalent means all relevant parties can learn from its 2018 zone designation process. The state adopted a highly transparent, collaborative, data-driven method for identifying optimal OZs that were aligned with the city's key development priorities. Their replicable seven-step approach proceeded as follows:

DC's unique status makes it a model case study for state and local coordination around zone designations.



DC's zone designation Process

- Step 1: Determine initial eligibility, remove **outliers**.
- Step 2: Identify tracts with **commercial** land, high unemployment, and aligned with **city priorities**.
- Step 3: Gather **public input** via survey allowing respondents to rank priorities and **semi-finalist** tracts.
- Step 4: Consult neighborhood **commissioners**; public.
- Step 5: Analyze data on **recent investments**, etc.
- Step 6: Overlay **complementary incentives** such as Supermarket Tax Credit and Great Streets grant program.
- Step 7: **Finalize** tracts prioritizing **disadvantaged** areas with high **investment** potential, high **impact** potential, and high public **support**.

Learn more at "How DC designated our Opportunity Zones" https://dmped.dc.gov/page/how-dc-designated-our-opportunity-zones.

IV. Characteristics of a good OZ tract

Under the OZ 1.0 map, the most effective OZ selections were not necessarily the poorest or those closest to growth, but rather the ones that effectively combined community need, investment readiness, and policy alignment.

Governors should therefore select tracts that meet three fundamental tests:

- **The community test:** areas that genuinely need new investment to grow and diversify their economies so that residents can prosper.
- **The market test:** areas that, with the incentive's help, have a reasonable chance to attract private capital and put it to productive use within the policy's timelines.
- **The policy test:** areas in which state and local policies are investment-friendly and conducive to economic development.

With those tests in mind, state and local leaders should look for the following characteristics to identify high-potential tracts:

- **Zoned for multifamily residential, industrial, or commercial development.**

  Census tracts that are zoned for multifamily or a mix of uses are much more likely to garner OZ investment than those zoned predominantly for single-family homes.

  OZs have emerged as the strongest federal lever to support housing supply in decades.[17] Estimates from IRS data suggest that approximately half of all OZ investment has flowed into multifamily residential rental housing, or apartments.[18]

  OZ investment is not restricted to housing, however. OZ capital has flowed into manufacturing, logistics, agriculture, healthcare, hospitality, and recreation. OZ capital has been used for data centers, clean energy assets, broadband, and port facilities. It supports community theaters, food halls, grocery stores, and art galleries.

  The common thread: OZ capital flows to where there are equity investment opportunities. Only census tracts zoned for development (or redevelopment) are likely to attract it.

- **Contain underutilized land with latent potential.**

  The rules governing OZs require that capital be deployed into projects quickly and substantively. Investors must put their money to work rapidly in order to meet fixed timelines in the law. Their investments must be additive, meeting either original use (i.e., wholly new) or substantial improvement thresholds.

17 Ben Glasner, Adam Ozimek, and John Lettieri, "The Impact of Opportunity Zones on Housing Supply" (Economic Innovation Group, 2025).

18 Kevin Corinth, David Coyne, Naomi Feldman, and Craig Johnson, "The Targeting of Place-Based Policies: The New Markets Tax Credit Versus Opportunity Zones," NBER Working Paper 33414 (2025).

Together, these rules serve to nudge investors towards in-fill development, the adaptive reuse of vacant properties, or new-builds on development-ready sites. In other words, OZ designation helps realize untapped potential by seeding or accelerating neighborhood turnarounds and by converting vacant buildings to new uses — i.e., turning parking lots into apartments or reactivating remediated brownfield sites.[19]

- **Promise reasonable prospects of growth and returns.**

  The OZ tax provisions offer investors tax-free capital gains on investments held for 10 years or longer. That tax-free treatment is only attractive if investors can expect the value of their investments to appreciate over time. Viable investment opportunities are therefore a prerequisite for unlocking capital through OZs.

  OZ investors are nevertheless diverse and will be attracted to a range of different opportunities and markets. Some will pile into growing sectors, from logistics or recreation to reshored manufacturing, clean energy, and data centers. Others will gravitate towards locations experiencing population growth or neighborhoods with strong fundamentals, like transit access.

Descriptive statistics like poverty or income matter much less than these more qualitative and contextual factors in determining where OZ investors find investment opportunities.

Questions for screening potential census tracts

Several strategic questions should guide governors and their local partners as they narrow down the list of census tracts to nominate for OZ status:

- **Where do state and local partners wish to channel development?**
  Are there innovation districts, large brownfield sites, or other areas primed for residential, industrial, or mixed-use development in line with local area strategic plans? Are there tracts with large amounts of publicly owned land that can be leveraged to steward investment, or areas with particularly strong community buy-in for OZ status?
- **Which neighborhoods are primed for revitalization but undercapitalized?**
  Where can private investment stabilize or grow the population, catalyze job creation, reinvigorate commercial corridors or business districts, and unlock long-term growth? Have local governments identified certain neighborhoods as priorities for mixed-income development?

19 Reinforcing the point, academic research has found that OZ designation disproportionately increased the value of vacant land and identified a strong causal impact on building permits activity in parts of cities with large amounts of developable, underutilized, and relatively inexpensive land. See Alan Sage, Mike Langen, and Alex Van De Minne, "Where is the Opportunity in Opportunity Zones?" *Real Estate Economics* 51 (2) (2023) and Harrison Wheeler, "Locally-Optimal Place-Based Policies: Evidence from Opportunity Zones," Working Paper (2022).

Census tracts screening questions (continued)

- **Where have barriers to development come down?**
  Have certain communities revised zoning codes and undertaken other steps to make it easier to build? Overlaying OZ designations could help reward such efforts and unlock private capital in response.
- **Which tracts are zoned for development?**
  OZ investment often takes the form of mixed-use or multifamily housing developments. Which areas are zoned for such activity? Where are there opportunities for transit-oriented development or strategic densification?
- **What assets exist?**
  Are there growth poles, anchor institutions, or infrastructure assets around which local leaders wish to build?
- **Where can aligned state and local incentives be layered on top?**
  Are there complementary state or local programs or incentives with which OZ designations should overlap? For example, can designations match up with state Enterprise Zone programs to support job creation, tax-increment financing districts to advance major developments, or Main Street grant programs to support placemaking?
- **Which tracts are poor fits for the OZ incentive?**
  Where might an OZ designation risk being wasted? Identify and eliminate tracts that do not meet the spirit and intent of the policy, contain few private investment opportunities (e.g., where government or non-profits such as universities are the largest landowners, or rural areas with few infrastructure connections), or are zoned only for single-family housing.

V. Special rural considerations

The IRS reports that OZ investments into rural areas reached $6.1 billion between 2018 and 2022.[20] While meaningful, rural areas attracted a disproportionately small share of OZ capital. Rural areas represented one-third of all census tracts but only one-tenth of all investment.

The OBBBA contains several provisions to boost rural OZ investment. Specifically, investors in a new class of rural Qualified Opportunity Funds will be eligible for two enhanced incentives:

- **A boosted step-up in basis.** Instead of the standard 10 percent step-up, rural investors will receive a 30 percent step-up in basis on capital gains deferred and deployed into a Qualified Rural Opportunity Fund (QROF) after five years.
    - This enhanced "front-end" benefit is intended to offset the expected lower long-term appreciation potential of investments in rural areas (i.e., the "back-end" or 10-year tax benefit).

20 Joint Committee on Taxation, "Opportunity Zones Tax Provisions Report" (2024).

- **A lower substantial improvement threshold.** Rural investors who acquire an existing asset must only meet a 50 percent substantial improvement threshold, rather than the 100 percent threshold that remains in place in urban tracts.

  In practice, this lowers the amount of capital investors must place into rehabilitating structures or equipment in rural OZs. The lower improvement threshold also better aligns the OZ rules with the economics of investing in rural areas, where costs tend to be lower. It is intended to help preserve affordable and workforce housing by eliminating the need to raise rents to cover excessively high refurbishment costs, for example.

  The lower improvement threshold was effective the date of enactment, while the other rural benefits take effect on January 1, 2027, along with new zone designations.

In light of these extra incentives, governors should not be dissuaded from nominating rural tracts because of rural areas' limited success under TCJA-era rules. At the same time, governors should resist over-selecting rural tracts because of the enhanced incentives. The investor base remains thin in many rural areas, and the usual market hurdles to investing in distressed rural areas in particular — limited infrastructure, workforce constraints — still apply.

VI. Beyond zone designations

Governors' statutory role with Opportunity Zones ends with zone designations. However, state and local leaders have numerous other levers at their disposal to shape OZ outcomes and cultivate investment ecosystems in their communities. In the coming months, EIG will publish a companion guide to supportive policymaking with innovative ideas inspired by best practices from across the country. These will include complementary state tax credits that encourage local capital to invest locally, examples of direct municipal collaboration on high-impact projects, and other ways to forge the connective tissue between incoming investment and economic opportunity for the residents of low-income communities.

In the meantime, states should utilize their leverage in the OZ designation process to help local and municipal governments help themselves — meaning states should use this opportunity to drive frank conversations around relieving hurdles to investment and making desired development easier. Most states will have far fewer tracts to nominate in 2026 than they did in 2018. Governors should use OZ nominations to reward the places that take proactive steps to position themselves for success.

VII. Appendix: Timeline of OZ 2.0 developments

Quarter	Q3 2025			Q4 2025			Q1 2026			Q2 2026		
Month	**JUL**	**AUG**	**SEP**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**APR**	**MAY**	**JUN**
OZ milestone	**Jul 4:** OBBBA passes and OZs made permanent. **Jul 4:** New substantial improvement threshold goes into effect for rural investments.		**Sep 30:** IRS guidance identifying OZ 1.0 tracts that meet rural definition released.				2020–2024 ACS data expected to determine census tract eligibility to be released.	Official list of eligible census tracts released by Treasury (expected).				
Recommended activity for state and local officials				Identify core team and lead state agency to manage the zone selection process. Begin preliminary data analysis into likely eligible census tracts based on available 2019–2023 data. Begin targeted outreach to trusted advisors, visionary local leaders, and knowledgeable OZ market participants.			Identify eligible tracts and activate zone nomination process in earnest. Set a vision for the state's OZ nominations. Gather zoning, land use, and other necessary data to inform decision-making. Set agenda and expectations for other state agencies and local government partners to align rules, regulations, and initiatives behind desired outcomes in OZs.			Arrive at a shortlist of eligible tracts that align with the state's vision. Conduct public engagement, publish draft recommendations, and solicit public comment before the formal nomination window opens. Interagency work gets underway in earnest.		

OZ 2.0 policy milestone

OZ 2.0 tract designation milestone

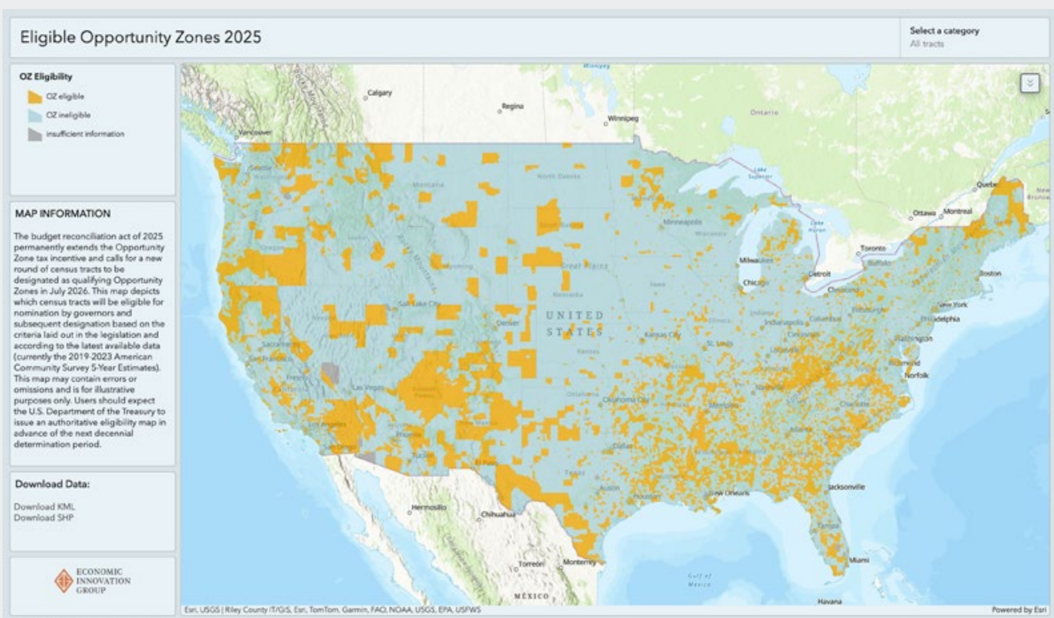
OZ 1.0 milestone

Quarter	Q3 2026			Q4 2026			Q1 2027			Q4 2028
Month	**JUL**	**AUG**	**SEP**	**OCT**	**NOV**	**DEC**	**JAN**	**FEB**	**MAR**	**DEC**
OZ milestone	**Jul 1:** Zone designation window opens: Governors have 90 days to nominate 25% of their eligible census tracts for OZ status.		**Sep 29:** Deadline for governors to submit zone nominations to U.S. Treasury (expected).	**Oct 29:** Deadline to submit zone nominations for states that requested a 30-day extension (expected). **Oct 29:** End of 30-day window U.S. Treasury has to certify on-time zone nominations (expected).	**Nov 28:** All OZ 2.0 tracts certified by the U.S. Treasury (expected).	**Dec 31:** Close of 2026 tax year and end of OZ 1.0 deferral period. All deferred tax must be paid in this year's tax filings.	**Jan 1:** New OZ designations take effect. **Jan 1:** OZs 2.0 incentives (i.e., rolling 5-year deferral, standard 10% step-up) take effect. **Jan 1:** Remaining enhanced rural incentives take effect (i.e., 30% step-up).			**Dec 31:** End of eligible investment window into 1.0 OZ tracts.
Recommended activity for state and local officials	Core teams finalize proposed nominations, present to governor.			Announce complementary initiatives, policies, or programs to support investment and desired outcomes in OZs.			Continue raising awareness among investor and community stakeholders. Proactively encourage investment into 1.0 tracts before they sunset. Launch complementary programs and initiatives.			

About the Economic Innovation Group

The Economic Innovation Group (EIG) is a bipartisan public policy organization dedicated to forging a more dynamic and inclusive American economy. From our headquarters in the nation's capital, EIG develops original research, convenes leading experts from the public and private sectors, and advances creative policy proposals that bring new jobs, investment, and economic dynamism to U.S. communities.

Opportunity Zones were first proposed in an EIG white paper, and EIG worked tirelessly to support the policy's initial passage. Since then, EIG has been a leading source of information for public and private sector stakeholders on Opportunity Zones. This included fielding a survey of state officials involved in the initial nomination process, the results of which informed portions of this guide. EIG has also been a leading advocate for improvements to the OZ tax provisions, many of which were enacted in 2025. The team continues to work to ensure OZs deliver on their original promise of restoring economic opportunity to the American communities that need it most.



For the latest Opportunity Zones insights and resources from the Economic Innovation Group, visit eig.org/opportunity-zones.

EL DORADO
KANSAS

TO: City Commission
FROM: Scott Rickard
SUBJ: 12th Avenue Bridge Pedestrian Accommodation Connection Updates
DATE: February 25, 2026

Background:
KDOT's 12th Avenue Bridge replacement over the Walnut River is already moving forward and will include a 10 foot pedestrian accommodation on the bridge. Bridge construction is anticipated to commence this summer and will be delivered at no cost to the City. The City Commission and Butler County Commission previously took formal action to support inclusion of the pedestrian accommodation as part of the bridge scope.

This work session is to discuss the next step, extending an off street shared use path connection so the new bridge accommodation ties into a functional pedestrian and bicycle network. Staff propose pursuing KDOT Transportation Alternatives funding as a grant opportunity to construct an 8 foot concrete shared use path in the 12th Avenue right of way, connecting the existing path near Jason Drive to the Walnut River Sports Complex and the Walnut River Campgrounds at El Dorado State Park. Staff are requesting consensus to move forward with the initial project concept submittal.

The City's Transportation Plan is complete and has been accepted. Public engagement consistently identified a desire to expand bike and pedestrian options and improve connectivity.

Local input was a key factor in getting pedestrian accommodations included in the bridge scope. KDOT's original bridge concept did not include a pedestrian facility. Without the City and County raising the issue and providing local support, the pedestrian accommodation would not be included in the bridge project.

The bridge project addresses the river crossing by adding dedicated pedestrian space on the bridge deck. The remaining gap is the connecting shared use path segment in the 12th Avenue corridor so pedestrians and bicyclists have a continuous and safer route between the existing network near Jason Drive and destinations east of the Walnut River.

Attachments:

1. El Dorado - 12th Avenue Trail Concepts - Memo (2026-02-20)
2. El Dorado - 12th Avenue Trail Concepts - Memo (2026-02-23)
3. El Dorado - 12th Street Trail Project Estimate and Display (Option 1)
4. El Dorado - 12th Street Trail Project Estimate and Display (Option 2)

Advisory Board Recommendation:
NA

Policy Issue:
Provide direction to staff on whether the City should proceed with the initial Transportation Alternatives project concept submittal for the 12th Avenue shared use path connection project, and whether the Commission supports staff preparing any required intent to apply and match commitment items for

Commission consideration as part of the overall application process.

Fiscal Impact:

Transportation Alternatives is a bi annual grant program for walking and bicycling projects and requires a minimum 20 percent local match.

The Transportation Plan includes a planning estimate of $445,500 for this connection, including contingency, consisting of $40,000 for engineering, $5,500 for right-of-way and utilities allowance, and $400,000 for construction. If all costs are eligible as participating, the minimum local match would be about $89,100, with an estimated grant share of about $356,400. The local share could be higher if any items are deemed non-participating or if costs change as the concept is refined.

Transportation Alternatives program dates for this cycle:

1. February 2, 2026: Call for Projects opens, concept forms available

2. February 27, 2026: Project Concept Forms due

3. May 15, 2026: Applications due

4. May 15 through June 30, 2026: Application review period

5. Fall 2026: Project selections and public announcement of awards

Trade-Offs:

1.Proceed with the initial Transportation Alternatives project concept submittal.

2. Defer and do not submit the concept this cycle.

3. Provide alternate direction on scope, phasing, or match approach, then proceed with concept submittal if desired.

Staff Recommendation:

Staff recommend proceeding with the initial project concept submittal so the City remains eligible for the full Transportation Alternatives application process this cycle and can pursue grant funding to complete the shared use path connection.

Commission Action:

This item is for discussion purposes only. The item will be scheduled for consideration at a regular meeting pending direction to do so by the City Commission.

Memorandum

Date: **February 20, 2026**

Attention: **Scott Rickard**

To: **City of El Dorado**
226 N. Vine St
El Dorado, KS 67042

From: **Riley Schmitz, PE**

Project No.: **260714.00**

Re: **12th Avenue Trail Concepts**

**This memo is based on the information as presented and understood at the time of writing. Any changes or omissions to the information may affect its conclusion.*

1. Objective

The objective of this concept study is to evaluate potential trail alignments along East 12th Avenue from Jason Drive to the Walnut River Athletic Complex. This memorandum summarizes the alignment options considered, associated advantages and disadvantages, and conceptual cost opinions for each alternative.

2. Existing Conditions

East 12th Avenue is owned and maintained by Butler County and consists of two 11-foot travel lanes with minimal shoulders. The posted speed limit is 45 mph. Kansas Department of Transportation (KDOT) traffic count data indicates a 2020 Average Annual Daily Traffic (AADT) of approximately 2,325 vehicles on the west end and 960 vehicles on the east end. Based on a maximum foreslope of 4:1 from the edge of pavement, the minimum clear zone is 20 feet from the edge of the driving lane.

Review of the USGS Wetlands Inventory Map and FEMA Floodplain Map indicates that wetlands and floodplain impacts are limited to the area beneath the nearby bridge being reconstructed. The proposed trail is anticipated to tie into the improved bridge. Any mitigation related to wetlands or floodplain at this location is expected to be addressed as part of the bridge project; therefore, no additional mitigation is anticipated for the trail improvements.

Utilities within the project corridor include overhead electric and telecommunications, underground telecommunications, waterlines, and sanitary sewer. Drainage is conveyed via roadside ditches with culverts at side road crossings. A large box culvert under 12th Avenue is located east of Aubrie Street.

3. Proposed Alignments

Three alignment options were evaluated:

- **Option 1:** Trail located on the north side of 12th Avenue within existing right-of-way.
- **Option 2:** Trail on the north side of 12th Avenue with a segment utilizing Quail Run between Aubrie Street and Lakeland Drive.
- **Option 3:** Trail crossing to the south side of 12th Avenue between Aubrie Street and Lakeland Drive, then crossing back to the north side east of Lakeland Drive.

Key considerations for each option are summarized below.

Option 1 – North Side of 12th Avenue

JEO evaluated three potential trail placements on the north side of the roadway based on existing grading, utilities, fencing, and clear zone requirements:

- **Along the rear property lines:** This placement would result in significant impacts to existing utilities and potential grading onto private property. Some tree removal would be required, and ditch capacity could be reduced due to fill.
- **On the roadway foreslope:** To maintain user safety, the trail would need to be offset from the pavement edge, which would either require filling the ditch or cutting into the foreslope and constructing a retaining wall. Any wall would need to be outside the 20-foot clear zone and would significantly increase project cost and mowing/maintenance complexity of the foreslope.
- **Within the ditch bottom:** This placement would minimize impacts to private property, utilities, trees, and roadway foreslope, while minimizing impacts to ditch capacity. However, the trail would be unusable during storm events and may require increased maintenance due to frequent wet conditions.

Based on these considerations, JEO developed a conceptual cost opinion for a trail located in the ditch bottom, as this alternative minimizes impacts and construction complexity.

Option 2 – Utilizing Quail Run

Option 2 generally follows the Option 1 alignment, except between Aubrie Street and Lakeland Drive, where the trail would follow Aubrie Street and utilize Quail Run as part of the route. The trail would reconnect east of the Danielle Court cul-de-sac.

Routing users along Quail Run would place pedestrians and bicyclists in front of homes rather than behind them, reducing privacy concerns associated with backyard access. Although some pedestrians may continue to use the ditch along 12th Avenue as a shortcut, this option is expected to reduce foot traffic in the ditch corridor.

This alternative would also reduce project costs by eliminating new pavement construction in this segment and would avoid impacts to private property, utilities, trees, and ditch capacity.

JEO developed a conceptual cost opinion and alignment exhibit for Option 2.

Option 3 – South Side Crossing

Option 3 follows Option 1 except that the trail would cross to the south side of 12th Avenue between Aubrie Street and Lakeland Drive, then cross back to the north side east of Lakeland Drive.

Although this option would keep trail users away from existing homes, it would introduce two high-speed roadway crossings for pedestrians and bicyclists, creating significant safety concerns. For this reason, JEO does not recommend further consideration of Option 3, and no cost estimate or alignment exhibit was prepared.

4. Additional Considerations

- **Butler County Coordination:** As the roadway owner, Butler County's approval will be critical for any improvements within the right-of-way. JEO recommends coordinating with the County prior to pursuing grant funding or executing project agreements.
- **Property Impacts:** Most of the trail can be accommodated within existing right-of-way; however, some private property impacts are anticipated. The most significant potential impact involves property owned by the U.S. Army Corps of Engineers (USACE). JEO recommends confirming alignment acceptability with USACE prior to pursuing funding or agreements.
- **Drainage:** The existing ditch conveys significant flow. Any trail construction must maintain existing ditch capacity and fill within the ditch should be minimized.
- **Existing Pedestrian Use:** In the absence of a designated trail, pedestrians and bicyclists are likely already using 12th Avenue to access the Walnut River Athletic Complex. This route is not suitable for pedestrians or inexperienced cyclists. Providing a trail would significantly improve safety for all users.
- **Lighting:** Lighting is limited to development entrances. Additional lighting could improve usability and security for trail users and adjacent homeowners. Lighting costs were not included in the conceptual estimates.
- **Proposed Bridge tie-ins:** The trail concepts are laid out to tie into the proposed bridge. Exact tie-in locations may vary. Additionally, grading along the bridge may require further considerations to limit impacts of the project.

5. Conclusion

This concept study evaluated three potential trail alignment options along East 12th Avenue between Jason Drive and the Walnut River Athletic Complex. Based on the evaluation of existing conditions, right-of-way constraints, utility conflicts, drainage considerations, and user safety, Options 1 and 2 are considered feasible for further development, with Option 2 presenting the most practical and cost-effective solution.

Option 2 minimizes impacts to private property, utilities, trees, and existing drainage infrastructure, reduces construction costs by utilizing existing roadway facilities, and addresses privacy concerns associated with routing the trail behind residences. Option 1 is technically feasible but would require construction within the roadside ditch and would result in increased maintenance considerations. Option 3 is not recommended due to the safety risks associated with additional high-speed roadway crossings.

JEO recommends that the City coordinate with Butler County and the U.S. Army Corps of Engineers to confirm right-of-way and property considerations prior to pursuing grant funding or advancing design. Further refinement of the preferred alignment, public coordination, and preliminary engineering are recommended as next steps to advance the project toward implementation.

Memorandum

Date:	**February 23, 2026**		
Attention:	**Scott Rickard**	From:	**Riley Schmitz, PE**
To:	**City of El Dorado** **226 N. Vine St** **El Dorado, KS 67042**	Project No.:	**260714.00**
		Re:	**12th Avenue Trail Concepts**

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Utilities within the project corridor include overhead electric and telecommunications, underground telecommunications, waterlines, and sanitary sewer. Drainage is conveyed via roadside ditches with culverts at side road crossings. A large box culvert under 12th Avenue is located east of Aubrie Street.

3. Proposed Alignments

JEO considered a 10-foot trail path for the concepts. KDOT TA Grant projects typically require this as a minimum unless the City has justification for a narrower width. Three alignment options were evaluated:

- **Option 1:** Trail located on the north side of 12th Avenue within existing right-of-way.
- **Option 2:** Trail on the north side of 12th Avenue with a segment utilizing Quail Run between Aubrie Street and Lakeland Drive for bicycle use and a 6-foot sidewalk added to the south side for pedestrian access.
- **Option 3:** Trail crossing to the south side of 12th Avenue between Aubrie Street and Lakeland Drive, then crossing back to the north side east of Lakeland Drive.

Key considerations for each option are summarized below.

Option 1 – North Side of 12th Avenue

JEO evaluated three potential trail placements on the north side of the roadway based on existing grading, utilities, fencing, and clear zone requirements:

- **Along the rear property lines:** This placement would result in significant impacts to existing utilities and potential grading onto private property. Some tree removal would be required, and ditch capacity could be reduced due to fill.
- **On the roadway foreslope:** To maintain user safety, the trail would need to be offset from the pavement edge, which would either require filling the ditch or cutting into the foreslope and constructing a retaining wall. Any wall would need to be outside the 20-foot clear zone and would significantly increase project cost and mowing/maintenance complexity of the foreslope.
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Routing users along Quail Run would place pedestrians and bicyclists in front of homes rather than behind them, reducing privacy concerns associated with backyard access. Although some pedestrians may continue to use the ditch along 12th Avenue as a shortcut, this option is expected to reduce foot traffic in the ditch corridor.

Sidewalk is necessary to provide a continuous path for pedestrians. A 6-foot sidewalk in front of homes on the south side of Quail Run would have impacts to utilities, trees, private properties, and potential reconstruction of driveways if ADA compliance is not met. The sidewalk would have wheelchair ramps at roadway crossings and tie back into the trail on the east end of Danielle Court.

JEO developed a conceptual cost opinion and alignment exhibit for Option 2.

Option 3 – South Side Crossing

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- **Property Impacts:** Most of the trail can be accommodated within existing right-of-way; however, some private property impacts are anticipated. The most significant potential impact involves property owned by the U.S. Army Corps of Engineers (USACE). JEO recommends confirming alignment acceptability with USACE prior to pursuing funding or agreements.
- **Drainage:** The existing ditch conveys significant flow. Any trail construction must maintain existing ditch capacity and fill within the ditch should be minimized.
- **Existing Pedestrian Use:** In the absence of a designated trail, pedestrians and bicyclists are likely already using 12th Avenue to access the Walnut River Athletic Complex. This route is not suitable for pedestrians or inexperienced cyclists. Providing a trail would significantly improve safety for all users.
- **Lighting:** Lighting is limited to development entrances. Additional lighting could improve usability and security for trail users and adjacent homeowners. Lighting costs were not included in the conceptual estimates.
- **Proposed Bridge tie-ins:** The trail concepts are laid out to tie into the proposed bridge. Exact tie-in locations may vary. Additionally, grading along the bridge may require further considerations to limit impacts of the project.

5. Conclusion

This concept study evaluated three potential trail alignment options along East 12th Avenue between Jason Drive and the Walnut River Athletic Complex. Based on the evaluation of existing conditions, right-of-way constraints, utility conflicts, drainage considerations, and user safety, Options 1 and 2 are considered feasible for further development, with Option 2 presenting the most practical and cost-effective solution.

Option 2 minimizes impacts to private property, utilities, trees, and existing drainage infrastructure, reduces construction costs by utilizing existing roadway facilities, and addresses privacy concerns associated with routing the trail behind residences. Option 1 is technically feasible but would require construction within the roadside ditch and would result in increased maintenance considerations. Option 3 is not recommended due to the safety risks associated with additional high-speed roadway crossings.

JEO recommends that the City coordinate with Butler County and the U.S. Army Corps of Engineers to confirm right-of-way and property considerations prior to pursuing grant funding or advancing design. Further refinement of the preferred alignment, public coordination, and preliminary engineering are recommended as next steps to advance the project toward implementation.

CONCEPTUAL OPINION OF COST					
EL DORADO - 12TH STREET TRAIL IMPROVEMENTS					
City of El Dorado, Kansas		*Date Prepared:*			
JEO Project No. XXXXXX		*February 23, 2026*			
ESTIMATE OF QUANTITIES					
Item #	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**
12TH STREET TRAIL IMPROVEMENTS - CONCEPTUAL (OPTION 1)					
1	MOBILIZATION	LSUM	1	$100,000.00	$ 100,000.00
2	SITE CLEARING AND RESTORATION	LSUM	1	$10,000.00	$ 10,000.00
3	REMOVAL OF EXISTING STRUCTURES	LSUM	1	$5,000.00	$ 5,000.00
4	EMBANKMENT	CUYD	962	$20.00	$ 19,240.00
5	UNCLASSIFIED EXCAVATION	CUYD	1930	$20.00	$ 38,600.00
6	SHARED USE PATH CONSTRUCTION (5") (AE) (8-FT WIDTH)	SQFT	51900	$8.00	$ 415,200.00
7	WHEELCHAIR RAMPS	EACH	8	$1,500.00	$ 12,000.00
8	STORM WATER SEWER PIPE (24") (RCP)	LNFT	75	$100.00	$ 7,500.00
9	END SECTION (24") (RCP)	EACH	2	$1,500.00	$ 3,000.00
10	SIGNAGE	LSUM	1	$2,500.00	$ 2,500.00
11	PAVEMENT MARKING	LSUM	1	$5,000.00	$ 5,000.00
12	TRAFFIC CONTROL	LSUM	1	$20,000.00	$ 20,000.00
13	EROSION CONTROL	LSUM	1	$40,000.00	$ 40,000.00
14	SWPPP INSPECTION	LSUM	1	$5,000.00	$ 5,000.00
15	SEEDING	LSUM	1	$30,000.00	$ 30,000.00
Subtotal Construction					**$ 713,040.00**
Contingency				**20.0%**	**$ 142,608.00**
Total Construction					**$ 855,648.00**

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Drawing Name: EL DORADO CONCEPT 1.dwg
File Path: \\jeo\data\Projects\221567.00 - El Dorado\Other

JEO CONSULTING GROUP

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800.723.8567 | jeo.com

ORGANIZATION CERTIFICATE OF AUTHORIZATION NUMBER: CA-0069

PRELIMINARY
NOT FOR CONSTRUCTION
30%
DATE:
2/19/2026

[DATE]
[PRINTED NAME - DISCIPLINE]
[LICENSE NUMBER]

ISSUE

MARK	DATE	DESCRIPTION
PD	2/19/2026	30% SUMBMITTAL

EL DORADO

[CLIENT NAME]
[PROJECT ADDRESS LINE 1 IF APPLICABLE]
[PROJECT ADDRESS LINE 2 IF APPLICABLE]

JEO PROJECT NO.:	251636.00
DRAWN BY:	CAS
QAQC:	RJS
ADDITIONAL INFO:	

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US SURVEY FEET (sFT)

SHEET TITLE

G101

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Drawing Name: EL DORADO CONCEPT 1.dwg
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US SURVEY FEET (sFT)

SHEET TITLE

G102

CONCEPTUAL OPINION OF COST					
EL DORADO - 12TH STREET TRAIL IMPROVEMENTS					
City of El Dorado, Kansas		*Date Prepared:*			
JEO Project No. XXXXXX		*February 23, 2026*			
ESTIMATE OF QUANTITIES					
Item #	**Description**	**Unit**	**Quantity**	**Unit Price**	**Total**
12TH STREET TRAIL IMPROVEMENTS - CONCEPTUAL (OPTION 2)					
1	MOBILIZATION	LSUM	1	$90,000.00	$ 90,000.00
2	SITE CLEARING AND RESTORATION	LSUM	1	$10,000.00	$ 10,000.00
3	REMOVAL OF EXISTING STRUCTURES	LSUM	1	$5,000.00	$ 5,000.00
4	EMBANKMENT	CUYD	900	$20.00	$ 18,000.00
5	UNCLASSIFIED EXCAVATION	CUYD	1800	$20.00	$ 36,000.00
6	SHARED USE PATH CONSTRUCTION (5") (AE) (8-FT WIDTH)	SQFT	37550	$8.00	$ 300,400.00
7	SIDEWALK (4") (AE) (6-FT WIDTH)	SQFT	10680	$7.00	$ 74,760.00
8	WHEELCHAIR RAMPS	EACH	10	$1,500.00	$ 15,000.00
9	STORM WATER SEWER PIPE (24") (RCP)	LNFT	75	$100.00	$ 7,500.00
10	END SECTION (24") (RCP)	EACH	2	$1,500.00	$ 3,000.00
11	SIGNAGE	LSUM	1	$2,500.00	$ 2,500.00
12	PAVEMENT MARKING	LSUM	1	$5,000.00	$ 5,000.00
13	TRAFFIC CONTROL	LSUM	1	$20,000.00	$ 20,000.00
14	EROSION CONTROL	LSUM	1	$37,500.00	$ 37,500.00
15	SWPPP INSPECTION	LSUM	1	$5,000.00	$ 5,000.00
16	SEEDING	LSUM	1	$27,500.00	$ 27,500.00
Subtotal Construction					**$ 657,160.00**
Contingency				**20.0%**	**$ 131,432.00**
Total Construction					**$ 788,592.00**

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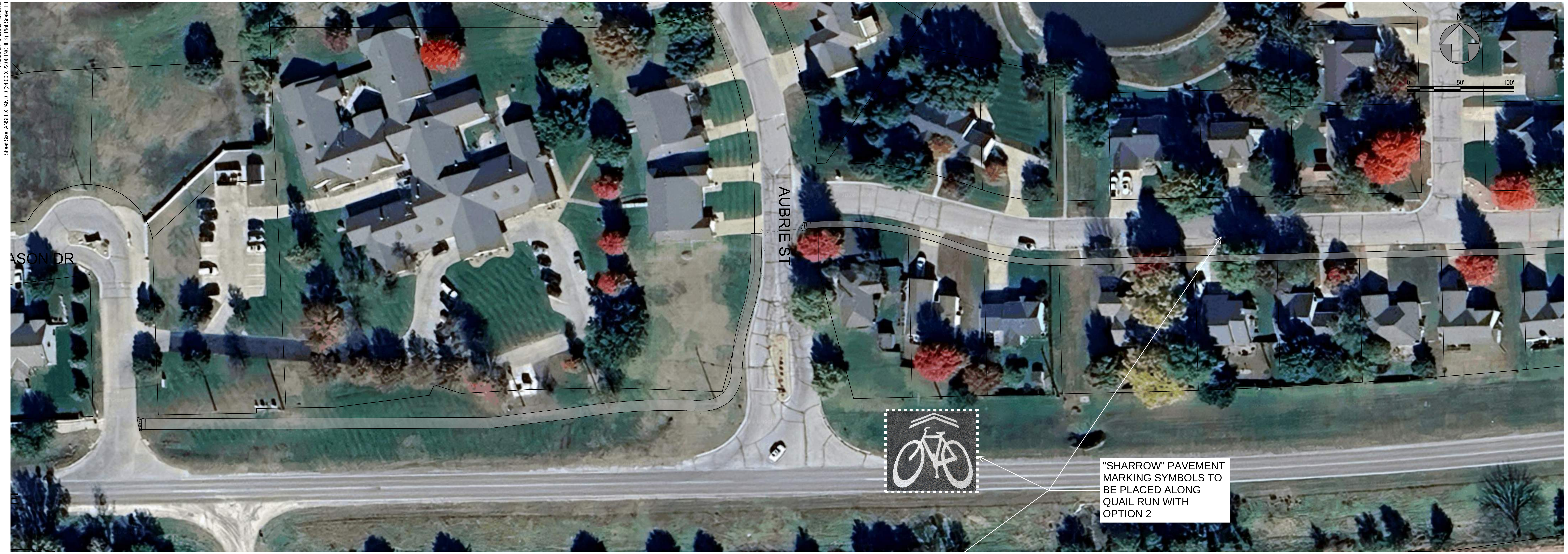

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SHEET TITLE

G101

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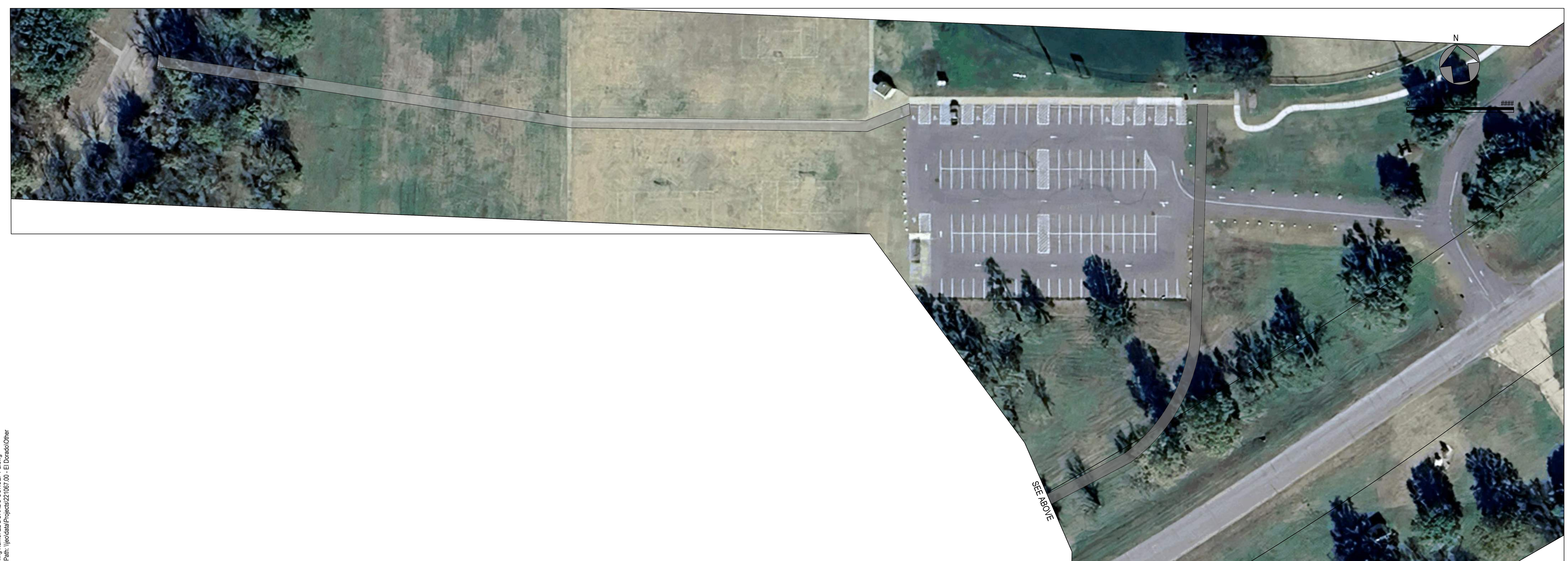

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AUTHORIZATION NUMBER: CA-3929

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PD	2/19/2026	30% SUMBMITTAL

EL DORADO

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JEO PROJECT NO.:	251636.00
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SHEET TITLE

G102

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EL DORADO
KANSAS

TO:	City Commission
FROM:	David Dillner, City Manager
SUBJ:	Governance Policies
DATE:	February 25, 2026

Background:
Governance policies define how the City Commission, as the governing body of the City, will conduct its business. A few categories of governance policies are included in the attached memorandum for discussion by the City Commission. It is a good practice to review and discuss these policies to ensure that they reflect how the governing body wants to operate.

Attachments:

1. Governance Policies Memorandum

Advisory Board Recommendation:
Not Applicable

Policy Issue:
The City Commission should discuss how it will govern to provide clear expectations to individual members, the city manager, and the community.

Fiscal Impact:
Not Applicable

Trade-Offs:
Not Applicable

Staff Recommendation:
The City Manager recommends reviewing governance policies and practices periodically.

Commission Action:
This item is for discussion purposes only. The item will be scheduled for consideration at a regular meeting pending direction to do so by the City Commission.

TO: City Commission
FROM: David Dillner, City Manager
SUBJ: Governance Policies
DATE: February 23, 2026

- **Agenda Items:** How items are placed on agendas and general protocols for managing agenda items.

    - Generally, individual members of the City Commission, the City Manager, or Department Directors may introduce an agenda item for discussion or consideration by the City Commission.
    - At a minimum, the following information should be submitted before an item will be scheduled for a decision:
        - Clear statement of purpose
        - Identification of requested action (if any)
        - Confirmation that legal, financial, and operational impacts have been considered.
    - All proposed agenda items should go through a structure internal review before placement on a regular agenda for action. Many items will be discussed during a work session before consider during a regular meeting.

- **Public Comment Policy:** How the City Commission will manage public comments, including responding to comments during or after meetings. Current policy states:

    "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.

    - *Each citizen will state their name and address before making comments.*
    - *There are no residency requirements.*
    - *Each citizen will have 5 minutes to present his or her comments.*
    - *An extension of time, if necessary, may be approved but must be by a majority of the City Commission.*
    - *Comments or questions will be directed only to the City Commission.*
    - *Citizens will follow the decorum policy.*
    - *Debate or argument between parties in the audience will not be allowed.*
    - *Certain legal issues may not be discussed. (Examples include but are not limited to personnel issues, lawsuits, etc.)*

- *Violation of this public comment policy will result in the citizen being directed to cease or resume sitting.*
- *The City Clerk must be provided with a copy of any information distributed to members of the Commission during the Commission meeting."*

- **Deliberation and Consensus:** How the City Commission will discuss its business and decide on action.

  Meetings are structured to provide opportunities for the governing body to discuss proposals. The purpose of such deliberation is to adequately discuss issues to ensure that diverse information and opinions are considered before a decision is rendered. The City Commission should consider different perspectives in addition to information provided by staff.

  The goal of the City Commission should be to make decisions that are in the best interests of all citizens of El Dorado. While some stakeholder groups express their desires to the governing body, it is important to weigh other perspectives, including those that may not be present or heard, to make a balanced decision for all citizens.

  To this end, the City Commission may need to actively solicit the opinions and perspectives of various stakeholders to inform its decisions.

  Deliberation should be carried out in a civil manner, to exemplify the behaviors the City Commission expects from each other and the public.

  The City Commission may desire consensus on its decisions, although this may not be realistic in all situations. The governing body should walk through issues in pursuit of consensus but not fear decisions that will not lead to a consensus.

- **"One Voice" Policy:** A corollary to "Deliberation and Consensus" is that the governing body will speak with one voice after a decision has been made by the body. This means that individual members who oppose a course of action should refrain from voicing their opinion on the matter and instead embrace the majority decision. This helps ensure that the City Commission and the municipal government are providing the same narrative to the community and its stakeholders.

- **Non-Interference Policy:** Individual members of the City Commission should not interfere with operations because the City Commission's responsibility is with respect to the approval of policies governing how the municipal government should conduct its business. The City Commission appoints a City Manager and delegates the responsibility of implementation to this position.

City Commissioners may change how the municipal government operates by changing its policies but should refrain from directly interfering with operations to avoid conflicts. The City Commission, as a body, may direct that operations be done a certain way and the City Manager is obligated to comply. Even so, the City Commission should intervene in municipal operations sparingly and with caution to avoid legal, technical, and operational issues that may create liability, introduce inefficiencies, or create confusion with staff and the public.

- **Decision Criteria:** The City Commission should attempt to define the decision criteria it will use in making decisions to provide transparency to stakeholders and the community. Local elected officials base decisions on a combination of community impact, legal compliance, budgetary constraints, and strategic alignment with long-term goals. Key criteria include evaluating public input, ensuring financial sustainability, maintaining ethical standards, and fostering collaboration to serve the entire community.
    - Public Interest and Community Impact: Decisions must be made close to the people, prioritizing the common good, equity, and the needs of all residents, not just those who voted for them.
    - Legal and Constitutional Compliance: Actions cannot violate federal or state laws, nor overstep constitutional rights.
    - Financial Sustainability: Evaluates if the decision fits within the budget, ensures fiscal responsibility, and addresses potential significant expenditures or savings.
    - Long-Term Strategic Vision: Focuses on future community needs rather than just short-term pressures, fostering sustainability and development.
    - Data-Driven Evaluation: Decisions are supported by staff reports, expert knowledge, and evidence of merit rather than purely political motivations.
    - Ethical and Transparent Process: Adheres to open meeting laws, avoids conflicts of interest, and ensures transparency in the decision-making process.
    - Collaboration and Consensus: Requires working with fellow governing body members and stakeholders to find compromises and build trust.